

SUMMARY.

	£	s.	d.
Part I.	15,500	0	0
Part II.—			
Buildings	126,245	0	0
Miscellaneous	4,006	0	0
Roads	40,000	0	0
	<hr/>		
TOTAL	£185,751	0	0
	<hr/>		

LATROBE SEWERAGE.

No. 6 of 1948.

AN ACT to authorise the Council of the Municipality of Latrobe to borrow a sum or sums of money not exceeding in the whole the sum of fifty thousand pounds for the provision of sewerage facilities within the Town of Latrobe, and to confer on the Council powers needed for the construction of sewerage works therefor. [14 April, 1948.]

PREAMBLE.

WHEREAS, in pursuance of a scheme approved by the Water Sewerage and Drainage Board, constituted under the *Water Sewerage and Drainage Board Act, 1944**, the Council of the Municipality of Latrobe intends to construct the works and undertakings by this Act authorised to be constructed, for the purpose of providing sewerage facilities within the Town of Latrobe:

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:—

PART I

PRELIMINARY.

1—(1) This Act may be cited as the *Latrobe Sewerage Act 1948*. Short title and incorporation.

(2) This Act shall be incorporated and read as one with the *Local Government Act 1906**, in this Act referred to as the Principal Act.

2 In this Act, unless the contrary intention appears— Interpretation.

“cleansed” means inspected, flushed, cleansed, cleared, and emptied, or such of them as the circumstances require;

“discontinue” means discontinue to use, dismantle, close up, or destroy;

“Council” means the Council of the Municipality of Latrobe;

“drain” means a drain designed or used for the passage or flow of sewage from any land or premises or from any group or block of buildings or premises;

“Loans Act” means *Local Bodies Loans Act 1881*†, as modified for the purposes of this Act by subsection (4) of section three;

“notice in writing” means a notice in writing signed by the clerk of the Council and posted to the owner by prepaid registered post to his last known place of residence or business in Tasmania;

“premises,” includes any house, and any building or structure whatsoever, and any part of any house, building, or structure, and any garden, stable, yard, or other offices used together with or in conjunction with any house, building, or structure, and every part thereof;

“sewer” means any sewer or underground gutter or channel for the reception of sewage from a drain, and, in the case of a sewer lying in or beneath the surface of a public or private street, includes all connections therewith that lie in or beneath the street;

* 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, 9 Geo. VI. No. 12, and 11 Geo. VI. Nos. 5 and 61.
† 45 Vict. No. 16. For this Act, as amended to 1936, see Reprint of Statutes, Vol. V., p. 211.

“sewerage district” means such part of the Town of Latrobe as the Council may, by resolution published in the *Gazette*, define as the Latrobe sewerage District, together with such and less such areas in the said town as in like manner may be added to or excluded, for the time being, from the sewerage district;

“sewered property” means property, under subsection (3) of section ten deemed and declared to be sewered property.

PART II.

BORROWING AND RATING.

Council
authorised to
borrow up to
£50,000.

3—(1) It shall be lawful for the Council, from time to time, to borrow, upon the security of its revenues, by either or both of the following methods, that is to say, under the *Loans Act*, or by overdraft of current account, such sum or sums of money not exceeding in the whole the sum of fifty thousand pounds, for the purpose of defraying the cost of the works by this Act authorised to be constructed, as follows:—

(a) As to part of such money, not exceeding the sum of thirty thousand pounds, to defray the cost of works authorised under paragraph (a) of subsection (1) of section six;

(b) As to other part of such money, not exceeding the sum of twenty thousand pounds, to defray the cost of other works authorised by paragraph (b) of subsection (1) of section six.

(2) Such cost shall, in each case, include all outlay by the Council incidental to such construction, including investigation and other preliminary costs, fees, charges, and expenses incurred (whether prior or subsequent to the commencement of this Act) by the Council in contemplation of or in connection therewith.

