

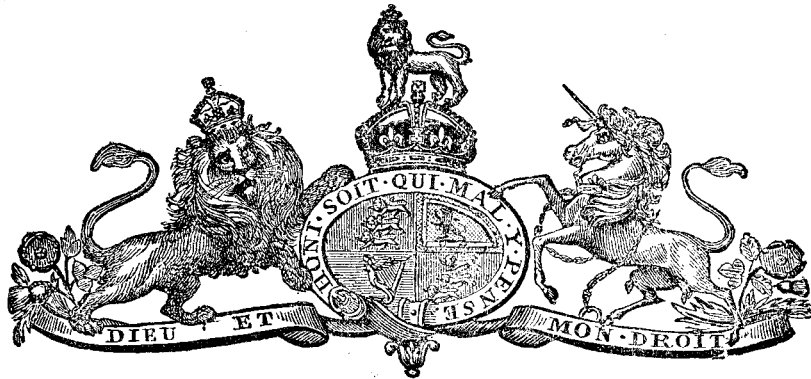
TASMANIA.

 THE ULVERSTONE SEWERAGE .
 ACT, 1932.

ANALYSIS.

- | | |
|---|---|
| <ol style="list-style-type: none"> 1. Short title. 2. Interpretation. 3. Existing sewers vested in Corporation 4. Power to construct, maintain, &c. 5. Power to extend sewers. 6. Water closets to be provided within the said areas. 7. Power to construct under streets and private property. 8. Power to enter on land, &c. 9. Cleansing rate to be applied to maintenance, &c., of the said sewers. 10. Special sewerage rate may be levied. 11. Property of Crown, &c., liable to this Act in all respects. 12. Council to provide a sewerage map. 13. All sewers, &c., constructed so as not to be a nuisance. 14. Power to cause drainage of group of houses. 15. Council's consent necessary to sewer construction. 16. All drains, &c., to be kept so as not to be a nuisance. | <ol style="list-style-type: none"> 17. No building to be newly erected over sewer. 18. Power to construct sewers under buildings. 19. Protection for trustees. 20. Power of agents. 21. Lessee's right of removing buildings controlled. 22. Council may vest other sewers in the Municipal Corporation. 23. Council may, by agreement, sewer beyond the said areas. 24. By-laws. 25. Buildings not to be erected in, over, or under sewers. 26. Penalty on persons sweeping dirt into sewers. 27. Penalties on persons interfering with sewers. 28. Penalty on occupier disobeying Act or orders of sewerage authority 29. Penalty for offence against this Act. 30. Recovery of penalties. 31. Penalties recoverable by the Council. 32. Recovery of penalty not to prejudice right to take other proceedings. 33. Information, &c., in name of Council. |
|---|---|

TASMANIA



1932.

ANNO VICESIMO TERTIO

GEORGII V. REGIS.

No. 57.

AN ACT to vest certain existing Sewer Mains, together with all connections therewith, within the Town of Ulverstone, in the Warden, Councillors, and Electors of the Municipality of Leven, and to confer upon the Council of such Municipality Authority to provide a System of Sewerage for the Town of Ulverstone, and for other purposes.

A.D.
1932.

[18 January, 1933.]

WHEREAS there exists in and for the service of portions of that part of the Town of Ulverstone described in the Schedule as "No. 1 Area" three sewer mains discharging into the River Leven and in and for the service of portions of that part of the said Town similarly described as "No. 2 Area" two sewer mains also discharging into the said River, and in and for the service of portion of that part of the said Town similarly described as "No. 3 Area," one sewer main also discharging into the said River, the cost of providing which and the connections between the same and the buildings on the properties thereby respectively served was borne by the owners of such properties (such mains and connections being hereinafter called "the said existing sewers"):

PREAMBLE

And whereas it is expedient to vest the said existing sewers in the Warden, councillors, and electors of the Municipality of Leven (hereinafter called "the Municipal Corporation"):

Ulverstone Sewerage.

A.D. 1932.

And whereas the Municipal Corporation has, under the provisions of the Unemployment Relief Act, 1932, arranged to borrow, from the Commonwealth Bank of Australia, a sum of Four thousand eight hundred Pounds for the purpose of providing a sewerage system (hereinafter called "the said proposed sewerage system") primarily to serve the properties within No. 2 Area aforesaid and No. 3 Area aforesaid respectively :

And whereas it is expedient to confer upon the Council of the Municipal Corporation all necessary powers in relation to the said existing sewers and in relation to the said proposed sewerage system and for making from time to time other further sewerage provision for the said Town and its surroundings :

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 Ulverstone Sewerage Act, 1932."

