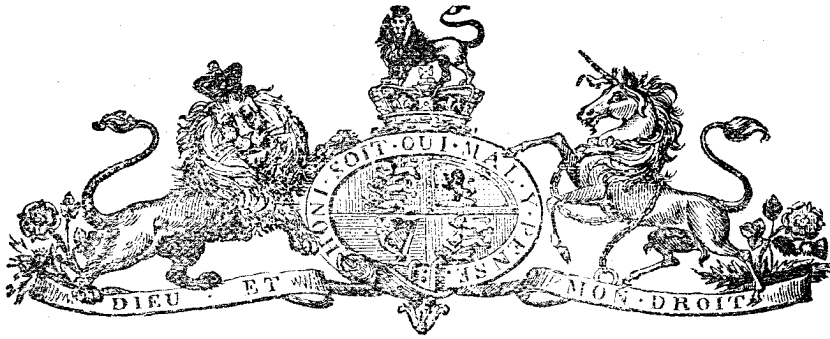


T A S M A N I A.



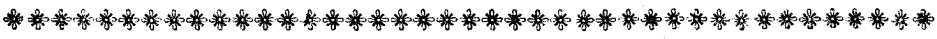
1891.

ANNO QUINQUAGESIMO-QUINTO

VICTORIÆ REGINÆ,

No. 27.

56 27.



AN ACT to define a Metropolitan Drainage Area, and to constitute a Metropolitan Drainage Board, and for other purposes. A.D. 1891.  
[26 October, 1891.]

**W**HEREAS for the proper sewerage and drainage of the City of **PREAMBLE.**  
*Hobart* and the Suburbs thereof, which are at present under the jurisdiction of various Sanitary Authorities, it is expedient to have a general system administered by one Authority :

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** This Act may be cited as “The Metropolitan Drainage Act, Short title.  
1891.”

**2** This Act shall commence and come into operation on the First Commencement.  
day of *November*, One thousand eight hundred and ninety-one.

*Interpretation.*

**3** In this Act, if not inconsistent with the context, the following Definitions.  
words and expressions have the meanings hereinafter respectively assigned to them; that is to say,—

“Local Authority” shall mean the Municipal Council of the City of *Hobart*, the Municipal Council of the Rural Muni-

*Metropolitan Drainage.*

A.D. 1891.

pality of *Glenorchy*, the Town Boards of the Towns of *Glebe Town* and *Mount Stuart*, the Trustees of the several Road Districts of *Augusta Road*, *Loinah*, *Queenborough*, *Sandy Bay*, *Leslie*, and *Wellesley*, or any other similar Local Authority hereafter created, and having jurisdiction in any part of the Metropolitan Drainage Area :

And the "District" of such Local Authority shall mean the whole or part, as it may be, that lies within the said Area of the City, Rural Municipality, Town, or Road District within which the Authority is empowered to levy Rates :

"Engineer" shall mean any person appointed or employed by the Board under this Act as Engineer or Surveyor :

"Gazette" shall mean *The Hobart Gazette*.

*Metropolitan Drainage Board.*

Constitution of  
Metropolitan  
Drainage Board.

**4** For the purpose of the execution of this Act, and of any enactment passed or hereafter to be passed authorising or referring to the sewerage or drainage of the Metropolitan Drainage Area as hereinafter defined, or any portion thereof, there shall be a Board called "The Metropolitan Drainage Board" (in this Act referred to as "the Board") constituted in manner following: that is to say—

