VICTORIA

GOVERNMENT GAZETTE

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No. 45] THURSDAY, MAY 28 [1959

KORUMBURRA WATERWORKS TRUST.

BY-LAW No. 59.

THE Korumburra Waterworks Trust, in pursuance and exercise of the powers and authorities conferred by the Water Acts doth hereby make the By-law following for its Waterworks District:—

PART I.—INTERPRETATION.

Definitions.

1. In this By-law unless inconsistent with the context or subject-matter—

"The Act" means the Water Acts.

"Fittings" includes all appliances and things whatsoever, other than pipes, used in connexion with the conveying supplying, storing, or regulation of the flow of water in or derived from a main pipe.

"Main Pipe" means any pipe belonging to or under the control of the Trust and used for the conveying or supplying of water.

"Person" includes a Corporation or Company.

"Private Service" means and includes all pipes and fittings used in connexion with the supply of water from a main pipe to a tenement and/or in connexion with the use or consumption of such water in or on such tenement.

"Proper Officer" means any employee of the Trust authorized to execute any function on behalf of the Trust.

"Service Pipe" means any pipe (not being a main pipe) used for the conveying or supplying of water derived from a main pipe.

"Trust" means the Korumburra Waterworks Trust.

"Works" means works of or in connexion with the laying constructing altering disconnecting removing repairing renewing or maintaining of a private service or any part thereof.

All words used in this By-law which are also used in the Act shall have the meanings assigned to them by the Act.

PART II.—LICENSING OF PLUMBERS.

Unlicensed Persons not to Interfere with Private Services.

2. Before any person shall affix any service pipe to any main pipe of the Trust or alter repair or in any manner interfere with any pipe of the Trust or any service pipe tap or meter or other fitting connected with the main pipes of the Trust, he shall obtain from the Trust a licence in that behalf to execute such works, and no unlicensed person shall affix alter repair or in any manner interfere with any such main pipe service pipe tap meter or other fitting as aforesaid.

Period of Licences; Cancellation of Licences; Fees Payable.

3. Each licence shall be for the period ending 31st December next ensuing after the issue thereof, but may be renewed by the Trust at its discretion from time to time in each case to the following 31st December. The Trust shall have power at any time to suspend or cancel a licence in the event of the holder thereof performing his work in an unsatisfactory manner or committing any breach of the Act or of this By-law, and in such matters the Trust shall be sole judge. For each original licence the licensee shall pay to the Trust a fee of One pound, and for each renewal Five shillings.

Proof of Fitness to be Given.

4. Before any licence shall be granted by the Trust, the person applying for such licence shall satisfy the Trust by any tests required by the Trust or by virtue of his registration by the Plumbers and Gasfitters Board of Victoria that he is a competent plumber and that he is thoroughly conversant with the provisions of the By-laws of the Trust relating to water supply and with the Act so far as it applies to town supplies. The Trust may, if it so sees fit, refuse to grant such licence.

PART III.—CONSTRUCTION AND ARRANGEMENT OF WORKS.

Notice of Works to be Given.

5. No person shall execute any works (except such works as are authorized by sections 208 and 211 of the *Water Act* 1958)—

(*a*) without having given to the Trust not less than two days prior to the commencement of the execution of such works—

(i) notice in writing of his intention so to do specifying the tenement in on or in respect of which it is proposed to execute such works and the time or times (being between the hours of 8 a.m. and 5 p.m. on any week day except a public holiday or a Saturday) during which it is proposed to execute such works.

(ii) a complete specification in writing of the works proposed to be done setting out the mode form strength material construction dimensions and arrangement of all pipes fittings and structures intended to be used in the execution of such works.

(iii) in the case of every private service containing any service pipe of diameter larger than 2 inches a properly prepared plan drawn to a scale specified thereon of the premises in on or in respect of which it is proposed to execute the said works showing thereon all buildings erections and structures on the said premises and the proposed arrangement of all pipes and other works which it is proposed to lay or construct therein or thereon.

Every notice specification and plan shall be signed by the licensed plumber actually engaged to carry out the works referred to in the notice, or by a licensed plumber employing another licensed plumber to carry out the work under his supervision.

(b) contrary to or not in conformity with this By-law or such notice specification and plan mentioned in sub-paragraphs (i) (ii) and (iii) of paragraph (a) of this clause.

Plumbers to Report.

6. Each licensed plumber shall report to the Proper Officer of the Trust the completion of any new work extensions or repairs in connexion with any service within twenty-four hours of effecting same.

Carrying Out of Plumbing Work.

7. Every licensed plumber shall in carrying out any work of water supply—

(a) Execute the work in accordance with the provisions of the Act and of the By-laws of the Trust and any special directions or orders given or issued thereunder by the Trust or/by the Proper Officer of the Trust; and

(b) execute the work in a thorough and expeditious manner to the satisfaction of an inspecting officer of the Trust; and

(c) use materials of the description quality kind and standard prescribed by this By-law; and

(d) employ only competent operatives and assistants; and

(e) obtain permission, where necessary, for the execution of the work on, over or through any private property, or any street road park reserve or other public place or property;

(f) pay all fees payable to the council of a municipality for the opening of any public road or street or otherwise in connexion with the works; and

(g) restore upon completion of the work any part of any public road or street to the satisfaction of the municipal council or other authority having control thereof; and

(h) except where authorized in writing by the owner or his agent to omit restoration, restore any other property interfered with by the work to the satisfaction of the Proper Officer of the Trust; and

(i) take all proper and necessary precautions so that no accident, damage or unnecessary inconvenience may be directly or indirectly occasioned by the execution of the work; and

(j) exercise at all times immediate supervision over the work.

8. (a) No service pipe (other than those installed for fire service purposes and sealed in accordance with the provisions of clause 34 of this By-law) which supplies water otherwise than by measure to any tenement shall have a bore exceeding ¾ inch.

(b) No person shall connect or affix to the Trust's mains any service pipe (other than those installed for fire service purposes and sealed in accordance with the provisions of clause 34 of this By-law) which has a diameter exceeding the appropriate diameter listed in the schedule hereunder written corresponding either to the Net Annual Valuation of the property to be served or to the anticipated annual consumption of water at the said property as demonstrated to the satisfaction of the Proper Officer of the Trust and certified to under his hand, whichever is the larger—

Net Annual Valuation of Property.	Annual Consumption of Water.	Maximum Diameter of Service Pipe Allowed (in Inches).
Not over £150	Not over 200,000 gallons	¾
Over £150 but not over £300	Over 200,000 gallons, but not over 500,000 gallons	1
Over £300 but not over £500	Over 500,000 gallons, but not over 800,000 gallons	1¼
Over £500 but not over £1,000	Over 800,000 gallons, but not over 1,500,000 gallons	1½
Over £1,000 but not over £2,000 ..	Over 1,500,000 gallons, but not over 3,000,000 gallons	2

Depth of Service Pipes.

9. No person shall lay construct repair or alter any private service unless every service pipe forming part thereof for such portion of its length as lies in or on private property is securely clipped to a structure or is laid and constructed in such manner that the same is at all points at a depth of not less than 12 inches below the surface of the ground. Every such service pipe for such portion of its length as lies in or on any road street lane or right-of-way or where it may be exposed to vehicular traffic shall be laid and constructed in such manner that the same is at all points at a depth of not less than 18 inches below the surface of the ground or at such greater depth as the council of the municipality having control of the said road street lane or right-of-way may require.

Access to Service Pipes.

10. No person shall—

(a) lay construct or alter any private service or any part thereof,

(b) erect or construct any building erection or structure

in such place position or manner that any part of such private service is not easily accessible for the purposes of inspection repair and renewal unless such part is comprised of copper piping and copper fittings.

Arrangement of Stop-Tap, etc.

