

No. XIII.

An Act further to amend "The Sydney Sewerage Act of 1853" to make provision for imposing a more equitable Sewerage Rate. [20th September, 1876.]

SYDNEY SEWERAGE
ACT AMENDMENT.

WHEREAS by "The Sydney Sewerage Act of 1853" as amended Preamble. by the Act thirty-sixth Victoria number twenty-two and by "The Sydney Corporation Act 1857" the Municipal Council of Sydney is authorized to establish and levy rates for sewerage within the said city. But the said Municipal Council is not empowered to levy such rates upon unoccupied houses and other buildings which ought to receive the benefit of the public sewers nor to levy and enforce the payment of sewerage rates according to a uniform and equitable scale upon the owners of houses. And it is expedient to extend the powers of the said Municipal Council in the premises. And also to enable them to carry out any necessary operations for the improvement of the sewerage and drainage of the City of Sydney. Be it therefore enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and the Legislative Assembly of New South Wales in Parliament assembled and by authority of the same as follows:—

1. The tenth and seventeenth sections of "The Sydney Sewerage Act of 1853" are hereby repealed. Sections 10 and 17 of 17 Vict. No. 34 repealed.
2. The Municipal Council shall impose a rate for sewerage upon any building in the City of Sydney whether occupied or not which may be situated within one hundred and twenty feet of any public sewer or drain vested in the said Council whether there be or not any private sewer or drain communicating between the said building and any such public sewer or drain. Municipal Council may impose rates for sewerage on all buildings.

Sydney Sewerage Act Amendment.

Sewerage rate not to exceed one shilling in the pound.

When Sewerage rate to commence.

Places of Public Worship exempted from rates.

All public sewers are vested in Council.

Council may make or alter sewers.

Council may require communication with public sewer to be made.

Council may do the work and recover cost.

Governor may extend this Act to any other Municipality.

Short title.

3. Such rate shall not exceed one shilling in the pound of the annual value of each and every building according to the assessment which shall have been or may hereafter be made for the purpose of imposing the city rate or any other rate and shall be payable in addition to the same.

4. The said rate may be imposed and declared at such period of the year and be made payable by instalments or otherwise at such dates as have been or may hereafter be prescribed by any by-law made in that behalf and such rate may be collected levied and recovered in the same way that the payment of the city rate is authorized to be collected levied or enforced. Provided always that for the present year any such sewerage rate may be imposed collected and levied from the date when the city rate has been made payable.

5. Buildings wholly set apart for Public Worship shall be exempted from the payment of sewerage rates.

6. All public sewers and drains now or hereafter made within the City of Sydney shall be deemed to be and are hereby vested in the Municipal Council thereof and shall be subject to its entire control and management.

7. The said Municipal Council may at any time construct or alter or direct any public sewers or drains in such manner as they shall think necessary for securing the health or comfort of the inhabitants. And may also enlarge or otherwise alter or divert or change the level of any connecting private sewer or drain communicating with a public sewer or drain and may otherwise carry out all sewerage operations necessary according to the powers now or hereafter vested in such Council. Provided that no person shall be deprived of the use of any private sewer or drain to which he may be lawfully entitled (except during the progress of the work) by means of any such alteration.

8. The Municipal Council may by notice in writing signed by the Town Clerk require the owner or occupier of any building situated within one hundred and fifty feet of any public sewer or drain with which a private sewer or drain from any such building is capable of being connected to make such private sewer or drain within such time and according to such plans and directions as the said Council may prescribe in such notice and any by-law which they are authorized to make in that behalf.

9. If such connecting private sewer or drain be not made within the time and according to the plans and directions so prescribed the Municipal Council may cause the same to be commenced *de novo* or completed as the case may be at the expense of the owner or occupier of such building and may sue for and recover the reasonable expenses of the same in any Court of competent jurisdiction. Provided always that in any case where the occupier shall not be also the owner of such building he may on payment to the Municipal Council of the said expenses deduct the amount thereof out of any rent then due or accruing or at his option (after demand thereof from his landlord) may sue him for the same in like manner.

10. The Governor with the advice of the Executive Council may by Proclamation published in the *Gazette* at the request of its Municipal Council declare this Act to be applicable to and in force within any other Municipality to be named in the Proclamation and in such case the words "City" and "City of Sydney" or other terms limiting the operation of any section of the Act to the City of Sydney shall be deemed to include any Municipality named in such Proclamation.

11. This Act may be cited as "The Sydney Sewerage Amendment Act 1876."