Interpretation.

2 In this Act, unless the context otherwise indicates, the following expressions shall have the following meanings :—

"No. 1 Area," "No. 2 Area," and "No. 3 Area" mean the areas described as such respectively in the schedule :

"The said areas" means conjointly No. 1 Area, No. 2 Area, No. 3 Area, and every additional area that may be defined under the provisions of Section Five or of Section Twenty-two :

"The Council" means the Council of the Municipal Corporation :

"The Municipal Corporation" means the Warden, councillors, and electors of the Municipality of Leven :

"Occupier" means the person for the time being in actual or constructive occupation of the premises :

"Owner" includes the person for the time being who receives, or is entitled to receive, the rent of the lands or premises in connection with which the word is used, whether on his own account or as agent of, or as trustee for, any other person, or who, if such lands or premises were let to a tenant at a rack-rent, would be entitled to receive the rack-rent from the occupier thereof :

"Premises" includes any house and any building whatsoever, and any part of any house or building, and any garden, stable, yard, or other offices used together or in connection with any house or building, and every part thereof.

Existing sewers vested in corporation.

3 The said existing sewers are hereby vested in the Municipal Corporation.

Power to construct, maintain, &c.

4—(1) It shall be lawful for the Council, for and on behalf of the Municipal Corporation, from time to time, as it shall think advisable:—

Uwerstone Sewerage.

i. To make, construct, lay down, discontinue, or remove:—

A.D. 1932.

(a) Sewer mains and branches thereof within and for the purpose of serving the properties situated within No. 2 Area and No. 3 Area respectively, and connections between such mains and branches, and the premises from time to time subsisting upon such properties, which mains, branches, and connections are hereinafter called “the said projected sewers”;

(b) Sewer mains and branches thereof within and beyond the said areas, and whether by way of extension of the said existing sewers and the said projected sewers or otherwise for the purpose of serving properties situated within or beyond the boundaries of the said town thereof, but outside the said areas and connections between such sewer mains and branches and the premises from time to time subsisting upon such properties, and also such other sewers for the purpose of connecting such last-mentioned sewer mains and branches or any of them with the others of them and with the said existing sewers or any of them and with the said projected sewers or any of them and of connecting any of the said existing sewers with the others of them and of connecting any of the said projected sewers with the others of them (which sewer mains, branches, and connections so authorised are hereinafter called “the said additional sewers”):

ii. To make, construct, and undertake such other works as may from time to time be necessary for the purposes of this Act:

iii. To maintain, cleanse, and amend, repair, renew, enlarge, lessen, alter the course of, or otherwise improve, or to discontinue, close up, destroy, or remove the said existing sewers, the said projected sewers, and the said additional sewers and the said other works (hereinafter collectively referred to as “the said sewers”) or any part thereof.

Provided, however, that if the Council discontinue, close up, destroy, or remove the whole or any part of any of the said sewers:—

(a) The Council shall connect all premises then connected with the same with some other part of the said sewers; and

(b) Such discontinuance, closing up, destruction, or removal shall be so done as not to create any permanent nuisance.

(2) The said sum of Four thousand eight hundred Pounds and all other moneys that may from time to time hereafter be available for such purposes may be used by the Council for all or any of the purposes authorised by Subsection (1) of this section and to defray the cost of every installation effected by the Council under the authority of Subsection (3) of Section Six.

Ulverstone Sewerage.

A.D. 1932.

Power to extend
sewers.

5 It shall be lawful for the Council from time to time, whenever it shall extend any of the said sewers beyond the boundaries of the said areas for the purpose of serving properties beyond the said areas, to define an additional area, for the service of which the said extension has been effected.

Water closets to
be provided with-
in the said areas.

6—(1) The owner of every premises from time to time subsisting within the said areas shall provide for the use of the occupants of such premises and connected with such of the mains or branches of the said sewers as the Council may require one or more water closets and such sinks and other domestic conveniences as the Council may require, built upon the land occupied with such premises.

(2) Every such water closet, sink, and other domestic convenience, shall correspond, both as to materials, design, position, fittings, and connection with such main branch sewer, with the requirements of the Council.

