

TASMANIA.



1946.

ANNO NONO ET DECIMO
 GEORGII VI. REGIS.

No. 48.

ANALYSIS.

1. Short title and citation.
2. Commencement.
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4. Constitution of the Council.
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AN ACT to amend the *Constitution Act 1934*.
 [29 March, 1946.]

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 1946

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 *Constitution Act 1946*. Short title and citation.

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

2 This Act shall commence on the first day of July, 1946. Commencement.

3 Section fourteen of the Principal Act is amended by omitting the word “thirty” in paragraph III. of subsection (1) and substituting therefor the word “twenty-five”. Qualifications of members.

25 Geo. V. No. 94, as amended by 1 Edw. VIII. & 1 Geo. VI. No. 61, 5 Geo. VI. No. 66, and 7 & 8 Geo. VI. No. 74. (See Reprint of Statutes, Vol. I., p. 850.)

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Constitution
of the
Council.
Council
elections.

4 Section eighteen of the Principal Act is amended by omitting the word "eighteen" and substituting therefor the word "nineteen".

5 Section nineteen of the Principal Act is amended by omitting subsections (3) and (4) and substituting therefor the following subsections:—

"(3) Except as provided by subsection (3A), at every such election three members shall retire and three members shall be elected to fill the vacancies so created.

(3A) At the periodical elections held in the year 1953 and in each sixth successive year thereafter, four members shall retire and four members shall be elected to fill the vacancies so created.

(4) In the event of a poll being required for any such election the same shall be held on the second Saturday in the month of May."

Council
divisions.

6 Section twenty-six of the Principal Act is amended—

- (a) by omitting the word "fifteen" in subsection (1) and substituting therefor the word "nineteen"; and
- (b) by omitting subsection (2) and substituting therefor the following subsection:—

"(2) The several Council divisions shall comprise the respective areas specified in the third schedule."

Qualifications
of electors
for the
Council.

7 Section twenty-eight of the Principal Act is amended—

- (a) by omitting paragraph I. of subsection (1) and substituting therefor the following paragraphs:—

"I. If he is the owner of a freehold estate in possession, legal or equitable, within the division for which his vote is to be given, of an annual value of or exceeding ten pounds:

IA. If he is the occupier of any property within the division for which his vote is to be given of an annual value of or exceeding twenty-six pounds:"

- (b) by omitting the words "any land, sea, or air forces raised in any of His Majesty's Dominions for service in any war in which His Majesty is or may be or has been engaged, he served therein outside the State or country in which such force was raised and" in paragraph II. of subsection (1) and substituting therefor the words "His Majesty's forces as defined by this section, he";

- (c) by inserting after subsection (1) the following subsection:—

"(1A) For the purposes of this section, 'Member of His Majesty's forces' means member of

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any land, sea or air force raised in any part of His Majesty's Dominions for service in any war in which His Majesty was engaged prior to the third day of September, 1939, who served outside the part of His Majesty's Dominions in which such force was raised, and any person who was in the war which commenced on the third day of September, 1939, engaged on full-time service outside Tasmania as a member of any of the following services:—

The Permanent Forces of the Commonwealth;
 The Royal Australian Navy;
 The Australian Imperial Force;
 The Royal Australian Air Force;
 The Citizen Forces;
 The Royal Australian Naval Nursing Service;
 The Women's Royal Australian Naval Service;
 The Australian Army Nursing Service;
 The Australian Women's Army Service;
 The Australian Army Medical Women's Service;
 The Royal Australian Air Force Nursing Service;

The Women's Auxiliary Australian Air Force, or who was a member of the Naval, Military or Air Forces raised in any part of His Majesty's Dominions other than Australia, and was engaged on active service outside that part.”; and

(d) by adding at the end thereof the following subsections:—

“(3) Notwithstanding anything contained in this section, no person shall be entitled to be enrolled as an elector in more than one division.

“(4) Notwithstanding anything contained in this section, a person who is in the service of or is employed by the State, or by any body or authority on behalf of the State, or by any local authority, corporation, or company, and who is required by reason of his duty, office, or employment to reside in any premises within the division for which his vote is to be given which are not separately assessed, shall be deemed to be qualified to vote at an election of a member to serve in the Council for that division.”.

8 The Principal Act is amended by omitting the second and third schedules and substituting therefor the second and third schedules set out in the first schedule to this Act. Second and third schedules.

9—(1) The members representing the Council divisions of Derwent, Gordon, Huon, Macquarie, Meander, Mersey, Pembroke, Russell, South Esk, Tamar, and Westmorland, as Transitory provisions.

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A.D. 1946. defined by the Principal Act immediately prior to the commencement of this Act, shall be deemed to have been elected for, and shall continue to represent, those divisions as defined by this Act in the same manner in all respects as if this Act had not been passed.

(2) The member representing the division of Cambridge immediately prior to the commencement of this Act shall be deemed to have been elected for and shall represent the division of Monmouth, and shall retire on the day preceding the second Saturday in the month of May, 1951.

(3) Any vacancy occurring in the division of Monmouth otherwise than by effluxion of time shall be filled in the same manner in all respects as a vacancy in the division of Cambridge if this Act had not been passed.

