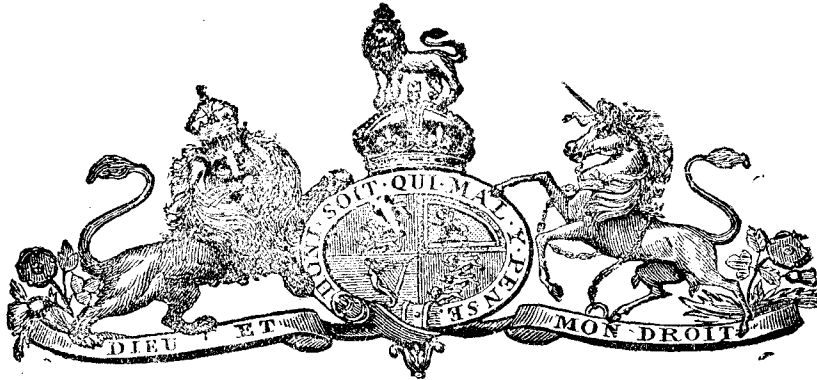


T A S M A N I A.



1931.

ANNO VICESIMO SECUNDO.

GEORGII V. REGIS.

No. 38.

ANALYSIS.

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| <p>1. Short title.</p> <p>2. Amendment of 21 Geo. V. No. 71.</p> <p> Section 2.</p> <p> Section 3.</p> <p> Power to borrow.</p> <p> Section 4.</p> <p> Power to construct sewers, &c.</p> <p> Power to expend monies on construction of conveniences, &c.</p> <p> Authority to levy rate.</p> <p> Section 9.</p> <p> Section 18.</p> <p> All properties in the sewerage district to be deemed to be seweraged after notice given by Council.</p> | <p>Authority, upon giving notice, to require owners in sewerage district to provide connections, water-closets, &c.</p> <p>Form of general notice.</p> <p>Form of further general notice.</p> <p>Section 19</p> <p>Owners to submit plans for providing water-closets and connections.</p> <p>In default of owner complying Council may carry out works at his expense.</p> <p>Section 25.</p> <p>Section 35.</p> <p>Section 37.</p> <p>Schedules</p> |
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AN ACT to amend the Devonport Sewerage Act, 1930. [8 December, 1931.]

A.D.
1931.

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 This Act may be cited as “The Devonport Sewerage Act, 1931.”

Short title.

8d.]

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Amendment
of 21 Geo. V.
No. 71.
Section 2.

Section 3.

Power to
borrow.Section 4. Power to
construct
sewers, &c.**2** The Devonport Sewerage Act, 1930, is amended—

I. As to Section Two thereof:—

- (a) By expunging the definitions of the words “Owner” and “Occupier”:
- (b) By deleting the words “contiguous to any street through or along which a sewer has been laid” in the definition of “Sewered property” and substituting therefor the words “that may be conveniently served by any sewer”: and
- (c) By inserting the word “First” before the word “Schedule” in the definition of “Sewerage district”:

II. By repealing Section Three thereof as from its commencement and substituting therefor the following new Section Three:—

“**3** It shall be lawful for the Council (on behalf of the Corporation) to borrow, on mortgage of its rates, in accordance with the provisions of the Local Bodies Loans Act as hereinafter modified, or by advance from any bank by overdraft of current account upon the credit of the Municipality, the following amounts:—

- i. Any sum or sums of money, not exceeding in the whole Thirty-eight thousand two hundred and sixty Pounds, for the purpose of defraying the cost of such drainage and sewerage works as may be undertaken by the Council under the provisions of this Act and for all costs, outgoings, charges, and expenses incidental thereto:
- ii. Any sum or sums of money, not exceeding in the whole Twenty-five thousand Pounds, in addition to the said sum of Thirty-eight thousand two hundred and sixty Pounds, in order to carry out any of the works undertaken by the Council under the provisions of Sections Four, Eighteen, and Nineteen hereof, and for all costs, outgoings, charges, and expenses of and incidental thereto:
- iii. Any sum or sums of money borrowed by the Council under this section, by advance from any bank or banks on overdraft as aforesaid, shall be in addition to any sum or sums that may be borrowed under Section Fifty-three of the Local Government Amendment Act, 1911.”:

III. By repealing Section Four thereof and substituting therefor the following new Section Four:—

“**4** It shall be lawful for the Council—

- i. To make, construct, lay down, maintain, alter, or discontinue such sewers, drains, and other