11. Every meter, stop-tap and stop-tap ferrule shall be opposite the tenement supplied and in one line at right angles to the main pipe to which such stop-tap ferrule is fixed, unless such an arrangement is impracticable in which case such services shall be provided with two high pressure screw down stop-taps, one of which shall be fixed opposite the stop-tap ferrule on the main pipe and the other in accordance with the provisions of clause 18 of this By-law.

Cross Connexions.

12. No person shall permit or suffer any fluid solid or gas, which in the opinion of the Proper Officer of the Trust is capable of polluting water supplied by the Trust, to have means of access to any pipe in communication directly or indirectly with any main pipe of the Trust.

Where any service pipe is connected to any cistern tank or receptacle used for the storage of water or fluid, there shall be an effective air gap at the outlet of such service pipe and the said outlet shall be not less than one-half inch above the highest possible water level in the said cistern tank or receptacle.

Connexions to Steam Boilers.

13. Water supply connexions to steam boilers shall be made as follows:—

(a) By direct connexion from a service pipe, in which case a screw down high pressure stop-tap with its spindle vertically upwards shall be fixed on the piping supplying water to a boiler; a vertically acting reflux valve shall be fixed between the stop-tap and the boiler and a half-inch testing ferrule or bib-tap shall be fixed between the reflux valve and the stop-tap; or

(b) By direct connexion from a service pipe together with an injected supply from a storage tank or condensate sump, in which case, in addition to the provisions of paragraph (a) hereof, the injected water to a boiler shall be taken through

a separate opening in the wall of the boiler. In no circumstances shall a connexion be permitted between any service pipe and the piping from a storage tank or condensate sump.

Water connexions may be made through the tops or sides of steam boilers.

PART IV.—MATERIALS.

Specifications for Piping and Materials.

14. No person shall use any pipe or fittings in or in connexion with a private service unless the same shall comply in all respects with the following specifications:—

(*a*) All new service pipes laid and all repairs to or replacements of existing service pipes within the District laid in any thoroughfare between main pipe and meter or stop valve shall be of copper and all bends, elbows, or other fittings in the thoroughfare and at meter connexions shall be of copper or brass, other pipes and fittings shall be of galvanized wrought iron, copper brass, cast-iron, welded mild steel, or asbestos cement.

(*b*) All materials, pipes, bends, junctions, fittings, and apparatus shall be of the best quality of their respective kinds, sound, new, and free from defects and of the kind and standard approved from time to time, and shall if thereby required be tested and stamped in accordance with any By-law of the Trust or other Authority prescribing the testing and stamping of articles and materials.

(*c*) Copper piping shall comply with the specification of the Standards Association of Australia for non-ferrous tubes and fittings and shall be of the following diameters and dimensions:—

Copper pipes suitable for expanded and other approved compression fittings and for capillary and bronze welded joints:—

Nominal Bore of Pipe.	External Diameter.	Nominal Wall Thickness.
inches.	inches.	S.W.G.
$\frac{3}{4}$	$\frac{3}{4}$	16
1	1	16
$1\frac{1}{4}$	$1\frac{1}{4}$	16
$1\frac{1}{2}$	$1\frac{1}{2}$	16
$1\frac{3}{4}$	$1\frac{3}{4}$	16
2	2	14
$2\frac{1}{2}$	$2\frac{1}{2}$	14
3	3	14
4	4	12

Copper pipes suitable for screwed connexions:—

Nominal Bore of Pipe.	Nominal Outside Diameter.	Wall Thickness.	B.S.P.T.
inches.	inches.	S.W.G.	inches.
$\frac{3}{4}$	$1\frac{1}{32}$	13	$\frac{3}{4}$
1	$1\frac{9}{32}$	12	1
$1\frac{1}{4}$	$1\frac{5}{8}$	12	$1\frac{1}{4}$
$1\frac{1}{2}$	$1\frac{7}{8}$	12	$1\frac{1}{2}$
2	$2\frac{5}{16}$	11	2
$2\frac{1}{2}$	$2\frac{15}{16}$	11	$2\frac{1}{2}$
3	$3\frac{7}{16}$	10	3

(*d*) All stop-taps and bib-taps shall be screw-down, high-pressure taps made of hard brass or gunmetal.

PART V.—CONNEXIONS TO MAINS.

One Service Pipe to Each Tenement.

15. No person shall affix or connect or cause or permit to be affixed or connected to any main pipe more than one service pipe or private service for the supply of water for domestic purposes to any one tenement.

Connexion to Main Pipe.

16. No person shall affix or connect any service pipe to any main pipe save by means of a stop-tap ferrule to which a right-angle bend of copper alloy is properly and securely attached.

Size of Tappings Permitted.

17. (*a*) The maximum diameters of tappings that will be permitted for main pipes of the respective diameters set out hereunder, and for cases where the tapping is made with or without a tapping saddle, are as follows:—

MAXIMUM DIAMETER OF TAPPING IN INCHES.

Diameter of Main Pipe in Inches.	Without Tapping Saddle (Cast-iron Main Pipes Only).	With Tapping Saddle.
3	$\frac{3}{4}$	$1\frac{1}{2}$
4	$\frac{3}{4}$	$1\frac{1}{2}$
5	1	$1\frac{1}{2}$
6	1	$2\frac{1}{2}$
7	1	$2\frac{1}{2}$
8	$1\frac{1}{4}$	$2\frac{1}{2}$
9	$1\frac{1}{2}$	$2\frac{1}{2}$
Over 9	2	$2\frac{1}{2}$

Tapping Fees.

(*b*) No person shall affix or connect or cause to be affixed or connected any service pipe to any main pipe without having first paid to the Trust a tapping fee of Twenty (20) shillings.

Position of Stop-taps.

18. A high-pressure screw down stop-tap properly secured shall be fixed on each water service in one of the following positions:—

(*a*) between the main pipe and the building line within six feet of the building line, and in this case the stop-tap shall be covered by a box which shall comply with the requirements of the municipality in which the service is laid;

(*b*) where a meter is fixed, between the meter and the inlet bend thereto; and

(*c*) where a meter is not fixed, on the service pipe above the ground in an accessible position not more than six feet inside the building line.

PART VI.—REPAIR.

Repair of Service Pipes.

19. Any person using any private service shall at all times keep same in proper repair.

Trust Can Repair Service Pipe in Certain Circumstances.

20. If any person refuses neglects or delays to have any private service or any part thereof used by him properly repaired after having been required in writing by the Proper Officer of the Trust so to do the Trust by its Proper Officers servants or agents may enter into or upon any premises supplied by such private service or any part thereof and may where necessary repair or renew such private service or any part thereof so as to prevent the waste of water and may charge such person with the cost and expense of such repair or renewal and such cost and expense shall be a debt due by such person to the Trust.

PART VII.—METERS.

Meters Supplied and Maintained.

21. (*a*) Except as permitted in clause 34 of this By-law no person shall use any private service save for the supply of water solely for domestic purposes exclusive of the watering of any garden unless the whole of the water supplied to such private service passes through a meter.

(*b*) Such meters will be provided and maintained by the Trust and every person before installing a private service shall ascertain from the Trust the size of meter to be installed and shall make provision in the arrangement and construction of the private service for connexion of such meter in accordance with the following requirements:—

(i) The meter shall be located within the property and not more than six feet from the building line.

(ii) The meter shall be in an easily accessible position protected from accidental damage.

(iii) The meter shall be properly and securely affixed to such private service or service pipe by means of connexions or quarter bends of brass, copper or copper alloy.

(iv) The meter shall be fixed truly level on a solid foundation of brick stone or concrete the top of which foundation is level with or above the surface of the ground.

(v) All washers used for connexion couplings for meters shall be made of leather.

(*c*) Pending connexion of the said meter the person authorized to install the service pipe shall connect a distance piece in the service pipe in place of the meter.

