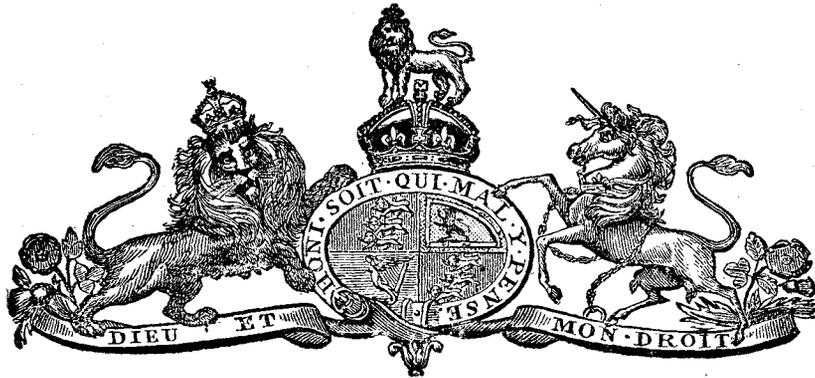


T A S M A N I A.



1906.

ANNO SEXTO

EDWARDI VII. REGIS,

No. 43.

AN ACT to amend "The Metropolitan Drainage Acts, 1898 to 1904." A.D. 1906.
[30 November, 1906.]

WHEREAS it is desirable to amend "The Metropolitan Drainage Acts, 1898 to 1904," in manner hereinafter appearing : PREAMBLE.
Be it therefore enacted by His Excellency the Governor of *Tasmania*, 62 Vict. No. 47.
by and with the advice and consent of the Legislative Council and 3 Ed. VII. No. 15.
House of Assembly, in Parliament assembled, as follows :— 4 Ed. VII. No. 32

1 This Act may be cited for all purposes as "The Metropolitan Drainage Amendment Act, 1906." Short title.

2 In this Act—
The expression "the said Act" shall mean "The Metropolitan Drainage Act, 1898;" Interpretation.
62 Vict. No. 47.

8d.]

Metropolitan Drainage Amendment.

A.D. 1906.

3 Ed. VII. No. 15.

4 Ed. VII. No. 32.

The expression "the said amending Acts" shall mean "The Metropolitan Drainage Amendment Act, 1903," and "The Metropolitan Drainage Amendment Act, 1904."

The expression "the Board" shall mean "The Metropolitan Drainage Board."

Power to borrow.

3 It shall be lawful for the Board to borrow and take up at interest, for the purpose of effectuating the objects authorised by the said Act and the said amending Acts, any sum or sums of money not exceeding Thirty thousand Pounds in the whole, further and in addition to the sum or sums by the said Act authorised to be borrowed.

Power to borrow for purpose of providing water-closets, &c.

4 In addition to the sum or sums of money authorised to be borrowed under and by virtue of the said Act and the last preceding Section of this Act, it shall be lawful for the Board to borrow and take up at interest any sum or sums of money, not exceeding Twenty-five thousand Pounds in the whole, for the purpose of defraying the costs and expenses of providing any water-closet or water-closets, or drains, appliances, apparatus, or connections upon or in respect of premises in connection with which the Board, either pursuant to the requirement of any owner or by reason of the default of any owner or occupier, or for any other reason, provides such water-closet or water-closets, or drains, appliances, apparatus, or connections.

Governor in Council may grant loans to Board.
54 Vict. No. 30.

5 It shall be lawful for the Governor to grant, in accordance with the provisions of "The Local Public Works Loans Act, 1890," as loans to the Board, for the purpose of effectuating the objects authorised by the said Act and the said amending Acts, any sum or sums of money, not exceeding Thirty thousand Pounds in the whole, and also for the purposes mentioned in the last preceding Section, or any of such purposes, any sum or sums of money, not exceeding Twenty-five thousand Pounds in the whole, such respective sums to be in addition to the sum or sums which the Governor is authorised by the said Act to grant to the Board; and such sum or sums shall be defrayed out of moneys to be provided by Parliament for the purpose. But the proviso to Section Two of "The Local Public Works Loans Act, 1890," shall not apply to any loan authorised to be granted to the Board under the provisions of the last-mentioned Act.

