

No. VII.

An Act for preventing the pollution of the Water supplied to the City of Sydney and its Suburbs. [22nd July, 1875.]

WATER POLLUTION
PREVENTION.

WHEREAS it has been considered that the Water supplied by means of pipes to the City of Sydney and its Suburbs is liable to be polluted and the health of the inhabitants endangered by the prevalent system of connecting certain delivery-pipes with the main or street pipes and it is therefore expedient to extend the powers of the Municipal Council of Sydney in relation thereto and to make other provisions for securing the supply of pure water to the inhabitants Be it therefore enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly in this present Parliament assembled and by the authority of the same as follows (that is to say):—

1. In the interpretation of this Act the following words within inverted commas shall have the meanings set against them respectively unless inconsistent with or repugnant to the context:—

Interpretation of
terms.

“Mains”—The main or street pipes used for conducting water from the reservoir or source of supply;

“Connection”—The smaller pipes used for delivering the water from the mains into any premises;

“Directly connected”—Leading from a main or street pipe directly into a closet without first discharging into a cistern;

“Closet”—Any privy or place used for the discharge of faecal matter or urine;

“Premises”—Any land whether any building be erected thereon or not;

“City

Water Pollution Prevention.

“City Engineer”—The City Engineer Inspector of Nuisances or other officer who may be duly appointed and authorized by the Municipal Council to execute any authority or powers vested in the said Council or City Engineer or Inspector of Nuisances by this Act;

“Municipal Council”—The Municipal Council of Sydney;

“Owner”—The proprietor landlord or person at the time receiving the rent whether upon his own account or otherwise or claiming to be the owner.

No closet pipes hereafter to connect directly with the main.

2. From and after the passing of this Act it shall not be lawful for any person to connect with the main any pipe delivering the water directly into the closet-pan or other receptacle for faecal matter or urine without the intervention of a cistern or cisterns into which the water from the main shall first be received and any person so offending shall forfeit and pay a fine or penalty of fifty pounds.

The City Engineer may disconnect pipes in certain cases.

3. The City Engineer is hereby directed and empowered at any time after the passing of this Act to employ any artificers or workmen to cut-off sever or otherwise disconnect from the main any pipe directly discharging the water into a closet without the intervention of a cistern and which in the opinion of the City Engineer may endanger the purity of the water by the absorption of noxious gases or suction of faecal matter or urine into such pipe or into the main or otherwise and for the purpose of effecting such disconnection the City Engineer with his artificers and workmen is hereby directed and empowered to enter into and upon the premises of any person or corporation whatsoever to do or cause to be done anything in his opinion requisite or necessary in relation thereto.

The expense incurred by any disconnection to be paid by tenant and deducted from his rent.

4. Whenever the City Engineer shall have caused any pipe to be cut off or disconnected or other work to be done in relation thereto he shall forthwith serve the owner tenant or occupier of the premises with a notice (by delivering the same to any person being apparently above the age of fourteen years resident on the premises) requiring him to pay the actual cost or expense incurred. And the said tenant or occupier is hereby required and authorized thereupon to pay the amount to the Municipal Council and he may deduct the same when so paid from the rent then due or accruing. And upon such owner or tenant or occupier making default in any such payment after the delivery of such notice as aforesaid the said Council is hereby authorized to sue for and recover the same with full costs of suit in an action brought in any Court of competent jurisdiction.

Within twelve months owners of premises shall fix closet-cisterns or be liable to a penalty.

5. Within twelve months from and after the passing of this Act the owner of every dwelling-house or premises which shall have therein or thereon any closet with a pipe or branch-pipe directly connected with the main shall be required to fix and erect a cistern or cisterns for the reception of the water intended to be used for the closet and every cistern shall be made of such materials and dimensions and of such model or plan of construction and with such ball-cocks stop-cocks waste-pipes and other appliances as shall be deemed requisite by the City Engineer and shall have been approved by the Municipal Council for securing the water from pollution through any noxious gases or matter evolved or derived from such closets or otherwise and every owner neglecting to comply with the provisions of this section shall forfeit and pay a fine or penalty not exceeding fifty pounds.

Upon neglect of owner the tenant after fourteen days notice to fix cistern and deduct the expense from the rent.

6. Whenever any owner shall have neglected to fix and erect a cistern with its appliances as is in the last section provided for the tenant or occupier of the premises is hereby authorized and required after receiving a written notice thereof from the Municipal Council in that behalf to fix and erect such cistern with its appliances before mentioned within fourteen days after the receipt of such

Water Pollution Prevention.

such notice and the said tenant or occupier shall upon payment of the charges and expense of such fixing and erection be entitled either to deduct the amount so paid from the rent then due or accruing or at his option to sue for and recover the same with full costs of suit from the owner as for money paid to his use in an action brought in any Court of competent jurisdiction.

7. Any person who shall without the authority of the City Engineer re-establish any such connection which may have been cut off removed or severed by him or who shall in any manner wilfully injure or tamper with any connection-pipe cistern ball-cock stop-cock or waste-pipe which may have been approved by the City Engineer so as to destroy diminish or endanger its efficiency respectively may be summoned for such offence before two Justices and on conviction thereof shall be adjudged to pay the amount of the charges and expenses which the City Engineer may have incurred (and which he is hereby authorized to incur) in repairing or restoring the same to a state of efficiency And such offender shall also forfeit and pay a fine or penalty not exceeding fifty pounds nor less than five pounds and the amount of charges and expenses and fine or penalty respectively shall when recovered be paid over to the Municipal Council in aid of the City fund.