(3) Such fittings and connection shall be installed at the cost and expense of the owner of such premises:—

- i. By the Council: or
- ii. With the consent in writing of the Council for such owner by such qualified person or persons as the Council may approve upon application by such owner.

(4) Where such installation has been effected by the Council, the cost thereof, including all fittings and materials used and including interest upon capital expended thereon during the period of installation at such rate as may have been agreed upon between the Council and the owner, or failing agreement at the date of completion at the rate payable by the Council to its bankers upon overdraft advances shall until paid be charged upon the said land as if it were a rate duly levied and payable under the Local Government Act, 1906, upon or in respect of the annual value of such land and shall be payable and paid by such owner immediately upon demand being left by the Council upon such premises: Provided, however, that, should such owner so elect in writing lodged at the office of the Council within seven days from such demand being so left on the said premises, such cost inclusive as aforesaid together with interest at the like rate and an administration charge at the rate of Two Pounds Ten Shillings per centum per annum upon the amount thereof for the time being unpaid from the date of such completion until final payment shall be payable and paid by such owner to the Council by twenty equal payments, of which payments the first shall be made within one month after such completion and the remaining nineteen half-yearly thereafter.

(5) Such owner shall, at his own cost, maintain such water closet, including fittings, in such condition and repair as the Council may from time to time require, and no person, not being a qualified person as aforesaid, shall be employed in the work of maintaining and repairing such fittings.

Ulverstone Sewerage.

7 It shall be lawful for the Council to construct any of the said sewers or other works through, across, or under any street or place laid out or intended as a street, or under any railway or tramway and after giving reasonable notice in writing to the owner or occupier thereof, into, through, or under any lands whatsoever.

A.D. 1932.

Power to construct under streets and private property.

8 For the purposes of doing any of the things by this Act authorised to be done by the Council, it shall be lawful for the Council, its inspectors, overseers, contractors, and the workmen of the Council and such contractors, to enter upon any land or premises at all reasonable hours during the day time and to do all things necessary or proper for such purposes or any of them.

Power to enter on land, &c.

9 It shall be lawful for the Council to apply that portion of the cleansing rate levied upon land premises from time to time served by any of the said sewers and received by the Council from time to time in or towards the payment of interest, and the repayment of the principal moneys from time to time borrowed by the Council for the purposes of this Act, and for the purpose of cleansing, amending, maintaining, repairing, and renewing all or any of the said sewers, and all costs, expenses of cleansing, amending, maintaining, repairing, and renewing connections between such premises and the main sewers and branches thereof shall be recoverable by the Council in any court of competent jurisdiction as a debt due to the Council by the owners of such premises and, when received by the Council, be paid into and form part of the cleansing rate account.

Cleansing rate to be applied to maintenance, &c., of the said sewers.

10 It shall be lawful for the Council from time to time to make and levy upon all property within the said areas a special sewerage rate not exceeding Threepence in the pound upon the annual value of such properties for the purpose of supplementing the said cleansing rate, and such sewerage rate shall be applied for the purposes declared in Section Nine.

Special sewerage rate may be levied.

11—(1) Every property within the said areas owned and occupied or used by or on behalf of the Crown or any person or body of persons corporate or unincorporate shall, and the Crown and every such person shall, be subject in all respects to the provisions of this Act and to the sewerage rate authorised to be made and levied under Section Ten, and the assessment of such property shall be made upon the same principle as the assessment of other properties within the said areas.

Property of Crown, &c., liable to this Act in all respects.

(2) The Crown or any such person as is mentioned in Subsection (1) of this section may commute its liability to pay any such rate by contribution of an annual sum to be agreed upon by the Crown or such person as the case may be and the Council.

12 The Council shall provide a map exhibiting a system of sewerage and drainage for effectually draining the said areas, may cause all necessary surveys to be made and levels to be taken for the purpose

Council to provide a sewerage map,

Ulverstone Sewerage.

A.D. 1932.

of making such map or maps and laying-out such system of sewerage and drainage; and a copy of such map or maps shall be kept at the office of the Council, and shall at all reasonable times be open to the inspection of the ratepayers of the said areas.

All sewers, &c.,
constructed so as
not to be a
nuisance.

13 The Council shall cause all the said sewers to be constructed and kept so as not to be a nuisance or injurious to health, and to be properly cleared, cleansed, and emptied; and may cause all or any of the said sewers to communicate with, and be emptied into, such places as it may deem fit or necessary, and no person shall, without the consent of the Council, cause any private drain or sewer to be emptied or flow into any of the said sewers, nor do any act, matter, or thing, which, in the opinion of the Council, tends to the injury or stopping of any of the said sewers.