Extension of meaning of "rates" as used in "The Public Works Loans Act, 1890."

6 For the purposes of Section Eight of "The Public Works Loans Act, 1890," the word "rates" shall be deemed to include the amounts specified in the precepts referred to in Section Thirty-nine of "The Metropolitan Drainage Amendment Act, 1903," and the powers and functions exercisable by any Receiver under Section Eight of "The Public Works Loans Act, 1890," shall be deemed to include all the powers conferred upon the Board by Section Thirty-nine of "The Metropolitan Drainage Amendment Act, 1903," as to the mode of raising contributions.

Metropolitan Drainage Amendment.

7 It shall be lawful for the Board at any time, and from time to time, to repay by instalments to the Treasurer of the State such portion or portions as from time to time remains or remain unpaid of the principal of any moneys borrowed from the Governor, together with the interest thereon up to the time of such repayment. Upon the whole of such principal and interest being repaid the Auditor-General shall certify that such loan has been completely liquidated. The power hereby conferred shall be in addition to the powers and rights of the Board under "The Local Public Works Loans Act, 1890."

A.D. 1906.

Power for Board to repay borrowed moneys by instalments.

8 If after having borrowed any sum or sums of money under the provisions of Section Four hereof, the Board shall pay off the same or any part thereof by instalments as aforesaid, it shall be lawful for the Board again to borrow, for the same purposes as are mentioned in the said Section, an amount equal to the amount so paid off, or any less amount or amounts, and so on from time to time; and the provisions of Sections Five, Six, and Seven of this Act shall extend to any amount required to be so re-borrowed: Provided that the money to be borrowed for such purpose shall not at any time exceed Twenty-five thousand Pounds in the whole.

Power to re-borrow amounts paid off.

9 The following words in the last Three lines of Section Twenty-three of "The Metropolitan Drainage Amendment Act, 1903," are hereby expunged:—"And no action or suit shall be brought in respect of claims for compensation as herein set forth after Three months from the act committed."

Amendment of Section 23 of "The Metropolitan Drainage Amendment Act, 1903."

10 Section Eight of "The Metropolitan Drainage Amendment Act, 1903," is hereby repealed, and in lieu thereof the following shall be and be deemed to be and may be cited as Section Eight of such Act:—

Amendment of Section 8 of the same Act.

"**8**—(1.) Within One month after a date to be specified in the said further general notice, or within such further time as the Board may, either before or after the expiration of such One month, allow, the owner of each and every property abutting on such street or part of a street shall, if there are any houses or buildings on such property—

- i. Submit to the Board a plan for providing such property with such water-closet or water-closets, and such drains, appliances, apparatus, and connections to be fitted and laid in such manner as may be prescribed by the by-laws of the Board, with such variations (if any) from such by-laws as the Board, on written application made to it, shall in writing approve:

In this case the Board may approve such plan or make such alterations therein or modifications thereof as to the Board may seem proper: or

- ii. Submit to the Board a plan as aforesaid, and in writing request the Board to give an estimate of the cost and expense of executing the work in accordance with such plan:

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In this case the Board may approve such plan, or make such alterations therein or modifications thereof as to the Board may seem proper, and the Board shall give an estimate of the cost and expense of executing the work in accordance with such plan as so approved or as so altered or modified : or

iii. In writing request the Board to prepare a plan as aforesaid : or

iv. In writing request the Board to prepare a plan as aforesaid, and give an estimate of the cost and expense of executing the work in accordance with the plan so prepared.

(2.) The Board shall, as soon as conveniently may be, approve of such plan, with or without alterations or modifications, or comply with any of the aforesaid requests, and shall thereupon notify to the owner such approval or compliance, as the case may be, and at the same time or at any time thereafter the Board may by notice in writing order such owner, within One month from the giving of such notice, or within such further time as the Board may allow, to execute the works in accordance with the plan so approved or prepared as aforesaid. Such order shall be deemed to be an order made under the provisions of Section Seventy-eight of the said Act.