(4) Notwithstanding anything contained in this Act, or the Principal Act as amended by this Act, the members who are respectively elected to represent the divisions of Hobart and Launceston, as defined by the Principal Act immediately before the commencement of this Act, at the periodical elections to be held on the seventh day of May, 1946, shall after the commencement of this Act, be deemed to have been elected for and shall respectively represent the divisions of Hobart and Launceston as defined by this Act.

(5) Any member elected to fill a vacancy occurring after the said seventh day of May, 1946, and before the commencement of this Act, in the division of Hobart or the division of Launceston (as defined by the Principal Act immediately before the commencement of this Act) shall, after the commencement of this Act, be deemed to have been elected for and shall represent such division as defined by this Act.

(6) The first periodical election for the division of West Devon shall be held on the second Saturday in the month of May, in the year 1947.

(7) Notwithstanding anything contained in this Act, or the Principal Act as amended by this Act, each member of the Council whose name is set out in the first column of the second schedule to this Act shall be deemed to have been elected for, and shall represent, the division set out opposite his name in the second column of that schedule, and shall retire on the day preceding the second Saturday in the month of May in the year specified in the third column of that schedule set out opposite his name.

(8) Any vacancy occurring in any of the divisions specified in the second column of the second schedule to this Act, otherwise than by effluxion of time, shall be filled by the election of a member for that division, who shall hold office until the day preceding the second Saturday in the month of May in the year specified in the third column of that schedule set out opposite the name of that division.

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THE FIRST SCHEDULE.

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" THE SECOND SCHEDULE.

(Sections 18 and 26.)

COUNCIL DIVISIONS.

Names of Council Divisions.	Number of Members to be Returned by Each Division.
Buckingham	One
Cornwall	One
Derwent	One
Gordon	One
Hobart	One
Huon	One
Launceston	One
Macquarie	One
Meander	One
Mersey	One
Monmouth	One
Newdegate	One
Pembroke	One
Queenborough	One
Russell	One
South Esk	One
Tamar	One
West Devon	One
Westmorland	One

" THE THIRD SCHEDULE.

(Section 26.)

AREAS COMPRISED IN THE LEGISLATIVE COUNCIL DIVISIONS.

Buckingham.

The area bounded by a line along the centre line of Risdon-road commencing at the intersection of that line with high-water mark on New Town Bay and thence along the centre of Forster-street and along the centre line of Giblin-street and thence in a south-westerly direction to the trigonometrical station on Mount Wellington thence by the south-east boundaries of 2660 acres granted to Joseph Allport and Thomas Young by a south-west and by a north-west boundary of that grant to New Town Rivulet thence by the centre line of that rivulet to the southern angle of 2000 acres granted to George Hull and by a south-west boundary of that grant to the north-east angle of 25½ acres purchased by W. Farley by the south-east south-west and north-west boundaries of that land again to the south-west boundary of 2000 acres granted to George Hull aforesaid and by the south-west boundaries again of that grant to the Humphrey Rivulet thence by the centre line of that rivulet to the high-water mark on the River Derwent thence by that high-water mark to the point of commencement.

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Cornwall.

The area bounded by a line commencing at the south end of the suspension bridge across the South Esk River (at the First Basin) and bounded by the southern portion of the boundaries of the City of Launceston (as defined in the second schedule of the *Launceston Corporation Act 1941*) to the intersection of those boundaries with the centre line of Merivale-street thence northerly to the centre line of Peel-street thence by the centre lines of that street Wellington-street Melbourne-street Lawrence Vale-road High-street David-street Elphin-road Hobbler's Bridge-road to the Launceston City boundary aforesaid and thence north-westerly by that boundary to the intersection of the centre line of Cypress-street and thence by the centre of that street the centre of Elphin-road Claremont-street Clarence-street York-street and Basin-road to high-water mark on the First Basin aforesaid and thence by that high-water mark to the point of commencement.

Derwent.

The area comprised within the several municipalities of Bothwell Hamilton and New Norfolk together with all that portion of the Municipality of Glenorchy which lies to the north-west of a line commencing at the centre of the Humphrey Rivulet at its confluence with the River Derwent and extending along the north-west boundary of the Division of Buckingham to the north boundary of the Municipality of Kingborough.

Gordon.

The area comprised within the several municipalities of Strahan Gormanston Queenstown Zeehan and Waratah.

Hobart.

The area bounded by a line commencing at a point on the River Derwent at the centre of the Hobart Bridge and extending south-westerly across Queen's Domain to the northern end of Davenport-street thence by the centre line of that street to its intersection with Park-street thence by the centre line of that street to its intersection with Warwick-street thence by the centre line of that street to its intersection with Lansdowne-crescent and thence by the centre line of that crescent to its intersection with Poets-road thence by the centre line of that road and by a continued south-westerly line to the trigonometrical station on Mount Wellington thence in a south-easterly direction to the Huon-road at the junction with the Hobart City Boundary and thence by the centre line of that road to the centre line of Davey-street and by the centre line of that street to its intersection with Hunter-street thence by the centre line of that street to the high-water mark on River Derwent aforesaid thence by that high-water mark to the point of commencement.