Power to cause
drainage of
group of houses.

14 If it appears to the Council that a group or groups of houses, or any number of houses in the same vicinity, adjacent or separated by vacant land, or that any block or blocks of vacant land may be sewered more economically or advantageously in combination than separately, and a sewer of sufficient size already exists or is about to be constructed within such reasonable distance as is prescribed or determined by the Council of any part of any such group or number of houses, or such block or blocks of vacant land, the Council may order that any such group or number of houses or such block or blocks of vacant land be sewered by a combined operation. The Council may order that any new building or premises shall be connected with any sewer used or to be used for sewerage by such a combined operation.

Council's consent
necessary to
sewer construc-
tion.

15 No sewer shall be made or constructed within the Municipality of Leven without the written consent of the Council and then only subject to such conditions as the Council may impose.

All drains, &c.,
to be kept so as
not to be a
nuisance.

16 All drains whatsoever, water closets, sinks, grids, stables, cow-houses, yards, and places within any such part of the said areas, as aforesaid, shall be constructed and kept so as not to be a nuisance or injurious to health, and so that there is no overflow, or leakage, or soakage therefrom.

No building to
be newly erected
over sewer.

17 Any person who, in the said areas, without the written consent of the Council, causes any building to be newly erected over any of the said sewers shall forfeit to the Council the sum of Five Pounds, and a further sum of Forty Shillings for every day during which the offence is continued after written notice in this behalf from the Council: And the Council may cause any building erected in contravention of this section to be altered, pulled down, or otherwise dealt with as it thinks fit, and may recover in any court of competent jurisdiction any expenses incurred by it in so doing from the offender.

Ulverstone Sewerage.

18—(1) It shall be lawful for the Council, if it shall so determine, to construct any of the said sewers under any house or other building provided however that :

- i. The Council shall so construct and shall maintain the same so as not to be a nuisance or injurious to the health of the occupants from time to time of such house or building :
- ii. The Council shall pay compensation to the owner of such house or building if and only if the same may be injured in such construction, and the Council has not made good such injury.

(2) Such compensation shall be determined in accordance with the provisions of the Local Government Act, 1906.

19 Any trustee, being owner of any lands or property, as such trustee, may apply any of the funds under his control in relation to such lands or property in defraying any rates, charges, costs, or expenses necessarily or properly incurred by him under this Act as such owner.

20 Any agent may deduct from any moneys held by him for his principal all rates, charges, costs, and expenses necessarily or properly incurred and paid by him under this Act as owner of any houses, lands, or premises for which he is the agent of such principal, or he may, in any court of competent jurisdiction or in a court of petty sessions as a civil debt recoverable summarily, recover from such principal the amount so incurred and paid.

21 Where under a lease, whether executed before or after the passing of this Act, a lessee has the right to remove buildings at the end of his term, he shall not be entitled to remove the same or any part thereof—

- i. Unless he first pays to the lessor or to the Council all the costs, and expenses, and interest paid or payable under this Act by the lessor in respect of all water closet fittings and connections installed under the provisions of Section Six for the purposes of the buildings or part so removed : or
- ii. Unless the removal of the buildings or part can be effected without injury to such fittings and connections.

22—(1) The Council may, by resolution, declare any sewer, and the connections therewith from all premises served thereby within the said Municipality for the time being, not being one of the said sewers, to be vested in the Municipal Corporation, and thereby the same shall be so vested and become one of the said sewers for all the purposes of this Act.

(2) Any resolution passed by the Council under the authority of Sub-section (1) of this section shall include a definition of an area served by such sewer, and such area shall thereby become a portion of the said areas for all the purposes of this Act.

A.D. 1932.

Power to construct sewers under buildings.

Protection for trustees.

Power of agents.

Lessee's right of removing buildings controlled.

Council may vest other sewers in the Municipal Corporation.

Ulverstone Sewerage.

A.D. 1932.

Council may by agreement sewer beyond the said areas.

By-laws.

23 The Council may enter into agreements with the owners of properties situated beyond the said areas to sewer such properties upon such special terms and conditions as the Council may think fit.

