

VICTORIA.



ANNO NONO

ELIZABETHÆ SECUNDÆ REGINÆ.

No. 6727.

An Act to amend the *Sewerage Districts Act 1958*.

[21st December, 1960.]

BE it enacted by the Queen'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.

1. (1) This Act may be cited as the *Sewerage Districts (Amendment) Act 1960*.

Principal Act
No. 6368.

(2) The *Sewerage Districts Act 1958* is in this Act referred to as the Principal Act.

Amendment of
No. 6368 s. 3.
Interpretation.
" Building."

2. In section three of the Principal Act before the interpretation of " by-law " there shall be inserted the following interpretation :—

" Building " means any building other than—

- (a) an out-house not connected to a sewer ; or
- (b) a garage or shed which is not used for the purpose of a dwelling shop or factory and in which no person lives or works.

3. After

3. After section twenty-three of the Principal Act there shall be inserted the following section :—

New section 23A inserted in No. 6368.

“23A. (1) The Governor in Council may make regulations which may pursuant to the provisions of this section be applied to voting by post at elections of members of a Sewerage Authority by ratepayers.

Power to Governor in Council to make regulations in respect of voting by post at elections.

(2) Such regulations shall be based on provisions of any Act or regulations for the time being in force relating to voting by post at elections for the Legislative Assembly with such modifications and adaptations as in the opinion of the Governor in Council are necessary.

(3) All such regulations shall be published in the *Government Gazette* and shall be laid before both Houses of Parliament within fourteen days after the making thereof if Parliament is then sitting and if Parliament is not then sitting then within fourteen days after the next meeting of Parliament.

Publication of regulations.

(4) The Governor in Council on the application of any Sewerage Authority may by Order published in the *Government Gazette*—

Governor in Council may by Order apply regulations to elections, &c.

(a) apply to elections of members of a Sewerage Authority by ratepayers with any modifications provided for in such Order all or any of the regulations relating to voting by post made under this section ; and

(b) alter or revoke any such Order.

(5) Where—

(a) pursuant to any such Order any such regulations apply in relation to voting by post at elections of members of a Sewerage Authority ; and

Regulations as amended from time to time to be applicable.

(b) after the making of such Order such regulations are altered or replaced by other regulations under this section—

unless the Governor in Council by Order (for which no application of the Sewerage Authority shall be required) otherwise directs such regulations shall in relation to such Sewerage Authority apply as so altered or replaced from time to time.”

4. After paragraph (c) of sub-section (3) of section twenty-six of the Principal Act there shall be inserted the following paragraphs :—

Amendment of No. 6368 s. 26.

“(d) selling to the Sewerage Authority in the ordinary course of a retail business, and not pursuant to any written contract, any goods of a value not exceeding Fifty pounds in the aggregate in any year ;

Certain contracts or transactions not to disqualify members of Sewerage Authorities.

(e) receiving

- (e) receiving compensation for or transferring or conveying to the Sewerage Authority any land compulsorily acquired by it and for which the compensation is determined by arbitration pursuant to this or any other Act authorizing the acquisition ; or
- (f) receiving compensation for damage sustained by him in consequence of the exercise by the Sewerage Authority or any person authorized by it in writing of the powers granted to it by section one hundred and forty-five of this Act where the amount of such compensation is settled by a stipendiary magistrate."

Amendment of
No. 6368 s. 31.
Allowance to
chairman of
a Sewerage
Authority.

5. In paragraph (a) of sub-section (8) of section thirty-one of the Principal Act for the words "Twenty-five pounds" there shall be substituted the words "Seventy-five pounds".

Amendment of
No. 6368 s. 53.
Publication
of by-laws.

6. For sub-section (3) of section fifty-three of the Principal Act there shall be substituted the following sub-section :—

"(3) After a by-law has been sealed it shall be submitted for the approval of the Governor in Council and if it is approved the Sewerage Authority—

(a) shall either—

(i) cause the by-law to be published at length in the *Government Gazette* ; or

(ii) cause a notice of the making of the by-law, setting out its title and a summary of its contents and stating that a copy thereof is open for inspection free of charge during office hours at the office of the Sewerage Authority, to be published in the *Government Gazette* and in some newspaper generally circulating in the sewerage district ;

(b) shall forthwith cause the by-law to be printed at length ;

(c) shall cause a true copy of the by-law to be available to and open for inspection by any person during office hours free of charge ; and

(d) shall, for such sum as the Sewerage Authority appoints, supply to any person a printed copy of the by-law certified by the Secretary of the Sewerage Authority to be a true copy thereof".

7. In

7. In sub-section (6) of section sixty-eight of the Principal Act for the words "in London or Melbourne or in any place in Victoria at the discretion of the Sewerage Authority" there shall be substituted the words "at the discretion of the Sewerage Authority in any place in Victoria or in Canberra or London".

Amendment of No. 6368 s. 68. Provisions as to debentures.

8. (1) The Principal Act shall be amended as follows :—

Amendments of No. 6368. Power to borrow on mortgage.

