

“(3) Where a vehicle is used or driven on a forest road for any purpose and by reason of that vehicle being so used or driven damage is caused to a forest road, the Commission, if—

- (a) there has been, in relation to the driving or use of that vehicle, a contravention of, or failure to comply with, the regulations made under this section or any directions or requirements made thereunder; and
- (b) that damage would not reasonably have been expected to have occurred if those regulations, directions, or requirements had been complied with,

may recover from the person using or driving that vehicle, or allowing it to be used or driven for that purpose, the cost of making good that damage.

“(4) Any sum that may be recovered under subsection (3) of this section may be recovered as a debt due to the Commission.

“(5) In this section ‘forest road’ means any road or way (not being a public street within the meaning of the *Traffic Act 1925*) that—

- (a) is within a State forest; or
- (b) is on any Crown land and is maintained by the Commission.

“(6) References in this section to a road or way shall be deemed to include references to any bridge, embankment, causeway, culvert, drain, or other work constructed in connection therewith.”

COSGROVE PARK.

No. 16 of 1962.

AN ACT to remove doubts as to the validity of certain action taken by the Launceston Public Hospitals Board with respect to the provision of homes for aged persons on certain Crown land in the city of Launceston; to make provision for rendering certain other Crown land in that city available to a voluntary association having as its object the provision of homes for aged persons and to make provision for consequential and incidental matters. [10 May 1962.]

WHEREAS the Launceston Public Hospitals Board (in this Act referred to as “the board”) has on certain Crown land at Cosgrove Park in the city of Launceston provided homes for aged persons: Preamble.

And whereas the cost of the provision of those homes has been met in part by moneys provided by Parliament for the purpose and in part by moneys paid to the board by certain persons in consideration of the right given to them by the board to reside in those homes for the remainder of their lives:

And whereas certain of those homes are occupied by persons to whom those rights have been given and certain others of those homes have been let to pensioners:

And whereas the board holds in trust in a separate account moneys that have been paid by persons in respect of the grant to them of those rights and that have not yet been applied by the board in the provision of homes:

And whereas it appears that the powers of the board are insufficient in law to enable it to provide homes for aged persons or to enter into and carry into effect the arrangements that have been made with respect to the occupation of the homes that have been provided by the board:

And whereas it is expedient that certain other Crown land adjacent to that on which the homes have been provided by the board should be transferred to some voluntary association having as its object the provision of homes for aged persons:

And whereas it is expedient that the other provisions in this Act should be enacted:

Be it therefore 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.

1 This Act may be cited as the *Cosgrove Park Act 1962*.

Interpretation.

2 In this Act, unless the contrary intention appears—

“association” includes any committee, society, organization, or other body of persons (whether corporate or unincorporate);

“board” means the Launceston Public Hospitals Board;

“nominated association” means the association declared, under section four, to be the nominated association.

Validation of certain acts of board.

3—(1) Notwithstanding anything in any other Act, but subject to this Act, the board has power and shall be deemed always to have had power to—

(a) provide and maintain homes for aged persons on the land described in the first schedule;

(b) provide facilities for the use or benefit of persons residing in any homes so provided; and

- (c) enter into and carry out agreements with respect to the occupation by aged persons of any such homes or the residence by any such persons in those homes and the use by persons occupying or residing in those homes of any facilities provided by the board.

(2) The powers conferred on the board by this section shall not, after the commencement of this Act, be exercised without the approval of the Minister.

4—(1) Subject to this section, the Minister may, by notice in the *Gazette*, declare to be the nominated association for the purposes of this Act any association that—

The nominated association.

- (a) is carried on otherwise than for the purposes of profit or gain for its individual members; and
 (b) has, as its sole or main object, the provision of homes for aged persons.

(2) No association shall be declared under this Act to be the nominated association unless provision is made in the constitution thereof requiring that at least one member of the governing body thereof is appointed by the Governor, and no alteration shall be made in the constitution of the nominated association that has the effect of removing therefrom that requirement.

(3) Where the constitution of an association does not provide for the establishment of a governing body thereof, references in subsection (2) of this section to the governing body of that association shall be construed as references to the association.