(3) Any such sum or sums borrowed by overdraft, may be in addition to any sum or sums that the Council is authorised to borrow by overdraft under the Principal Act.

(4) The following provisions of the *Loans Act* shall have no application to borrowing authorised by this section, that is to say, sections five and six, sections fourteen to nineteen, both inclusive, and sections twenty-three, twenty-four, and twenty-five.

(5) The rate of interest to be payable in respect of any sums so borrowed under the *Loans Act* shall not exceed four pounds per centum per annum.

4—(1) The following provisions shall govern the making and levying under the Principal Act of rates for the purposes of this Act:—

Provisions governing the levying of rates.

- (a) Upon the annual value of every rateable property within the sewerage district, there may be made and levied a rate not exceeding one shilling in the pound (to be called "the sewerage rate"); and
- (b) Upon the annual value of every rateable sewered property within the sewerage district, there may be made and levied a rate not exceeding two shillings and sixpence in the pound (to be called "the sewerage service rate"),

but, so that the minimum amount of the two rates combined payable in respect of any one property shall not be less than four pounds.

(2) Where portion only of a rateable property is within the sewerage district, or is a sewered property, it shall be lawful for the Council to make separate assessments of such portion for the purposes of the sewerage rate and the sewerage service rate.

5—(1) Every property upon which any building is erected, belonging to, or used by or on behalf of the Crown, or of any person, shall, notwithstanding that such property may, apart from this Act, be exempt from payment of any rate that the Council may make or levy, be subject to payment of both the sewerage rate and the sewerage service rate, and the assessment of such property shall be made upon the same principle as the assessment of other properties within the sewerage district.

Crown and other exempt property liable to rating under this Act.

(2) The Crown or any such person may commute its liability to pay such rates by contributing an annual sum, to be agreed upon by the Crown or such other person, as the case may be, and the Council.

PART III.

SEWERS, DRAINS, AND CONVENIENCES.

6—(1) It shall be lawful for the Council, as it may from time to time determine to be necessary for providing adequate sewerage facilities for the sewerage district, to—

Authority to construct, &c., sewers, drains, and other works.

- (a) make, construct, lay down, and instal sewers (fitted with inspection shafts, ventilators, and flushing and cleansing and other necessary apparatus) and plants for the reception, treatment, and disposal of sewage, and effluents, and such other ancillary works as may be advisable;

- (b) construct, instal, and equip with requisite fittings, water closets, sinks, baths, and other sewerage conveniences in premises within the sewerage district, and drains connecting every such convenience with a sewer;
- (c) attach any shaft, pipe, tube, valve, or other apparatus for ventilating any sewer or drain or convenience to any wall, building, or structure;
- (d) enlarge, alter the site of, lessen, or discontinue, any of the things authorised by this subsection to be done by the Council.

(2) If the Council discontinues any drain or sewer, the Council shall provide a drain or a sewer in the place of the discontinued drain or sewer, with all necessary connections, so that the sewerage service of the land and premises previously connected with the discontinued drain or sewer shall not be affected adversely by such discontinuance.

(3) The Council shall maintain, repair, and keep cleansed every work authorised by paragraph (a) of subsection (1) of this section, and, at the expense of the owners of the lands and premises connected therewith, every drain and convenience discharging into a sewer.

(4) To enable the Council to do any of the things authorised by this section to be done, it shall be lawful for the Council by itself, or by its proper officer, contractors, overseers, or workmen, to enter upon any lands and premises at all reasonable hours during the day time, and to do all things necessary or proper in connection therewith, but so that as little interference as possible shall result from such entry to the occupier of such land or premises and his business.

(5) The Council shall take all proper precautions in design, construction, installation, ventilation, and otherwise to ensure that no nuisance shall arise in or out of the exercise of any of the powers conferred upon the Council by this section.

Sewers, &c., may be put in streets, &c., under railways, and in any lands.

