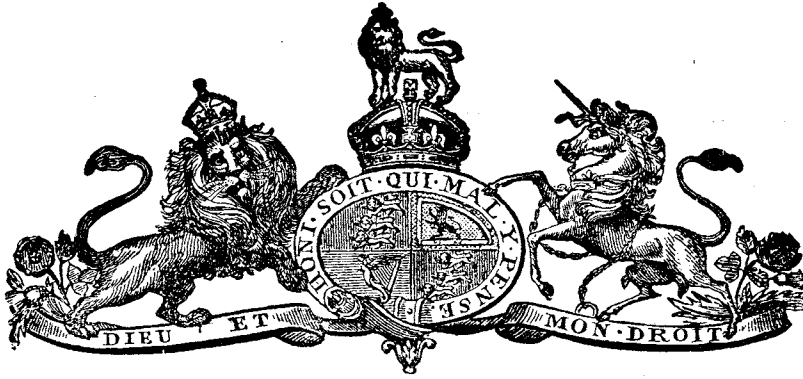


TASMANIA



1913.

ANNO QUARTO

GEORGI V. REGIS.

No. 27.

ANALYSIS.

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Cost of connections to be repaid. 11. Powers of entry on private land. 12. Power to levy rate. 13. Power to rate Crown and other properties. |
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AN ACT to enable the Council of the Municipality of Penguin to borrow a Sum or Sums of Money, not exceeding in the whole the Sum of Two thousand Pounds, for the purpose of providing a System of Drainage and Sewerage for the Town of Penguin.

A.D. 1913.

[24 December, 1913.]

WHEREAS it is expedient to provide an efficient drainage and sewerage system for the Town of Penguin: PREAMBLE.

And whereas the Council of the Municipality of Penguin is desirous of obtaining legislative authority to borrow the money necessary to carry out the said works under the provisions of "The Local Public Works Loans Act, 1890":

6d.]

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A.D. 1913.

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:—

Short title.

1 This Act may be cited as “The Penguin Sewerage Act, 1913.”

Interpretation.
“The sewerage district.”

2 In this Act—

“The sewerage district” means and includes all that part of the Municipality of Penguin situate within the boundaries described as follows:—The eastern boundary to be the eastern side-line of the property of General *Wilson* Penguin east; the northern boundary to be the sea coast; the western boundary to be the eastern side-line to its southernmost point of the block selected by *Long* and *Walton*; thence to strike an imaginary line south-east to the north-western corner of block selected by *T. Giblin*; and thence eastwards along the northern line of this block and continuing due east to where it meets the eastern boundary, as above:

“The Corporation.”

“The Corporation” means the Warden, councillors, and electors of the Municipality of Penguin:

“The Council.”

“The Council” means the Council of the said municipality.

Powers and authorities of “Local Government Act, 1906,” to apply where not inconsistent.

3 All powers and authorities conferred and all duties imposed on councils of municipalities by “The Local Government Act, 1906,” and by any other Act incorporated therewith, shall, where not inconsistent with this Act, and when applicable, be exercised and performed by the Council for the purposes of this Act; and the provisions of the said Act and of any other Act incorporated therewith, when applicable to the subject-matter of this Act, shall be deemed to be embodied in this Act for the purposes of this Act.

Power to borrow.

4 It shall be lawful for the Council (on behalf of the Corporation) to borrow any sum or sums of money, not exceeding in the whole Two thousand Pounds, for the purpose of defraying the cost of such drainage and sewerage works as may be necessary, and of all costs, outgoings charges, and expenses incidental thereto.

Poll to be taken prior to borrowing.

5 The Council shall not proceed in the matter of borrowing any sum of money under the authority of this Act until after a poll has been taken of the electors of the municipality of Penguin who are the owners or occupiers of property within the sewerage district, for the purpose of ascertaining whether the Council shall be permitted to proceed to borrow such moneys. If at the taking of such poll a less number than Two-thirds of the votes recorded shall be in favour of the Council proceeding to borrow, the Council shall not borrow: Provided that in the event of there not being the necessary number of votes recorded at such poll in favour of the Council borrowing such money, the Council may, at any time after the expiration of Three months.

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cause another poll of such electors to be taken, and if at any such subsequent poll the the necessary number of votes is recorded in favour of the Council borrowing, the Council may proceed to borrow. A.D. 1913.

6 Subject to the foregoing provision, every poll of electors taken under the provisions of this Act shall be taken as nearly as may be in the same manner as a poll taken for the election of councillors of a municipality, and every such elector as aforesaid shall be entitled to the same number of votes as the number to which such elector appears by so much of the assessment roll as relates to the sewerage district to be entitled, on the same scale of voting as applies to municipalities, and the ballot-papers to be used shall be in the form set forth in the schedule to this Act. Manner of taking poll.

