

SCOTTSDALE AND BRIDPORT SEPTIC TANKS.

No. 37 of 1951.

AN ACT for the Installation and Maintenance of
Septic Tanks in the Towns of Scottsdale and
Bridport. [28 September, 1951.]

WHEREAS the Warden, Councillors, and Electors of the Municipality of Scottsdale are desirous of providing for the disposal of nightsoil in the Towns of Scottsdale and Bridport in the 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—(1) This Act may be cited as the *Scottsdale and Bridport Septic Tanks Act 1951*.

Short title and construction.

(2) This Act shall be read and construed subject to the *Public Health Act 1935**.

2 In this Act, unless the contrary intention appears—

Interpretation.

“sanitary works” means the works required to be installed under section three.

“the Building Regulations” means the regulations for the time being in force under the *Building Act 1937*†; and

“the district” means the Towns of Scottsdale and Bridport.

3—(1) The owners of all houses now or hereafter built in the district shall in and in connection with those houses provide, install, and maintain, in accordance with the provisions of this Act—

Houses within district to have sanitary works.

(a) such privies as are required by the Building Regulations in new buildings having a sufficient sewerage system or septic tank;

(b) the cisterns, pipes and other apparatus necessary for flushing the privies and all other works, including structural alterations, required under the Building Regulations in connection with them; and

* 26 Geo. V. No. 43. For this Act as amended to 1949 see Appendix E to the Annual Volume of Statutes for 1949. Subsequently amended by No. 61 of 1950.

† 1 Geo. VI. No. 73. Amended by 4 Geo. VI. No. 13 and 7 Geo. VI. No. 39.

- (c) such cesspools connected to the privies as may be lawfully so used under section thirty-six of the *Public Health Act 1935**.

Penalty: Fifty pounds.

(2) No person shall occupy—

- (a) any house in the district existing complete at the commencement of this Act if this section has not been complied with within two years thereafter; or
- (b) any house in the district completed after the commencement of this Act if this section has not been complied with.

Penalty: Two pounds for each day of such occupation.

(3) Any owner who lets a house which must not be occupied under subsection (2) of this section shall be liable to a penalty of fifty pounds.

Owner to do approved works or request council to do them.

4—(1) Within three months after the commencement of this Act or such further time as the council may allow, every owner of a house within the district thereby affected shall—

- (a) lodge plans and specifications of his proposed sanitary works for the purposes of section three; or
- (b) request the council to install sanitary works for the purposes of section three in his house in accordance with a rough plan to be included in or attached to the request.

(2) Upon the approval, with or without modifications, of his plans and specifications lodged under subsection (1) of this section the owner shall—

- (a) within the next six months after the approval has been notified to him or within such further time as the council may allow, complete the sanitary works in accordance with the plans and specifications as approved; or
- (b) within one month next after the approval has been notified to him, or within such further time as the council may allow, request the council to install the sanitary works in accordance with the plans and specifications as approved.

(3) If the owner makes default—

- (a) under subsection (1) of this section, he shall be deemed to have requested the council to install such sanitary works in his house as it thinks proper; or

* 26 Geo. V. No. 43. For this Act as amended to 1949, see Appendix E to the Annual Volume of Statutes for 1949. Subsequently amended by No. 61 of 1950.

(b) under subsection (2), he shall be deemed to have requested the council to complete the sanitary works in accordance with the plans and specifications as approved.

(4) The provisions of the Building Regulations relating to the preparation and approval of plans and specifications and the carrying out, completion, and inspection of works shall apply to all sanitary works subject to this section.

5—(1) Every owner, subject to section four, who is not in possession of the house for which sanitary works are required may at all reasonable times enter the house and its grounds with or by his architect, servant, agent, or contractor and his or their workmen and take measurements, set out works, break up and remove the soil, break open doors, pierce walls, and do all other things necessary to prepare plans for, and to carry out and complete, the necessary sanitary works, subject to making full compensation for any unnecessary damage and for any unnecessary disturbance of the occupier. Powers of owners not in possession.