7—(1) The Council may construct and lay down any such sewer, drain, or effluent through, across, or under any public or private street, roadway, or right of way, or under any railway or tramway, and, after giving reasonable notice in writing to the owner or occupier, through or under or into any lands whatsoever (including Crown lands).

(2) Nothing in this Act shall authorise the Council to discharge through any such sewer, drain, or effluent or otherwise, any sewage into any freshwater stream or watercourse, or into any canal, pond, or lagoon, unless such sewage has first been freed from all excrementitious or other foul or noxious matter likely to affect deleteriously the purity or quality of the water in such stream, watercourse, canal, pond, or lagoon.

Power to buy, acquire, lease, and sell lands.

8—(1) The Council may, for the purposes of this Act, purchase, acquire, and take, and lease, sell, or exchange any lands situated within the Municipality of Latrobe.

(2) Any land so purchased, acquired, or taken, or any part thereof, that subsequently is no longer required for any of the purposes of this Act, may be sold by the Council.

9—(1) The Council shall provide a map of the sewerage district, showing every sewer and every drain and every projected sewer and every projected drain.

Council to provide a map of the sewerage area for ratepayers' inspection.

(2) A copy of such map shall at all times be kept in the Council's office and be available, during office hours, for inspection by persons liable for payment of a sewerage rate or a sewerage service rate levied under this Act.

10—(1) The Council, as soon as any sewer is available for reception of sewerage, shall, by resolution published in the *Gazette*, define an area, all sewerage from which shall be received into such sewer.

Definition of areas to be connected with sewers, &c.

(2) The Council may, in like manner, as circumstances require, increase the area so defined.

(3) All land within—

(a) an area so defined, as from the date of the gazettal of the defining resolution; and

(b) an increase so made, as from the date of the gazettal of the increasing resolution,

shall be deemed and is hereby accordingly declared to be seweraged property.

11—(1) The owner of premises within or upon seweraged property shall, at his own cost, provide for the use of the occupants thereof, such and so many water closets, baths, sinks, and other conveniences as the Council may, from time to time, require.

Conveniences to be provided for premises in seweraged properties.

(2) Every such convenience shall conform to the requirements of the Council as to materials, design (including size), position, fittings, and connections with a drain.

(3) Subject to the provisions of section twelve, the owner shall also, at his own cost, provide a drain connected with such conveniences, and with a sewer designated by the Council and such drain shall conform in all respects, including such connections, to the requirements of the Council.

(4) The owner of such premises shall, within one month after notice in writing requiring him to do so, submit to the Council for its consideration a detailed scale plan showing the conveniences (and the proposed site thereof) which, in conformity with the provisions of this section, he proposes to provide in or for the premises.

(5) The Council, after consideration of such plan, shall give the owner notice in writing stating what (if any) alterations and additions the Council requires to such plan and the owner shall, subject to the provisions of section fourteen, within three months after the service of such notice, provide the conveniences and the fittings therefor accordingly.

Common drains for groups of premises, &c.

12—(1) If the Council determines that a common drain shall be connected with a group of premises or with a number of premises (with or without vacant land in each case) then the owners of such premises shall provide such common drain in place of separate drains.

(2) The cost of such common drain, including all fittings and connections and interest upon capital expended thereon during the period of construction at the rate of four per centum per annum, shall be borne by such owners in such proportions as the Council may determine.

(3) Premises built on such vacant land shall be connected with such common drain.

Drains to be constructed by Council at expense of owners.

13 Every drain shall be constructed and laid down and connected with a sewer by the Council at the cost and expense (but, as to a common drain, subject to the provisions of subsection (2) of section twelve) of the owner of the premises connected herewith.

Fittings and connections to be installed by Council or approved person.

14 All fittings and connections (including connections with a drain) in or concerning any convenience required by subsection (1) of section eleven to be provided for premises shall be installed at the cost and expense of the owner of the premises—

(a) by the Council; or

(b) with the consent in writing of the Council, for the owner by such qualified person or persons as the Council may, on application by the owner, approve.

