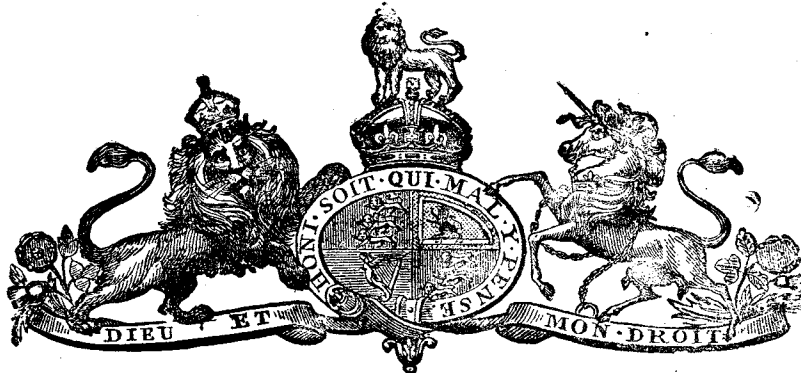


TASMANIA.



1908.

ANNO OCTAVO

EDWARDI VII. REGIS,

No. 47.

ANALYSIS.

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| <ul style="list-style-type: none"> 1. Short title. 2. Interpretation. 3. Power to borrow. 4. Power to borrow for the purpose of providing water-closets, &c. 5. Governor may grant loans to Board. 6. Power to reborrow sums paid off. 7. Power to repay borrowed moneys by instalments. 8. Land vested in Board. 9. Land vested in the Board. 10. Land vested in the Board for Ten years. 11. Amendment of Section 38, Sub-section IV., of 62 Vict. No. 47. | <ul style="list-style-type: none"> 12. Amendment of Section 38 of 62 Vict. No. 47. 13. Extension of provisions of the said Acts to sewers constructed within private property. 14. Drainage of group of properties. Repeal of Section 4 of 4 Edw. VII. No. 32. 15. Judge may assess compensation in certain cases. 16. Benefit to owner to be considered. 17. Penalty for allowing foul water to flow into open gutters. 18. Acts to be read together. |
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AN ACT to amend "The Metropolitan Drainage Acts, 1898 to 1906." A.D. 1908.

[14 December, 1908.]

WHEREAS it is desirable to amend "The Metropolitan Drainage Acts, 1898 to 1906," in manner hereinafter appearing: PREAMBLE.

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 for all purposes as "The Metropolitan Drainage Amendment Act, 1908."

6d.]

Metropolitan Drainage Amendment.

A.D. 1908.

Interpretation.
62 Vict. No. 47.**2** In this Act—

The expression “the said Act” shall mean “The Metropolitan Drainage Act, 1898 :”

The expression “the said Acts” shall mean and include the said Act and every Act amending the said Act :

The expression “the Board” shall mean “the Metropolitan Drainage Board :”

Power to borrow.

3 It shall be lawful for the Board to borrow and take up at interest, for the purpose of effectuating the objects authorised by the said Acts, any sum or sums of money not exceeding Forty thousand Pounds in the whole, further and in addition to the several sums of One hundred thousand Pounds and Thirty thousand Pounds respectively authorised to be borrowed by Section Fifty-one of “The Metropolitan Drainage Act, 1898,” and Section Three of “The Metropolitan Drainage Amendment Act, 1906.”

62 Vict. No. 47.
6 Ed. VII. No. 43.Power to borrow
for the purpose of
providing water-
closets, &c.

4 It shall be lawful for the Board to borrow and take up at interest, for the purposes mentioned in Section Four of “The Metropolitan Drainage Amendment Act, 1906,” any sum or sums of money not exceeding Ten thousand Pounds in the whole, further and in addition to the sum of Twenty-five thousand Pounds by the said section authorised to be borrowed, and in addition to any other sum or sums of money which the Board is authorised to borrow under and by virtue of the said Acts and the last preceding section of this Act.

Governor may
grant loans to
Board.

54 Vict. No. 30.

5 It shall be lawful for the Governor to grant, in accordance with the provisions of “The Local Public Works Loans Acts, 1890,” as a loan or loans to the Board for the purpose of effectuating the objects authorised by the said Acts, any sum or sums of money not exceeding Forty thousand Pounds in the whole, and also for the purposes mentioned in Section Four of “The Metropolitan Drainage Amendment Act, 1906,” or any of such purposes, any sum or sums of money not exceeding Ten thousand Pounds in the whole, such respective sums of money to be in addition to the sum or sums which the Governor is authorised by the said Acts to grant as a loan or loans to the Board ; and such sum or sums shall be defrayed out of moneys to be provided by Parliament for the purpose. The proviso to Section Two of “The Local Public Works Loans Act, 1890,” shall not apply to any loan authorised to be granted to the Board under the provisions of the lastmentioned Act.