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- works as the Council may think necessary for the purposes of this Act out of the monies to be borrowed under the provisions of Subsection (1) of Section Three of this Act :
- ii. To make, perform, construct, and establish such drains, connections, and other things connecting all or any private and other premises within the sewerage district with such sewers, and to erect and construct all necessary conveniences and equip the same with such fittings as to the Council may seem fit out of the monies to be borrowed under the provisions of Subsection (2) of Section Three of this Act.” :
- IV By expunging Subsection (1) of Section Eight thereof and substituting therefor the following new Subsection (1) :—
- “ (1) For the purpose of carrying out the provisions of this Act and for providing for the payment of principal and interest in respect of money borrowed under the provisions of Subsection (1) of Section Three hereof, it shall be lawful for the Council, once in every year—
- i. To make and levy a rate (to be called a sewerage rate), not exceeding Threepence in the Pound, upon the annual value of all properties in the sewerage district as shown by the assessment roll in force for the time being, and upon which a service rate is not levied under the provisions of Paragraph ii. hereof :
- ii. To make and levy a rate (to be called the service rate), not exceeding Two Shillings in the Pound, upon the annual value of every sewered property within the sewerage district as shown by the assessment roll in force for the time being.” :
- V. By deleting the word “incorporate” in the third line of Subsection (1) and the second and sixth lines of Subsection (2), respectively, of Section Nine thereof and substituting therefor the word “unincorporate,” and by deleting the word “sewerage” in the sixth line of Subsection (1) of the same section and substituting therefor the word “service” :
- VI. By repealing Section Eighteen thereof and substituting therefor the following new Section Eighteen :—
- “**18**—(1) The Council shall, after sewers have been laid in any part of the sewerage district, cause a general notice, in the form set out in the Second Schedule hereto, to be given that the Council has made provision for carrying off the sewage from each and every property situated
- Power to expend monies on construction of conveniences, &c.
- Authority to levy rate.
- Section 9.
- Section 18
- All properties in the sewerage district to be deemed to be sewered

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given by
Council.

Authority,
upon giving
notice, to
require
owners in
sewerage
district to
provide
connections,
water-
closets, &c.

Form of
general
notice.

Form of fur-
ther general
notice.

Section 19.

Owners to
submit
plans for
providing
water-
closets and
connections.

in the sewerage district which, or any part of which, may be conveniently served by any sewer; and, after such time as is fixed by the Council in the notice, each and every such property shall be deemed and taken to be a sewered property within the meaning of this Act.

“(2) The Council may also, by a further general notice, in the form set out in the Third Schedule hereto, order that the owner of each and every such property, as mentioned in the last preceding subsection hereof, shall, within such time as is specified in such further notice, or within such further time as the Council may allow, provide such proper water-closet or water-closets, drains, appliances, apparatus and connections with such sewer or sewers as are prescribed or directed by the Council.

“(3) The general notice referred to in Subsection (1) of this section shall—

- I. Be in the form of the Second Schedule: and
- II. Be advertised once in the Gazette and once in a newspaper.

“(4) The further general notice referred to in Subsection (2) of this section shall—

- i. Be in the form of the Third Schedule: and
- ii. Be given by serving the same on the owner of any property which, or any part of which, may be conveniently served by any sewer or by leaving the same on such property.”:

VII. By repealing Section Nineteen thereof and substituting therefor the following new Section Nineteen:—

“**19**—(1) Within one month after a date to be specified in the further general notice or within such further time as the Council (either before or after the expiration of such month) allows, the owner of each and every property which, or any part of which, may be conveniently served by any sewer shall, if there are any houses or buildings on such property—

- I. Submit for the approval of the Council, a plan (including a plan drawn to scale) and specification for providing such property with such water-closet or water-closets and such drains, appliances, apparatus, and connections fitted and laid in such manner as set forth in any by-law or direction of the Council or any modification thereof which the proper officer, on written application made to him, approves in writing under his hand, and such owner shall, in writing, undertake to carry out such plan within one month, or such further time as the Council allows if the plan is approved by the Council: or

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- ii. Submit, for the approval of the Council, a plan and specification as aforesaid, and, in writing, request the Council, if it does not approve thereof, to make such alterations and amendments therein as the Council considers necessary, and thereupon the Council shall do so or give its approval to the first-named plan and specification, and, if any alterations are required, the owner shall forthwith make the same to the satisfaction and approval of the Council. As soon as the Council gives its approval, such owner shall, in writing, undertake to carry out such plan and specification within one month or such further time as the Council allows, or shall, in writing, request the Council to carry out the same at the cost and expense of the said owner, and thereupon the Council shall do so. Any expenses connected with the preparation of plans and estimates by the Council for an owner shall be paid by the owner.

“(2) If within such one month or such further time as aforesaid any such owner has not complied with any of the foregoing requirements, or if after undertaking so to do any such owner has not within the time limited provided such water-closet or water-closets and such drains, appliances, apparatus, and connections as aforesaid, then the Council may order such owner to comply with such of the requirements of the further general notice as it deems to be necessary, or, in default of such compliance, may carry out such undertaking (as the case may be).