Restriction of Access to Meter.

22. No person shall construct place stack or store or permit or suffer to be constructed placed stacked or stored any building erection material or thing over or upon any meter connected or affixed to any private service or shall do or permit or suffer to be done any act matter or thing whereby inspection of such meter shall be prevented obstructed or in any way rendered difficult or interfered with.

Replacement and Testing of Meter.

23. (*a*) The Trust may at any time replace or remove for testing any meter attached to any private service.

Fees Returned in Certain Circumstances.

(*b*) Any consumer may at any time request the Trust in writing to test any meter attached to his private service and through which water supplied to him passes and shall at the time of the delivery of such request pay to the Trust the sum of One pound (£1). The Trust shall thereupon remove and test the meter or cause the same to be tested in such manner as it thinks fit. If such meter is found to be registering correctly the Trust may retain such sum of One pound (£1) in satisfaction of the fee for testing meter hereinbefore prescribed but if such meter is found to be registering incorrectly such sum of One pound (£1) shall be returned to such consumer.

Consumer Leaving Tenement to Notify Trust.

24. Every person who shall cease to occupy the premises on which such meter is fixed shall give to the Trust in writing at least six days notice of his intention to do so.

PART VIII.—MISUSE AND WASTE.

Supply Restricted to One Tenement Only.

25. No person shall use or permit or suffer the use of any private service for the supply of water to more than one tenement.

Cisterns, Tanks and Troughs.

26. No person shall use or permit or suffer the use of any private service or any part thereof for the supply of water to any cistern tank or water trough unless such cistern tank or water trough is watertight and is provided with an equilibrium ball-valve or other mechanism efficiently regulating the flow of water thereinto in such manner that such water shall not overflow such cistern or tank. No person shall affix any overflow pipe to any cistern or tank in such manner or position that is not open to inspection. In this clause water trough means a water trough used for the supply of water to animals.

Water Closets and Urinals.

27. No person shall construct lay or use any service pipe which communicates directly or indirectly with or supplies water to any urinal or water closet or any part thereof save through a cistern or tank.

Baths.

28. No person shall use or permit or suffer the use of any private service for the purpose of supplying water to any bath capable of containing more than 100 gallons of water.

No Overflow Pipe on Baths.

29. No person shall affix an overflow pipe to any bath.

Wasting of Water.

30. No person supplied with water by the Trust shall waste the same or permit or suffer the same to run to waste.

Sale of Water.

31. No person shall take or carry away or permit or suffer any other person to take or carry away any such water from any premises supplied with water by the Trust and no person shall sell any water supplied by the Trust.

Fire Brigades.

32. No person other than a servant or agent of the council of the municipality of Korumburra or the Korumburra Fire Brigade in the execution of his duty as such servant or agent shall without the written permission of the Trust open close or otherwise interfere with any hydrant attached to any main pipe.

Taps in Parks and Reserves.

33. No person other than a servant or agent of the municipality Corporation or body having the care and management of a public park public garden or reserve for public purposes shall without the previous consent of the Trust open close or otherwise interfere with any tap valve or other like regulator (except a drinking fountain or other tap provided for public use) in on or connected with any service pipe used for the supply of water to such park garden or reserve.

PART IX.—PRIVATE FIRE SERVICES.

Private Fire Services.

34. (*a*) Private fire services comprising pipes and fittings not exceeding six inches in diameter and without meters may be permitted at the expense of the owner of the premises subject to the payment of a fee of Fifteen shillings (15s.) per annum. Every such fire service shall be sealed. Except in case of fire no person shall without the authority of the Trust wilfully break the seal affixed to any private fire service and in the event of any such seal having been broken accidentally or otherwise the occupier of the tenement shall within twenty-four hours thereafter give notice in writing of the fact at the office of the Trust, and except in the case of a fire he shall pay a resealing fee of Fifteen shillings (15s.). No water shall be taken from any sealed portion of a private service except for the extinction of fire.

(*b*) Except as expressly provided in sub-clause (*a*) of this clause all portions of private services installed for fire service purposes shall comply with all provisions of this By-law.

(*c*) Every private fire service pipe shall be laid and fixed in a conspicuous position and shall be painted with a distinguishing coating of bright red paint which shall be maintained at all times.

(*d*) Any application for a fire service shall be made by the owner of the premises and in writing to the Trust.

(*e*) In the event of the owner or occupier committing any offence under the Act or any breach of this By-law or permitting or suffering any such offence or breach to be committed the Trust may by notice in writing to the owner withdraw permission for the private fire service and such service shall thereupon be disconnected.

PART X.—INSPECTIONS.

Inspections.

35. Any person authorized by the Trust in that behalf either generally or for any class of cases or in any particular case may at all reasonable times:—

(*a*) enter into or upon any premises for the purpose of inspecting and may inspect any private service or any part thereof or any works in course of execution therein or thereon, and/or

(*b*) enter into or upon any premises for the purpose of superintending the execution of any works in course of execution therein or thereon and may give to the owner or occupier of such premises or any person engaged in executing such works any directions or instructions necessary for the purpose of ensuring that all relevant provisions of this By-law shall be duly complied with and observed during and in connexion with the execution of such works.

(*c*) For any such purpose as aforesaid may dig or excavate in or upon any such premises.

Hindering of Inspections.

36. No person shall obstruct hinder impede resist oppose or refuse admission to any premises by the Proper Officer or any person duly authorized in that behalf by the Trust, or shall fail or neglect to carry out and observe all lawful directions and instructions given by him.

PART XI.—PENALTIES.

Penalties.

37. Any person who commits any breach of any of the provisions of this By-law shall be liable to a penalty of not more than Five Pounds (£5) and in the case of a continuing offence to a further penalty not exceeding Five Pounds (£5) for every day after notice of the offence from the Trust.

38. Regulation No. 1 of the Trust made the 3rd day of March, 1897, is hereby expressly revoked.

Passed this 12th day of March, 1959.

(SEAL) J. PROUDLOCK, Jnr., Chairman.
C. CORMACK, Commissioner.
M. H. GARDNER, Secretary.

Approved by the Governor in Council,
28th April, 1959.

A. MAHLSTEDT,
Clerk of the Executive Council.

By Authority: A. C. BROOKS, Government Printer, Melbourne.

VICTORIA

GOVERNMENT GAZETTE

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[Registered at the General Post Office, Melbourne, for transmission by post as a newspaper.]

No. 46] THURSDAY, MAY 28 [1959

BUNINYONG WATERWORKS TRUST.

BY-LAW No. 2.

THE Buninyong Waterworks Trust, in pursuance and exercise of the powers and authorities conferred by the Water Acts, doth hereby make the By-law following for its Waterworks District:—

PART I.—INTERPRETATION.

Definitions.

1. In this By-law, unless inconsistent with the context or subject-matter—

"The Act" means the Water Acts.

"Fittings" includes all appliances and things whatsoever, other than pipes, used in connexion with the conveying, supplying, storing, or regulation of the flow of water in or derived from a main pipe.

"Main pipe" means any pipe belonging to or under the control of the Trust and used for the conveying or supplying of water.

"Person" includes a corporation or company.

"Private service" means and includes all pipes and fittings used in connexion with the supply of water from a main pipe to a tenement and/or in connexion with the use or consumption of such water in or on such tenement.

"Proper Officer" means any employee of the Trust authorized to execute any function on behalf of the Trust.

"Service pipe" means any pipe (not being a main pipe) used for the conveying or supplying of water derived from a main pipe.

"Trust" means the Buninyong Waterworks Trust.

"Works" means works of or in connexion with the laying, constructing, altering, disconnecting, removing, repairing, renewing, or maintaining of a private service, or any part thereof.

