

T A S M A N I A.



1946.

ANNO NONO ET DECIMO

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No. 53.

ANALYSIS.

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A.D.

AN ACT to make provision for the disposal of Sewage in the Municipality of Kingborough and for matters incidental thereto. [29 March, 1946.] 1946.

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—(1) This Act may be cited as the *Kingborough Sewage Disposal Act 1946*. Short title and incorporation.

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(2) This Act shall be incorporated with the *Local Government Act 1906**.

Interpr -
tation.

2 In this Act, unless the contrary intention appears—

“building” includes any building used for human habitation or occupation, or intended or designed to be so used;

“the council” means the council of the municipality;

“district” means any portion or portions of the municipality which the council, by special resolution, declares to be a district for the purposes of this Act;

“the municipality” means the municipality of Kingborough;

“sanitary works” means bacteriolytic tanks, water-closets, urinals, drains, connections, appliances and other apparatus for the disposal of sewage from buildings.

Power to
declare dis-
tricts, &c., for
the purposes
of this Act.

3—(1) The council may, by special resolution, define any area, being portion of the municipality, as and to be a district for the purposes of this Act.

(2) The council may, by resolution, declare that all buildings within any district, or any part thereof specified in the resolution, shall be provided with sanitary works in accordance with the provisions of this Act.

(3) Every special resolution or resolution under this section shall be published in the *Gazette*.

Installation
of sanitary
works.

4—(1) Within the time fixed by any resolution under subsection (2) of section three or, if no time is so fixed, within six months after the publication of the resolution in the *Gazette*, the owner of every building in the district, or part thereof, as the case may be, to which the resolution relates, shall provide and install sanitary works for and in connection with such building in accordance with the provisions of this Act.

(2) If the owner of any building fails or refuses to provide or install sanitary works for, or in connection with, that building in accordance with the provisions of this Act, the council may provide or install such works, and, for that purpose, any person authorised by the council in that behalf may enter upon any building, and any land occupied or used in connection therewith, and perform any work necessary for carrying out the provisions of this section.

(3) Where any sanitary works are provided or installed by the council in pursuance of subsection (2), the costs and expenses incurred by the council in providing and installing such works shall constitute a debt due to the council by the owner of the building in connection with which they are provided or installed, and shall be recoverable by the council by action in any court of competent jurisdiction.

* 6 Edw. VII. No. 31. For this Act, as amended to 1936, see Reprint of Statutes, Vol. V., p. 15. Subsequently amended by 2 Geo. VI. Nos. 8 and 33, 4 Geo. VI. No. 46, 5 Geo. VI. Nos. 20 and 42, 6 Geo. VI. Nos. 26 and 62, 7 & 8 Geo. VI. No. 88, 8 Geo. VI. No. 17, and 9 Geo. VI. No. 10.

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(4) All sanitary works to be provided and installed in accordance with this Act for, or in connection with, any building, shall be of such a nature as shall be determined by the council and shall be installed and maintained in conformity with the by-laws. A.D. 1946.

(5) The by-laws shall provide that all sanitary works shall, before being installed, be approved, in writing, by the chief health officer.

5—(1) The council may, at the request of the owner of any building, provide and install sanitary works for or in connection with that building, and may enter into such agreement with the owner of the building for the payment by the owner to the council of the cost thereof (whether by instalments or otherwise and including interest, if any, to be paid thereon) as the council thinks fit. Power of council to provide or install sanitary works at the request of the owner of a building.

(2) If any sum which is agreed to be paid to the council pursuant to any agreement made under this section is not paid on the date fixed in the agreement, that sum shall be recoverable by the council by action in any court of competent jurisdiction.

6 Without prejudice to any other remedy which the council may have against the owner of any building for the recovery of any moneys payable by such owner to the council under or by virtue of this Act, or any agreement under section five, all such moneys shall, until payment thereof, be and remain a charge upon the land upon which such building is erected and may be recovered by the council in accordance with the provisions of the *Rates and Charges Recovery Act 1936**. Moneys owing to council to constitute a charge on land.

7 The trustee of any land or premises may apply any of the trust funds in his hands in relation to such land or premises in defraying any costs, charges, or expenses necessarily or properly incurred or payable by him in connection with the provision or installation of sanitary works under the provisions of this Act for or in connection with any building on such land or premises. Application of trust funds for payment of expenses under this Act.

