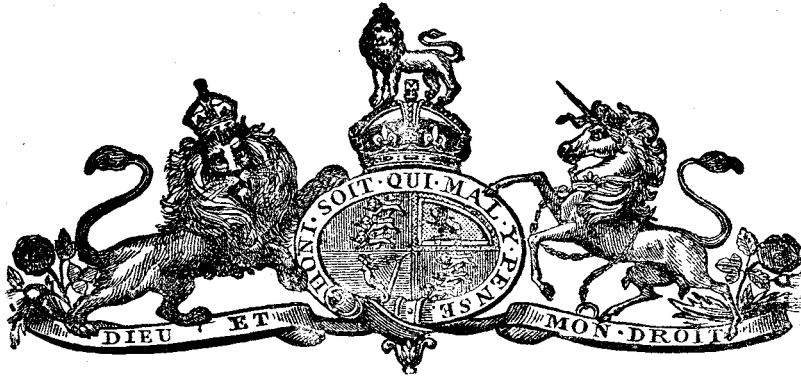


TASMANIA.

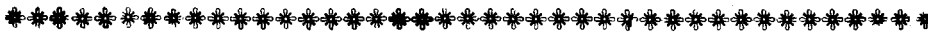


1904.

ANNO QUARTO

EDWARDI VII. REGIS,

No. 32.



AN ACT to further amend "The Metropolitan Drainage Act, 1898." [11 November, 1904.] A.D. 1904.

WHEREAS it is desirable to further amend "The Metropolitan Drainage Act, 1898," in manner hereafter appearing: PREAMBLE. 62 Vict. No. 47.

Be it therefore 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 Metropolitan Drainage Amendment Act, 1904." Short title.

2 In this Act— Interpretation. 62 Vict. No. 47.
"The said Act" shall mean "The Metropolitan Drainage Act, 1898."

"The said Amending Act" shall mean "The Metropolitan Drainage Act, 1903." 3 Ed. VII. No. 15

4d.]

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A.D. 1904.

Amendment of
62 Vict. No. 47,
Sect. 2.Definition of
sewer.

3 In Section Two of the said Act, for the definition of the word "sewer," there shall be substituted the following definition, and such substitution shall be deemed to take effect as from the commencement of the said Act:—

"Sewer" shall mean and include any sewer or underground drain, gutter, or channel, except a drain to which the word "drain" as before interpreted applies, and shall also include any drain, branch or portion of a drain, laid between a sewer and the boundary-line of any allotment or curtilage, or for any part of the distance between a sewer and the boundary-line of any allotment or curtilage, but shall not include the *Hobart Rimulet*, or any other open natural watercourse or stream, into which sewage is received or discharged, or in which sewage flows.

Drainage of
group of pro-
perties.

4 If it appear to the Board that a group of properties may be drained and improved more economically or advantageously in combination than separately, the Board may construct a sewer of sufficient size in a convenient position, either within or in the vicinity of such group of properties or any part thereof, to receive the drainage and sewage of such group of properties; and such sewer when so constructed shall be deemed to be a sewer for the purposes of the said Act and the said Amending Act, and upon notices being given by the Board to the owners of such properties that such sewer has been constructed and that provision has been made for carrying off the drainage and sewage of each and every such property in respect of which such notice has been given as aforesaid, then each and every such property shall be deemed and taken to be a sewered property within the meaning of the said Amending Act, and all the provisions of the said Act and of every Act amending the same shall apply to such property in the same manner as if the same abutted on a street in which a sewer of the Board has been laid.

Amendments of
62 Vict. No. 47.

5 The following Amendments are hereby made in or with respect to the several Sections of the said Act in this Section referred to:—

Section 22—

After the word "distributing," in the Second line, the words "destroying, utilising" are hereby inserted.

For Sub-section i. of the said Section Twenty-two, there shall be substituted the following:—

"i. Construct and make as it thinks necessary, from time to time, any sewers or works within the Metropolitan Drainage Area or (subject to the provisions of this Act as to sewage works without the Area) without the said Area, whether such sewers or works were in any previously approved scheme or system or not."

After the word "Area," in the Third line of Sub-section ii. of the said Section Twenty-two, the words "and may erect or

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construct any necessary works, machines, or machinery" are hereby inserted. A.D. 1904.

Section 38—

After Sub-section vi. there shall be inserted the following additional Sub-section:—

"vii. With respect to the levels, dimensions, construction, maintenance, ventilation, and cleansing of sewers and drains connected with or discharging sewage into sewers in order to secure the efficient maintenance of the main and general sewerage system."

Section 46—

After the word "cleansing," in the Second paragraph, the words "or repairing" are hereby inserted.

6 The following Amendments are hereby made in, or with respect to, the several Sections of the said Amending Act in this Section referred to:— Amendments of 3 Ed. VII. No. 15.

Section 25—

After the word "things," in the Fourth line, the words "on behalf of any owner or occupier" are hereby inserted: and after the word "recoverable," in the Sixth line, the words "from the owner or occupier, as the case may be," are hereby inserted.

Section 26—

Is hereby repealed, and in lieu thereof the following shall be and be deemed to be and may be cited as Section Twenty-six of the said Amending Act:—

"**26** In all cases in which the Board provides any water-closet, or water-closets, or drains, appliances, apparatus, and connections, pursuant to the requirement of any owner, as hereinbefore provided, the Board shall, at the written request of the owner, accept payment of such costs and expenses by Twenty-eight quarterly instalments, bearing interest on such portion as from time to time remains unpaid, at the rate of Five Pounds per centum per annum."

Section 37—

After the word "hereof," in the Eighth line, the words "or of the said Act" are hereby inserted.

7 Such part of any drain or sewer which drains or partly drains any one allotment or curtilage, and is between the boundary-line of such allotment or curtilage, and the point at which it connects with any sewer conveying the sewage of Two or more properties occupied by different persons, shall be maintained, repaired, and cleansed by either the owner or the occupier of such allotment or curtilage at his own cost and expense. Branch sewers used by one property only to be repaired and cleansed by owner or occupier.

When, in the opinion of the Board's Engineer, any such part of any such drain or sewer requires maintaining, repairing, or cleansing, the Board may give notice in writing to the owner or the occupier (as the Board sees fit) of the allotment or curtilage drained by such drain or

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sewer, requiring such owner or occupier, as the case may be, to do what may be necessary to effect such maintaining, repairing, or cleansing to the satisfaction of the said Engineer, within such time as may be specified in such notice, or to request the Board in writing within such time as may be specified in such notice, to do such work at his expense and cost, provided the damage to or obstruction in such drain or sewer is certified by the said Engineer to be caused by the negligence of such owner or occupier.

If such request as aforesaid be made, or if such notice be not complied with by such owner or occupier of the premises, the Board may, if it thinks fit, execute such works, and do such things as may be necessary or required, and the expenses incurred by it in so doing shall be paid to it by such owner or occupier as the case may be.

Acts to be read
together.

8 This Act and the said Act, and every Act amending the said Act, shall, save as altered and amended by this Act, be read and construed together as one and the same Act; and the said Act and every Act amending the said Act and this Act may be referred to and may be cited for all purposes as "The Metropolitan Drainage Acts, 1898 to 1904."