Any person re-establishing any connection with the main unless authorized or wilfully injuring any pipe &c. liable to a penalty.

8. Until such closet-cisterns shall have been fixed and erected on any premises as is hereinbefore provided for it shall be lawful for the City Engineer to sanction and allow any provisional plan or temporary arrangements (the same not being inconsistent with the objects and intention of this Act) to be made for cleansing the closet therein with water from the nearest main provided that there shall be no direct communication between such main and the said closet.

Provisional arrangements may be sanctioned by City Engineer for cleansing closets.

9. The Municipal Council is hereby authorized to make and publish and from time to time to alter amend or repeal any by-laws for carrying into effect the provisions of this Act and may from time to time make thereby such regulations for discontinuing the use for any cooking or drinking purposes of water from such cisterns as may be directly connected with any closet and for preventing the pollution of water in the water-mains of the said city and for regulating and licensing plumbers to be employed in making connections with the said mains Provided that a copy of all such by-laws sealed with the seal of the said Council shall be sent to the Governor and Executive Council for confirmation and when so confirmed shall be published in the *Gazette* Provided also that copies of all such by-laws after confirmation and publication as aforesaid shall forthwith be laid before both Houses of Parliament if at the time in Session otherwise within fourteen days after the commencement of its then next Session.

Municipal Council may make by-laws and regulations.

But to be approved by the Governor in Council and gazetted.

And be laid before Parliament.

10. All by-laws when so confirmed and published but not before shall have the same force and effect until repealed or altered as if each respectively had formed part of this Act and the production of the *Gazette* shall be sufficient evidence upon any trial or proceeding in any Court within the said Colony of every such by-law having been duly made and promulgated.

By-laws to have the force of law and the publication in the *Gazette* to be evidence.

11. Every by-law made in accordance with the provisions of this Act and not repugnant to any other Act in force within the Colony may state some *maximum* and *minimum* penalty for any neglect or breach thereof Provided that no penalty shall exceed twenty pounds And the like proceedings may be taken for the recovery of every such penalty as are herein directed for the recovery of any penalty expressly imposed by any section of this Act.

By-laws may state *maximum* and *minimum* penalties.

And to be recovered by summary proceedings.

12. Every person interrupting or attempting to impede the City Engineer Inspector of Nuisances or other officer duly authorized and appointed by the Municipal Council or their respective artificers or workmen in the execution of any duty imposed upon either of them

Penalty for interrupting Officers of the Municipal Council.

Water Pollution Prevention.

them respectively under the authority of this Act or of any by-law duly made as aforesaid or who shall commit any other breach of any provision of this Act or of any by-law made hereunder by his wilful act or refusal or neglect to act or otherwise shall be liable when no specific penalty shall have been provided for such offence to a fine or penalty not exceeding twenty pounds.

No Justice of the Peace interested in effect to sit on the Bench &c. under a penalty of £50.

13. It shall not be lawful for any Justice of the Peace who shall have been fined during the twelve months preceding for any breach of the provisions of this Act or who may at the time be owner of or resident on or who shall at the time be the agent or trustee of or otherwise interested in or acting on behalf of the owner of any premises wherein there may be any closet having its water-pipe directly connected with the main to sit on the Bench or take any part in the proceedings whilst any case is being heard against a person for any breach of the provisions of this Act under a penalty of fifty pounds. But no conviction shall be set aside in any Court of Law by reason only of any such Justice having sat on the said Bench or taken any part in the proceedings as aforesaid. Provided that nothing herein shall disqualify any Justice by reason of his being a Trustee or Member of a Board of Management of any Charitable Institution.

Legal proceedings may be taken by City Engineer or other officer.

14. All complaints or other legal proceedings for the breach of any of the provisions of this Act may be laid and taken by the City Engineer or other officer duly appointed by the Municipal Council in that behalf against any person for non-compliance with any of the provisions of this Act.

All fines imposed to be paid into City Fund.

15. All fines and penalties imposed under the authority of this Act shall be recovered and all complaints heard and determined in a summary way before any two Justices according to the provisions of the Act fourteenth Victoria number forty-three and the English Statutes thereby adopted and shall when recovered be paid over to the Municipal Council in aid of the City Fund.

Appeal to Quarter Sessions allowed.

16. Any person feeling himself aggrieved by any conviction or fine or penalty rate or charge imposed under the authority of this Act where the fine or penalty exceeds five pounds may appeal against the same to the next Court of Quarter Sessions holden at Sydney unless such Quarter Sessions shall be held within fourteen days from the date of such conviction and in that case to the Court of Quarter Sessions then next following. And such Court shall have power to hear and determine the matter of such appeal in a summary way and shall have and exercise all other powers vested in them by the third section of the Act fifth William the Fourth number twenty-two and the decision of such Court shall be final and conclusive in respect to the subject matter of such appeal. Provided always that the person so appealing shall have given written notice seven days at the least before the hearing of such appeal of his intention to appeal and stating the grounds thereof to any one of the convicting Justices and to the City Engineer or other officer duly appointed by the Municipal Council and who prosecuted the matter before the Justices in Petty Sessions and provided also that such person (in case a fine or penalty shall have been awarded against him) shall pay into the hands of the convicting Justices the full amount thereof together with the costs awarded within one week next after conviction and shall within one week from the date of such conviction enter into a bond with two sureties approved by such Justices conditioned to prosecute such appeal with effect and to abide the event of such appeal and to pay the full amount of all such costs as shall or may on such appeal be awarded against him.

Title and commencement of Act.

17. This Act may be cited as "The Water-pollution Prevention Act of 1875" and shall come into operation and take effect immediately after the passing thereof.