

TASMANIA.



1939.

ANNO TERTIO ET QUARTO
GEORGII VI. REGIS.

No. 70.

ANALYSIS.

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AN ACT to amend the *Glenorchy Sewerage Act*
1937. [21 December, 1939.]

A.D.
1939.

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 This Act may be cited as the *Glenorchy Sewerage Act* 1939. Short title.

2 The Principal Act is hereby amended—

- I. By inserting at the end of section one thereof the words “and shall be incorporated and read as one with the *Local Government Act* 1906”:

Amendment
of 1 Geo. VI.
No. 62.
Section 1.

6d.]

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—
New section
1A.
Interpreta-
tion.

II. By inserting after section one thereof the following new section one A—

“ **1A** In this Act, unless the contrary intention appears—

‘ Drain ’ means any drain, not being a sewer or part of a sewer, used for the drainage of one building only or of premises within the same curtilage, and includes any drain for draining any group or block of houses by a combined operation under the order of the Council:

‘ Proper officer ’ means any officer of the Council generally or specially authorised by the Council in respect of, or whose duty it is to deal with, or to act in regard to any acts, matters, or things in connection with which the expression is used:

‘ Sewer ’ means any sewer or underground gutter or channel which is not a drain within the meaning of this Act and any drain or portion of a drain laid between a sewer and the boundary-line of any allotment or curtilage.”: and

III. By inserting after section four thereof the following new sections five to eight—

“ **5** It shall be lawful for the Council to—

I. Construct, repair, maintain, and have charge of, and supervision and control over, all such sewers, drains, and other works as the Council may think necessary for the purposes of this Act: and

II. Within or without the area, for any of the purposes aforesaid, by its officers, surveyors, engineers, agents, contractors, or servants, to—

(a) Enter, at all reasonable hours in the day-time, into or upon any lands and make surveys, take levels, and sink bores and shafts without becoming liable to legal proceedings in respect thereof:

(b) Open and break up any street:

(c) Blast any rock:

(d) Carry any such sewers or works through, across, over, or under the bed, waters, banks, and shores of any river, creek, stream, or watercourse, or any road or any street or place laid out as or intended for a street, or through or under any cellar or vault, under the carriage-way or pavement of any street, and into, through, or under any private or public property whatsoever:

New sections
5 to 8.

New section 5.
Power to
construct
sewers, &c.

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- (e) Construct ventilating shafts, pipes, tubes, or other apparatus, and carry them up the exterior wall of any building whether public or private, provided that the mouth of every such shaft, pipe, or tube shall be at least six feet higher than any window or door situated within a distance of 30 feet therefrom, and also make use of the chimney or any public building or of any factory or of any tramway building as a ventilating shaft or tube: and
- (f) Cause the drainage from sewerage construction works to flow along any drain or watercourse during the course of such construction.

“**6**—(1) Where, in the opinion of the Council or its proper officer, it is necessary or expedient for the proper drainage of any land, street, lane, right-of-way, yard, passage, premises, or other place within the area that drains or sewers should be made through or under any one or more premises, whether occupied or not, it shall be lawful for the Council, in default of agreement between the Council and owner of such premises, to serve a notice on every such owner requiring every such owner to permit the formation of such drains or sewers through or under such premises, and, after the expiration of fourteen days from the service of such notice, the Council may form or make through or under such premises such drains or sewers as may, in the opinion of the Council, be necessary for the proper drainage of such land, street, lane, right-of-way, yard, passage, premises, or other place as aforesaid: Provided that such drains or sewers shall be made and maintained in good order so as not to be a nuisance or injurious to health.

New section 6.
Power to
drain under
houses.

(2) Where the Council has, under the powers conferred by this section, formed or made any drain or sewer through or under premises, the Council shall not be required to pay any compensation therefor to the parties interested, except in reference to any buildings, path, wall, or fence that may be injured or interfered with by such drain or sewer, or the making thereof, and which the Council has not reinstated or repaired.

“**7**—(1) The Council, by notice in writing, may require any person to whom any waterpipes, gaspipes, tramways, or any electric conductors or other works belong to raise, sink, or otherwise alter the situation of the same in such manner and within such time as is specified in the notice, and, if such notice is not complied with, the Council may make such alterations as it may think necessary.

New section 7.
Alterations
of gaspipes,
waterpipes,
&c.

(2) The expenses attendant upon or connected with such alterations shall be paid by the Council.

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Exercise of
powers outside
area.

(3) All or any of the powers conferred by this section may be exercised by the Council outside the boundaries of the Municipality for the purposes of outfall or distribution of sewage, subject to the following provisions—

I. One month before commencing the construction of such work outside such boundaries, the Council shall—

(a) Give notice of the intended work by advertisement in a newspaper, describing the nature of the intended work, stating the streets and lands, if any, through, across, under, or on which the work is to be made, and naming a place where a plan of the intended work is to be seen at all reasonable hours: and

(b) Send a copy of the notice to the owners and occupiers, or reputed owners and occupiers, of such lands and to the local authority having control of such area outside the said boundaries: and

II. If any such owner, occupier, or local authority, or any person who would be affected by the said work, gives to the Council notice, in writing, of any objection to such work, the Council shall not commence the said work without the sanction of the Governor, who may direct an enquiry to be made into the matter of the objection, and may appoint such person as he thinks fit to make such enquiry.

New section 8.
Power to
construct
works for dis-
posing of
sewage, &c.

“**8** For the purposes of collection, receiving, storing, disinfecting, purifying, distributing, or otherwise disposing of sewerage and street and house refuse, and of cleansing and flushing sewers and drains, the Council may—

I. Construct any works and erect and establish any machinery and plant that the Council may deem necessary, either within or without the area: and

II. Contract for the use of, purchase, or exchange, or take on lease any lands, buildings, engines, materials, or apparatus, either within or without the area:

Provided that no nuisance be created in the exercise of any of the powers given by this section.”

Compensation.

3 When any entry is made upon any private lands the Council shall pay to each owner and occupier thereof such equitable compensation for any damage or inconvenience suffered by such owner and occupier respectively as is agreed upon between such owner or occupier respectively and the Council; and in case of dispute such compensation shall be recoverable from the Council in any court of competent jurisdiction.

THE LOCAL AUTHORITIES LIGHTING ACT, 1930.

(21 Geo. V. No. 38.)

A PROCLAMATION.

WHEREAS it is expedient, pursuant to Section 6 of the Local Government Lighting Act, 1930, to declare, by proclamation, that the Acts enumerated in the schedule hereto shall cease to have effect and be repealed: Now therefore I, Sir ERNEST CLARK, Knight Commander of the Most Honourable Order of the Bath, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Commander of the Most Excellent Order of the British Empire, Governor in and over the State of Tasmania and its Dependencies, in the Commonwealth of Australia, in exercise of the powers and authorities vested in me by the said Act, and acting by and with the consent of the said Council, do, by this my proclamation, declare that the Acts enumerated in the schedule hereto shall cease to have effect and be deemed to be repealed as from the date of the publication hereof in the "Gazette."

Given under my hand, at Hobart, in Tasmania aforesaid, this 10th day of August, 1939.

E. CLARK, *Governor*.

By His Excellency's Command,
ROBT. COSGROVE, Treasurer.

Schedule.

The Scottsdale Lighting Act, 1920 (11 Geo. V. No. 26).
The Scottsdale Lighting Act, 1928 (19 Geo. V. No. 46).