All words used in this By-law which are also used in the Act shall have the meanings assigned to them by the Act.

PART II.—LICENSING OF PLUMBERS.

Unlicensed Persons Not to Interfere with Private Services.

2. Before any person shall affix any service pipe to any main pipe of the Trust or alter, repair, or in any manner interfere with any pipe of the Trust or any service pipe, tap, or meter or other fitting connected with the main pipes of the Trust, he shall obtain from the Trust a licence in that behalf to execute such works, and no unlicensed person shall affix, alter, repair, or in any manner interfere with any such main pipe, service pipe, tap, meter, or other fitting as aforesaid.

Period of Licences. Cancellation of Licences. Fees Payable.

3. Each licence shall be for the period ending 31st December next ensuing after the issue thereof, but may be renewed by the Trust at its discretion from time to time in each case to the following 31st December. The Trust shall have power at any time to suspend or cancel a licence in the event of the holder thereof performing his work in an unsatisfactory manner or committing any breach of the Act or of this By-law, and in such matters the Trust shall be the sole judge. For each original licence the licensee shall pay to the Trust a fee of One pound, and for each renewal Five shillings.

Proof of Fitness to be Given.

4. Before any licence shall be granted by the Trust, the person applying for such licence shall satisfy the Trust by any tests required by the Trust or by virtue of his registration by the Plumbers and Gasfitters Board of Victoria that he is a competent plumber and that he is thoroughly conversant with the provisions of the By-laws of the Trust relating to water supply and with the Act so far as it applies to town supplies. The Trust may, if it so sees fit, refuse to grant such licence.

PART III.—CONSTRUCTION AND ARRANGEMENT OF WORKS.

Notice of Works to be Given.

5. No person shall execute any works (except such works as are authorized by sections 208 and 211 of the *Water Act* 1958)—

(a) without having given to the Trust not less than two days prior to the commencement of the execution of such works—

(i) notice in writing of his intention so to do, specifying the tenement in, on or in respect of which it is proposed to execute such works and the time or times (being between the hours of 8 a.m. and 5 p.m. on any week day except a public holiday or a Saturday) during which it is proposed to execute such works;

(ii) a complete specification in writing of the works proposed to be done setting out the mode, form, strength, material, construction, dimensions, and arrange-

ment of all pipes, fittings, and structures intended to be used in the execution of such works,

(iii) in the case of every private service containing any service pipe of diameter larger than 2 inches a properly prepared plan drawn to a scale specified thereon of the premises in, on or in respect of which it is proposed to execute the said works, showing thereon all buildings, erections and structures on the said premises and the proposed arrangement of all pipes and other works which it is proposed to lay or construct therein or thereon. Every notice specification and plan shall be signed by the licensed plumber actually engaged to carry out the works referred to in the notice, or by a licensed plumber employing another licensed plumber to carry out the work under his supervision;

(*b*) contrary to or not in conformity with this By-law or such notice, specification, and plan mentioned in sub-paragraphs (i), (ii) and (iii) of paragraph (*a*) of this clause.

Plumbers to Report.

6. Each licensed plumber shall report to the Proper Officer of the Trust the completion of any new work, extensions or repairs in connexion with any service within 24 hours of effecting same.

Carrying Out of Plumbing Work.

7. Every licensed plumber shall in carrying out any work of water supply—

(*a*) execute the work in accordance with the provisions of the Act and of the By-laws of the Trust and any special directions or orders given or issued thereunder by the Trust or by the Proper Officer of the Trust; and

(*b*) execute the work in a thorough and expeditious manner to the satisfaction of an inspecting officer of the Trust; and

(*c*) use materials of the description, quality, kind and standard prescribed by this By-law; and

(*d*) employ only competent operatives and assistants; and

(*e*) obtain permission, where necessary, for the execution of the work on, over or through any private property, or any street, road, park, reserve or other public place or property; and

(*f*) pay all fees payable to the council of a municipality for the opening of any public road or street or otherwise in connexion with the works; and

(*g*) restore upon completion of the work any part of any public road or street to the satisfaction of the municipal council or other authority having control thereof; and

(*h*) except where authorized in writing by the owner or his agent to omit restoration, restore any other property interfered with by the work to the satisfaction of the Proper Officer of the Trust; and

(*i*) take all proper and necessary precautions so that no accident, damage or unnecessary inconvenience may be directly or indirectly occasioned by the execution of the work; and

(*j*) exercise at all times immediate supervision over the work.

8. (*a*) No service pipe (other than those installed for fire service purposes and sealed in accordance with the provisions of clause 34 of this By-law) which supplies water otherwise than by measure to any tenement shall have a bore exceeding ¾ inch.

(*b*) No person shall connect or affix to the Trust's mains any service pipe (other than those installed for fire service purposes and sealed in accordance with the provisions of clause 34 of this By-law) which has a diameter exceeding the appropriate diameter listed in the Schedule hereunder written corresponding either to the net annual valuation of the property to be served, or to the anticipated annual consumption of water at the said property as demonstated to the satisfaction of the Proper Officer of the Trust and certified to under his hand, whichever is the larger—

Net Annual Valuation of Property.	Annual Consumption of Water.	Maximum Diameter of Service Pipe Allowed (in Inches).
Not over £150	Not over 200,000 gallons	¾
Over £150 but not over £300	Over 200,000 gallons, but not over 500,000 gallons	1
Over £300 but not over £500	Over 500,000 gallons, but not over 800,000 gallons	1¼
Over £500 but not over £1,000	Over 800,000 gallons, but not over 1,500,000 gallons	1½
Over £1,000 but not over £2,000	Over 1,500,000 gallons, but not over 3,000,000 gallons	2

Depth of Service Pipes.

9. No person shall lay, construct, repair or alter any private service unless every service pipe forming part thereof for such portion of its length as lies in or on private property is securely clipped to a structure or is laid and constructed in such manner that the same is at all points at a depth of not less than 12 inches below the surface of the ground. Every such service pipe for such portion of its length as lies in or on any road, street, lane or right-of-way or where it may be exposed to vehicular traffic shall be laid and constructed in such manner that the same is at all points at a depth of not less than 18 inches below the surface of the ground or at such greater depth as the council of the municipality having control of the said road, street, lane or right-of-way may require.

Access to Service Pipes.

10. No person shall—

(*a*) lay, construct or alter any private service, or any part thereof,

(*b*) erect or construct any building, erection or structure—

in such place, position or manner that any part of such private service is not easily accessible for the purposes of inspection, repair and renewal unless such part is comprised of copper piping and copper fittings.

Arrangement of Stop-tap, &c.

11. Every meter, stop-tap and stop-tap ferrule shall be opposite the tenement supplied and in one line at right-angles to the main pipe to which such stop-tap ferrule is fixed, unless such an arrangement is impracticable, in which case such services shall be provided with two high-pressure screw-down stop-taps, one of which shall be fixed opposite the stop-tap ferrule on the main pipe and the other in accordance with the provisions of clause 18 of this By-law.

Cross Connexions.

12. No person shall permit or suffer any fluid, solid or gas, which in the opinion of the Proper Officer of the Trust is capable of polluting water supplied by the Trust, to have means of access to any pipe in communication directly or indirectly with any main pipe of the Trust.

Where any service pipe is connected to any cistern, tank or receptacle used for the storage of water or fluid, there shall be an effective air gap at the outlet of such service pipe, and the said outlet shall be not less than ½ inch above the highest possible water level in the said cistern, tank or receptacle.

Connexions to Steam Boilers.

