



ANNO QUADRAGESIMO ET QUADRAGESIMO PRIMO

VICTORIÆ REGINÆ.

A.D. 1877.

No. 66.

An Act to provide for the Water Supply of the Town of Kapunda.

[Assented to, 21st December, 1877.]

WHEREAS it is expedient that provision should be made Preamble.
for introducing a supply of pure water for the use of
the inhabitants of the Corporate Town of Kapunda: And
whereas a plan showing the reservoir and works connected there-
with, the direction of the main pipe, and the lands, streets, and
grounds through which the branch pipes are to be laid, dated
13/8/77, has been deposited in the office of the Surveyor-General
—Be it therefore Enacted by the Governor of the Province of
South Australia, with the advice and consent of the Legislative
Council and House of Assembly of the said Province, in this present
Parliament assembled, as follows:

1. In the construction of this Act, when not inconsistent with Interpretation clause.
the context, the expression “The Principal Act” shall mean “The
Adelaide City, Port, and Suburban Waterworks Act.”

2. This Act and “The Principal Act” shall be incorporated and, Incorporation.
subject to the provisions hereof, be read and construed together as
forming one Act accordingly; and the Corporate Town of Kapunda
shall be and be deemed a water area within the meaning of the
Principal Act.

3. From and after the passing of this Act, the Commissioner may Power to construct
waterworks.
supply the Corporate Town of Kapunda with pure water by means
of

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of water-pipes connected with an impounding reservoir, as shown in such plan, and may enter upon all lands shown in the plan aforesaid, and upon such other lands as he shall think necessary for the purpose of laying such water-pipes, and may construct the undertaking and may exercise all the powers and authorities conferred upon him by this Act for the purpose of carrying out the undertaking.

Commissioner may purchase land, &c.

4. For the purpose of carrying out the said undertaking the Commissioner may purchase, take, or acquire any lands and other hereditaments, goods, and chattels, and things, and contract and agree for the same, and become a party to any instrument for giving effect to such purchase, taking, or acquisition, or for the performance or construction of any works, or delivery, or removal of any materials, and may take security by way of bond or obligation, or otherwise by such name as aforesaid, and by that name may implead and be impleaded, defend and be defended, answer and be answered.

The Commissioner may execute the work herein named.

5. The Commissioner may execute any of the following works for constructing the undertaking, that is to say—

He may enter upon any lands required for the purpose of this Act and take levels of the same, and set out such parts thereof as he shall think necessary, and dig, and break up the soil of such lands, and trench, and plough the same, and remove or use all earth, stone, mines, minerals, trees, or other things dug or gotten out of the same :

He may from time to time sink such wells or shafts, and make, maintain, alter, or discontinue such waterworks, cisterns, tanks, aqueducts, drains, cuts, sluices, pipes, culverts, engines, and other works, and erect such buildings upon the lands and streams (if any), hereby authorized to be taken by him as he shall think proper for supplying the inhabitants of the said Town with water :

He may from time to time divert and restrain the water from the said streams, and alter the works of any such streams, and also take such waters as may be found in and under, or on the lands to be taken for constructing the said undertaking.

Errors and omissions in plans, &c., may be corrected by Justices, &c., who shall certify the same.

6. If any omission, misstatement, or wrong description shall have been made of any lands, or of the owners, lessees, or occupiers of any lands described in the plans aforesaid, the Commissioner, after giving ten days' notice to the owners and occupiers of the lands affected by any proposed correction, may apply to Justices for the correction thereof; and if it shall appear to such Justices that such omission, misstatement, or wrong description arose from mistake, they shall certify the same accordingly, and shall in such certificate state the particulars of any such omission, misstatement, or wrong description, and such certificate with the documents to which it relates, shall be deposited with the other documents to which they relate

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relate in the office of the Surveyor-General, and thereupon such plan shall be deemed to be corrected according to such certificate, and the Commissioner may make the works in accordance with such certificate, and as if such omission, misstatement, or wrong description had not been made.

7. The powers and authorities, duties, rights, liabilities, and privileges conferred, imposed, and given by the Principal Act to the Commissioner, shall and may be exercised, enjoyed, and enforced by him, and he shall be liable thereto in respect of all or any of the following matters—

Powers of Commissioner.

The construction and completion of the undertaking hereby authorized:

The protection to, and secure enjoyment of, the said undertaking:

The appointment and dismissal of officers:

The regulation and management of the said undertaking:

The regulation of the supply of the water to the said Town:

The making and enforcing of any assessment:

The receipt, enjoyment, and recovery of all rates to be made upon any such assessment:

The right of appeal:

The protection of officers:

And the exercise and enjoyment of, and liability to, all other powers, authorities, duties, rights, liabilities, and privileges conferred, imposed, and given by the Principal Act, so far as the same may be requisite or necessary for fully carrying out and giving effect to the objects of this Act, and so far as the same, or any of them, are not inapplicable to, or inconsistent with, this Act.

8. All powers and authorities, duties, rights, liabilities, and privileges conferred, imposed, and given by the Principal Act to any person or persons liable to be assessed and rated in respect of water supply, shall and may be exercised, enjoyed, and enforced, by any person or persons liable to be assessed or rated by virtue of this Act: And any person or persons committing any offence or offences against the subject matter of this Act, or against the undertaking hereby authorized to be constructed, or any part or parts thereof, similar to any offence or offences created by the Principal Act, shall be deemed to be guilty of such first-mentioned offence or offences, and shall be liable to the punishment or penalty therefor imposed by the Principal Act, notwithstanding the clause or clauses enacting such offence or offences, and imposing such punishment or penalty, has or have not been in terms re-enacted by this Act.

Powers and liabilities of persons rated and others.

9. The Treasurer shall, in each year, cause an account in abstract

Annual account.

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stract to be prepared of the whole receipts and of the expenditure of all moneys advanced to him for the purposes of this Act, for the year pending, under the several distinct heads of receipt and expenditure, with a statement of the balance of such account, duly audited and certified by the Auditor-General; and a copy of such account shall, on or before the thirtieth day of June in each year, be published in the *Government Gazette*.

Governor in Council
may make by-laws.

10. For the better enforcing the observance of all or any of the provisions of this Act, or of the Principal Act, it shall be lawful for the Governor, with the advice and consent of the Executive Council, from time to time to make by-laws, and from time to time to repeal or alter such by-laws; and every person offending against any such by-laws shall forfeit and pay for every such offence such sum, not exceeding Ten Pounds, as may be by any such by-laws imposed; and every such fine or penalty may be recovered in a summary way by and before two Justices of the Peace for the said Province, in the same manner as if the same had been imposed by this Act, or by the Principal Act.

Proof of by-laws.

11. The production of a printed paper purporting to be a *Government Gazette* shall be *prima facie* evidence that any such by-laws printed therein, purporting to be made under the provisions hereof, have been so made.

Short title.

12. This Act may be cited for all purposes as "The Kapunda Waterworks Act, 1877."

In the name and on behalf of Her Majesty, I hereby assent to
this Bill.

WM. F. DRUMMOND JERVOIS, Governor