- (a) The Governor in Council shall appoint Five Members of the Board, one of whom shall be a Responsible Minister of the Crown (in this Act referred to as "the Minister"), who shall be Chairman of the Board; and the Governor in Council may from time to time at his pleasure remove all or any of the persons so appointed, and appoint others in their stead; and may appoint persons to fill up any vacancy caused by death or other cause among such Five Members; and
- (b) The Mayor of *Hobart* for the time being, and the Officer of Health of the City of *Hobart* for the time being shall be *ex officio* Members of the Board; and the Local Board of Health of the City of *Hobart* shall within Two months of the passing of this Act elect Five of its Members to be Members of the Board; and
- (c) The Local Board of Health of the Rural Municipality of *Glenorchy* shall within the like period elect One of its Members to be a Member of the Board; and
- (d) The Local Board of Health of the Town of *Glebe Town* shall within the like period elect One of its Members to be a Member of the Board; and
- (e) The Local Board of Health of the Town of *Mount Stuart* shall, within the like period, elect one of its Members to be a Member of the Board; and
- (f) The Trustees of the *Augusta Road* District shall, within the like period, elect One of the said Trustees to be a Member of the Board; and
- (g) The Trustees of the *Loinah Road* District shall, within the like period, elect One of the said Trustees to be a Member of the Board; and
- (h) The Trustees of the *Sandy Bay Road* District shall, within the like period, elect One of the said Trustees to be a Member of the Board; and

56. Sect. 7-27  
s. 3.

*Metropolitan Drainage.*

- (i) The Trustees of the *Leslie* Road District shall, within the like period, elect one of the said Trustees to be a Member of the Board ; and
- (j) The Trustees of the *Queenborough* Road District shall, within the like period, elect One of the said Trustees to be a Member of the Board ; and
- (k) The Trustees of the *Wellesley* Road District shall, within the like period, elect One of the said Trustees to be a Member of the Board.

A.D. 1891.

When the Minister shall have received from the Chairman or Secretary of any of the above-mentioned Local Boards or Trustees a notification in writing of the election of any person hereinbefore authorised to be elected, such person shall be deemed to be a Member of the Board, and shall continue to be a Member for Three years from the date of his election.

If the Minister shall not have received within One week of the expiration of the above-mentioned period of Two months after the passing of this Act a written notification from the Chairman or Secretary of any of the above-mentioned Local Boards or Trustees of the election of a person hereinbefore authorised to be elected as a Member of the Board, it shall be lawful for the Governor in Council to appoint a person being a Member of the defaulting Local Board or Trustees to be a Member of the Board, and such person so appointed shall be in the same position as if he had been elected by such Local Board or Trustees.

If any Member of the Board elected by any of the above-mentioned Local Boards or Trustees cease by effluxion of time or otherwise to be a Member of the Local Board or Trustees that elected him, he shall also cease to be a Member of this Board, and such Local Board or Trustees shall from their own body elect another person to be a Member of this Board, and such person so elected shall be a Member of this Board for the unexpired portion of the time during which the person in whose place he has been elected would have been a Member.

At the expiry of the time for which any Member of the Board has been elected, or on the death, resignation, or disqualification of any Member, the Local Board or Trustees that elected him shall proceed to a fresh election, and if such election be not notified as before provided to the Minister within two months of the said expiry, death, resignation, or disqualification, it shall be lawful for the Governor in Council to appoint a person as above provided. And in case any change takes place in any of the above-mentioned Road Districts by reason of the Proclamation of Towns and election of Town Boards or otherwise, it shall be lawful for the Governor in Council, before the next election that shall take place in the said District after such change has taken place, to notify by Proclamation, to be published in the *Gazette*, the Public Body that shall make the election, and such Public Body shall elect one of its Members to be a Member of the Board, or in default the Governor in Council may appoint the Member as before provided.

Every Member of the Board may continue to hold office until his successor is appointed or elected, except in case of disqualification as hereinafter provided.

Any Member of the Board shall be disqualified and shall cease to be a Member of the Board if he receive any fee, salary, or emolument in respect of services rendered in execution of this Act, or if he undertake or be pecuniarily interested in any contract for works to be executed

*Metropolitan Drainage.*

A.D. 1891.

under this Act, or if he compounds with his creditors, or takes advantage of any Act for the relief of insolvents, or if he be absent from all the Meetings of the Board during Two consecutive months, without the consent of the Board previously obtained.

Metropolitan  
Drainage Area.  
Schedule (1.)