13. Water supply connexions to steam boilers shall be as follows:—

(*a*) By direct connexion from a service pipe, in which case a screw-down high-pressure stop-tap with its spindle vertically upwards shall be fixed on the piping supplying water to a boiler; a vertically acting reflux valve shall be fixed between the stop-tap and the boiler and a ½-in. testing ferrule or bib-tap shall be fixed between the reflux valve and the stop-tap; or

(b) by direct connexion from a service pipe, together with an injected supply from a storage tank or condensate sump in which case, in addition to the provisions of paragraph (a) hereof, the injected water to a boiler shall be taken through a separate opening in the wall of the boiler. In no circumstances shall a connexion be permitted between any service pipe and the piping from a storage tank or condensate sump.

Water connexions may be made through the tops or sides of steam boilers.

PART IV.—MATERIALS.

Specifications for Piping and Materials.

14. No person shall use any pipe or fittings in or in connexion with a private service, unless the same shall comply in all respects with the following specifications:—

(a) The whole of the pipes and fittings shall be of the best quality galvanized wrought-iron, copper, brass, cast-iron, welded mild steel or asbestos cement, shall be sound and free from all defects and shall comply with the relevant specifications of the Standards Association of Australia where such specifications have been issued.

(b) All pipes and pieces shall be true in sectional form, straight longitudinally, clear in bore and (in case of wrought-iron piping) properly galvanized throughout and shall be of equal strength and thickness throughout the entire body of the same.

(c) Only pipes and fittings which have been tested in accordance with the requirements of the specifications of the Standards Association of Australia will be permitted to be used for services whether inside or outside the tenement.

(d) All ends of galvanized wrought-iron and brass pipes, bends and fittings shall be properly and truly threaded and capable of being screwed into thimbles, tees or fittings.

(e) All stop-taps and bib-taps shall be screw-down high-pressure taps made of hard brass or gunmetal.

PART V.—CONNEXIONS TO MAINS.

One Service Pipe to Each Tenement.

15. No person shall affix or connect or cause or permit to be affixed or connected to any main pipe more than one service pipe or private service for the supply of water for domestic purposes to any one tenement.

Connexion to Main Pipe.

16. No person shall affix or connect any service pipe to any main pipe save by means of a stop-tap ferrule to which a right-angle bend of copper alloy is properly and securely attached.

Size of Tappings Permitted.

17. (a) The maximum diameters of tappings that will be permitted for main pipes of the respective diameters set out hereunder, and for cases where the tapping is made with or without a tapping saddle, are as follows:—

Maximum Diameter of Tapping in Inches.

Diameter of Main Pipe in Inches.	Without Tapping Saddle (Cast-iron Main Pipes Only).	With Tapping Saddle.
3	¾	1½
4	¾	1½
5	1	1½
6	1	2½
7	1	2½
8	1½	2½
9	1½	2½
Over 9	2	2½

Tapping Fees.

(b) No person shall affix or connect or cause to be affixed or connected any service pipe to any main pipe without having first paid to the Trust a tapping fee of Two pounds fifteen shillings—(£2 15s.). The Trust will provide the necessary tapping band free of cost on payment of the tapping fee.

Position of Stop-taps.

18. A high-pressure screw-down stop-tap properly secured shall be fixed on each water service in one of the following positions:—

(a) Between the main pipe and the building line within 6 feet of the building line, and in this case the stop-tap shall be covered by a box which shall comply with the requirements of the municipality in which the service is laid;

(b) where a meter is fixed, between the meter and the inlet bend thereto;

(c) where a meter is not fixed, on the service pipe above the ground in an accessible position not more than 6 feet inside the building line.

PART VI.—REPAIR.

Repair of Service Pipes.

19. Any person using any private service shall at all times keep same in proper repair.

Trust Can Repair Service Pipe in Certain Circumstances.

20. If any person refuses, neglects or delays to have any private service, or any part thereof, used by him properly repaired after having been required in writing by the Proper Officer of the Trust so to do the Trust by its Proper Officers, servants or agents may enter into or upon any premises supplied by such private service, or any part thereof, and may where necessary repair or renew such private service, or any part thereof, so as to prevent the waste of water and may charge such person with the cost and expense of such repair or renewal, and such cost and expense shall be a debt due by such person to the Trust.

PART VII.—METERS.

Meters Supplied and Maintained.

21. (a) Except as permitted in clause 34 of this By-law, no person shall use any private service save for the supply of water solely for domestic purposes, exclusive of the watering of any garden, unless the whole of the water supplied to such private service passes through a meter.

(b) Such meters shall be provided and maintained by the Trust, and every person before installing a private service shall ascertain from the Trust the size of meter to be installed and shall make provision in the arrangement and construction of the private service for connexion of such meter in accordance with the following requirements:—

(i) The meter shall be located within the property and not more than 6 feet from the building line.

(ii) The meter shall be in an easily accessible position protected from accidental damage.

(iii) The meter shall be properly and securely affixed to such private service or service pipe by means of connexions or quarter bends of brass, copper or copper alloy.

(iv) The meter shall be fixed truly level on a solid foundation of brick, stone or concrete, the top of which foundation is level with or above the surface of the ground.

(v) All washers used for connexion couplings for meters shall be made of leather.

(c) Pending connexion of the said meter the person authorized to install the service pipe shall connect a distance piece in the service pipe in place of the meter.

Restriction of Access to Meter.

22. No person shall construct, place, stack or store or permit or suffer to be constructed, placed, stacked or stored any building, erection, material or thing over or upon any meter connected or affixed to any private service or shall do or permit or suffer to be done any act, matter or thing whereby inspection of such meter shall be prevented, obstructed or in any way rendered difficult or interfered with.

Replacement and Testing of Meter.

23. (a) The Trust may at any time replace or remove for test any meter attached to any private service.

Fees Returned in Certain Circumstances.

(b) Any consumer may at any time request the Trust, in writing, to test any meter attached to his private service and through which water supplied to him passes and shall at the time of the delivery of such request pay to the Trust the sum of One pound. The Trust shall thereupon remove and test the meter or cause the same to be tested in such manner as it thinks fit. If such meter is found to be registering correctly the Trust may retain such sum of One pound in satisfaction of the fee for testing meter hereinbefore prescribed, but if such meter is found to be registering incorrectly such sum of One pound shall be returned to such consumer.

Consumer Leaving Tenement to Notify Trust.

24. Every person who shall cease to occupy the premises on which such meter is fixed shall give to the Trust, in writing, at least six days' notice of his intention to do so.

PART VIII.—MISUSE AND WASTE.

Supply Restricted to One Tenement Only.

25. No person shall use or permit or suffer the use of any private service for the supply of water to more than one tenement.

Cisterns, Tanks and Troughs.

26. No person shall use or permit or suffer the use of any private service, or any part thereof, for the supply of water to any cistern, tank or water trough unless such cistern, tank or water trough is watertight and is provided with an equilibrium ball-valve or other mechanism efficiently regulating the flow of water thereinto in such manner that such water shall not overflow such cistern or tank. No person shall affix any overflow pipe to any cistern or tank in such manner or position that is not open to inspection. In this clause water trough means a water trough used for the supply of water to animals.

Water Closets and Urinals.

27. No person shall construct, lay or use any service pipe which communicates directly or indirectly with or supplies water to any urinal or water closet, or any part thereof, save through a cistern or tank.

Baths.

28. No person shall use or permit or suffer the use of any private service for the purpose of supplying water to any bath capable of containing more than 100 gallons of water.

No Overflow Pipe on Baths.

29. No person shall affix an overflow pipe to any bath.

Wasting of Water.

30. No person supplied with water by the Trust shall waste the same or permit or suffer the same to run to waste.

Sale of Water.

31. No person shall take or carry away or permit or suffer any other person to take or carry away any such water from any premises supplied with water by the Trust, and no person shall sell any water supplied by the Trust.

Fire Brigades.

32. No person other than a servant or agent of the Council of the Municipality of the Shire of Buninyong or the Urban Fire Brigade in the execution of his duty as such servant or agent shall without the written permission of the Trust open, close or otherwise interfere with any hydrant attached to any main pipe.