(a) In the heading preceding section sixty-one after the words "Rates and Charges" there shall be inserted the expression "*Mortgage*";

S. 61.

(b) In sub-section (2) of section sixty-one after the words "assignment of such rates and charges" there shall be inserted the words "or by mortgage of the General Fund";

S. 61 (2).

(c) In section sixty-three after the words "assignment of rates and charges" (where twice occurring) there shall be inserted the words "or by mortgage of the General Fund";

S. 63.

(2) After section sixty-four of the Principal Act there shall be inserted the following sections :—

New sections 64A, 64B inserted in No. 6368.

"64A. (1) For the purpose of securing the repayment of moneys which it is authorized as aforesaid to borrow and the payment of interest thereon a Sewerage Authority may grant to the person who lends such moneys a mortgage of its General Fund.

Provisions as to mortgages.

(2) Every such mortgage shall specify—

(a) the principal sum secured thereby ;

(b) the rate at which interest is payable on that sum or on the unpaid balance thereof ; and

(c) the times and places at which such principal and interest are payable.

(3) Every such mortgage shall be by deed and shall be sealed with the common seal of the Sewerage Authority and may be in the form contained in Schedule Four A to this Act or to the like effect.

Schedule Four A.

(4) Any mortgagee under this Division may transfer his asset and interest in the mortgage to any other person by deed setting out the date thereof and the consideration for the transfer and any such transfer may be made in the form contained in Schedule Four B to this Act or to the like effect.

Schedule Four B.

(5) Any

(5) Any money borrowed by mortgage under this Division shall be borrowed on the credit of the Sewerage Authority.

(6) All mortgagees under this Division shall in proportion to the sums secured by their respective mortgages be creditors on the General Fund of the Sewerage Authority equally one with another without any preference in respect of the priority of advancing such moneys or of the dates of the mortgages.

(7) Any such mortgage with the consent of the mortgagee may be paid off and discharged before the due date thereof with interest to the date of payment only.

(8) Reference in this Division to a mortgagee includes a reference to any person entitled to or under the mortgage.

Certificate
conclusive
evidence as to
authority to
borrow &c.

64B. A certificate under the hands of any two members of a Sewerage Authority and the Secretary indorsed on any deed of assignment or mortgage executed pursuant to the provisions of this Division that the principal sum thereby secured is part of the amount which the Sewerage Authority at the date of such certificate may legally borrow shall be conclusive evidence of the incorporation of the Sewerage Authority and of its authority to borrow the sum so secured and to execute the deed of assignment or mortgage."

Amendment:
of No. 6368.

(3) The Principal Act shall be amended as follows :—

s. 65 (1).

(a) In sub-section (1) of section sixty-five—

(i) for the words " assignment of the whole or any portion of the rates and charges " there shall be substituted the words " assignment made or a mortgage executed under this division " ; and

(ii) for the words " whole or portion of the rates and charges so assigned " there shall be substituted the words " rates and charges thereby assigned or the General Fund thereby mortgaged " ;

s. 65 (2).

(b) In sub-section (2) of section sixty-five for the words " whole or any portion of such rates and charges so assigned " there shall be substituted the words " rates and charges so assigned or the General Fund so mortgaged " ;

s. 71.

(c) In section seventy-one—

(i) in sub-section (1) after the words " assignment of rates and charges " there shall be inserted the words " or by mortgage of the General Fund " ; and

(ii) in

(ii) in sub-section (3) after the words "previous enactments" there shall be inserted the words "or in redeeming any mortgage granted under this Act";

(d) In sub-section (1) of section seventy-two—

S. 72 (1).

(i) after the words "assignment of rates and charges" there shall be inserted the words "or by mortgage of the General Fund"; and

(ii) after the words "deeds of assignment issued" there shall be inserted the words "or mortgages granted";

(e) In sub-section (1) of section eighty after the words "assignment of rates and charges" there shall be inserted the words "or by mortgage of the General Fund".

S. 80 (1).

(4) After the Fourth Schedule to the Principal Act there shall be inserted the following Schedules :—

New Schedules
inserted in
No. 6368.

" SCHEDULE FOUR A.

FORM OF MORTGAGE.

By virtue of the *Sewerage Districts Act 1958* the [insert name of Sewerage Authority] in consideration of the sum of _____ paid to it by _____ for the purposes of the said Act, doth grant and assign unto the said AB., his executors, administrators and assigns the General Fund of the said [insert name of Sewerage Authority] to hold to the said AB., his executors, administrators and assigns from the day of the date hereof until the said sum of £ _____ with interest at the rate of _____ per centum per annum for the same shall be fully paid and satisfied.

(In case the loan is to be liquidated by the formation of a sinking fund, say)

£ _____ per centum on the amount of the loan will be invested in every year in accordance with the said Act to form a sinking fund. And it is hereby declared that the said principal sum shall be repaid at (place of payment) on the day of _____ in the year _____

(In case the loan is to be liquidated by periodical repayments of the principal sum, say)

The total amount of the loan is £ _____

And it is hereby declared that the said loan shall be liquidated by periodical repayments of the principal thereof, together with the interest from time to time accruing due on so much of the total amount of the said loan as is unpaid at (place of payment) on the several days and in the several amounts specified in the Schedule of payments endorsed hereon.