Power to
reborrow sums
paid off.

6 If after having borrowed any sum or sums of money under the provisions of Section Four of this Act, the Board shall pay off the same or any portion thereof, it shall be lawful for the Board again to borrow, and for the Governor to grant to the Board as a loan, for the same purposes as are mentioned in the said section, a sum equal to the sum so paid off, or any less sum or sums, and so on from time to time : Provided that the money to be borrowed for such purposes shall not at any time exceed Ten thousand Pounds in the whole.

Metropolitan Drainage Amendment.

7 The provisions of Sections Six and Seven of "The Metropolitan Drainage Amendment Act, 1906," shall extend to any moneys borrowed under the authority of this Act, and such provisions and the provisions of Section Five of this Act shall extend to any sum or sums reborrowed under Section Six hereof.

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Power to repay borrowed moneys by instalments.

8 The Board may construct any sewer, drain, or other work through, across, or under the piece of land described in the Schedule (1.), and if any portion of the said piece of land is subject to the provisions of the Act of the Parliament of *Tasmania* 24 *Victoriae*, No. 16, then the powers conferred by this section shall take effect notwithstanding anything to the contrary contained in such Act.

Land vested in Board.
Schedule (1.).

9 The piece of land described in the Schedule (2.) is hereby vested in the Board for the purposes of the said Acts, but the vesting in the Board of so much of the said piece of land as is now vested in the Corporation of the city of *Hobart* by virtue of "The *Hobart* Corporation Act, 1893," shall be postponed until such time as the same shall cease to be occupied and used by the said Corporation as a public slaughterhouse for the said city.

Land vested in the Board.
Schedule (2.).57 Vict. No. 11,
s. 202 and
Schedule (12.).
Cf. 3 Ed. VII.
No. 32, s. 7.

10—(1.) The piece of land described in the Schedule (3.) is hereby vested in the Board for the period of Ten years from the commencement of this Act, for the purposes of the said Acts.

Land vested in the Board for Ten years.
Schedule (3.).

(2.) In case any portion or portions of the said piece of land by this section vested in the Board is or are at any time during the said period of Ten years deemed by the Governor to be necessary to be resumed for the purposes of the Government railways of *Tasmania*, it shall be lawful for the Governor, or any person authorised by the Governor in that behalf, to enter thereupon without suit, and to form, use, repair, and maintain thereon such railways as may be deemed necessary by the Government of *Tasmania*, and to join any lines of railway the property of the Crown now existing or which may hereafter be made. Upon such entry as aforesaid such portion or portions of the said piece of land shall revert to the Crown as and for the same estate and interest as the Crown now has in the same.

11 Section Thirty-eight of the said Act is hereby amended by omitting Subsection iv., and inserting in lieu thereof the following subsection :—

Amendment of Section 38, Sub section iv., of 62 Vict. No. 47

"iv. With respect to the conditions under which the sewers of the Board may be used, and house drains connected therewith, and to the manner and position in which sewers, drains, manure-bins, water-closets and urinals, and buildings used or to be used for water-closets and urinals, shall be constructed, ventilated, fitted, and supplied with water for flushing, and as to the materials and apparatus to be used for any of those purposes, and as to the screening from view of the entrances to water-closets and urinals."

Metropolitan Drainage Amendment.

A.D. 1908.

Amendment of
Section 38 of
62 Vict. No. 47.

12 Section Thirty-eight of the said Act is amended by inserting the following paragraph to follow paragraph VII. :—

“ VIII. With respect to the mode in which the provisions of Sections Thirteen and Twenty-two of ‘The Metropolitan Drainage Act, 1903,’ shall be given effect to, and for declaring the manner in which such provisions shall be carried out.”

Extension of
provisions of the
said Acts to
sewers constructed
within private
property.

13 After the construction of any sewer laid by the Board, either wholly or partly through or in private premises, any property which, in the opinion of the engineer of the Board, can be conveniently connected with such sewer shall be a sewered property within the meaning of “The Metropolitan Drainage Amendment Act, 1903,” and shall be subject to all the provisions of the said Act as if it abutted on a street in which the Board had laid a sewer; and every notice given by the Board shall apply to the owners of such properties in the same manner and to the same extent as if such properties abutted on a street in which the Board had laid a sewer.

Drainage of
group of pro-
perties.

