

WESTERN AUSTRALIA

ANNO QUINQUAGESIMO SEPTIMO

VICTORIÆ REGINÆ

No. 24

An Act to enable the Director of Public Works to exercise the powers of the Council of a Municipality, with respect to certain Waterworks within the Municipality of Fremantle. [*Assented to 13th October, 1893.*]

Preamble

WHEREAS the Government have constructed certain Waterworks at Fremantle, and have for some time past maintained the same, and supplied the Municipality of Fremantle with water; and whereas it is desirable that the Director of Public Works should have, exercise, and enjoy all the necessary rights, powers, benefits, and privileges vested in, granted to, and exercisable by a Municipal Council under 'The Waterworks Act, 1889': Be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

Short title

1. This Act may be cited for all purposes as 'The Fremantle Water Supply Act, 1893.'

Director of Public Works to have certain powers

2. The Director of Public Works shall, within the Municipality of Fremantle, have all the rights, powers, benefits, and privileges vested in and exercisable by the Council of a Municipality under Parts II. and III. of 'The Waterworks Act, 1889,' except the power, right, or privilege to take land permanently.

Duties, penalties, &c., of 53 Vic., No. 13, to be imposed under this Act

3. All the provisions of Parts II. and III. of 'The Waterworks Act, 1889,' imposing any duty, obligation, restriction, or penalty upon any person other than a Council or a contractor under the said Act,

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shall have the same force and effect as if such provisions were incorporated and fully set forth in this Act; and the word Council in all such provisions, shall be deemed to include the Director of Public Works.

4. Any act or thing which, under Parts II. and III. of 'The Waterworks Act, 1889,' may be done by any person acting with the authority of the Council of a Municipality, may be done by any person acting with the authority of the Director of Public Works.

Act done with authority of Council deemed to be done with authority of Director of Public Works  
Director of Public Works to supply meters

5. All meters for measuring the amount of water supplied under this Act shall be provided by the Director of Public Works and by no other person, and such meters shall be fixed, refixed, opened, removed, altered, repaired, and interfered with by the persons so authorised by the Director of Public Works and none other.

6. No meters, instruments, pipes, or apparatus for the conveyance, reception, or storage of water, let for hire to any consumer of water by the Director of Public Works, shall be subject to distress for rent of the premises where the same are used, or be attached or taken in execution under any process of any Court of Law, or under or in pursuance of any order in bankruptcy or other legal proceedings against or affecting the consumer of water or the occupier of the premises or other person in whose possession the meters, pipes, instruments, or apparatus are.

Meters let by Director of Public Works not distrainable

7. No pipe or fitting attached to or connected with any of the pipes of the Director of Public Works shall be seized or taken in execution by process of law or under distress for rent.

No pipes, &c., in connection to be seized

8. The Director of Public Works may charge a sum, not exceeding one shilling in the pound in any one year, upon the annual rateable value of all lands and premises liable to the general rate, as shown by the rate-book compiled by the Council of the Municipality of Fremantle for the purposes of the general rate under the Act or Acts for the time being regulating the municipal government of Fremantle, for the supply of any such lands and premises with water for domestic purposes.

Power to charge for water

9. For levying and recovering the amount due in respect of such supply, or for water supplied by measure, the Director of Public Works, or any person authorised by him, shall have all the powers of the Council of the Municipality of Fremantle for the levying and recovering the amount due in respect of the general rate under the Act or Acts for the time being regulating the municipal government of Fremantle.

Powers of Director of Public Works to recover money for water supplied

10. The clerk of the Municipality of Fremantle shall, in every year, allow the Director of Public Works to take a copy of the rate-book of such Municipality.

Director of Public Works may take copy of general rate-book

11. All informations and proceedings in respect of offences against this Act, or any by-law made hereunder, shall be summarily punishable upon conviction before a Justice or Justices of the Peace in Petty Sessions.

Offences punishable on summary conviction

12. All forfeitures, damages, and expenses, and other sums of money by this Act made payable to or recoverable by the Director of Public Works, including moneys payable by persons supplied with water by measure, shall, where the amount sought to be recovered does not exceed Twenty pounds, be recoverable summarily before two

Damages, &c., may be recovered summarily to extent of £20

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or more Justices of the Peace in manner directed by an Ordinance passed in the fourteenth year of the reign of Her present Majesty, and numbered five, or any Act or Ordinance passed for the amendment thereof.

Persons liable  
to penalties

13. Every penalty imposed by this Act, or by any by-law made hereunder, may be proceeded for and enforced either against the person actually committing any breach of such Act or by-law, or the person in whose employment he is or on whose behalf he is acting.

Register of  
meters *primâ*  
*facie* evidence

14. The register of every meter provided by the Director of Public Works, or a copy thereof certified by any person authorised in that behalf by the Director of Public Works to be true, shall be *primâ facie* evidence of the quantity of water consumed.

Sections A, C, F,  
G, and H of  
Shortening  
Ordinance in-2  
incorporated

15. Sections A, C, F, G, and H of 'The Shortening Ordinance, 1853,' shall be incorporated with and taken to form part of this Act to all intents and purposes, and in as full and complete a manner as if the said sections had been introduced and fully set forth in this Act.

W. C. F. ROBINSON,  
GOVERNOR.

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