**5** The jurisdiction of the Board for the purpose of the execution of this Act shall extend over the whole of the District within the limits defined in the Schedule (1), such District being referred to in this Act as "The Metropolitan Drainage Area." The Governor in Council, on the recommendation of the Board, may from time to time by proclamation in the *Gazette*, alter and redefine the limits of the said District, and such redefined District shall then be held to be the Metropolitan Drainage Area as referred to in this Act.

Powers, &c. of  
Board.  
(38 & 39 Vict.  
c. 89, s. 5.)

**6** With respect to the Board the following provisions shall have effect:—

- I. The Board may sue and be sued in the name of its Secretary for the time being; and no action or suit in law or equity brought or commenced by or against the said Board in the name of its Secretary for the time being shall abate or be discontinued by the death, resignation, or removal of such Secretary, or by the act of the said Secretary without the consent of the said Board: and
- II. The Board shall every year cause to be made a Report of its transactions under this Act during the year, and such Report shall contain all particulars that the Governor in Council may from time to time prescribe, together with a full statement of the Accounts of the Board audited by the Auditor-General, and such other particulars as the Board may think fit. Such Report shall be transmitted to the Minister within Two months of the end of the period up to which it is required, and shall be forthwith laid before Parliament if Parliament be then sitting, or if not, within One month of the next meeting of Parliament:
- III. Any Minute made of proceedings at Meetings of the Board, if signed by any person purporting to be Chairman, either of the Meeting at which such proceedings took place or at the next ensuing Meeting of the Board, shall be receivable in evidence in all legal proceedings without further proof, and the Meetings shall be deemed to have been duly convened and held, and all the Members present to have been duly qualified to act: and
- IV. An act or proceeding of the Board shall not be questioned on account of any vacancy in the Board:
- V. The Board shall have a Common Seal.

Officers and  
Offices.  
(38 & 39 Vict.  
c. 89, s. 6.)

**7** The Board may from time to time appoint or employ and remove a Secretary, Treasurer, Engineer, and such other Officers and Servants as it may deem advisable, and may assign to such persons such salary or remuneration as it may think proper, and may from time to time make such rules and regulations for their guidance, and for defining their duties as it may think fit; and may from time to time provide

(38 & 39 Vict.  
c. 55, s. 197.)

*Metropolitan Drainage.*

and maintain such offices as may be necessary for transacting the business of the Board and its Officers and Servants. A.D. 1891.

No Officer or Servant employed by the Board shall in any wise be concerned or interested in any bargain or contract made with the Board; and any such Officer or Servant who, under colour of his office or employment, asks for or accepts any fee or reward whatever other than his proper salary or remuneration, shall be incapable of holding or continuing in any office or employment under this Act, and shall forfeit and pay the sum of Fifty Pounds, which may be recovered by any person with full costs of suit by action of debt in a Court of Summary Jurisdiction. (38 & 39 Vict. c. 55, s. 193.) 49 Vict. No. 18, s. 21.

**8** The Board shall hold such Meetings as may be necessary for the transaction of business, and for properly executing its powers and duties under this Act. Meetings of Board. (38 & 39 Vict. c. 55, s. 199, and Sch. 1.)

It shall from time to time make regulations with respect to the summoning, notice, place, management, and adjournment of its Meetings, and generally with respect to the transaction and management of its business. Regulations.

No business shall be transacted at such Meetings unless at least Seven Members are present. Quorum.

If the Chairman is absent from any Meeting at the time appointed for holding it, the Members present shall appoint one of their number to act as Chairman thereat. Chairman.

The names of the Members present shall be recorded, and so shall the names of those voting on each question when a division is called for in manner to show whether each vote given was for or against the question. Names to be recorded.

Every question at a Meeting shall be decided by a majority of the votes of the Members present and voting on the question; and in case of an equal division of votes the Chairman of the Meeting shall have a second or casting vote. Voting.

The first Meeting of the Board shall be held at such place and time as the Minister shall by written notice to every Member appoint. First Meeting of Board.