Taps in Parks and Reserves.

33. No person other than a servant or agent of the Municipality Corporation or body having the care and management of a public park, public garden or reserve for public purposes shall without the previous consent of the Trust open, close or otherwise interfere with any tap, valve or any other like regulator (except a drinking fountain or other tap provided for public use) in, on or connected with any service pipe used for the supply of water to such park, garden or reserve.

PART IX.—PRIVATE FIRE SERVICES.

Private Fire Services.

34. (*a*) Private fire services comprising pipes and fittings not exceeding 6 inches in diameter and without meters may be permitted at the expense of the owner of the premises, subject to the payment of a fee of Fifteen shillings per annum. Every such fire service shall be sealed. Except in case of fire no person shall without the authority of the Trust willingly break the seal affixed to any private fire service, and in the event of any such seal having been broken accidentally or otherwise the occupier of the tenement shall within 24 hours thereafter give notice, in writing, of the fact at the office of the Trust, and except in the case of a fire he shall pay a resealing fee of Fifteen shillings. No water shall be taken from any sealed portion of a private service except for extinction of fire.

(*b*) Except as expressly provided in sub-clause (*a*) of this clause, all portions of private services installed for fire service purposes shall comply with all provisions of this By-law.

(*c*) Every private fire service pipe shall be laid and fixed in a conspicuous position and shall be painted with a distinguishing coating of bright-red paint, which shall be maintained at all times.

(*d*) Any application for a fire service shall be made by the owner of the premises and in writing to the Trust.

(*e*) In the event of the owner or occupier committing any offence under the Act or any breach of this By-law or permitting or suffering any such offence or breach to be committed the Trust may by notice in writing to the owner withdraw permission for the private fire service, and such service shall thereupon be disconnected.

PART X.—INSPECTIONS.

Inspections.

35. Any person authorized by the Trust in that behalf, either generally or for any class of cases or in any particular case, may at all reasonable times—

(*a*) enter into or upon any premises for the purpose of inspecting and may inspect any private service, or any part thereof, or any works in course of execution therein or thereon, and/or

(*b*) enter into or upon any premises for the purpose of superintending the execution of any works in course of execution therein or thereon and may give to the owner or occupier of such premises or any person engaged in executing such works any directions or instructions necessary for the purpose of ensuring that all relevant provisions of this By-law shall be duly complied with and observed during and in connexion with the execution of such works,

(*c*) for any such purpose as aforesaid may dig or excavate in or upon any such premises.

Hindering of Inspections.

36. No person shall obstruct, hinder, impede, resist, oppose or refuse admission to any premises by the Proper Officer or any person duly authorized in that behalf by the Trust, or shall fail or neglect to carry out and observe all lawful directions and instructions given by him.

PART XI.—PENALTIES.

Penalties.

37. Any person who commits any breach of any of the provisions of this By-law shall be liable to a penalty of not more than Five pounds (£5), and in the case of a continuing offence to a further penalty not exceeding Five pounds (£5) for every day after notice of the offence from the Trust.

Passed this sixteenth day of February, 1959.

A. A. DAVIS, Chairman.
(SEAL) W. J. NEAGLE, Commissioner.
A. C. LORD, Secretary.

Approved by the Governor in Council,
28th April, 1959.

A. MAHLSTEDT,
Clerk of the Executive Council.

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VICTORIA

GOVERNMENT GAZETTE.

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No. 47] THURSDAY, MAY 28 [1959

JURIES ACT 1958.

At the Executive Council Chamber, Melbourne, the twenty-sixth day of May, 1959.

PRESENT:

His Excellency the Governor of Victoria.

Mr. Cameron | Mr. Bloomfield.

RULES RELATING TO JURORS IN CIVIL INQUESTS AT MELBOURNE.

PURSUANT to the powers conferred by Part VIIIA. of the *Juries Act* 1958 as amended by the *Juries (Amendment) Act* 1958 (as amended by the *Sessional Acts Revision Act* 1958) and all other powers him thereunto enabling, His Excellency the Governor of the State of Victoria by and with the advice of the Executive Council thereof, doth hereby, upon the recommendation of the Chief Justice, make the following Rules, that is to say:—

1. These Rules may be cited as the Melbourne Civil Jury Rules 1959. Citation.

2. In these Rules unless inconsistent with the context or subject-matter— Interpretation.

"Chief Justice" means the Chief Justice of the Supreme Court of Victoria, and includes the Acting Chief Justice and in the absence from duty of the Chief Justice and the Acting Chief Justice, the Senior Puisne Judge for the time being on duty;

"Chairman" means the chairman of judges of the County Court or in his absence from duty the Senior Judge of that Court engaged for the time being in the trial of civil inquests in the County Court;

"Pool Judge" means a Judge of the Supreme Court or a Judge of the County Court for the time being in charge of a pool of jurors;

"Pool Officer" means the sheriff or a deputy sheriff for the time being in charge of a pool of jurors;

"The Act" means the *Juries Act* 1958 as amended by the *Juries (Amendment) Act* 1958 (as amended by the *Sessional Acts Revision Act* 1958).

Application of Rules.

3. These Rules shall apply only with respect to pools of jurors for the trial of civil inquests in the Supreme Court at Melbourne, in the County Court at Melbourne, or in both such courts at Melbourne.

Effect of institution of system of pools of jurors.

4. Where a system of pools of jurors for the trial of civil inquests has been instituted by direction pursuant to sub-section (1), sub-section (2) or sub-section (3) of section 50B of the Act and is in force, jurors for all courts for the trial of the classes of civil inquests specified in the direction shall on and from the date specified in that behalf in the direction be summoned to a pool of jurors in accordance with the following Rules and not otherwise.

No precept to be required.

5. (1) No precept shall be required to be issued by any officer for the summoning of jurors for the trial of inquests in any court in respect of which a system of pools of jurors has been instituted and is in force.

Selection and summoning of jurors for pools.

(2) The sheriff shall at a convenient time before the day for the assembly of each pool cause inquiries to be made as to the inquests to be tried in each of the relevant courts during the period of the pool and shall estimate the number of jurors likely to be necessary for attendance during that period and shall cause jurors to be selected and summoned in accordance with the provisions of the Act as modified by these Rules.

Period of pools.

6. The period of each pool shall be determined by direction to the Sheriff—

(*a*) if the inquests to be tried by jurors from the pool include any inquests in the Supreme Court—by the Chief Justice; or

(*b*) in any other case—by the Chairman—

but the period of a pool shall not in any case exceed five consecutive court days, and no juror shall be compelled to attend for more than the number of days so determined unless on the last of those days any inquest for which he has been impanelled has not been concluded.

Place of assembly of pools.

7. (1) The place of assembly of every pool of jurors shall be convenient to the several courts in which inquests are to be tried by jurors from the pool.

(2) The Chief Justice may by direction to the sheriff appoint any place to be a place of assembly for any pool or pools.

(3) The pool judge or pool officer may sit in any court or place at or convenient to the place of assembly of the pool.

(4) The location of the place of assembly of the pool shall be clearly set out in every summons issued pursuant to these Rules.

Control of pool.

8. Any pool of jurors shall subject to the Act and these Rules be in the charge and under the control of a Judge of the Supreme Court or, in the absence of a Judge of the Supreme Court, of a Judge of the County Court or, in the absence of any Judge, of the sheriff or a deputy sheriff.

Priority of allocation of jurors, &c.

9. Questions of priority in the allocation of jurors pursuant to Rule 11, in the impanelling and swearing of juries pursuant to Rule 12, and in the selection of jurors pursuant to Rule 13 shall be determined by the pool judge or pool officer in accordance with such directions in that behalf as may be given—

(*a*) if the inquests to be tried by jurors from the pool include any inquests in the Supreme Court—by the Chief Justice; or

(*b*) in any other case—by the Chairman.