Cost of construction, &c., of drain to be a charge on land.

15 The cost of the construction and laying down of a drain (or in the case of a common drain the proportion thereof determined by the Council under subsection (2) of section twelve as payable by such owner) including all fittings and connections and interest upon capital expended thereon during the period of construction at the rate of four pounds per centum per annum shall, until paid, be a statutory first charge on the property concerned.

Cost of installing fittings and connections to be borne by owners.

16 The cost of installation by the Council of fittings and connections mentioned in section fourteen (including all materials used) together with interest upon the capital expended during the period of installation at the rate of four pounds per centum per annum shall, until paid, be a statutory first charge on the property concerned.

Costs under sections 15 and 16 to be payable on demand, or if desired, upon terms.

17 The cost of construction and the cost of installation mentioned in sections fifteen and sixteen respectively shall each be payable by the owner upon notice in writing to that effect: Provided that if such owner so elects, in writing lodged at the Council's office within seven days after the receipt by him of such notice in writing, the cost referred to in the

demand, together with interest at the rate of four pounds per centum per annum and an administration charge at the rate of two pounds per centum per annum upon the amount thereof for the time being unpaid from the date of completion of the construction or installation as the case may be, until final payment, shall be payable and paid by the owner to the Council by twenty equal payments, of which payments the first shall be made within one month after such completion and one at the end of each consecutive period of six months thereafter.

18—(1) The owner of a sewered property shall, at his own cost, maintain the conveniences (including all fittings therein) in such premises in compliance with the provisions of this Act, in such condition and state of repair as the Council may require, and no person, who is not approved by the Council as a qualified person, shall be employed in the work of such maintenance.

Owner to maintain conveniences in sewered premises.

(2) The Council, at the cost and expense of the owner (or, in the case of a common drain, of the owners) shall maintain each drain in proper condition and repair and the cost shall be paid to the Council by the owner or owners (as the case may be) on demand, and if not so paid, shall be recoverable as and for money paid by the Council for the owner.

Council at cost of owners to maintain drains.

19 Any person who, in the said areas, without the written consent of the Council, causes any buildings to be newly erected over any sewer or drain 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 that 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 from the offender, by action in any court of competent jurisdiction, any expenses incurred by it in so doing.

Penalty for erecting buildings over sewers or drains without consent of Council.

20—(1) It shall be lawful for the Council, if it shall so determine, to construct any sewer or drain under any house or other building:

Power to construct sewers under buildings.

Provided that—

- (a) the Council shall so construct and maintain the same as not to be a nuisance or injurious to the health of the occupants of such house or building; and
- (b) 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) Any compensation payable under this section shall be determined in accordance with the provisions of the Principal Act.

PART IV.

MISCELLANEOUS.

Protection
for trustees.

21 Any trustee, being the 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.

Power of
agents.

22 Any agent may deduct from any moneys held by him for his principal all rates, charges, costs, and expenses necessarily or properly incurred or paid under this Act as the 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, recover from such principal the amount so incurred and paid.

Lessee's right
of removing
buildings
controlled.

23 Where under any 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, unless—

- (a) he first pays to the lessor all the costs, 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
- (b) the removal of such buildings or part can be effected without injury to such fittings and connections.

By-laws.

24 The Council may make such by-laws as may be necessary or convenient for carrying out and giving effect to the 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 prescribing a penalty for every offence not specially provided for in this Act.

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 sewer or drain without the previous consent in writing of the Council—

- (a) the Council may demolish and remove the same and perform any works necessary for restoring or reinstating such sewer or drain; and
- (b) 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 by the Council, by action in any court of competent jurisdiction.

(2) Every person who—

- (a) knowingly erects or places any obstruction, annoyance, or encroachment in, upon, over, or under any sewer or drain; or
- (b) obstructs, fills in, or diverts any sewer or drain 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 of twenty pounds for every such offence and to a further daily penalty of five pounds.