(4) Unless an association is already a body corporate, the notification in the *Gazette* under this section by which it is declared to be the nominated association has the effect of constituting that association a body corporate, with perpetual succession and a common seal, by the name specified as the name of the association in the constitution thereof.

(5) Where the nominated association is constituted a body corporate under this section it shall be deemed to have the powers and functions specified in its constitution.

(6) Except as otherwise expressly provided in this section, nothing in this section prevents the alteration of the constitution of the nominated association in accordance with the provisions contained therein.

5 The Governor, in the name and on behalf of Her Majesty, may, by deed of grant, convey and alienate to the nominated association the whole or any part of the land described in the second schedule, or may grant to the nominated association any estate or interest in the whole or any part of that land.

Transfer of certain Crown land to the nominated association.

6 The board may, with the approval of the Minister, enter into and carry out agreements or arrangements with the nominated association—

Powers of board in relation to nominated association.

- (a) for the provision by the board of services and other facilities for the use or benefit of persons residing in any homes provided on the land vested in, or any estate or interest in which is vested in, the nominated association under this Act; or
- (b) for the use by those persons of any facilities or services provided by the board in connection with any hospital under its management and control.

Cosgrove Park
Development
Fund.

7—(1) The board shall establish and maintain a fund to be known as the Cosgrove Park Development Fund (in this section referred to as “the fund”).

(2) The board as the trustee thereof shall pay to the fund a sum equivalent in amount to the amount of so much of the sums paid to it before the commencement of this Act by persons in respect of their being given the right to occupy, or being allowed to reside in, any home provided or to be provided by the board (not being periodical sums paid by persons occupying or residing in those homes by way of rental or in consideration of the provisions or rendering available of any services or facilities) as have not, at the commencement of this Act, been applied by the board in the erection of homes on the land described in the first schedule or in the provision of furniture and other equipment for those homes.

(3) On being required to do so by the nominated association the board shall pay to the association out of the fund, on such terms and conditions as may be approved by the Minister, such sums as the association may require for the purpose of the erection of homes on any of the land described in the second schedule or in the provision of furniture or other equipment for those homes.

(4) Notwithstanding anything in this section, the board may, until the whole or any part of the land described in the second schedule is conveyed or alienated to the nominated association, or that association is granted any estate or interest in the whole or any part of that land, apply with the approval of the Minister, any of the moneys forming part of the fund in the erection of homes on the land described in the first schedule or in the provision of furniture and fittings for those homes.

THE FIRST SCHEDULE.

(Sections 3 and 7.)

Land on which the Launceston Public Hospitals Board has erected homes for aged persons.

The land in the city of Launceston bounded by Wellington Street, Lithgow Street, Normanstone Road, Waveney Street, and Peel Street, having an area of 26 acres, 3 roods, and 29 perches, or thereabouts, with the exclusion therefrom of the land described in the second schedule.

THE SECOND SCHEDULE.

(Sections 5 and 7.)

Land that may be transferred to the nominated association.

A piece of land, having an area of 4 acres and 8 perches situated to the north of the Cosgrove Park Home for the Aged site and having a frontage on Waveney Street of 405 feet, and a boundary running in an easterly direction for a distance of 715 feet, returning in a southerly direction for a distance of 305 feet and then returning to Waveney Street for a distance of 530 feet.

MINING.

No. 17 of 1962.

AN ACT to amend the *Mining Act 1929*.
 [10 May 1962.]

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 *Mining Act 1962*. Short title
and citation.
- (2) The *Mining Act 1929*, as subsequently amended, is in this Act referred to as the Principal Act.

- 2** Section two of the Principal Act is amended— Interpre-
tation.
- (a) by inserting in subsection (1) thereof, before the definition of “Claim”, the following definition:—
- “ ‘Atomic substance’ means—
- (a) uranium;
- (b) thorium; and
- (c) any other substance (being a substance that, in the opinion of the Minister, is or may be used for the production or use of atomic energy or research into matters connected with atomic energy) that is declared by the Minister, by order, to be an atomic substance for the purposes of this Act;”;
- (b) by inserting in that subsection, after the definition of “Dam”, the following definition:—
- “ ‘Date of commencement’, used in relation to a lease, means the day on which, by virtue of subsection (3) or subsection (4) of section forty-seven, the term granted by the lease commences;”;