

of such reclamation as is mentioned in subsection (1) anything deposited thereon in the course of such reclamation shall be liable to a fine of fifty pounds or to imprisonment for six months.

“(10) Notwithstanding anything in this section, on or after the first day of December 1956 the council shall not use, or cause or permit to be used, for the purpose of reclaiming that portion of New Town Bay that is described in Part XXII of the seventh schedule, any substance or material other than earth, sand, rock, concrete, or other like material or within such further period as the Governor may approve.”.

Offences.

**20** Section three hundred and twenty-five of the Principal Act is amended by omitting the word “Twenty” in subsection (4) thereof and substituting therefor the word “Fifty”.

Power to acquire land and purposes for which it may be acquired.

**21** Section three hundred and forty-three of the Principal Act is amended by adding the following subsection:—

“(2) With any land required by it for the purposes of Part IXA or for opening, widening, or diverting streets the council may purchase or acquire compulsorily, together with any land so required, any adjoining land of the same owner.”.

Powers in respect of other property.

**22** Section three hundred and forty-eight of the Principal Act is amended by adding at the end thereof the following subsection:—

“(4) Where land is to be sold in accordance with paragraph XII of subsection (1) of this section in lots not coinciding with former title boundaries the corporation may surrender the land to be sold and such adjacent lands as it thinks fit and shall be entitled to a new grant in accordance with the provisions of the *Crown Lands Act 1935* of the land surrendered together with any intervening or adjacent lands of the Crown not required by the Crown for its own purposes.”.

Fifth schedule.

**23** The fifth schedule to the Principal Act is amended by adding at the end thereof the following item:—

“(y) The provision of off-street parking areas or buildings—£400,000.”.

---

## HOMES.

---

No. 76 of 1955.

AN ACT to amend the *Homes Act 1935*, the *Homes Act 1953*, and the *Casual Workers and Unemployed Persons Homes Act 1936*.

[22 December, 1955.]

**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 *Homes Act 1955*. Short title, citation, and commencement.

(2) The *Homes Act 1935*, as subsequently amended, is in this Act referred to as the Principal Act.

(3) This Act shall commence on the first day of January 1956.

**2** Section six of the Principal Act is amended by omitting subsection (1) thereof. Officers may include State Advances Act Officers.

**3** Section ten of the Principal Act is amended by omitting subsection (6) and substituting therefor the following subsection:— Setting apart Crown land.

“(6) When the Director has been paid the whole of the purchase-money payable under the contract of sale entered into in respect of any Crown land or lot so set apart, he shall pay to the credit of the Department of Lands and Surveys, a sum equal to the amount debited against him pursuant to subsection (5) of this section, and thereupon the Commissioner shall credit the Director with the payment in the books of that Department.”.

**4** Section fourteen of the Principal Act is amended by omitting therefrom the words “so set apart or land acquired by agreement” and substituting therefor the words “set apart under section ten or acquired for the purposes of this Act”. Director may erect dwelling-houses.

**5** Section fourteen B of the Principal Act is amended by omitting therefrom the words “land that is held by or vested in the Board” and substituting therefor the words “Crown land set apart under section ten or land acquired for the purposes of this Act”. Power of Director, &c., to enter on lands of the Board.

**6** After section fifteen of the Principal Act the following section is inserted in Part III:—

“15A.—(1) Where the Director is satisfied that—

I A public authority: or

II A person who is carrying on or about to carry on an industrial undertaking,

permanently requires dwelling-houses for its or his employees, the Director may, with the consent of the Minister, erect dwelling-houses and, notwithstanding anything in Part IV, sell or let them to that public authority or person upon such terms and conditions as the Minister may approve. Power of Director to provide dwelling-houses for employees of public authorities and persons carrying on industrial undertakings.

(2) For the purposes of this section, the provisions of sections ten to fifteen have effect as if for any reference therein to an eligible person there were substituted a reference to a public authority or person carrying on or about to carry on an industrial undertaking, and the powers conferred on the Director by those provisions may be exercised accordingly.

(3) In this section, 'public authority' means—

- I A person or body of persons, whether incorporated or unincorporated, appointed or constituted by or under any Act or Commonwealth Act, or appointed in the exercise of the prerogative rights of the Crown, to administer or control any department, business, or undertaking on behalf of the State or of the Commonwealth:
- II A statutory authority appointed or constituted under any Act or Commonwealth Act to carry on any public industrial undertaking: and
- III The corporation of a city or municipality and any marine board or harbour trust."