Swearing of whole panel of jurors in pool.

10. (1) Where at the time of the calling of the names of the jurors summoned to any pool the pool is in the charge of a Judge of the Supreme Court or, if the inquests to be tried by jurors from the pool consist only of inquests in the County Court, of a Judge of the County Court, those who answer their names may be sworn pursuant to section 34 of the Act as modified by these Rules.

(2) Where the jurors have been so sworn, the pool judge or pool officer shall cause the fact that they have been so sworn to be notified in writing to the proper officer of each court to which jurors may be allocated or for which a jury may be impanelled or selected from the jurors in the pool.

Allocation of jurors from pool for impanelling in court.

11. (1) The pool judge or pool officer may at any time if he thinks fit allocate from the jurors then in the pool a sufficient number of jurors to enable a jury to be impanelled therefrom in any inquest in any court to which the pool relates, and in such case the jury to try that inquest shall be impanelled and (if necessary) sworn in that court accordingly.

Return of surplus jurors to pool.

(2) Where a jury is impanelled in any court from a panel of jurors so allocated those jurors who have been so allocated but are not impanelled shall forthwith return to the place of assembly of the pool and upon their return shall again be for all purposes jurors in the pool.

Impanelling of jury in pool.

12. (1) Where the pool judge is a Judge of the Supreme Court he may direct that a jury for any inquest in the Supreme Court or the County Court to which the pool relates be impanelled and (if necessary) sworn before him from the jurors then in the pool and the jury shall be impanelled and (where the case requires) sworn accordingly.

(2) Where the pool judge is a Judge of the County Court he may direct that a jury for any inquest in the County Court to which the pool relates be impanelled and (if necessary) sworn before him from the jurors then in the pool and the jury shall be impanelled and (where the case requires) sworn accordingly.

Selection of jury in pool.

13. (1) The jurors necessary to constitute a jury for any inquest in any court to which the pool relates may be selected before the pool judge or pool officer from the jurors then in the pool and in any such case the pool judge or pool officer shall send the jurors so selected to that court, to be sworn (if necessary) as jurors therein.

(2) If upon any such selection before the pool officer there is any challenge other than a peremptory challenge the selection shall be discontinued and in any such case the selection shall be begun anew before the pool judge or an appropriate procedure under Rule 11 or Rule 12 shall be adopted.

Return of jurors to pool.

14. Save as is otherwise expressly provided in the Act or these Rules jurors from any pool who have been impanelled or selected for any inquest shall, when that inquest is concluded or jurors are no longer required therefor, return to the place of assembly of the pool unless the period for which the pool was summoned has expired or the jurors in the pool have been discharged, and upon their return those jurors shall again be for all purposes jurors in the pool.

Discharge of juror from further attendance.

15. (1) The judge in any court in which any juror has served or the pool judge or pool officer may discharge any juror from further attendance at the pool.

Discharge or reduction of panel.

(2) Whenever it appears necessary or expedient so to do the pool judge may direct that all or a specified number (to be chosen by lot) of the jurors then in the pool shall be discharged from further attendance thereat, and the jurors shall be discharged accordingly.

Manner of giving directions under Rules and effect of directions.

16. Every direction pursuant to Rule 6, Rule 7 or Rule 9 shall be in writing and may be given in respect of a particular pool or in respect of all pools in a system of pools, and when given in respect of all pools in a system of pools shall continue in force until the system is discontinued or the direction is cancelled by a further direction given as aforesaid.

17. In respect of their application to or in relation to any pool of jurors or any juror summoned to any such pool the provisions of the *Juries Act* 1958 shall be read and construed—

(*a*) As if sub-section (1) of section 9 provided as follows:—

" (1) The following provisions shall apply:—

(*a*) On proof on oath or by affidavit or statutory declaration to the satisfaction of the sheriff that any person who is summoned to attend any pool of jurors and serve as a juror ought to be excused from attendance by reason of any illness or incapacity or any other matter of special urgency or importance, the sheriff

sitting in open court may if he thinks fit, at any time before such person is required by his summons to attend, excuse such person from attendance for any period.

(*b*) On proof on oath or by affidavit or statutory declaration to the satisfaction of the Judge for the time being in charge of the pool which a person is summoned to attend—

(i) that such person has applied to the sheriff to be excused as aforesaid and the sheriff has not excused such person, or that such person has not applied to the sheriff to be excused as aforesaid but that there was good reason for his failure to apply; and

(ii) that such person ought to be excused from attendance by reason of any illness or incapacity or any other matter of special urgency or importance—

the Judge in charge of the pool may if he thinks fit discharge such person from further attendance as a juror or excuse such person from attendance for any period during the period of the pool."

(*b*) As if sub-section (3) of section 9 provided as follows:—

"(3) The following provisions shall apply:—

(*a*) At the conclusion of any inquest which has required the attendance of jurors for a lengthy period the court by which the inquest was tried or the Judge for the time being in charge of the pool from which the jurors were drawn may determine that the jurors are to be exempt from serving as jurors for such period as the court or Judge specifies, and the court or Judge shall notify the sheriff accordingly.

(*b*) On proof on oath or affidavit or statutory declaration to the satisfaction of the judge for the time being in charge of a pool to which a juror is summoned or of the court in which a juror so summoned is required to serve or of the sheriff that such person is suffering from a physical infirmity or disability which in the opinion of the court judge or sheriff (as the case may be) will permanently disable that person from serving as a juror, the judge, court or sheriff may determine that that person shall be permanently exempt from serving as a juror.

(*c*) Where pursuant to the foregoing provisions of this sub-section it is determined that any person is to be exempt from serving as a juror, either for a specified period or permanently, the sheriff shall issue to that person a certificate of exemption accordingly."

(*c*) As if sections 21 and 22 (which relate respectively to written precepts and oral precepts) were repealed.

(*d*) As if section 23 provided as follows:—

"23. The sheriff in the presence of one or more of his senior officers, if available, shall cause the box marked "Jurors in Use" to be turned for a convenient time and shall then draw out of that box as many cards as are equal to the number of jurors intended to be summoned, and as each card is drawn refer to the corresponding number in the jurors' book and read aloud the name designated by such number and write or cause to be written the number and name with the addition on a panel to be signed by him and sealed with his seal of office, and such panel shall be the panel for

the pool, and the sheriff shall keep the cards so drawn out until the day for the attendance of jurors at the pool."

(*e*) As if section 24 provided as follows:—

"24. The sheriff shall return to the box the card bearing the number of any juror who does not attend when summoned as hereinafter provided and shall put the remainder of the cards into the box marked 'Jurors in Reserve'. The cards placed in the box marked 'Jurors in Reserve' shall remain in such box until all cards have been drawn from the box marked 'Jurors in Use' when such cards may be returned to the box marked 'Jurors in Use' for the purpose of being again used:

Provided that in excusing or discharging any person from attendance at a pool as a juror the Judge for the time being in charge of the pool or the sheriff (as the case may be) may direct that the card bearing the number of that person be returned to the box marked 'Jurors in Use' instead of being put into the box marked 'Jurors in Reserve'."

(*f*) As if sub-section (4) of section 25 provided as follows:—

"(4) A copy of every panel from which the jury is to be struck in any civil inquest shall be kept by the sheriff for inspection for three days before the day for the attendance of jurors at the pool and after the said days until the panel ceases to be operative and a copy shall be delivered to any person during that period on payment of the sum of Five shillings."

(*g*) As if sub-section (1) of section 26 provided as follows:—

"(1) As soon as a panel for a pool has been completed the sheriff shall issue a summons in the form in the Schedule to the Melbourne Civil Jury Rules 1959 or to the like effect to every juror named therein."