**9** The Board may from time to time appoint such Committees of its Members for any purposes of this Act which it may think would be better regulated and managed by means of a Committee: Provided, that a Committee so appointed shall in no case be authorised to borrow any money to make any Rate or precept for a Rate, or to enter into any contract, and shall be subject to any regulations and restrictions which the Board may impose. At the Meetings of such Committees the business shall be transacted as provided with respect to Meetings of the Board in the last preceding Section of this Act, except that business may be transacted at Meetings of a Committee when Three Members thereof are present. Committees. (38 & 39 Vict. c. 55, s. 200, and Sch. 1.)

**10** It shall be lawful for the Officers and Servants of the Board in the execution of the provisions of this Act at all reasonable hours to enter, examine, and lay open any lands or premises for the purpose of making plans, surveying, measuring, taking levels, examining works, ascertaining the course of sewers or drains, or ascertaining or fixing boundaries: Provided, that all damage done in the exercise of the powers conferred by this Section shall be made good by the Board; and Powers, &c. of Officers of Board. (38 & 39 Vict. c. 55, ss. 305 & 308.)

*Metropolitan Drainage.*

A.D. 1891.

49 Vict. No. 18,  
s. 168.

any dispute as to the fact of damage may be determined by a Court of summary jurisdiction.

The Officers and Servants of the Board shall not be subject personally to any action, liability, claim, or demand whatever with respect to any matter or thing done or contract entered into *bonâ fide* for the purpose of executing this Act.

Whosoever wilfully obstructs any Member or Officer of the Board or other person duly employed in the execution of this Act, or refuses such Member, Officer, or other person admission to any house, building, premises, or land for the purpose of carrying out the provisions of this Act, or incites any other person so to do, or destroys, pulls down, injures, removes or defaces any board, placard, or notice made or published under this Act, or any surveyor's mark or picket, or any boundary stake or stone made or placed for the purposes of this Act, shall be liable for every offence to a penalty not exceeding Five Pounds, recoverable in any Court of Summary Jurisdiction.

*Sewerage and Drainage.*

Map of system  
of sewerage.  
(38 and 39 Vict.  
c. 55, s. 20.)

**11** The Board shall provide a map or maps exhibiting a system of sewerage for effectually draining the Metropolitan Drainage Area, and may cause all necessary surveys to be made and levels to be taken for the purpose of making such map or maps and laying out such system of sewerage; and a copy of such map or maps shall be kept at the Office of the Board, and shall at all reasonable times be open to the inspection of the Ratepayers of the said area; and the Board shall cause all such inquiries to be made as it may think necessary to ascertain the best means of disposing of the sewage, and the cost of carrying out the system of sewerage.

*Expenses of Board.*

Expenses of  
Board.  
(*Ib.*, s. 229.)

**12** The expenses incurred by the Board in the execution of this Act shall be payable out of a common fund, to be raised out of the Rates of the whole District comprised in the Metropolitan Drainage Area.

Mode of raising  
contributions.  
(*Ib.*, s. 230.)

**13** For the purpose of obtaining payment of the expenses the Board shall issue its precept to the Local Authorities of the Metropolitan Drainage Area, requiring them to pay within a time limited by the precept the amount specified in such precept to the Board or to some person appointed by it.

The amount specified in such precept to any Local Authority shall bear such proportion to the whole expenses of the Board as the rateable value of the portion of the said Area under the jurisdiction of the said Local Authority bears to the rateable value of the whole Area.

The amounts specified for expenses in precepts issued to any Local Authority shall not in any year exceed the sum that can be raised in the District under the jurisdiction of the said Local Authority, or the portion of such District that is comprised within the said area, by a Rate of not exceeding Twopence in the Pound on the yearly rateable value of such District or portion of a District.

The Local Authority shall comply with the requisitions of such precept by paying the contribution required in respect of expenses by the levy upon the whole or such part of the District under its jurisdiction

*Metropolitan Drainage.*

as is within the Metropolitan Drainage Area, of a Rate in the same manner as if it were a Rate authorised by *The Hobart Corporation Act, The Rural Municipalities Act, 1865, "The Roads Act, 1884,"* or "*The Town Boards Act,*" or any amendment of such Acts.

