

HIGHWAYS.**No. 38 of 1965.****AN ACT to amend the *Highways Act 1951.***

[10 November 1965.]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

Short title
and citation.

1—(1) This Act may be cited as the *Highways Act 1965.*

(2) The *Highways Act 1951*, as subsequently amended, is in this Act referred to as the Principal Act.

2 After section four of the Principal Act the following section is inserted:—

Power to
dispose of
surplus land.

“5—(1) The Crown or other highway authority having title to a highway from the centre of the earth to the heavens may grant to the owner of land adjoining the highway land below or above the highway not required by it for the purposes of that highway either simply or so long as a specified building standing or to be built on the land remains.

“(2) Where the relevant land adjoining the highway and the land to be granted are not under the *Real Property Act 1862* and the land to be granted is land of the Crown, the Crown’s deed of grant shall not be registered under that Act but in the Registry of Deeds and when so registered shall be deemed thereby to have been entered of record.”.

SEWERS AND DRAINS.**No. 39 of 1965.****AN ACT to amend the *Sewers and Drains Act 1954.***

[3 December 1965.]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

Short title
and citation.

1—(1) This Act may be cited as the *Sewers and Drains Act 1965.*

(2) The *Sewers and Drains Act 1954*, as subsequently amended, is in this Act referred to as the Principal Act.

2 Section two of the Principal Act is amended by omitting from subsection (1) the definition of "building appeal board" and substituting therefor the following definition:—

Interpre-
tation.

" ' Building Appeal Board ' means the board constituted under Division IA of Part XVI of the *Local Government Act 1962* ;".

3 Section forty-one of the Principal Act is amended—

Offences.

- (a) by inserting in subsection (1), before the words "is liable", the words "may be prosecuted on indictment or summarily and"; and
- (b) by inserting, after subsection (1), the following subsection:—

"(1A) A person who without the permission of the local authority makes an entry for a drain into a common sewer of that authority is liable to a penalty of five hundred pounds."

4 Section fifty of the Principal Act is amended by omitting from subsection (3) the words "a building appeal board" and substituting therefor the words "the Building Appeal Board".

Drainage
of new
buildings.

5 After section fifty-one of the Principal Act the following section is inserted:—

"51A—(1) This section applies in—

- (a) household drainage districts;
- (b) general sewerage districts;
- (c) limited household drainage districts;
- (d) limited sewerage districts; and
- (e) sanitary drainage districts.

Compulsory
connection
to sewers.

"(2) The local authority may by public notice under the *Local Government Act 1962* or by notice in writing given to the persons concerned require the owners or occupiers, as the case may require, of land in an area, or abutting on a street, specified in the notice and within one hundred feet of, and capable of being drained into, a common sewer of the system of the district—

- (a) to make the same provision in respect of existing buildings as may be required for new buildings under subsection (2) of section fifty; and
- (b) as the local authority thinks fit—
 - (i) within sixty days or such further time as the local authority before or after the expiration of the period may allow to submit in accordance with the Building Regulations the applications and fees necessary before the required work can be carried out; and
 - (ii) within twenty-one days or such further time as the local authority before or after the expiration of the period may

allow to permit the local authority to carry out all or a specified part of those works.

“(3) Where the owner or occupier—

(a) fails to prosecute with due diligence an application made in accordance with paragraph (b) of subsection (2) of this section; or

(b) having obtained an approval or permit on such application—

(i) fails for one month to begin; or

(ii) fails to carry out with due diligence,

the works so approved or permitted, the local authority may on seven days' notice to the person in default enter and do the required works and have a charge on the land for its expenses of so doing.

“(4) If a person given notice under subsection (3) of this section wishes to contend that the local authority is not entitled under this section to enter and do the required works he may appeal to the Building Appeal Board which may decide the matter.

“(5) The provisions of section eighty-three apply in relation to a notice given under subsection (2) of this section.

“(6) If a person given notice under sub-paragraph (ii) of paragraph (b) of subsection (2) of this section fails to give in writing the required permission within the time allowed therefor the local authority may enter and carry out the works specified in the notice and have a charge on the land for its expenses of so doing.”.

Common
sewers to be
extended to
meet private
drains.

6 Section fifty-two of the Principal Act is amended—

(a) by omitting the words “ or section fifty-one ” and substituting therefor the words “, section fifty-one, or section fifty-one A ”; and

(b) by adding at the end thereof the following subsection:—

“(2) This section does not apply in the cities of Hobart and Launceston.”.

Regulations.

7 Section eighty-five of the Principal Act is amended by omitting subsection (2) and substituting therefor the following subsections:—

“(2) Without prejudice to the generality of subsection (1) of this section, the regulations may—

(a) deal with any matter that might be the subject of a by-law under section eighty-six;

(b) be general or in respect of particular districts;

(c) contain provisions to apply only to the districts to which they are made applicable by by-law;

(d) incorporate by reference provisions of the Building Regulations and any material that may be

incorporated in the Building Regulations by virtue of paragraph (c) of subsection (4) of section four hundred and twenty-five of the *Local Government Act 1962*; and

(e) provide that a reference—

- (i) to any rules, code, specification, or publication mentioned in that paragraph; or
- (ii) in any such rules, code, specification, or publication to any other such rules, code, specification, or publication,

shall be read as a reference to those rules or that code, specification, or publication as from time to time amended or replaced by the institution, organization, or person that issued it or them.

“(3) For the purpose of incorporation by reference in the regulations the Minister may approve and cause to be published as he may direct standard rules, specifications, and drawings.”.

SUPERANNUATION.

No. 40 of 1965.

AN ACT to amend the *Superannuation Act 1938*, the *Superannuation Act 1957*, and the *Superannuation Act 1963*. [3 December 1965.]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

1—(1) This Act may be cited as the *Superannuation Act 1965*.

Short title, citation, and commencement.

(2) The *Superannuation Act 1938*, as subsequently amended, is in this Act referred to as the Principal Act.