7 When the Council shall decide to take a poll as aforesaid, it shall cause an advertisement thereof to be inserted Once in the "Gazette," not less than Three days before the taking of the poll, and Three times in a daily newspaper circulating in the sewerage district, and the First of such newspaper advertisements shall appear not less than Seven days before the taking of the poll, and the last of such advertisements on the day preceding the taking of the poll. Notice of poll.

Such advertisements shall contain the following particulars :—

- i. The time and place of taking such poll :
- ii. The works proposed to be constructed or performed by the Council :
- iii. The estimated cost of such works :
- iv. The amount of money proposed to be borrowed for such works.

8 Subject to the foregoing provisions it shall be lawful for the Governor to grant, in accordance with the provisions of "The Local Public Works Loans Act, 1890," any sum or sums of money, not exceeding in the whole Two thousand Pounds, as a loan to the Council upon the security of all its revenues for the purposes mentioned in Section Four of this Act ; and such sum or sums of money shall be defrayed out of moneys to be provided by Parliament for that purpose : Provided that it shall not be necessary to lay before either House of Parliament plans and specifications of any such construction and works, nor the report of the Engineer-in-Chief thereon ; but before any part of the said sum of Two thousand Pounds shall be advanced to the Council plans and specifications of the proposed works, together with a report of the Engineer-in-Chief upon the probable cost thereof, the sufficiency of the plans and specifications, and upon such other matters connected with the works as the Engineer-in-Chief may deem it desirable to refer to in his said report, and that the work can, in his opinion, be completed for the amount proposed to be borrowed, shall be submitted to and be subject to approval by the Governor. Power to Governor in Council to grant loan of £2000.

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Sum of £2000 to be paid to Council as Governor shall determine, and may be repaid in instalments.

Council may make private connections.

Cost of connections to be repaid.

Powers of entry on private land.

Power to levy rate.

Power to rate Crown and other properties.

9 The said sum of Two thousand Pounds shall be paid to the Council at such times, in such manner, and subject to such conditions, as the Governor shall determine. And it shall be lawful for the Council from time to time, as to it may seem expedient, to pay off the said loan moneys by instalments of One hundred Pounds or multiples of One hundred Pounds.

10 It shall be lawful for the Council out of the moneys to be borrowed under the provisions of this Act to make, perform, construct, and establish such drains, conveniences, connections, and other things connecting all private and other premises within the sewerage district with such main sewer as to the Council may seem fit. The amount of money expended in respect of each particular premises shall be payable to the Council by the owner or owners of such premises in such manner as the Council may decide. The amounts of money so expended shall be deemed to be expenses within the meaning of "The Local Government Act, 1906," and shall be recoverable as therein provided.

11 For the purposes of making, performing, constructing, and establishing such drains, conveniences, connections, and things as aforesaid, or of cleansing, renewing, repairing, or amending the same (the cost of which shall be payable by such owner or owners as aforesaid, as expenses as aforesaid and in like manner), it shall be lawful for the Council, their inspectors, overseers, contractors, and workmen to enter upon any land or premises at all reasonable hours during the day time, and to do all things necessary or proper for the abovementioned purposes, or any of them: Provided that in every case such entry shall be made so as to interfere as little as possible with the occupier of such land or premises or his business.

12 It shall be lawful for the Council to make and levy a rate (to be called a sewerage rate), upon the annual value of all properties within the sewerage district, as shown by the assessment roll in force for the time being, for the purpose of carrying out the provisions of this Act, and for providing for the payment of interest and any moneys required for a sinking fund in respect of the said loan. Any such rate shall be made upon and be payable by the persons who would be liable to be rated in respect of the properties included in the sewerage district, if such rate were a general rate under "The Local Government Act, 1906," and shall be made and recoverable in the same manner as any such general rate; but such rate shall not exceed in any one year the sum of Two Shillings in the Pound upon the annual value of all properties within the town.

13—(1) Every property upon which any building is erected, belonging to or used by or on behalf of the Crown, or any person or body of persons, corporate or unincorporate, notwithstanding that such property may be exempt from any tax or rate which may be imposed

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or levied by the Council, shall be subject to the sewerage rate made and levied in pursuance of the next preceding section, the assessment being on the same principle as on other property within the sewerage district. A.D. 1913.

(2) The Crown or any person or body of persons, corporate or unincorporate, may in every such case as is mentioned in the last preceding subsection commute its liability to pay any such rate by contribution of an annual sum, to be agreed upon by the Council and the Treasurer of the State or Commonwealth, or any person or body of persons, corporate or unincorporate, as the case may be.

SCHEDULE.

BALLOT-PAPER.

Yes.

No.

If you are in favour of the Council borrowing Two thousand Pounds to provide for sewerage and drainage of the Town of Penguin, you will place a cross, thus x, opposite the word "Yes." If you are opposed to the Council borrowing the money, you will place a cross, thus x, opposite the word "No."