A.D. 1891.

21 Vict. No. 14.

29 Vict. No. 8.

48 Vict. No. 28.

48 Vict. No. 30.

Provided, that a Local Authority may pay the amount specified in any precept issued by the Board from any moneys in its possession or from any rate it is empowered by any Act of Parliament to levy, and may afterwards levy a special rate or rates to recoup itself for the sum it has paid on account of any precept.

Provided also, that in respect of such expenses the owner or occupier of any land used as arable, meadow, or pasture ground only, or as woodlands, market gardens, or nursery grounds, or of any railway or tramway constructed under the powers of any Act of Parliament, shall pay in respect of the said property One-fourth part only of the Rate in the Pound payable in respect of houses and other property.

All the Rates under this Section shall, as respects the powers of the Local Authorities in relation to making and levying such Rates, and all other incidents thereof, except the purposes to which it is applicable, be subject to the same provisions as apply in law to any other Rate levied by such Local Authority.

The Officers ordinarily employed in the collection of the Rates of the Local Authorities shall, if required by the Local Authorities, collect any Rates made under this Section, and receive out of such Rates such remuneration for the additional duty as the Local Authorities, with the consent of the Board, may determine.

**14** If the amount required by any precept of the Board to be paid by any Local Authority is not paid in the manner required by the precept, and within the time therein specified for that purpose, the Board may, by writing under its seal, appoint, at such salary as it thinks fit, a Receiver of the Rates of such Local Authority; and may from time to time remove such Receiver; and on the death or removal of any Receiver, may appoint some other person in his place. Any Receiver appointed under this Section shall be entitled to receive all Rates payable to the Local Authority, and to make and levy Rates for the purpose of paying the amount due to the Board, together with all costs; and for the purposes aforesaid the Receiver shall be deemed to be the Local Authority and may exercise all the powers thereof. And such Receiver shall continue to act, subject to the Board's power of removal, until payment has been made to the Board of the amount in default, together with payment of costs and expenses, and of his salary.

Remedy for non-payment of amount required by precept.

*Accounts and Audit.*

**15** Accounts of the receipts and expenditure of the Board under this Act shall be made out in such form as the Board may, with the sanction of the Governor in Council appoint, up to the Thirty-first day of *December* in every year, and shall be subject and liable to all the provisions of "*The Audit Act, 1888,*" in the same manner in all respects as if such accounts had been specifically mentioned therein.

Accounts and Audit.

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*Metropolitan Drainage.*

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A.D. 1891.  

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**SCHEDULE.**  

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**BOUNDARIES OF METROPOLITAN DRAINAGE AREA.**

Commencing at the junction of the New Town Rivulet with the River Derwent, and bounded by the New Town Rivulet and by a line trending generally south-eastwards along the ridge dividing the watershed of that rivulet and its branches from the watershed of the North West Bay River and its branches through land granted to Joseph Allport and Thomas Young to the Trigonometrical Station on Mount Wellington, thence along the eastern boundary of the said last-mentioned land to a point due west of the place known as the "Ice House," thence by a line trending generally eastwards along the ridges dividing the watershed of the Hobart and Wellington Rivulets and their branches from the watershed of Brown's River and its branches through lands reserved in connection with the water supply of the City of Hobart and lands purchased by E. J. Baynton and Wm. Lindsay to a point on the Huon Road near the Sluice-house on the Waterworks Pipe-track, thence by a line also trending generally eastwards along the ridges separating the watershed of the Wellington and other Rivulets flowing into Sandy Bay from the watershed of Brown's River and Vincent's Rivulet through lands granted to R. L. Murray to the Signal Station on Mount Nelson, thence by a line north-eastwards to the southern end of the eastern boundary of land now or recently held by — Edwards, thence along the said boundary to the River Derwent, and thence along the shore of the said river to the point of commencement.