(*h*) As if section 29 provided as follows:—

"29. Subject to this Act the jurors in the panel shall be the jurors to try all issues upon inquests in any of the courts to which the pool of jurors to which they are summoned relates, and all such proceedings may be taken before such juries in like manner and with the like consequences as before any jury summoned in pursuance of any writ or precept before the commencement of this Act; and on any trial no assessment of costs or damage by way of costs shall be made."

(*i*) As if sub-section (2) of section 30 provided as follows:—

"(2) The sheriff shall cause a jury to be struck from such jurors, the parties being entitled to challenge for cause and peremptorily in like manner in all respects as is herein prescribed in cases of juries for the trial of civil inquests, and shall cause the jury when so struck to view such place or property at some time to be named in the order, and the sheriff or some other officer approved by the court and two persons in the said order named and appointed by the court shall show such jurors the place or property in question, and no other person shall accompany such viewers. Jurors for such a jury may be drawn from the panel of any pool of jurors relating to the court in which the inquest is to be tried."

(*j*) As if sub-section (1) of section 33 provided:—

"(1) Upon the day for the attendance of the jurors at the place of assembly of the pool the sheriff shall deliver the panel for the pool or cause it to be delivered to the associate or clerk of the Judge for the time being in charge of the pool (which associate or clerk is hereinafter referred to as "the officer") and shall furnish the names, or subject to the next sub-section the names with the additions, of the jurors written on separate pieces of card all of equal size and shape, and such pieces of card shall thereupon be put in a box to be used as hereinafter described."

(*k*) As if section 34 provided as follows:—

"34. The officer on delivery of the panel for any pool of jurors shall call aloud the names of the jurors (but unless in any particular case the Judge for the time being in charge of the pool otherwise directs not their additions) one after another, and those who answer to their names may subject to the Melbourne Civil Jury Rules 1959 be sworn before the Judge for the time being in charge of the pool to the effect of the form in the Eighth Schedule applicable to civil inquests and being once sworn shall not need to be resworn unless either party or they that sue for the Queen so require, and the officer shall as each juror is so sworn make a minute thereof on the panel."

(*l*) As if section 39 provided as follows:—

"39. For the purpose of such peremptory challenge several plaintiffs or defendants who are represented at the inquest by the same legal practitioner shall be deemed to be one plaintiff or defendant (as the case may be) but where several plaintiffs or defendants who are not represented by the same legal practitioner do not consent to join in their challenges the proper officer of the court or (where the jury is impanelled pursuant to Rule 12 of the Melbourne Civil Jury Rules 1959) the associate or clerk of the pool judge thereunder or (where the jurors are selected pursuant to Rule 13 of those Rules) the said associate or clerk or the sheriff shall draw out in addition such further number as will permit each of those plaintiffs or defendants who are not represented by the same legal practitioner to exercise his rights of peremptory challenge to the number and in the manner herein provided."

(*m*) As if sub-section (1) of section 40 provided as follows:—

"In all civil inquests except where otherwise provided in this Act upon the calling on of the cause for trial the proper officer of the court or (where the jury is impanelled pursuant to Rule 12 of the Melbourne Civil Jury Rules 1959) the associate or clerk of the pool judge thereunder or (where the jurors are selected pursuant to Rule 13 of those Rules) the said associate or clerk or the sheriff shall draw cards one after another out of a box and shall call out the name written thereon until after all the challenges for cause allowed the number of jurors required appears, when the officer, associate, clerk or sheriff (as the case may be) shall deliver a list of them in writing to the plaintiff who may strike therefrom a number of names equal to one half the number to be impanelled and the list so reduced shall then be delivered to each defendant admitted to challenge by whom an equal number of names may also be struck therefrom, or if the plaintiff or any defendant does not strike out such number or strikes out a greater number than he is entitled then the officer, associate, clerk or sheriff (as the case may be) shall strike out or reinstate a number of names sufficient to comply with the provisions of this section in respect of each such plaintiff or defendant; and the jurors whose names remain upon such list shall be the jurors for the trial of the issues upon the inquest: Provided that the sheriff shall not on the selection of jurors pursuant to the said Rule 13 deal with any challenge other than a peremptory challenge.

(*n*) As if section 42 (which relates to praying a tales) were repealed.

(*o*) As if sub-section (2) of section 47 (which relates to impanelling of juries while jurors are impanelled in other inquests) were repealed.

(*p*) As if section 48 (which relates to the period for attendance of jurors at court) were repealed.

(*q*) As if for paragraph (*g*) of section 53 the following paragraph were substituted:—

"(*g*) places upon any panel the name of any person to serve as a juror in any pool such person's name not

being inserted in the jurors' book for the jury district of each of the courts to which the pool relates."

(*r*) As if section 54 provided as follows:—

"54. The Judge for the time being in charge of any pool of jurors shall in a summary way impose such fine as is thought fit—

(*a*) upon any person who having been duly summoned to attend any pool as a juror does not attend in pursuance of such summons, or having been thrice called does not answer to his name; or

(*b*) upon any person who personates or attempts to personate any juror whose name is on any jury panel for any pool for the purpose of sitting as such juror; or

(*c*) upon any juror who receives or takes from any person whomsoever any sum whatever beyond the scale allowed by this Act under pretence of fees or remuneration for attending a trial:

Provided that where a fine has been set by any such Judge upon a person for non-attendance at any pool as a juror if at any time within twenty-one days after the setting of such fine such person satisfies the Judge then in charge of the pool or any later pool in the same system that by any accident and not by any fault or direct or indirect action or connivance of his own he was not aware that any jury summons had been delivered at his place of abode or business as described in the jurors' book or that he was unable to attend through illness the Judge may remit the fine and such fine shall not be enforced."

SCHEDULE.

Juries Act 1958

and

Juries (Amendment) Act 1958

(*as amended by Sessional Acts Revision Act* 1958).

RULES RELATING TO JURORS IN CIVIL INQUESTS AT MELBOURNE.

SUMMONS TO JUROR TO ATTEND POOL OF JURORS.

You are required to attend the pool of jurors at[1] , Melbourne, and to serve as a juror in any civil case or cases[2] in the Supreme Court [*or* the County Court] [*or* the Supreme Court and the County Court] for which you may be impanelled.

You are to attend on the[3] day of 19 , at o'clock in the forenoon and you are to attend on that day and the[4] following court days if necessary. If any trial or inquiry for which you are a juror is commenced and not concluded you must remain until such trial or inquiry is concluded.

If you desire to be excused from attendance by reason of any illness or incapacity or any other matter of special urgency or importance you should, between 9.15 and 10 o'clock in the morning of any day (other than Saturday or Sunday) before the day on which you are required by this summons to attend the pool, make application to the Sheriff at the 15th Court, Law Courts, William-street, Melbourne, on oath or by affidavit or statutory declaration.

If you have not been excused by the Sheriff you must attend the pool in obedience to this summons, but if you are prevented from attending some person must be present at the pool and explain on oath the cause of your absence.

After you attend the pool in obedience to this summons you must not absent yourself without leave of the Judge or officer in charge of the pool or of the Judge presiding in any court in which you may be required to serve as a juror.

This summons must be produced when you apply for your fees for attendance.

Given under the seal of office of the Sheriff, the day of 19 .

[*Name and place of abode or business to be endorsed on the summons.*]

To

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(1) Insert exact locality of place of assembly of pool.

(2) Strike out words not applicable.

(3) Insert day and time of attendance.

(4) Insert number of additional days (not exceeding four).

And the Honorable Arthur Gordon Rylah, Her Majesty's Attorney-General for the State of Victoria, shall give the necessary directions herein accordingly.

A. MAHLSTEDT,
Clerk of the Executive Council.

By Authority: A. C. BROOKS, Government Printer, Melbourne