24 The Council may make by-laws (not repugnant to this Act) for the better carrying out the purpose and provisions of this Act and for prescribing the mode in which the duties imposed upon, and the authorities and powers conferred upon, or exercisable by, the Council shall, or may, be performed, and for fixing all charges, and for fixing a penalty for every offence not herein provided, such by-laws to be in accordance with and passed, enforced, and repealed, according to the provisions of the Local Government Act, 1906.

Buildings not to be erected in, over, or under sewers.

25—(1) If any person knowingly erects or constructs any building, wall, bridge, fence, mound, embankment, excavation, tunnel, or work in, upon, or under any of the said sewers without the previous consent in writing of the Council :

i. The Council may demolish and remove the same and perform any works necessary for restoring or re-instating such sewer : and

ii. Such person and the person who has directed the same to be done shall each be guilty of an offence against this Act, and shall be jointly and severally liable for the expenses incurred by the Council, and such expenses may be recovered in any court of competent jurisdiction or in a court of petty sessions as a civil debt recoverable summarily.

(2) Every person who—

i. Knowingly erects or places any obstruction, annoyance, or encroachment in, upon, over, or under any of the said sewers : or

ii. Obstructs, fills in, or diverts any of the said sewers without the previous consent, in writing, of the Council—

shall, in addition to any other proceeding to which he may be liable therefor, be liable to a penalty not exceeding Twenty Pounds for every such offence, and to a further daily penalty not exceeding Five Pounds.

(3) Nothing herein contained shall extend to prevent or impede the maintenance, repair, or renewal of any building, wall, bridge, fence, or other structure under which any of the said sewers have been constructed, but so, nevertheless, that the same does not injure or obstruct such sewers.

Penalty on persons sweeping dirt into sewers.

26 Every person who sweeps, rakes, or places any house refuse, soil, rubbish, or filth, or any other thing into or in any of the said sewers, or over or contiguous to any grate communicating therewith or into any dock or inlet communicating with the mouth of any such sewer or drain or into which any of the said sewers discharge their contents, shall, for every such offence, be liable to a penalty not exceeding Ten Pounds.

*Ulverstone Sewerage.***27** Every person who :—

A.D. 1932.

- i. Takes up, removes, demolishes, or otherwise interferes with, or causes to be taken up, removed, demolished, or interfered with, any of the said sewers or part thereof without having previously obtained the permission, in writing, of the Council :
- ii. Wilfully damages any sewer, bank, defence-wall, penstock, grating, gully side-entrance, tide-valve, flap, work, or thing vested in the Council :
- iii. Causes or permits to be discharged into any of the said sewers any solid or liquid (other than ordinary domestic sewage) liable to cause the generation of gases injurious to human life or health, or to cause injury to any of the said sewers or the said works or to lessen or interfere with the carrying or treatment capacity thereof :
- iv. Causes or permits to flow or pass, or to be carried from, any manufactory or business or other premises of any person into any of the said sewers—
 - (a) Any benzine, naphtha, ether, or carbon bisulphide ;
or
 - (b) Any inflammable or explosive materials which will not readily mix with water ; or
 - (c) Any other material or materials which, separately or in conjunction or in combination with water or sewage or other materials, are liable to form inflammable or explosive compounds : or
- v. Does any act by which the sewerage or drainage of the said areas, or any part thereof, may be obstructed or injured : or
- vi. Without the consent in writing of the Council, does any act in relation to any of the said sewers which the Council is authorised by Section Four to do : or
- vii. Employs any person, not being a qualified person, to do any work by Section Six required to be done by a qualified person, or himself, not being a qualified person, does or undertakes to do any such work—

Penalties on persons interfering with sewers.

shall, for every such offence, be liable to a penalty not exceeding Twenty Pounds, and to a further daily penalty not exceeding Five Pounds.

28 Every occupier of any premises who prevents any authorised person from carrying into effect, with respect to such premises, any of the provisions of this Act, or any order of the Council made in pursuance thereof, shall be liable to a daily penalty not exceeding Five Pounds.

Penalty on occupier disobeying Act or orders of sewerage authority.

29—(1) Every person guilty of an offence against this Act shall, for every such offence, be liable to the penalty expressly imposed by this Act or by the by-law or regulation.

Penalty for offence against this Act.

Ulverstone Sewerage.

A.D. 1932.

(2) If no penalty is so expressly imposed, he shall be liable to a penalty not exceeding Twenty Pounds and to a daily penalty not exceeding Five Pounds.

