

TASMANIA.

THE HOBART CORPORATION ACT 1936.

ANALYSIS.

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| <p>1. Short title.</p> <p>2. Amendment of 20 Geo. V. No 44.
 Sections 12, 17, 18, and 40.
 Section 47.
 Section 64.
 Section 69.
 Section 70.
 Section 71.
 Section 73.
 Section 74.
 Repeal and re-enactment of section 79.
 Directions for postal voting.
 Section 80.
 Repeal and re-enactment of section 81.
 Repeal of section 83.
 Amendment of schedule 10, form A.
 New form B.
 New form C.
 Amendment of section 151A.
 New section 158D.
 Contribution to cost of museum building.
 New section 158E
 Subsidy to Hobart Chest Clinic.</p> <p>3. Amendment of 21 Geo. V. No. 61.
 New section 212A.
 Interpretation of terms.
 New section 212B.
 Licences.
 Dairy
 Milkshop.
 Cowshed.
 New section 212C.
 Licence to keep cow.
 New section 212D.
 Persons to be in charge of—
 Dairy.
 Milkshop.
 Evidence.</p> | <p>New section 212E.
 Sale of milk.</p> <p>New section 212F.
 Purchase of milk.</p> <p>New section 212G.
 Registration of cow-keepers, dairymen, or purveyors of milk.</p> <p>New section 212H.
 Facilities and assistance to inspector.</p> <p>New section 212I.
 Council may refuse to register.
 Cancellation of registration.</p> <p>New section 212J.
 Inspection.</p> <p>New section 212K.
 Test for disease.</p> <p>New section 212L.
 Isolation of cattle.</p> <p>New section 212M.
 Cleansing.
 Swine to be kept away.</p> <p>New section 212N.
 Infectious diseases to be notified.</p> <p>New section 212O.
 Protection from infectious diseases.</p> <p>New section 212P.
 Order that milk not to be used.</p> <p>New section 212Q.
 Customers.</p> <p>New section 212R.
 Cesspools.</p> <p>New section 212S.
 Conveyances to be clean.</p> <p>New section 212T.
 Fresh milk not to be mixed with older milk.</p> |
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New section 212U.
 Notice to be given of
 change of address.

New section 212V.
 No other trade on dairy
 premises without con-
 sent.

New section 212W.
 Penalties.

New section 212X.
 By-laws.

Issue of licences.

Registration of cow-
 keepers, &c.

Fees.

Application forms, &c.

Prohibiting dairies, &c.,
 in certain areas.

Cleansing.

New section 212Y.
 Provisions.

4. Drainage of lands.

5. Formation of rights-of-way
 and lanes.

TASMANIA.



1936.

ANNO PRIMO

EDWARDI VIII. REGIS ET
PRIMO GEORGII VI. REGIS.

No. 49.

AN ACT to amend the *Hobart Corporation Acts*
1929-35. [23 December, 1936.]

A.D.
1936.
—

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 *Hobart Corporation Act* 1936. Short title.

(2) The *Hobart Corporation Acts* 1929-35, as amended by this Act, may be cited as the *Hobart Corporation Acts* 1929-36.

2 The *Hobart Corporation Act* 1929 is hereby amended:—

Amendment
of 20 Geo.
V. No. 44.

- I. By substituting the word “third” for the word “second” in the second line of section twelve, and by making the same substitution wherever

Sections 12,
17, 18, and
40.

Hobart Corporation.

- A.D. 1936.
 the word "second" occurs in conjunction with the word "Friday" in sections seventeen, eighteen, and forty thereof :
- Section 47. II. By substituting the word "twenty-fourth" for the word "fourteenth" in the first line of section forty-seven and the word "twentieth" for the word "tenth" in the second line thereof :
- Section 64. III.—(a) By substituting the words "consecutive numbers" for the words "any numeral from one up to nine" in line four of paragraph iii. of section sixty-four :
- (b) By substituting the words "consecutive numbers" for the words "a numeral" in line two of paragraph iv. thereof and by deleting all words after the word "names" in line four to the end of the paragraph, and inserting the following words in lieu thereof:—"except in the case of an extraordinary vacancy to be filled at the same election, in which case consecutive numbers shall be placed opposite the names of as many candidates as are required to fill both ordinary and extraordinary vacancies" :
- (c) By substituting the words "consecutive numbers" for the words "a numeral" in line two of paragraph v. thereof :
- Section 69. IV. By adding the words "or any citizen of Hobart, not being a candidate at the election," at the end of subsection (3) of section sixty-nine thereof :
- Section 70. V. By deleting the words "of or above the rank of sergeant" in the first and second lines of paragraph vi. of section seventy, and by adding the following new paragraph ix. to the end thereof—
- "ix. Legal practitioners, ministers of religion, and State and Commonwealth returning officers." :
- Section 71. VI. By deleting the words "authorised witness" in the first line of section seventy-one thereof and substituting therefor the word "person" :

Hobart Corporation.

