

No. 90 of 1958.

AN ACT to amend the *Ulverstone Sewerage Act* 1932 and to authorize the council of the municipality of Ulverstone to borrow a sum of money not exceeding two hundred and fifty thousand pounds for the extension of the sewerage system of the town of Ulverstone within and beyond that town. [21 January 1959.]

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—(1) This Act may be cited as the *Ulverstone Sewerage Act* 1958. Short title and citation.

(2) The *Ulverstone Sewerage Act* 1932, as subsequently amended, is in this Act referred to as the Principal Act.

2 In this Act, unless the contrary intention appears, “sewerage district” means the town of Ulverstone, together with such additions thereto as the council may, by resolution published in the *Gazette*, define and declare to be comprised in the sewerage district. Interpretation.

3 Sections nine and ten of the Principal Act are repealed. Repeal.

4—(1) The council may, as it may from time to time determine to be necessary for providing adequate sewerage facilities for the sewerage district— Council empowered to construct, &c., sewers.

(a) make, construct, lay down, and install sewers (fitted with inspection shafts, ventilators, and flushing and cleansing and other necessary apparatus) and plants for the reception, treatment, and disposal of sewage and effluents, and such other ancillary works as it may think advisable;

(b) construct, install, and equip with the requisite fittings, water closets, sinks, baths, and other sewerage conveniences in premises within the sewerage district, and drains connecting these conveniences with a sewer;

- (c) attach any shaft, pipe, tube, valve, or other apparatus for ventilating any sewer, drain, or convenience to any wall, building, or structure;
- (d) enlarge, alter the site of, lessen, or discontinue any of the existing sewers or any of the things authorized by this subsection to be done by the council; and
- (e) construct or lay down any sewer under the bed of the River Leven, but so that the vertical distance from its upper surface to mean low water mark level is, where the sewer lies beneath the navigation channel of that river, not less than twelve feet.

(2) If the council discontinues any drain or sewer, the council shall provide a drain or a sewer in the place of the discontinued drain or sewer, with all necessary connections, so that the sewerage service of the land and premises previously connected with the discontinued drain or sewer are not affected adversely by the discontinuance.

Power to borrow.

5—(1) The council may borrow upon the security of its revenues, either under the *Local Bodies' Loans Act 1881* or by overdraft of its current account, or by both of those methods, such sums of money, not exceeding in the whole the sum of two hundred and fifty thousand pounds, for the purpose of defraying the cost of the works authorized by this Act to be constructed.

(2) The cost of the works authorized by this Act to be constructed include all outlay by the council incidental to the construction thereof, including investigation and other preliminary costs, fees, charges, and expenses incurred (whether before or after the commencement of this Act) by the council in contemplation of or in connection therewith.

(3) Any sum borrowed by overdraft may be in addition to any sum that the council is authorized to borrow by overdraft under the Principal Act.

(4) The following provisions of the *Local Bodies' Loans Act 1881* do not apply to the borrowing authorized by this section, that is to say, sections five and six, sections fourteen to nineteen, and sections twenty-three, twenty-four, and twenty-five.

Power of the council in relation to rating.

6—(1) The following provisions apply to and in respect of the making and levying under the Principal Act of rates for the purposes of this Act, namely:—

- (a) Upon the annual value of every ratable property within the sewerage district, there may be made and levied a rate not exceeding one shilling and sixpence in the pound (to be called "the sewerage rate"); and

- (b) Upon the annual value of every ratable sewered property within the sewerage district, there may be made and levied a rate not exceeding two shillings and sixpence in the pound (to be called "the sewerage service rate"),

but so that the minimum amount of the two rates combined payable in respect of any one property is not less than four pounds five shillings.

(2) Where portion only of a ratable property is within the sewerage district, or is a sewered property, the council may make separate assessments of that portion for the purpose of the sewerage rate and the sewerage service rate.

7 Every property upon which any building is erected belonging to or used by or on behalf of the Crown or of any other person shall, notwithstanding that the property may, apart from this Act, be exempt from payment of any rate that the council may make or levy, is subject to payment of both the sewerage rate and the sewerage service rate, and the assessment of that property shall be made upon the same principle as the assessment of other properties within the sewerage district.

Properties that are ratable.

8—(1) The council, as soon as any sewer is available for the reception of sewage, shall, by resolution published in the *Gazette*, define an area, all sewage from which shall be received into that sewer.

Sewered property defined.

(2) The council may, in like manner as circumstances require, increase the area so defined.

(3) All land within—

- (a) an area so defined, as from the date of the gazettal of the defining resolution; and
- (b) an area as so increased, as from the date of the gazettal of the increasing resolution,

shall be deemed to be sewered property, and is declared by this section to be sewered property accordingly.

9—(1) The provisions of subsections (1), (2), (3), and (5) of section six of the Principal Act apply to all premises within a sewered area.

Application of parts of Principal Act within sewered area.

(2) The cost of the construction of connections between the domestic conveniences of any premises and a sewer and of the installation of those conveniences shall be borne by the owner of the premises, but he is not liable to be charged with the cost of so much of the connection as lies outside the boundary of the allotment wherein the premises lie.

(3) If the owner, within seven days after receipt by him of a notice demanding payment of a cost referred to in subsection (2) so elects in writing lodged at the council's office, that cost with interest at the rate of five pounds ten shillings per cent per annum plus an administration charge of two pounds per cent per annum upon the amount thereof for the time being remaining unpaid shall be deemed to be payable and shall be paid, by the owner to the council by twenty equal payments, of which payments the first shall be made within one month after the completion of the construction of the connection and one at the end of each consecutive period of six months thereafter.

General
application of
parts of
Principal Act.

10 The provisions of sections seven and eight, sections eleven to twenty-one, and sections twenty-three to thirty-three, so far as those provisions are applicable and with the necessary modifications, apply to the exercise by the council of the powers and authorities conferred upon the council by this Act.

CONSTITUTION.

No. 91 of 1958.

AN ACT to amend the *Constitution Act 1934*.

[Reserved, 9 January 1959; Royal Assent proclaimed, 9 April 1959.]

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:—

Short title
and citation.

1—(1) This Act may be cited as the *Constitution Act 1958*.

(2) The *Constitution Act 1934*, as subsequently amended, is in this Act referred to as the Principal Act.