(3) Nothing contained in this section shall extend to prevent or impede the maintenance, repair, or renewal of any building, wall, bridge, fence, or other structure under which a sewer or drain has been constructed, but so, nevertheless, that the same does not injure or obstruct such sewer or drain.

26 Every person who sweeps, rakes, or places any house refuse, soil, rubbish, or filth, or any other thing into or in a sewer or drain or over or contiguous to any grate communicating therewith or into any dock or inlet communicating with the mouth of a sewer or drain or into which a sewer discharges its contents, shall, for every such offence, be liable to a penalty of ten pounds.

Penalty on persons sweeping dirt into sewers.

27 No person shall—

Offences.

- (a) take up, remove, demolish, or otherwise interfere with or cause to be taken up, removed, demolished, or interfered with, any sewer or drain or part thereof without having previously obtained the permission, in writing, of the Council;
- (b) wilfully damage any sewer, drain, bank, defence wall, penstock, grating, gully side-entrance, tide valve, flap, work, or other thing vested in the Council;
- (c) cause or permit to be discharged into any sewer or drain 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 such sewer or drain or any of the said works, or to lessen or interfere with the carrying or treatment capacity thereof;
- (d) cause or permit to flow, or pass, or to be carried from, any manufactory or business or other premises of any persons into a sewer—
 - (i) any benzine, naphtha, ether, carbon bisulphide;

- (ii) any inflammable or explosive materials which will not readily mix with water; or
- (iii) any other materials which, separately or in conjunction or in combination with water or sewage or other materials, are liable to form inflammable or explosive compounds;
- (e) do any act by which the sewerage of the sewerage district, or any part thereof, may be obstructed or injured;
- (f) without the consent in writing of the Council, do any act in relation to any sewer or drain which the Council is authorised by this Act to do; or
- (g) employ any person, not being a qualified person, to do any work by this Act required to be done by a qualified person, or himself, not being a qualified person, do or undertake to do any such work.

Penalty: Twenty pounds, together with a further daily penalty of five pounds.

Penalty on occupier disobeying Act or orders of sewage authority.

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 for offence against this Act.

29—(1) Every person guilty of an offence against this Act shall, for every such offence, be liable to a penalty expressly imposed by this Act or by any by-laws made thereunder.

(2) If no penalty is so expressly imposed, he shall be liable to a penalty of twenty pounds and to a daily penalty of 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 by any by-laws made thereunder.

(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 Except as otherwise expressly provided—

- (a) all penalties imposed by this Act or by any by-law made thereunder for offences committed within the sewage 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; and
- (b) the said penalties may be recovered from the person actually committing the offence, or the per-

son causing the commission of the offence, or by whose order or direction the offence was committed.

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

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

- (a) any sum for damage sustained by it through his act or default;
- (b) the costs and expenses incurred by it in remedying any such damage; and
- (c) the value of any water wasted, misused, unduly consumed, illegally diverted or illegally taken by such person.

(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, which the Council might, apart from this Act, bring against that person.

33—(1) In any proceedings for the recovery of penalties under this Act, or under any by-laws made thereunder, the complaint, where not to be 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 police officer.

Information, &c., in name of Council.

(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 any reason of any thing contained in this section.

THE VAN DIEMEN'S LAND COMPANY'S WARATAH AND ZEEHAN RAILWAY.

No. 7 of 1948.

AN ACT to amend “The *Van Diemen's Land Company's Waratah and Zeehan Railway Act.*”
[14 April, 1948.]

WHEREAS the Emu Bay Railway Company Limited has become entitled* to all the rights, powers, privileges, benefits, concessions, and advantages conferred on the Van Diemen's Land Company by “The *Van Diemen's Land Company's Waratah and Zeehan Railway Act*†”:

PREAMBLE.

* See Preamble to 63 Vict. (Private).

† 59 Vict. (Private). Subsequently amended by 60 Vict. (Private), 62 Vict. No. 71, 63 Vict. (Private), and 1 Geo. VI. No. 37.