Power to let dwelling-houses.

**7** Section sixteen of the Principal Act is amended by omitting from subsection (1) the words "by the Board" and substituting therefor the words "under this Part".

Sale of dwelling-houses.

**8** Section seventeen of the Principal Act is amended—

- (a) by omitting from subsections (1) and (1A) the word "Board" (wherever occurring) and substituting therefor, in each case, the word "Director";
- (b) by omitting from subsection (1B) the words "Board, if it" and substituting therefor the words "Director, if he";
- (c) by omitting subsections (1C) and (2) and substituting therefor the following subsection:—  
 "(2) The sale may be at such price and upon such terms and conditions, as may be prescribed or, in the absence of regulations in that behalf, as may be determined by the Director.";
- (d) by omitting subsection (3);
- (e) by omitting subsection (4) and substituting therefor the following subsection:—  
 "(4) If the Director so determines, a dwelling-house, together with the land on which it is erected, or to be held therewith, may be sold under this section to an eligible person without a deposit.";
- (f) by omitting from subsection (5) the word "Board" (twice occurring) and substituting therefor, in each case, the word "Director";
- (g) by omitting subsection (6) and substituting therefor the following subsections:—

"(6) Subject to this section, if the purchaser has complied to the satisfaction of the Director with the conditions contained in the contract of sale the Director, upon payment by the purchaser to the Director of all moneys owing to the Director under the contract of sale, may transfer the land to the purchaser.

“(6A) Subject to this section, a purchaser who has paid to the Director, in reduction of the purchase-money payable under a contract of sale, a sum amounting to not less than one-fifth of the purchase-money may, if he so desires, apply to the Board for an advance for the purpose of paying to the Director the balance of the purchase-money.

“(6B) If an application under subsection (6A) of this section is approved by the Board, the purchaser shall execute in favour of the Board a mortgage in the prescribed form for the balance of the purchase-money due under the contract of sale and for the payment of the interest payable thereon, securing the payment thereof by instalments of principal and interest combined, or by such other method as the Board may determine.

“(6C) Notwithstanding anything contained elsewhere in this section, the purchaser is not entitled to a transfer of the land to which the contract of sale relates until the expiration of five years after the date of execution of the contract unless the Director certifies that he is of the opinion that, for special reasons, it is desirable that the land be transferred to the purchaser.

“(6D) The Board shall not approve an application under subsection (6A) of this section unless it is satisfied, after consultation with the Director, that—

I The applicant has paid to the Director the sum due up to the time of the making of the application by way of instalments under the contract of sale and has complied to the satisfaction of the Director with the conditions contained in the contract of sale: and

II In the case of an application made within five years after the date of execution of a contract of sale, the Director has certified, in accordance with subsection (6C) of this section, that it is desirable that the land be transferred to the applicant.”;

(h) by omitting from subsection (7) the words “subsection (6) hereof,” and substituting therefor the words “this section,”; and

(i) by omitting subsections (7A), (7B), (7C), and (7D).

**9** Section eighteen of the Principal Act is amended by omitting therefrom the word “Board” (wherever occurring) and substituting therefor, in each case, the word “Director”.

Sale of land  
in certain  
cases.

**10** Section twenty-seven of the Principal Act is repealed and the following sections are substituted therefor:—

Interpretation.

“27. In this Part, ‘appropriate authority’ means—

- I The Board, in the case of any land or land and dwelling-house subject to a mortgage or other security to secure the repayment of an advance made by the Board under this Act: or
- II The Director, in the case of any land or land and dwelling-house not subject to such a mortgage or other security.

Discretionary powers of Director and Board.

“27A.—(1) The Director may refuse to enter into a contract for the sale to an eligible person of any land or land and dwelling-house, and the Board may refuse to make an advance to any person applying therefor pursuant to this Act.

(2) A decision of the Director or of the Board under this section is final.”.

Property to be kept in repair until payment in full.