DATED THE _____ DAY OF _____ IN THE YEAR _____

[To be sealed with the common seal of the Sewerage Authority.]

[Schedule of Payments to be endorsed.]

SCHEDULE

SCHEDULE FOUR B.

FORM OF TRANSFER OF MORTGAGE.

I, A.B. of.....
 in consideration of the sum of.....
 paid to me by C.D. of.....
 do hereby transfer to the said C.D. his executors administrators and assigns a
 certain mortgage bearing date the.....
 day of..... in the year.....
 and made by the [insert name of Sewerage Authority].....
 by virtue of the *Sewerage Districts Act 1958* for securing the sum of.....
 and interest thereon at..... per centum per annum [or, if such
*transfer is by endorsement on the mortgage, insert instead of the words immediately
 following the word "assigns" the within security]* and all my right estate and
 interest in and to the money thereby secured and in and to the General Fund
 thereby assigned. In witness whereof I have hereunto set my hand and seal
 this..... day of..... in the year....."

Amendment of
 No. 6368 s. 73.

9. (1) For section seventy-three of the Principal Act there shall be substituted the following section :—

Advances by
 the Treasurer
 from the
 Loan Fund.

" 73. (1) The Treasurer of Victoria may from time to time make advances by way of loan out of the Loan Fund to any Sewerage Authority on account of any amount which may, pursuant to the provisions of any Act for the time being in force, be issued and applied from the Loan Fund for the works and purposes of any such Sewerage Authority.

Limit of
 borrowing
 power not to
 be exceeded.

(2) No such advance shall be made to a Sewerage Authority if such advance exceeds or would together with any moneys outstanding in respect of any loan or advance from the Loan Fund exceed the limit of its borrowing power under this Act.

Consent of
 Minister to
 borrowing
 required in
 certain cases.

(3) A Sewerage Authority shall not without the consent of the Minister borrow moneys by assignment of rates and charges or by the issue of debentures or by the grant of mortgages so long as it has any moneys outstanding in respect of any loan or advance from the Loan Fund."

(2) For sub-section (1) of section seventy-four of the Principal Act there shall be substituted the following sub-section :—

Amendment of
 No. 6368 s. 74.
 Approval of
 Accounts.

" (1) All accounts intended by any Sewerage Authority to be charged to any loan or advance from the Loan Fund shall be examined by an engineer appointed by the Minister and certified by such engineer to be properly so chargeable and the engineer may allow the accounts or such of them or such items of any of them as he thinks fit."

10. The

10. The Principal Act shall be amended as follows :—

Consequential
amendments of
No. 6368.
S. 74.

(a) In section seventy-four—

- (i) in sub-section (2) after the words “in such loan” there shall be inserted the words “or advance”; and
- (ii) in sub-section (3) for the words “made by the Governor in Council” there shall be substituted the words “from the Loan Fund”;

(b) In section seventy-five—

S. 75.

- (i) in sub-section (1) for the words “by the Governor in Council on account of a loan granted by Order” there shall be substituted the words “by the Treasurer of Victoria”; and
- (ii) in sub-section (4) for the words “by the Governor in Council” there shall be substituted the words “from the Loan Fund”;

(c) In sub-section (1) of section seventy-nine for the words “loan granted by the Governor in Council” there shall be substituted the words “loan or advance from the Loan Fund”;

S. 79.

(d) In sub-section (1) of section eighty the words “for any loan or further loan by the Governor in Council or” shall be repealed;

S. 80.

(e) In sub-section (1) of section eighty-one—

S. 81.

- (i) for the words “a loan granted by the Governor in Council” there shall be substituted the words “a loan or an advance from the Loan Fund”; and
- (ii) for the words “loan by the Governor in Council” there shall be substituted the words “loan or advance from the Loan Fund”;

(f) In sub-section (1) of section eighty-two for the words “granted by the Governor in Council” there shall be substituted the words “from the Loan Fund”;

S. 82.

(g) In sub-section (2) of section eighty-five for the words “by the Governor in Council” there shall be substituted the words “from the Loan Fund”.

S. 85.

Amendments
of No. 6368.

S. 87.

Minimum
sewerage
rate.

11. The Principal Act shall be amended as follows :—

(a) In sub-section (4) of section eighty-seven—

(i) for the words “ Five pounds ” there shall be substituted the words “ Seven pounds ten shillings ” ; and

(ii) for the words “ Two pounds ” there shall be substituted the words “ Three pounds ” ;

S. 97.

Certifying
as to amount
of rates, &c.,
due.

(b) In sub-section (1) of section ninety-seven for the words “ Two shillings and sixpence ” there shall be substituted the words “ Five shillings ”.

Amendment of
No. 6368
s. 135.

Manner of
giving notice
that sewers
have been
laid.

12. In paragraph (c) of sub-section (1) of section one hundred and thirty-five of the Principal Act for the words “ at least four times within four successive weeks in one or more newspapers ” there shall be substituted the words “ in some newspaper ”.