In default of owner complying, Council may carry out works at his expense.

“(3) When the Council carries out the work of providing such water-closet or water-closets and such drains, appliances, apparatus and connections, the Council shall, at its own cost and expense, keep and maintain the same in good repair for a period of twelve months from the time of completing the work, unless the necessity for such repair is caused by the wilful act or negligence of the owner or occupier of the premises.

“(4) The Council, by its proper officer, may at any reasonable time in the daytime, after twenty-four hours notice, in writing, has been given to the occupier or left upon the premises with some person residing thereon, or in case there is no person resident on the said premises, without notice, enter any premises and ascertain and determine whether any such further general notice has or has not been complied with.

“(5) The Council may cause the works hereinbefore mentioned to be inspected while in progress ; and from

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Section 25.

Section 35.

Section 37.

Schedules.

time to time during their execution the proper officer may, in writing, order such reasonable alterations therein or additions thereto as he thinks necessary.” :

VIII. By inserting after the word “ Council ” in the first line of Subsection (1) of Section Twenty-five thereof the words “ by its proper officer,” and by deleting the words “ person so appointed ” in the seventh line of that subsection and substituting therefor the words “ proper officer ” :

IX. By inserting after the word “ sewer ” in the third line of Subsection (1) of Section Thirty-five thereof the words “ or drains ” :

X. By inserting after the word “ sewer ” in the third and fourth lines respectively of Subsection (1) of Section Thirty-seven thereof the words “ or drains ” :

XI. By inserting the word “ First ” before the word “ Schedule ” in the heading to the schedule thereto and adding after the end of that schedule the following Second and Third Schedules :—

“ SECOND SCHEDULE.

MUNICIPALITY OF DEVONPORT.

GENERAL NOTICE.

The Devonport Municipal Council having made sewers for carrying off the sewage from each and every property which or any part of which is included within the area hereinafter described doth hereby declare that on and after the day of 19 each and every property which or any part of which is included in the said area shall be deemed to be a sewered property within the meaning of the Devonport Sewerage Act 1930.

The boundaries of the sewage area herebefore referred to are [*here describe them*].

By order of the Council.

Council Clerk.

“ THIRD SCHEDULE.

MUNICIPALITY OF DEVONPORT

FURTHER GENERAL NOTICE.

The Devonport Municipal Council having made sewers for carrying off the sewage from each and every property which or any part of which is included in the area hereinafter described doth hereby order as follows (that is to say) :—

(1) Within one month after the day of 19 or within such further time as the Council either before or after the expiration of such one

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month allows the owner of each and every property which or any part of which is included in the said area shall if there are any houses or buildings on such property—

- i. Submit for the approval of the Council a plan (including a map drawn to scale) for providing such property with such water-closet or water-closets and such drains, appliances, apparatus and connections fitted and laid in in such manner as set forth in any by-law or direction of the Council or any modification thereof which the proper officer of the Council on written application made to him approves in writing under his hand and such owner shall in writing undertake to carry out such plan within one month or such further time as the Council allows if the plan is approved by the Council; or
- ii. Submit for the approval of the Council a plan as aforesaid and in writing request the Council if it does not approve thereof to make such alterations and amendments therein as the Council considers necessary and thereupon the Council shall do so or shall give its approval to the first-named plan and if any alterations are required the owner shall forthwith make the same to the approval of the Council. As soon as the Council gives its approval such owner shall in writing undertake to carry out such plan as the Council determines within one month or such further time as the Council allows or shall in writing request the Council to carry out the same at the cost and expense of the said owner and thereupon the Council shall do so. Any expenses connected with the preparation of plans and estimates by the Council for an owner shall be paid by the owner.

(2) If within such one month or such further time any such owner has not complied with some one of the foregoing requirements or if after undertaking so to do any such owner has not within the time limited provided such water-closet or water-closets and such drains appliances apparatus and connections as aforesaid then the Council may order such owner to comply with such of the requirements of this further general notice as it deems to be necessary or may carry out such undertaking (as the case may be) and such order shall be an order disobedience of which is punishable by a penalty of Twenty Pounds and a continuing penalty of Five Pounds per day.

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(3) In the event of the Council executing the work the Council will if so requested accept payment of the costs and expenses by forty quarterly instalments bearing interest at a rate not exceeding One Pound per centum per annum more than the rate of interest payable by the Council at the time of the request on moneys borrowed by it for the purpose pursuant to the Devonport Sewerage Act 1931 or the whole may be paid off at any time with interest as aforesaid to the date of payment.

(4) The area hereinbefore referred to is [*here describe it*].

(5) The by-law of the Council can be inspected at the office of the Council situate at the Council Chambers Rooke-street Devonport.

By order of the Council.

Council Clerk."