**11** Section thirty of the Principal Act is amended—

- (a) by omitting from subsections (1) and (2) the word “Board” (wherever occurring) and substituting therefor, in each case, the words “appropriate authority”;
- (b) by omitting from subsection (2) the word “manager” (wherever occurring) and substituting therefor, in each case, the words “appropriate authority”;
- (c) by omitting from paragraph I of subsection (2) the words “acting under his authority” and substituting therefor the words “authorized by the appropriate authority in that behalf”, and by omitting from paragraph II of that subsection the words “acting with his authority” and substituting therefor the words “authorized by the appropriate authority in that behalf”; and
- (d) by adding at the end thereof the following subsection:—

“(3) The powers conferred on the appropriate authority by this section may, where the Board is the appropriate authority, be exercised by the manager or any person authorized by him in that behalf, and this section shall be construed accordingly.”.

**12** Section forty-one of the Principal Act is repealed and the following section is substituted therefor:—

Registers, &c., to be kept by Director and Board.

“41.—(1) There shall be kept—

- I By the Director, a register or list of all purchases and tenancies under this Act: and

II By the Board, a register or list of all advances made by it under this Act,

and, in addition, the Director and the Board shall each keep an alphabetical list of the names of the persons included in the relevant register or list.

(2) A register or list kept pursuant to this section may be inspected by any person upon payment to the Director or to the Board, as the case may be, of a fee of one shilling."

**13** After section forty-two of the Principal Act the following section is inserted:—

"42A. If the Director considers it desirable so to do he may—

- I Erect shops and other business premises on any Crown land set apart under section ten or on any land acquired for the purposes of this Act: and
- II Sell any shop or other business premises so erected to any person approved by the Director (whether an eligible person or not) or let any shop or other business premises so erected to any person approved by him, for such term, at such rent, and upon and subject to such other conditions, as may be agreed upon between the Director and that person."

Power of Director to erect and sell or let shops.

**14** Section forty-three of the Principal Act is amended—

(a) by omitting subsection (1) and substituting therefor the following subsection:—

"(1) If the Director is satisfied that any land—

- I Which is vested in, or held by, him under or for the purposes of this Act:
- II In which under section twenty-seven of the *Homes Act 1953* he has, or in respect of which he is entitled to call for, the legal estate: or
- III Which has been granted to him, or to the grant to which he is entitled, under section ten,

is not immediately required for the purposes of this Act he may sell that land at such price and on such terms and conditions as he thinks fit."; and

(b) by omitting from subsection (2) the word "Board" and substituting therefor the word "Director".

Sale or leasing, &c., of land not immediately required.

**15**—(1) The sections of the Principal Act that are specified in the first column of the first schedule to this Act are amended as respectively specified in the second column of that schedule.

Consequential amendments.

(2) The *Casual Workers and Unemployed Persons Homes Act 1936* is amended as specified in the second schedule to this Act.

Transitory provisions.

**16**—(1) Section twenty-seven of the *Homes Act 1953* is amended by omitting subsections (1) and (2) and substituting therefor the following subsection:—

“(1) On the commencement of this Act all land that, before the commencement of this Act, was—

(a) granted to the Board under section ten of the Principal Act shall be held by the Board to the use of the Director for the purposes of that Act;

(b) vested in Her Majesty—

(i) under the *Lands Resumption Act 1910* for the purposes of the Principal Act; or

(ii) by the operation of section thirty-seven of the Principal Act or section two of the *Homes Act 1944*,

shall be deemed to be Crown land set apart to be used for the purposes of the Principal Act under section ten thereof; or

(c) in any other manner acquired by the Board under or for the purposes of the Principal Act, shall be deemed to have been so acquired on behalf of the Director for the purposes of the Principal Act,

and the Board shall, at the request and cost of the Director, do and execute all such acts, deeds, and things necessary or proper to vest in him, or by his direction in some other person in accordance with the Principal Act, all its right, title, and interest in any such land.”.

(2) Subsection (1) of this section shall be deemed to have commenced on the date of the commencement of the *Homes Act 1953*.

(3) The burden and benefit of all contracts of sale under section seventeen or section eighteen of the Principal Act or under the provisions of the *Casual Workers and Unemployed Persons Homes Act 1936* entered into by the Board before the commencement of this subsection are, by virtue of this subsection and without further authority, transferred to the Director as if the Director were specifically named therein as a party thereto in lieu of the Board, and those contracts may be enforced by and against the Director accordingly.

## THE FIRST SCHEDULE.

(Section 15.)