Recovery of penalties.

30—(1) Every penalty under this Act may be recovered and enforced in the manner expressly provided in this Act or in the by-law or regulation.

(2) If the manner of recovery or enforcement is not so provided, it may be recovered and enforced in any court of petty sessions.

Penalties recoverable by the Council.

31 Save as otherwise expressly provided—

i. All penalties imposed by this Act or by any by-law or regulation thereunder for offences committed within the sewerage district, or in respect of any part of the undertaking of the Council, may be recovered by the Council or by any person thereto authorised by it:

ii. The said penalties may be recovered from the person actually committing the offence, or the person causing the commission of the offence, or by whose order or direction the offence was committed.

Recovery of penalty not to prejudice right to take other proceedings.

32—(1) Every penalty imposed upon any person by this Act or by any by-law or regulation thereunder shall be without prejudice to the right of the Council to recover from such person:—

i. Any sum for damage sustained by it through his act or default:

ii. The costs and expenses incurred by it in remedying any such damage: and

iii. The value of any water wasted, misused, unduly consumed, illegally diverted, or illegally taken by him.

(2) The payment of any such penalty shall not bar or affect the right of the Council to bring any action, or take any proceedings, against such person.

Information, &c., in name of Council.

33—(1) In any proceedings for the recovery of penalties under this Act or under any by-law or regulation thereunder, the information or complaint, where not required to be made on oath, may be laid and made in the name of the Council, and in any case may be laid and made by the Council Clerk or some officer of the Council appointed generally or in respect of any special proceeding or by any member of the police force.

(2) The Council Clerk or other officer shall be reimbursed out of the sewerage account any damages, costs, charges, or expenses to which he is put or with which he is chargeable by reason of anything contained in this section.

Ulverstone Sewerage.

A.D. 1932.

SCHEDULE.**No 1 AREA.**

Being the following parts of the Town of Ulverstone, namely:—Section F; that portion of Section L which lies between the railway-line from Ulverstone to Burnie; and those portions of Sections N, O, and P which lie between the said railway-line and Grove-street.

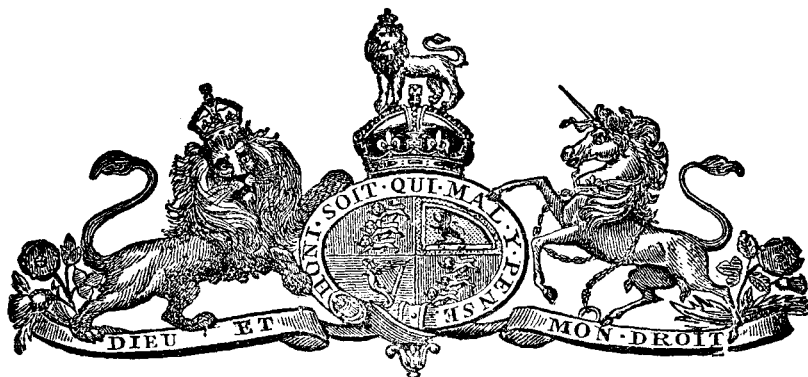
No. 2 AREA.

Being the following parts of the Town of Ulverstone, namely:—Section D; Crown land adjoining Section D, leased to the Leven Harbour Trustees; Section E; that portion of Sections B and C which front on Patrick street to a depth of 2 chains from Patrick-street; and Lot 9 of Section K— less the lands comprised in Certificates of Title Registered Volume 231, Folio 146; Volume 174, Folio 108; Volume 315, Folio 138; Volume 309, Folio 159; Volume 138, Folio 179; Volume 269, Folios 35, 36, and 37, respectively.

No. 3 AREA.

Lot 3 of Section A; that portion of Lot 2 of Section A which is comprised in Certificate of Title Registered Volume 155, Folio 198; Lot 1 and Lot 6 of Section B.

TASMANIA.



1932.

ANNO VICESIMO TERTIO.

GEORGII V. REGIS.

No. (58).

A BILL to amend the Law relating to the Civil Jurisdiction of the Supreme Court of Tasmania and the Procedure and Practice relating to the Exercise of such Jurisdiction, and for other Purposes relating to the Better Administration of Justice in this State.

(Reserved for Royal Assent.)

NOTE.—On the promulgation of the Royal Assent to this Bill a copy of the Act, which will be issued in a separate volume, will be forwarded to Subscribers.