(2) Before the first entry under the powers given by this section, the owner shall give the occupier two clear weeks' notice and before any subsequent entry notice at least the day before.

(3) If the occupier or any other person on the land hinders the owner from exercising the powers conferred by this section, any justice may upon information upon oath of the facts empower any constable by warrant under his hand to remove that person from the land while these powers are being exercised, and that person, if he, being once so removed, again so hinders the owner, shall be liable to a penalty of five pounds.

6—(1) The council may carry out any request made or deemed to have been made under section four, and for the purpose may exercise the powers under section five of an owner not in possession. Work done by council.

(2) The cost of carrying out any such request, including the prescribed charge for administrative expenses, shall be payable to the council by the person who made or is deemed to have made the request, and shall be a charge upon the land on which the work is done until payment thereof.

(3) The certificate of the council's inspector shall be *prima facie* evidence of the cost of carrying out any such request.

7—(1) Upon the completion of any works under section six, the council may send the owner at his address shown in the council's assessment roll a letter of demand for the amount payable under section six in respect of the works, and unless the owner replies forthwith challenging either the correctness of the certificate or the reasonableness of the Repayment of council.

amount, or denying liability for the works or some part of them, the amount demanded shall from the day on which the owner ought in the ordinary course of the post to have received the letter of demand become due and payable by the owner to the council with interest at five per cent per annum commencing one month after the amount demanded becomes due and payable.

(2) If the owner replies to the letter of demand as provided in subsection (1) of this section, the council may sue for the amount demanded or some portion of it in the Court of General Sessions holden at Scottsdale, and—

- (a) the Court shall have jurisdiction to hear and determine the action notwithstanding the amount of the claim;
- (b) where the council has not done the whole of the work requested or has not done it as requested, the Court may award as much as it thinks the council ought in equity and good conscience to receive; and
- (c) the defendant shall not rely on any defence not relied on in his reply to the letter of demand.

(3) If the owner, within one month after the amount demanded becomes due and payable or after judgment is given under subsection (2) of this section, as the case may be, notifies the council that he desires to pay by instalments, he shall be entitled to pay the amount demanded or awarded by twenty equal half-yearly instalments including sums for interest at such rate not exceeding four per cent per annum as the council determines calculated on the amount of principal from time to time outstanding, the first instalment to be paid on the day one month after the day on which the principal first becomes due and payable, and upon default in payment of any instalment the remaining instalments to become due and payable immediately, if the council so determines.

Septic tanks.

8 Where sanitary works are constructed under this Act, the council and not the owner shall deal with the Director for the purposes of section thirty-six of the *Public Health Act 1935**, and the council shall before approving the owner's plans and specifications obtain the Director's approval of so much of them, with or without modifications, as relates to the bacteriolytic tank, or, where the owner submits no plans and specifications, shall itself prepare them for the bacteriolytic tank and obtain the Director's approval.

Owner deemed to have requested council to supply water.

9 The owner of every house within the district, not already connected with the Scottsdale or Bridport waterworks shall be deemed to have requested the council to furnish that house with a supply of water for domestic purposes.

* 26 Geo. V. No. 43. For this Act as amended to 1949 see Appendix E to the Annual Volume of Statutes for 1949. Subsequently amended by No. 61 of 1950.

10—(1) If any sanitary works in the district are not constructed in accordance with the approved plan and specifications, if any, and the relevant provisions of the *Public Health Act 1935** and the Building Regulations, the council may by notice in writing require the owner to bring them into conformity therewith. Works improperly carried out.

(2) For the purpose of doing so the owner shall have the powers provided in section five.

(3) If the owner fails to comply with the notice within three months, the council may enter and at the owner's expense do the work required for such conformity or at its election demolish or remove so much of the sanitary works as are not in such conformity, finishing off in a workmanlike manner and leaving the site in decent order, and sections six and seven shall apply to the council's costs and expenses of so doing.