Huon.

The area comprised within the several municipalities of Esperance Huon Cygnet Kingborough and Bruny.

Launceston.

The area bounded by a line commencing at the south end of the suspension bridge across the South Esk River (at the First Basin) and bounded by the northern portion of the boundaries of the City of Launceston (as defined in the second schedule of the *Launceston Corporation Act 1941*) to the intersection of those boundaries with the high-water mark on the River Tamar thence south-easterly to a point opposite the centre line of the southern end of Forster-street on high-water mark on the River Tamar thence by a line north-easterly to the centre line of the southern end of Forster-street and thence by the centre line of that street to the Launceston City boundary and thence by part of the eastern boundaries of the City of Launceston to the centre line of Cypress-street and thence by the centre of that street the centre of Elphin-road Clare-

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mont-street Clarence-street York-street and Basin-road to high-water mark on the First Basin aforesaid and thence by that high-water mark to the point of commencement. A.D. 1946.

Macquarie.

The area comprised within the several municipalities of Fingal Evandale and Longford together with all that portion of the Municipality of Westbury lying to the south and east of a line extending along the right banks of the rivers Meander and South Esk respectively to the boundary of the City of Launceston.

Meander.

The area comprised within the several municipalities of Deloraine and Kentish and the Riana Ward of the Municipality of Penguin and the South Ward of the Municipality of Ulverstone.

Mersey.

The area comprised within the North East and West Wards of the Municipality of Ulverstone together with all that portion of the Municipality of Devonport lying to the west of the River Mersey.

Monmouth.

The area comprised within the several municipalities of Campbell Town Ross Oatlands Green Ponds and Brighton.

Newdegate.

The area bounded by a line commencing at a point on the River Derwent at the centre of the Hobart Bridge and extending south-westerly across Queen's Domain to the northern end of Davenport-street thence by the centre line of that street to its intersection with Park-street thence by the centre line of that street to its intersection with Warwick-street thence by the centre line of that street to its intersection with Lansdowne-crescent thence by the centre line of that crescent to its intersection with Poets-road and thence by the centre line of that road and by a continued south-westerly line to the trigonometrical station on Mount Wellington thence north-easterly to the southern end of Giblin-street thence by the centre line of that street by the centre line of Forster-street and by the centre line of Risdon-road to its intersection with high-water mark on New Town Bay and thence by that high-water mark to the point of commencement.

Pembroke.

The area comprised within the several municipalities of Clarence Glamorgan Richmond Spring Bay Sorell and Tasman.

Queenborough.

The area bounded by a line commencing at the intersection of the centre line of Hunter-street with the high-water mark on the River Derwent thence by that centre line to its intersection with Davey-street thence by the centre line of that street to the centre line of Huon-road and thence by the centre line of that road to the boundary of the City of Hobart as defined in the *Hobart Corporation Act 1929* and thence by those boundaries to the high-water mark on the River Derwent aforesaid and thence by that high-water mark to the point of commencement.

Russell.

The area comprised within the several municipalities of Circular Head Wynyard and King Island.

South Esk.

The area comprised within the several municipalities of George Town Lilydale Scottsdale Ringarooma Portland and Flinders.

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Tamar.

The area comprised within the several municipalities of Beaconsfield and Latrobe together with all that portion of the Municipality of Westbury which lies to the north and west of a line extending along the left banks of the rivers Meander and South Esk respectively to the west boundary of the City of Launceston and all that portion of the Municipality of Devonport which lies to the east of the River Mersey.

West Devon.

The area comprised within the Municipality of Burnie and the Dial and Heybridge Wards of the Municipality of Penguin.

Westmorland.

The area comprised within the Municipality of St. Leonards and the area bounded by a line commencing at the intersection of the centre line of Herbert-street and Forster-street in the City of Launceston and bounded by the centre line of Forster-street in a south-westerly direction to high-water mark on the River Tamar thence in a general northerly direction by that high-water mark to the intersection with the city boundary of Launceston (as defined in the second schedule of the *Launceston Corporation Act 1941*) thence by the northern portion of that boundary to a point opposite the northern end of the centre of Forster-street and thence by a line south-westerly to the point of commencement and the area bounded by a line commencing at the intersection of the centre lines of Hobbler's Bridge-road and Plevna-place and bounded by the centre line of Hobbler's Bridge-road Elphin-road David-street High-street Lawrence Vale-road Melbourne-street Wellington-street Peel-street to a point opposite the centre line of Merivale-street and thence southerly to the city boundary of Launceston (as defined in the second schedule of the *Launceston Corporation Act 1941*) and thence by the southern portion of that boundary to Hobbler's Bridge-road aforesaid and thence by the centre line of that road to the point of commencement."

THE SECOND SCHEDULE.

Name of Member.	Division which Member is Deemed to Represent.	Year in which Member Retires.
William Henry Strutt	Queenborough	1947
William Robinson	Cornwall	1948
William George Wedd	Buckingham	1950
Dennis Gannon Lonergan	Newdegate	1951