8—(1) If a special resolution and a resolution in accordance with section three have been passed by the council and published in the *Gazette*, no person shall, after the date of the publication thereof, erect any new building or re-build any existing building within the district, or part thereof, as the case may be, to which the resolutions relate, unless there are provided and installed in connection therewith sanitary works approved by the council and installed in accordance with this Act, and no such building shall be occupied until sanitary works have been provided and installed to the approval of the council signified in writing under the hand of the warden. New buildings to be provided with sanitary works.

* 1 Edw. VIII. and 1 Geo. VI. No. 46, as amended by 1 Geo. VI. No. 38, 3 Geo. VI. No. 15, 4 Geo. VI. No. 55, and 8 Geo. VI. No. 10.

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A.D. 1946. (2) Any person who contravenes or fails to comply with any of the provisions of this section which are applicable to him shall be liable to a penalty of fifty pounds.

Power to
enter
premises, &c.

9 Any officer acting under the authority in writing of the council may, at any time in the daytime, enter into any building or premises within a district, or part thereof, as the case may be, which is provided with sanitary works in accordance with this Act, in order to ascertain whether there is any waste or misuse of water, and to examine the condition or state of repair of the works, and to ascertain whether the provisions of the by-laws are being observed in relation to such works.

Removal, &c.,
of works not
in accordance
with the
by-laws.

10 If any sanitary works provided or installed in connection with any building situated within any district are constructed in any respect not in conformity with the by-laws, the council may cause so much of the works as has been executed to be demolished or removed at the expense of the owner of the building, and may recover the costs and expenses incurred in connection therewith from the owner by action in any court of competent jurisdiction.

Additional
sanitary
works.

11—(1) In any case in which the council is of opinion that, by reason of the increased accommodation afforded by any alterations of, or additions to, any building in a district, or part thereof, as the case may be, or from any other cause, the sanitary works installed in connection with such building are not sufficient for the requirements thereof or of the persons occupying or using the same, the council may, by notice in writing, signed by the clerk or other person authorised by the council in that behalf, and served by post upon the owner of the building, require the owner to provide and install all such additional sanitary works in connection with the building as the council thinks fit and as shall be specified in the notice, and the owner shall forthwith cause such additional sanitary works to be provided and installed in conformity with the requirements of the notice.

(2) If the council shall at any time incur any expenditure in providing or installing in connection with any building at the request or on the default of the owner thereof, any additional sanitary works as aforesaid, such expenditure may be met by the council out of the general revenues of the council, and the amount of any such expenditure when recovered from such owner shall, together with any interest received by the council in respect thereof, be repaid to the general revenues of the council.

Power to
borrow.

12—(1) Subject to this section, the council may, without having previously passed a special resolution for the purpose, borrow the sum of three thousand pounds for the purpose of

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defraying the costs and expenses of, and incidental to, the administration of this Act, and the preparation and passing of the Bill for this Act. A.D. 1946.

(2) Any moneys borrowed by the council under this section shall be borrowed by the sale of debentures in accordance with the provisions of the *Local Bodies Loans Act 1881**: Provided that—

- (a) in the application of the *Local Bodies Loans Act 1881** to the loan authorised by this section, and to the proceedings to be taken by the council in connection therewith, the provisions of section five, section six, sections fourteen to twenty-four (both inclusive), section twenty-eight, and sections thirty to thirty-five (both inclusive), of that Act, shall not have any effect;
- (b) section thirty-six of the *Local Bodies Loans Act 1881** shall, for the purposes of this section, be construed as if the words “as hereinbefore directed” were omitted therefrom, and the words “issued in respect of such principal money” were substituted therefor; and
- (c) the form of debenture prescribed by the *Local Bodies Loans Act 1881** may, in case of any debenture issued in pursuance of this section, be varied as may be necessitated by the provisions of this Act, and it shall not be necessary in any debenture so issued to refer to the publication of any notice in the *Gazette*, or to payments to a sinking fund.

13—(1) Any debenture issued in pursuance of section twelve shall provide for the repayment of the principal amount thereby secured at some time not later than twenty years after the issue thereof, and for payment of interest on the principal amount until the due date thereof, at the rate prescribed in section fourteen. Repayment of moneys borrowed.

(2) Any debenture issued in pursuance of section twelve may provide for the payment of interest on the amount thereof at the rate prescribed in section fourteen from the due date until payment thereof.