11 Where because of an alteration in the structure of a house or in the use of it, any sanitary works it is required to have under this Act are not such as would be required if it were a new building, the council may by notice in writing require the owner to construct such required sanitary works, and to alter if necessary the existing sanitary works and thereupon the provisions of subsections (2) and (3) of section ten shall apply as if the notice were one under subsection (1) of that section. Alterations.

12—(1) The Council may on behalf of the municipality, without having previously passed a special resolution for the purpose, raise, by way of loan, under the provisions of the *Local Bodies Loans Act 1881†* but subject to this section, by the sale of debentures secured upon the general revenues of the municipality, a sum or sums of money not exceeding in the whole the sum of eight thousand pounds for the purpose of defraying— Power to council to borrow £8000.

(a) its costs and expenses of and incidental to the preparation and passing of this Act; and

(b) the cost of works carried out by it under this Act.

(2) Sections five, six and fourteen to thirty-five inclusive of the *Local Bodies Loans Act 1881†* shall not apply to any loan obtained under this section.

(3) For the purposes of any loan obtained under this section, section thirty-six of the *Local Bodies Loans Act 1881†* shall be read as if the words "or in forming a sinking fund to liquidate any debentures as hereinbefore directed" did not appear in it.

(4) The form of debenture prescribed by the *Local Bodies Loans Act 1881†* may, in case of any debenture issued in pursuance of this Act, be varied as required by the provisions

* 26 Geo. V. No. 43. For this Act as amended to 1949, see Appendix E to the Annual Volume of Statutes for 1949. Subsequently amended by No. 61 of 1950.
† 45 Vict. No. 16. For this Act, as amended to 1936, see Reprint of Statutes, Vol. V. p. 211. Subsequently amended by No. 17 of 1948.

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.

Debentures to be repaid within ten years.

13 Any debenture issued in pursuance of this Act shall provide for the repayment by half yearly instalments of the principal thereby secured at some time not later than ten years from the issue thereof, and for payment of interest on so much of the principal as remains outstanding at a rate not exceeding three pounds and ten shillings per cent per annum.

Application of repayments.

14 All moneys repaid to or recovered by the council under sections seven and nine in respect of sanitary works done at the request or expense of an owner shall be paid into a special fund out of which the half-yearly payments on debentures shall be made.

Power to council to borrow.

15 If the moneys mentioned in section fourteen are not sufficient to meet debentures, the Council may, on behalf of the municipality, 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 make and levy a special rate.

16 If the Council borrows under section fifteen, it may once in every year make and levy a special rate in accordance with the *Local Government Act 1906** on all land within the district, for the purpose of providing for payments to a sinking fund and of interest, in respect of any amount so borrowed.

Inspection of sanitary works.

17 Any officer authorised by the Council may, at any time except at night, enter premises in which sanitary works are installed under this Act in order to ascertain whether there is any waste or misuse of water therein and to examine the condition or state of repair of the works, and to ascertain whether there is in respect of them any breach of the *Public Health Act 1935†* or of this Act.

By-laws.

18 The Council may, and on the recommendation of the Director shall, make by-laws for the purposes of this Act and in particular—

- (a) prescribing an amount to be paid by every owner for whom work is done by the council under section six to meet the council's administrative costs in respect of the work including a portion of its costs and expenses under this Act; and
- (b) for the use maintenance and cleansing of sanitary works constructed under this Act.

* 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 & 33, 4 Geo. VI. No. 46, 5 Geo. VI. Nos. 20 & 42, 6 Geo. VI. Nos. 26 & 62, 7 & 8 Geo. VI. No. 88, 8 Geo. VI. No. 17, 9 Geo. VI. No. 12, 11 Geo. VI. Nos. 5 & 61, No. 22 of 1949, Nos. 68 & 70 of 1950.

† 26 Geo. V. No. 43. For this Act as amended to 1949 see Appendix E to the Annual Volume of Statutes for 1949. Subsequently amended by No. 61 of 1950.