14—(1.) If it appear to the Board that a group or number of houses or premises may be drained or improved more economically or advantageously by the construction of a sewer through or within or in the vicinity of such houses or premises, or any of them, and that such houses or premises should be connected with such sewer instead of with a sewer constructed or which might be constructed in the street or streets upon which such houses or premises or any of them abut, of which matters the Board shall be the sole judge, then and in such case the Board may construct a sewer of sufficient size in a convenient position through or within or in the vicinity of such houses or premises, or any of them or any part of any of them, to receive the drainage and sewage of such group or number of houses or premises only.

Repeal of Section
4 of 4 Ed. VII.
No. 32.

(2.) Section Four of “The Metropolitan Drainage Amendment Act, 1904,” is hereby repealed.

Judge may assess
compensation in
certain cases.

15 To Section Thirty-four of the said Act there shall be added the following paragraph :—

“ If either party is dissatisfied with any award of the court of general sessions where the sum awarded exceeds One hundred Pounds, such party may have the amount of compensation settled by a judge of the Supreme Court in the same manner and subject to the same conditions in all respects as provided in Section Twenty-six of this Act with regard to compensation awarded by any arbitrators or umpire. Upon any appeal to a court of general sessions under this section, the court shall have power to order payment of the costs of the successful party by the losing party, and in default of payment to order distress.”

Benefit to owner
to be considered.

16 In estimating or determining the compensation to be paid to any person for or in respect of any matter or thing done or intended to be done by the Board under the powers conferred by the said Acts,

Metropolitan Drainage Amendment.

regard shall be had to the advantages or benefit which will, or are likely to, accrue to such person by reason of such matter or thing done or intended to be done by the Board, and a deduction shall be made accordingly from the amount which but for this provision would have been paid or payable as compensation. A.D. 1908.

17 If any person shall throw or cast, or shall allow to be thrown or cast, or shall cause to flow or fall, any foul water or other foul liquid from any property connected with the Board's sewers into any open gutter or underground drain or channel not connected with such sewers, such person shall be guilty of an offence against the said Act, and shall be liable upon conviction to the penalties mentioned in Section Seventy-eight thereof. Penalty for allowing foul water to flow into open gutters.

18 The said Acts, save as altered and amended by this Act, and this Act shall be read and construed together as one and the same Act; and the said Acts and this Act may be referred to, and may be cited for all purposes, as "The Metropolitan Drainage Acts, 1898 to 1908." Acts to be read together.

SCHEDULES.**(1.)****CITY OF HOBART.****EASEMENT.**0A. 2R. 17 $\frac{2}{10}$ P.

Bounded on the north-west by 20 chains 17 $\frac{2}{10}$ links north-easterly in several bearings through the land described in Schedule (3.) to this Act along Crown land and along the bed of the River Derwent commencing at a point distant 2 chains 23 links south-easterly from the east angle of 9 perches of land purchased by the Hobart Gas Company on the east by 30 $\frac{2}{10}$ links southerly also along the bed of the River Derwent on the south-east by 19 chains 90 $\frac{1}{10}$ links south-westerly in several bearings also along the bed of the River Derwent along Crown land and through the land described in Schedule (3.) to this Act and thence on the south-west by 30 $\frac{2}{10}$ links north-westerly along the land described in Schedule (2.) to this Act to the point of commencement.

(2.)**CITY OF HOBART.**1A. 1R. 7 $\frac{5}{10}$ P.

Bounded on the north-west by 2 chains 58 $\frac{5}{10}$ links north-easterly along 0a. 0r. 9p. of land purchased by the Hobart Gas Company commencing at the south angle thereof on Gasworks-lane on the north-east by 2 chains 15 $\frac{2}{10}$ links south-easterly through the City Abattoirs again on the north-east by 3 chains 10 $\frac{2}{10}$ links south-easterly along the land described in Schedule (3.) to this Act on the south-east by 2 chains 30 $\frac{2}{10}$ links south-westerly along land leased to the Mayor Aldermen and citizens of the city of Hobart and thence on the south-west by 4 chains 83 $\frac{2}{10}$ links north-westerly in two bearings along Gasworks-lane aforesaid to the point of commencement.

Metropolitan Drainage Amendment.

A.D. 1908.

(3.)

CITY OF HOBART.

1A. OR. 38P. INCLUDING EASEMENT.

Bounded on the south-west by 3 chains $0\frac{2}{10}$ links north-westerly along the land described in Schedule (2.) to this Act commencing at the east angle thereof crossing the easement described in Schedule (1.) to this Act on the north-west by 3 chains 98 links north-easterly along the City Abattoirs on the north-east by 3 chains $10\frac{7}{10}$ links south-easterly along Crown land (recrossing the beforementioned easement) and thence on the south-east by 3 chains $98\frac{1}{10}$ links south-westerly along land leased to the Mayor Aldermen and citizens of the city of Hobart to the point of commencement.