- VII.—(a) As to subsection (1) of section seventy-three thereof, by inserting after the word “ certificate ” in the sixth line the words “ printed on a envelope addressed to the Town Clerk ”, and by deleting all words after the word “ paper ” in the seventh line : A.D. 1936.
Section 78.
- (b) As to subsection (2) thereof, by deleting the words “ back of the counterfoil of ” in the second line and substituting therefor the words “ envelope delivered with ” :
- VIII. By deleting the words “ counterfoil of ” in the fourth line of section seventy-four thereof and substituting therefor the words “ envelope delivered with ” : Section 74.
- IX. By repealing section seventy-nine and substituting therefor the following new section seventy-nine :— Repeal and re-enactment of section 79.
- “ **79** The following directions relating to voting by means of postal ballot-papers shall be substantially observed— Directions for postal voting.
- i. The citizen, before marking his postal ballot paper, shall exhibit it, together with his postal vote certificate, to an authorised witness :
 - ii. The citizen shall then and there, in the presence of the authorised witness, sign his name in his own handwriting on the postal vote certificate in the place provided for the signature of the citizen :
 - iii. The authorised witness shall then and there sign his name in his own handwriting on the postal vote certificate in the place provided for the signature of the authorised witness, and shall add the title under which he acts as authorised witness and the date of signing :
 - iv. The citizen shall then and there, in the presence of the authorised witness, but so that the authorised witness cannot see the vote, mark his vote on the ballot-paper as indicated in the directions set forth on the ballot-paper :

Hobart Corporation.

A.D. 1936.

- v. The citizen shall then and there fold the ballot-paper so that the vote cannot be seen, and hand it so folded to the authorised witness :
- vi. The authorised witness shall then and there place the ballot-paper in the envelope addressed to the returning officer, and shall fasten the envelope and return it to the citizen, who shall forthwith post or transmit it to the returning officer :
- vii. If the citizen's sight is so impaired that he cannot vote without assistance, some person appointed by the citizen shall mark the citizen's vote on the ballot-paper in the presence of the authorised witness, or, if no person is so appointed, the authorised witness shall mark the citizen's vote on the ballot-paper :
- viii. The person who marks the citizen's ballot-paper as aforesaid shall then and there fold the ballot-paper so that the vote cannot be seen, place it in the envelope addressed to the returning officer, fasten the envelope and hand it to the citizen, who shall forthwith post or deliver it, or cause it to be posted or delivered, to the returning officer."

Section 80.

X. By expunging paragraph v. of section eighty and transposing " and " after paragraph iv. to follow paragraph iii. :

Repeal and re-enactment of section 81.

XI. By repealing section eighty-one and substituting the following new section eighty-one:—

"**81** At the scrutiny the returning officer shall produce all applications for postal vote certificates and postal ballot-papers, and shall produce, unopened, all envelopes containing postal votes received up to the close of the poll, and shall—

- i. Compare the signature of the citizen on each postal vote certificate with the signature of the same citizen on the

Hobart Corporation.

application for the certificate and allow the scrutineers to inspect both signatures :

A.D. 1936.

- ii. If satisfied that the signature on the certificate is that of the citizen who signed the application for the certificate and that the signature purports to be witnessed by an authorised witness, and that the citizen is on the Citizens Roll, accept the ballot-paper for further scrutiny, but, if not so satisfied, disallow the ballot-paper without opening the envelope in which it is contained :
- iii. Withdraw from the envelopes bearing the postal vote certificates all postal ballot-papers accepted for further scrutiny, and, without inspecting or unfolding the ballot-papers, or allowing any other person to do so, place them in a locked and sealed ballot-box by themselves for further scrutiny :
- iv. Seal up in separate parcels and preserve :
 - (a) All envelopes bearing postal vote certificates relating to postal ballot-papers accepted for further scrutiny : and
 - (b) All unopened envelopes containing postal ballot-papers disallowed : and
- v. Proceed with the scrutiny of the postal ballot-papers which have been accepted for further scrutiny.” :

XII. By repealing section eighty-three thereof :

XIII. As to schedule ten :—

- (a) By inserting in form A after the words “signed in the presence of” the words “an authorised witness or a citizen of the City of Hobart,” and deleting the brackets and words “ [authorised” to “here]” in the next four lines ; and deleting the word “authorised” in the next line thereafter.

Repeal of section 83.

Amendment of schedule 10. form A.

Hobart Corporation.

A.D. 1936.

(b) By expunging form B thereof, and substituting therefor the following new form B :—

New form B.

“ Form B.

The Hobart Corporation Act, 1929.
(Section 73.)

POSTAL VOTE CERTIFICATE.