## CONSEQUENTIAL AMENDMENTS OF THE PRINCIPAL ACT.

FIRST COLUMN.	SECOND COLUMN.
<i>Section amended.</i>	<i>How amended.</i>
3	By omitting from the definitions of "Contract of sale" and "Eligible person" respectively the word "Board" (wherever occurring) and substituting therefor, in each case, the word "Director".
11A	By inserting in subsection (2), before the word "Board", the words "Director or the".
12A	By omitting the words ", or, as the case requires, the Board".
29	By omitting from subsection (1) the words ", or, as the case requires, the Board"; by omitting from that subsection the word "it" and substituting therefor the word "him"; and by omitting from that subsection the words "or the Board".
31	By omitting from subsection (3) the words ", or, as the case requires, the Board", and by omitting from that subsection the words "or it".
34	By omitting the word "Board" (wherever occurring) and substituting therefor, in each case, the words "appropriate authority".
35	By omitting from subsections (1) and (2) the word "Board" (wherever occurring) and substituting therefor, in each case, the words "appropriate authority".
34	By omitting from paragraph I of subsection (2) the words "its discretion" and substituting therefor the words "the discretion of the appropriate authority".
34	By omitting from subsections (1), (2), and (3) the word "Board" (wherever occurring) and substituting therefor, in each case, the words "appropriate authority".
35	By omitting from subsection (1) the word "Board" (wherever occurring) and substituting therefor, in each case, the words "appropriate authority".
35	By omitting from subsection (2) the word "Board" (first occurring) and substituting therefor the words "appropriate authority".
35	By omitting from paragraph I of subsection (2) the words "its discretion" and substituting therefor the words "the discretion of the appropriate authority".
35	By omitting from paragraph II of subsection (2) the words "Board a transfer and executed a mortgage to it" and substituting therefor the words "Director a transfer and executed a mortgage to the Board", and by omitting from that paragraph the word "it" (twice occurring before the word "thinks") and substituting therefor, in each case, the words "the appropriate authority".
35	By omitting from subsection (2A) the word "Board" and substituting therefor the words "appropriate authority", and by omitting from that subsection the word "it" and substituting therefor the words "appropriate authority".



FIRST COLUMN.	SECOND COLUMN.
<i>Section amended.</i>	<i>How amended.</i>
	By omitting from subsection (4) the word "Board" (wherever occurring) and substituting therefor, in each case, the words "appropriate authority".
36	By omitting the word "Board" (wherever occurring) and substituting therefor, in each case, the words "appropriate authority".
37	By omitting the word "Board" (wherever occurring) and substituting therefor, in each case, the words "appropriate authority".
39	By inserting in subsection (1), before the word "Board" (wherever occurring), the words "Director or the", and by inserting in that subsection, before the word "it", the words "he or".
40	By omitting from subsection (1) the word "Board" and substituting therefor the words "Director or the Board, as the case requires,".
44	By inserting before the word "Board" (first occurring) the words "Director or the", and by omitting the word "Board" (last occurring) and substituting therefor the words "Director or the Board, as the case may be,".
45	By omitting the word "Board" and substituting therefor the words "Director or of the Board, as the case may be,".

## THE SECOND SCHEDULE.

(Section 15).

### CONSEQUENTIAL AMENDMENTS OF THE CASUAL WORKERS AND UNEMPLOYED PERSONS HOMES ACT 1936.

*Casual Workers and Unemployed Persons Homes Act 1936.*

(1 Edw. VIII and 1 Geo. VI No. 57).

1. Section 2 is amended—
  - (a) by omitting from the definition of "Eligible person" the word "Board" (wherever occurring) and substituting therefor, in each case, the word "Director";
  - (b) by omitting from the definition of "The *Homes Act*" the numerals "1936" and substituting therefor the numerals "1935"; and
  - (c) by omitting from subsection (2) the word "Board" and substituting therefor the word "Director".
2. Section 6 is amended by inserting in subsection (2), before the word "Board", the words "Director or by the".
3. Section 8 is amended by omitting the word "Board" and substituting therefor the word "Director".
4. Section 9 is amended—
  - (a) by omitting from subsection (1) the word "Board" and substituting therefor the word "Director";
  - (b) by omitting from subsection (1A) the word "Board" and substituting therefor the word "Director";

- (c) by omitting from subsection (1B) the words "the Board, if it is satisfied, after consultation with the Director," and substituting therefor the words "Director, if he is satisfied";
- (d) by omitting subsection (1C);
- (e) by omitting from subsection (2) the word "Board" and substituting therefor the word "Director";
- (f) by omitting from subsections (5) and (6) the word "Board" (wherever occurring) and substituting therefor, in each case, the word "Director";
- (g) by omitting subsection (7) and substituting therefor the following subsection:—  
 "(7) The provisions of subsections (6), (6A), (6B), (6C), (6D), and (7) of section seventeen of the *Homes Act* apply to and in respect of the sale of any dwelling-house and land under this section as if that dwelling-house and land were sold under that section."; and
- (h) by omitting subsection (10).

