

## No. 3256.

An Act to amend Section Forty-four of the *Health Act 1919*.

[21st December, 1922.]

**B**E it enacted by the King's Most Excellent Majesty by and with the advice and consent of the Legislative Council and the Legislative Assembly of Victoria in this present Parliament assembled and by the authority of the same as follows (that is to say) :—

Short title  
construction  
and citation.  
Nos. 2665, 3041.

1. This Act may be cited as the *Health Act 1922* and shall be read and construed as one with the *Health Act 1915* and the Act amending the same which Acts and this Act may be cited together as the Health Acts.

New section  
substituted for  
s. 44 of  
No. 3041.

2. For section forty-four of the *Health Act 1919* there shall be substituted the following section :—

Duty of  
sewerage  
authorities to  
provide for  
collection &c.  
of night-soil  
within the  
sewerage  
district.

“ 44. (1) Notwithstanding anything in this or in any other Act it shall be the duty of every sewerage authority to provide for the collection removal and disposal of night-soil from all pan closets on all unsewered premises within the sewerage district of such sewerage authority.

Payment by  
council of  
sum &c. in  
respect of  
collection &c.  
of night-soil  
by sewerage  
authority.

(2) The council of any municipality shall in every year pay to any sewerage authority which has so collected removed and disposed of night-soil from the municipal district or any portion thereof of such municipality such sum or charge as is agreed upon by such council and sewerage authority in respect of such collection removal and disposal ; and in default of agreement the sum or charge shall be determined by the Commission and such determination shall be final and binding.

Collection and  
removal of  
night-soil  
by council.

(3) Notwithstanding anything in this section hereinbefore provided any sewerage authority and the council of any municipality may provide by agreement for the collection by the council of night-soil from unsewered premises within such portion of the sewerage district as is within the municipal district and for the removal by the council of night-soil so collected to any place appointed by the sewerage authority.

(4) In

(4) In any case where any agreement has been made pursuant to the last preceding sub-section the council shall pay to the sewerage authority such sum or charge as is agreed upon in respect only of the disposal by the sewerage authority of the night-soil collected and removed by the council; and in default of agreement the sum or charge shall be determined by the Commission and such determination shall be final and binding.

Payment by council of sum &c. in respect of disposal of night-soil by sewerage authority.

(5) Any such sewerage authority—

(a) may pursuant to the powers for the taking on lease or the acquisition or purchase of land (whether by agreement or compulsorily) conferred upon the sewerage authority by any Act by or under which the sewerage authority is constituted take on lease or acquire or purchase land for all or any of the following purposes:—

Powers &c. of sewerage authority for purposes of this section.

(i) the reception treatment or disposal of any night-soil under this section; or

(ii) the establishment and carrying on of any depôt in connexion with such treatment and disposal of night-soil,

and the said powers shall extend and apply accordingly.

(b) may erect purchase provide and maintain all such buildings machinery plant and appliances as are necessary for the performance of any duty imposed or the exercise of any powers conferred by or under this section;

(c) may use such processes as are necessary for the treatment disposal or destruction of night-soil and for rendering the same inoffensive;

(d) may provide places within or (with the consent of the Governor in Council) outside of its sewerage district for the reception and proper efficient and sanitary disposal of such night-soil;

(e) may establish a sealed double pan or other system approved by the Commission for the sanitary service of its sewerage district.

(6) The council of any municipality—

(a) may enter into any agreement for the purposes of this section;

Powers of councils under this section.

(b) may

(b) may apply the municipal fund or town fund (as the case may be) towards the payment of any expenses of the council under this section; and

(c) may make and levy sanitary rates or make annual charges to provide for any payments to be made by the council under this section and for that purpose the provisions of sections fifty-three and fifty-four of this Act shall so far as applicable and with such alterations and substitutions as are necessary extend and apply accordingly.

(7) Any sewerage authority may apply its funds towards the payment of any expenses of the sewerage authority under this section.

(8) In the exercise of any power conferred or duty imposed by or under this section night-soil may be conveyed through the municipal district of any municipality between the hours of midnight and eight o'clock in the morning and may be conveyed through the municipal district of any municipality at any other hour only with the consent of the council of such municipality.

(9) For the purposes of this section—

‘Sewerage authority’ means any sewerage authority within the meaning of the *Sewerage Districts Act 1915*, the Melbourne and Metropolitan Board of Works, and the Geelong Waterworks and Sewerage Trust.

‘Sewerage district’ means—

(a) in the case of a sewerage authority within the meaning of the *Sewerage Districts Act 1915*, the sewerage district of such authority;

(b) in the case of the Melbourne and Metropolitan Board of Works, the ‘metropolis’ as defined by or under section three of the *Melbourne and Metropolitan Board of Works Act 1915*; and

(c) in the case of the Geelong Waterworks and Sewerage Trust, the drainage area of the said trust as constituted pursuant to the provisions of section fifty-six of the *Geelong Waterworks and Sewerage Act 1915*.

‘Funds’

Application of funds of sewerage authorities.

Hours for conveyance of night-soil.

Interpretation.

‘Sewerage authority.’  
No. 2761.

‘Sewerage district.’  
No. 2761.

No. 2696.

No. 2766.

‘Funds’ means—

- (a) in the case of any sewerage authority within the meaning of the *Sewerage Districts Act* 1915, the general fund of such authority;
- (b) in the case of the Melbourne and Metropolitan Board of Works, the Metropolitan General Fund; and
- (c) in the case of the Geelong Waterworks and Sewerage Trust, the Geelong Sewerage General Fund.

‘Funds.’

No. 2761.

‘Disposal’ includes reception and treatment of night-soil and the cleansing and changing of pans.

‘Disposal.’

(10) This section shall come into operation in any sewerage district as hereinbefore defined on a day to be fixed by proclamation.”

Commencement  
of section.