



SEWERS AND DRAINS

No. 18 of 1977

ANALYSIS

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AN ACT to amend the Sewers and Drains Act 1954.

[28 April 1977]

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 *Sewers and Drains Act* Short title and citation. 1977.

(2) The *Sewers and Drains Act* 1954*, as subsequently amended, is in this Act referred to as the Principal Act.

* No. 67 of 1954. For this Act, as amended to 1959, see the Reprint of Statutes (1826-1959), Vol. 5, p. 531. Subsequently amended by No. 23 of 1960, No. 68 of 1962, Nos. 39 and 55 of 1965, and No. 75 of 1975.

Standard
purposes and
descriptions.

2 Section 8 of the Principal Act is amended—

- (a) by transposing the word “or” from the end of paragraph (b) of subsection (2) to the end of paragraph (i) of that subsection;
- (b) by adding at the end of that subsection the following paragraph:—
 - “(j) Carrying off simple sullage water and faeces and such deleterious effluents that comply with the appropriate minimum standards and other requirements prescribed by by-laws made by the local authority under section 67A.”;
- (c) by transposing the word “and” from the end of paragraph (b) of subsection (3) to the end of paragraph (i) of that subsection; and
- (d) by adding at the end of that subsection the following paragraph:—
 - “(j) With the purpose of carrying off simple sullage water and faeces and such deleterious effluents that comply with the appropriate minimum standards and other requirements prescribed by by-laws made by the local authority under section 67A, the description of ‘restricted sewerage’.”.

3 Part X of the Principal Act is repealed and the following Part is substituted:—

“PART X

“INDUSTRIAL DRAINAGE

Interpretation.

“66 In this Part, ‘drainage system’ or ‘sewerage system’ means a drainage system or sewerage system of a kind referred to in section 67 (1).

Provision for
industrial
effluents by
local
authorities.

“67—(1) Where an area is used for industrial purposes or for noxious or offensive trades, the local authority may make provision for carrying off and disposing of deleterious effluents from any factory in the area by means of—

- (a) an industrial drainage system;
- (b) a restricted sewerage system; or

(c) a limited sewerage system that has become a restricted sewerage system pursuant to section 4 (2) of the *Sewers and Drains Act 1977*,

and of which a common sewer or branch thereof extends to the boundary of the land on which the factory stands.

“(2) For the purpose of offsetting the costs of providing drainage or sewerage pursuant to subsection (1), a local authority may, by special resolution, fix charges payable by the owners of factories for carrying off and disposing of deleterious effluents from their factories and may cause those charges to be collected as provided for in subsection (4).

“(3) Charges fixed by a local authority pursuant to subsection (2)—

(a) may differ according to differences in the deleterious effluents to which they relate and whether those charges are for carrying off or disposing of those effluents; and

(b) may include charges for the treatment of deleterious effluents so that they may be disposed of without creating a nuisance, with power to fix different charges for that purpose according to differences in the deleterious effluents to which they relate and differences in the quantities of those effluents.

“(4) Charges fixed under subsection (2) may, on becoming payable, be recovered in the same manner as if they were—

(a) rates payable under the *Local Government Act 1962*; or

(b) cleansing charges within the meaning of section 536 of that Act.

“67A—(1) The local authority may make by-laws—

(a) prescribing minimum standards in relation to effluents that may be discharged into a drainage system or sewerage system pursuant to section 67, being minimum standards designed to prevent damage or danger to life, health, or property;

(b) prescribing different minimum standards in relation to different effluents;

(c) regulating the quantities of effluents that may be discharged into a drainage system or sewerage system pursuant to that section and the rates at which those effluents may be so discharged;

Protection of
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sewers.

- (d) prescribing different quantities and different rates in relation to the discharge of different effluents into such a system;
- (e) forbidding effluents generally or effluents from a factory in which a prescribed industry or trade is carried on to be discharged into such a system where the local authority is of the opinion that those effluents may damage or endanger life, health, or property; and
- (f) forbidding prescribed matters or prescribed quantities of those matters from being discharged into such a system.

“(2) By-laws made by the local authority under subsection (1)—

- (a) may permit the local authority to vary in respect of a particular effluent—

- (i) the minimum standards prescribed by those by-laws in relation to all effluents; or
 - (ii) the minimum standard so prescribed in relation to the effluent, if those by-laws prescribe different minimum standards in relation to different effluents,

where the local authority considers it necessary or desirable to do so; and

- (b) may authorize a variation referred to in paragraph (a) to be of such a nature or extent as the local authority may determine and to be subject to such conditions (if any) as the local authority thinks fit.

“(3) Subject to subsections (4) and (5), before the owner of a factory discharges effluents from the factory into a drainage system or sewerage system pursuant to section 67, he shall, if required by the appropriate local authority, cause methods of treatment to be applied to those effluents.

“(4) The methods of treatment to be applied to effluents for the purposes of subsection (3)—

- (a) shall be such as to make the effluents comply with the appropriate minimum standards, if those standards have been prescribed by by-laws under subsection (1); or
- (b) shall, if those standards have not been so prescribed, be such as the appropriate local authority, by notice served on the owner of the relevant factory, approves, being methods that are the same in relation to all those effluents, or different methods in relation to different effluents, as the local authority considers appropriate.

“(5) The methods of treatment applied to effluents from a factory for the purposes of subsection (3) shall be methods that do not conflict with, or differ from, any conditions attached to a licence granted under section 25 of the *Environment Protection Act 1973*, being conditions attached to the licence pursuant to section 25 (2) (a) of that Act, that relate to the methods of treatment of effluents from that factory, and any such conditions and the licence to which they are attached are effective, notwithstanding that the methods of treatment so applied for the purposes of subsection (3) conflict with, or differ from, those conditions.

“(6) No person shall discharge into a drainage system or sewerage system—

(a) an effluent in respect of which—

(i) a minimum standard has been prescribed by by-laws under subsection (1), unless the effluent complies with that minimum standard; or

(ii) a variation of the prescribed minimum standard in relation to the effluent has been authorized in those by-laws, unless the effluent complies with that variation and any conditions to which the variation is subject;

(b) a quantity of an effluent in contravention of a provision of those by-laws regulating the quantity of that effluent that may be discharged into that system;

(c) an effluent at a rate of discharge in contravention of a provision of those by-laws regulating the rate at which that effluent may be discharged into that system;

(d) an effluent in contravention of a provision of those by-laws forbidding the discharge of the effluent into that system;

(e) any matters or any quantity of those matters in contravention of a provision of those by-laws forbidding those matters or that quantity of those matters from being discharged into that system; or

(f) an effluent in respect of which the appropriate local authority has required the application of a method of treatment, unless that method has been applied to the effluent as provided in paragraph (a) or paragraph (b) of subsection (4), whichever is appropriate.

Penalty: \$5 000 and a daily penalty of \$500.”.

Conversion of
limited sewerage
districts into
restricted
sewerage
districts.

4—(1) Where, immediately before the commencement of this Act, a local authority is the sewerage authority for a limited sewerage district under the Principal Act, that local authority may, within one year after that commencement, convert that district into a restricted sewerage district under the Principal Act (as amended by this Act) by passing a resolution for that purpose.

(2) Where a limited sewerage district is converted into a restricted sewerage district by virtue of a resolution under subsection (1), the system for the converted district becomes a restricted sewerage system for the purposes of the Principal Act (as amended by this Act).