(3.) Any owner may, within Fourteen days from such order as aforesaid, or within such further time as the Board may allow, request the Board in writing to execute the work at the cost and expense of such owner, either for the estimated amount or at actual cost.

(4.) If any owner shall fail or neglect within the limited time to submit any plan and to make any request as aforesaid he shall be deemed to have requested the Board to prepare a plan and give an estimate of the cost and expense of executing the work in accordance with the plan so prepared.

(5.) The expense of preparing any plan or giving any estimate as aforesaid shall be fixed by the Board, and shall be borne by the owner of the property, and shall be paid by him upon being notified that the Board has prepared such plan or made such estimate.

11 Section Nine of "The Metropolitan Drainage Amendment Act, 1903," is hereby repealed, and in lieu thereof the following Section shall be and shall be deemed to be and may be cited as Section Nine of such Act :—

"**9** If any such owner has not within the limited time complied with such order as is mentioned in the last preceding Section, or has not within the limited time requested the Board to execute the work as aforesaid, then the Board may at its discretion, subsequently to or in lieu of taking any proceedings against the owner for non-compliance with such order, carry out, execute, and perform, on behalf of and at the cost of any such owner, any works, matters and things in which such owner has made default."

Amendment of
Section 9 of 3
Ed. VII. No. 15.

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12 Sub-section (7.) of Section Thirty-nine of "The Metropolitan Drainage Amendment Act, 1903," is hereby repealed, and in lieu thereof the following shall be and be deemed to be and may be cited as Sub-section (7.):—

"(7.)—Such rate shall not exceed the amount of Ninepence in the Pound upon the assessed annual value of the properties within any sewerage area.

A.D. 1906.

Amendment of
3 Ed. VII.
No. 15.
Section 39,
Sub-section (7.).

Provided that in no case shall the amount payable in respect of any land or other premises for such rate be less than the sum of Twelve Shillings in any year.

Provided also that no owner or occupier of any land or other premises shall be liable to the payment of any such rate unless such land or other premises is within a sewerage area."

13 The Second Schedule to "The Metropolitan Drainage Amendment Act, 1903," is hereby repealed, and in lieu thereof the Schedule of this Act shall be and be deemed to be and may be cited as the Second Schedule to that Act.

Amendment of
3 Ed. VII. No. 15.
Schedule.

14 The following Amendments are hereby made in Section Twenty-six of "The Metropolitan Drainage Amendment Act, 1903":—

Amendments of
Section 26 of
3 Edw. VII.
No. 15, as
re-enacted by
4 Ed. VII.
No. 32.

- i. After the word "provides," in the First line, the words "or has provided" are hereby inserted:
- ii. In place of the word "Twenty-eight," in the Sixth line, the word "Forty" is hereby substituted.

15 If any owner is entitled to a less estate than an estate in fee simple in the premises, such owner or any person having any interest in the premises may make application in a summary way to a Judge of the Supreme Court sitting in Chambers to have the costs and expenses which, by "The Metropolitan Drainage Amendment Act, 1903," and any Amendments thereof, are made payable by the owner, or for which he may be liable, apportioned between the persons interested in the premises. The Judge shall apportion such costs and expenses between such persons in such proportions as, having regard to the nature and extent of their interests, he shall deem just. Thereupon such persons shall become liable to the owner for the proportions respectively assigned to them, and if the owner shall have paid such costs and expenses he may recover from each person liable to contribute under the order made by the Judge the proportion payable by such person; and upon the registration of such order with the Secretary of the Board, such proportion shall until payment be and remain a charge (with interest at the rate of Five Pounds per centum per annum) upon such person's share and interest in the premises in priority to all mortgages, charges, liens, and encumbrances whatsoever.

Owners of estate
less than fee
simple may claim
contribution.

The registration shall be effected by lodging a copy of the order with the said Secretary, and a receipt signed by the person in whose favour such charge is made (the signature being attested by a Justice of the Peace, bank manager, solicitor, or solicitor's clerk), and lodged at the office of the said Secretary, shall be a sufficient discharge of