14 The rate of interest to be payable in respect of the moneys to be secured by any debenture issued in pursuance of the foregoing provisions of this Act shall be such rate as may be approved by the Treasurer. Rate of interest payable.

15—(1) All principal and interest moneys received by the council under this Act in respect of the cost of providing or installing any sanitary works for or in connection with any building shall be applied by the council as follows:— Application of moneys received by council.

* 45 Vict. No. 16. For this Act, as amended to 1936, see Reprint of Statutes, Vol. V., p. 211.

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(a) firstly, in payment of the interest payable in respect of the loan raised on the security of any debenture issued in pursuance of section twelve; and

(b) subject to paragraph (a) of this subsection, such moneys shall be paid into a sinking fund to be established for the purpose of redeeming the loan secured by such debenture, and such sinking fund shall be invested in the name of the council in such manner as the Auditor-General shall direct.

(2) On the maturity of any debenture issued in pursuance of section twelve the moneys then standing to the credit of the sinking fund shall be applied by the council in or towards redemption of the loan secured by such debenture.

(3) The council shall not operate upon or deal with any securities held in connection with such sinking fund otherwise than in accordance with the provisions of this section, and, in any case, only with the authority, in writing, of the Auditor-General.

Power to council to borrow amount required to meet any deficiency in the sinking fund.

16 If the moneys referred to in subsection (2) of section fifteen are not sufficient to redeem the said loan, the council may borrow the amount required to make up the deficiency upon such terms, and subject to such conditions, as may be approved by the Governor.

Power to levy special rate if borrowing necessary.

17—(1) If the council borrows any moneys for the purposes of section sixteen, the council may, once in every year, make and levy a special rate upon the annual value of all properties within the district, or part thereof, as the case may be, as shown in the assessment roll in force for the time being within such district, or part thereof, for the purpose of providing for the payment of interest, and of any moneys required for a sinking fund, in respect of any amount so borrowed.

(2) Every special rate under this section shall be payable by all persons who would be liable to be rated in respect of properties in the district, or part thereof, as the case may be, if such rate were a general rate under the *Local Government Act 1906**, and shall be made and levied, and shall be recoverable in the same manner as any such general rate.

By-laws.

18 The council may make by-laws for the purposes of this Act and, in addition to any other matters which may be prescribed, the by-laws may—

(a) provide for and regulate the inspection by officers of the council, and of the Department of Public Health, of any sanitary works;

* 6 Edw. VII. No. 31. For this Act, as amended to 1936, see Reprint of Statutes, Vol. V., p. 15. Subsequently amended by 2 Geo. VI. Nos. 8 and 33, 4 Geo. VI. No. 46, 5 Geo. VI. Nos. 20 and 42, 6 Geo. VI. Nos. 26 and 62, 7 & 8 Geo. VI. No. 28, 8 Geo. VI. No. 17, and 9 Geo. VI. No. 10.

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- (b) provide for and regulate the submission to the council of plans and specifications of proposed sanitary works, and the obtaining of the approval of the council and the chief health officer to such plans and specifications; A.D. 1946.
- (c) prescribe the nature, mode of construction, and dimensions of sanitary works;
- (d) require the owners or occupiers of buildings to keep the sanitary works in connection with such buildings in good condition and repair, and make provision for the enforcement of compliance with such requirements;
- (e) prescribe the conditions under which bacteriolytic tanks may be used, and the situation and position in which they may be constructed, and the materials to be used in the construction thereof, and the method and design of the construction thereof;
- (f) prescribe and regulate the manner and position in which water-closets and urinals and drains connected therewith shall be constructed, ventilated, filled, and supplied with water for flushing, and the materials and apparatus to be used for any of those purposes;
- (g) require the owners or occupiers of buildings to cleanse and keep clean the sanitary works in connection with such buildings, and make provision for the enforcement of compliance with such requirements;
- (h) regulate the removal, emptying, and filling up of bacteriolytic tanks and the drains connected therewith;
- (i) provide for the giving of notices as to the deposit of plans and sections of proposed sanitary works, and for the demolition and removal of any work done in contravention of the by-laws; and
- (j) prescribe penalties not exceeding ten pounds for breaches of the by-laws, and, in the case of any continuing breach of a by-law, may prescribe a penalty not exceeding one pound for every day during which such breach is continued.