4. After section 9 the following section is inserted in Part V:—

"9A. In this Part, 'appropriate authority' means—

Interpreta-  
tion.

- I The Board, in the case of any land or land and dwelling-house subject to a mortgage or other security to secure the repayment of an advance made by the Board: or
- II The Director, in the case of any land or land and dwelling-house not subject to such a mortgage or other security."

5. Section 10 is amended—

- (a) by omitting from subsections (1), (2), (3), (4), and (5A) the word "Board" (wherever occurring) and substituting therefor, in each case, the word "Director";
- (b) by omitting from subsection (2) the words "and shall deliver a copy thereof to the Director"; and
- (c) by omitting subsection (5).

6. Section 11 is amended by omitting therefrom the word "Board" (wherever occurring) and substituting therefor, in each case, the word "Director".

7. Section 12 is amended—

- (a) by omitting from subsections (1) and (2) the word "Board" (wherever occurring) and substituting therefor, in each case, the words "appropriate authority";
- (b) by omitting from subsection (2) the word "Manager" (wherever occurring) and substituting therefor, in each case, the words "appropriate authority", and by omitting from paragraph I of that subsection the words "acting under his authority" and substituting therefor the words "authorized by the appropriate authority in that behalf", and by omitting from paragraph II of that subsection the words "acting with his authority" and substituting therefor the words "authorized by the appropriate authority in that behalf"; and
- (c) by adding at the end thereof the following subsection:—

"(3) The powers conferred on the appropriate authority by this section may, where the Board is the appropriate authority, be exercised by the Manager or any person authorized by him in that behalf, and this section shall be construed accordingly."

8. Section 13 is amended—

- (a) by omitting from subsection (1) the word "Board" (wherever occurring) and substituting therefor, in each case, the words "appropriate authority";
- (b) by omitting from subsection (2) the word "Board" (first occurring) and substituting therefor the words "appropriate authority"; and

- (c) by omitting from paragraph I of subsection (2) the word "Board" (second occurring) and substituting therefor the words "appropriate authority", and by omitting from paragraph II of that subsection the word "Board" and substituting therefor the words "appropriate authority".
9. Section 14 is amended by omitting therefrom the word "Board" (wherever occurring) and substituting therefor, in each case, the words "appropriate authority".
10. Section 15 is amended by omitting from subsections (1), (2), and (3) the word "Board" (wherever occurring) and substituting therefor, in each case, the words "appropriate authority".
11. Section 16 is amended—
- (a) by omitting from subsection (1) the word "Board" (wherever occurring) and substituting therefor, in each case, the words "appropriate authority";
- (b) by omitting from subsection (2) the word "Board" (first occurring) and substituting therefor the words "appropriate authority";
- (c) by omitting from paragraph I of subsection (2) the words "executed a mortgage to it" and substituting therefor the words "obtained from the Director a transfer and executed to the Board a mortgage", and by omitting from that paragraph the word "it" (twice occurring before the word "thinks") and substituting therefor, in each case, the words "the appropriate authority"; and
- (d) by omitting from subsection (3) the word "Board" (wherever occurring) and substituting therefor, in each case, the words "appropriate authority".
12. Section 17 is amended by omitting therefrom the word "Board" (wherever occurring) and substituting therefor, in each case, the words "appropriate authority".
13. Section 18 is amended by omitting therefrom the word "Board" (wherever occurring) and substituting therefor, in each case, the words "appropriate authority".
14. Section 19 is amended by inserting in subsection (1), before the word "Board", the words "Director and of the".
15. Section 20 is amended by inserting in paragraph I of subsection (1), before the word "Board" (wherever occurring), the words "Director or to the".

---

## FATAL ACCIDENTS.

---

No. 77 of 1955.

### AN ACT to amend the *Fatal Accidents Act* 1934. [22 December, 1955.]

**B**E 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 *Fatal Accidents Act* 1955.

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