I hereby certify that....., of....., is entitled (subject to the provisions of the *Hobart Corporation Acts 1929-36*) to vote by post at the election for..... (here state purpose for which election to be held) to be held on the..... day of....., 19 .

.....
Returning Officer.

Dated this..... day of....., 19 .
Signed by the citizen (in his own handwriting) in my presence—

.....
Signature of authorised witness (in his own handwriting.)

Title under which witness acts as authorised witness.....

Address.....

.....
Signature of citizen (in his own handwriting).

Date....., 19 .”

XII. By expunging form C thereof and substituting therefor the following new form C :—

New form C.

“ Form C.

CITY OF HOBART.

The Hobart Corporation Act, 1929.

Aldermen.
Election of Lord Mayor.

.....193 .

POSTAL BALLOT-PAPER.

(The citizen should carefully read the directions for his guidance printed on the back of this ballot-paper, and in particular note that he

Hobart Corporation.

must not mark his vote thereon until after he has first exhibited the ballot-paper (unmarked) to the authorised witness). A.D. 1936.

..... Votes.

CANDIDATES.

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-
-

[Back of Form.]



DIRECTIONS TO CITIZEN AND AUTHORISED WITNESS.

1. The citizen shall exhibit his unmarked postal ballot-paper and his postal vote certificate to the authorised witness.

2. The citizen shall then and there, in the presence of the authorised witness, sign his name *in his own handwriting* on the postal vote certificate, in the place provided for the signature of the citizen.

3. The authorised witness shall then and there sign his name *in his own handwriting* on the postal vote certificate in the place provided for the signature of the authorised witness, and shall add the title under which he acts as an authorised witness, and the date.

4. The citizen shall then and there, in the presence of the authorised witness, but so that the authorised witness cannot see the vote, mark his vote on the ballot-paper—

I.—In the Case of an Aldermanic Election.

(a) By placing consecutive numbers within, or substantially within, the square opposite the name or names of the person or person for whom he intends to vote:

(b) If the election be an ordinary biennial election of aldermen, the citizen shall place consecutive numbers, as aforesaid, opposite to not more and not less than six names; if any extraordinary vacancy is to be filled at the same election consecutive numbers shall be

Hobart Corporation.

A.D. 1936.

placed opposite the names of as many candidates as are required to fill both ordinary and extraordinary vacancies:

- (c) If the election be held to fill any extraordinary vacancy, the citizen shall place consecutive numbers, as aforesaid, opposite to not more and not less names than the number of persons required to fill such vacancies: and
- (d) The citizen shall make no other mark or writing on the ballot-paper, otherwise such ballot-paper shall be invalid, and, in particular, no name shall be struck out of any ballot-paper.

II.—In the Case of a Lord Mayoral Election.

(a) Where there are only two candidates, he shall place the number 1 within or substantially within the square opposite the name of the candidate for whom he votes as his first preference. He shall also place the number 2 within or substantially within the square opposite the name of the other candidate:

(b) Where there are more than two candidates, he shall place the number 1 within or substantially within the square opposite the name of the candidate for whom he votes as his first preference, and he shall also give contingent votes for all the remaining candidates by placing within or substantially within the squares respectively opposite their names the numbers 2, 3, and so on, so as to indicate the order of his preference.

5. The citizen shall then fold the ballot-paper so that the vote cannot be seen, and hand it so folded to the authorised witness.

6. The authorised witness shall then place the ballot-paper in the envelope addressed to the Returning Officer, fasten the envelope, and hand it to the citizen, who shall forthwith post or deliver it, or cause it to be posted or delivered, to the Returning Officer.

7. If the citizen's sight is so impaired that he cannot vote without assistance, some person selected by the citizen shall mark the citizen's vote on the ballot-paper in the presence of the

Hobart Corporation.

authorised witness, or, if no person is selected by the citizen to mark his vote, then the authorised witness shall mark the vote on the ballot-paper. A.D. 1936.

8. Where a person selected by the citizen marks the citizen's ballot-paper, that person shall fold the ballot-paper so that the vote cannot be seen, place it in the envelope addressed to the Returning Officer, fasten the envelope, and hand it to the citizen, who shall forthwith post or deliver it, or cause it to be posted or delivered, to the Returning Officer.

Duties of Authorised Witness.

The authorised witness shall not—

- I. Influence the vote of the citizen whose signature he witnesses:
- II. Fail to see that the preceding directions are substantially complied with by the citizen:
- III. Look at the vote given by the citizen, except in the case mentioned in the preceding directions: or
- IV. Disclose any knowledge acquired as an authorised witness concerning the vote of the citizen.

Penalty: Twenty Pounds or One Month's Imprisonment.

Duties of Persons Present When a Citizen Votes by Post.

A person present when a citizen is before an authorised witness for the purpose of voting by post—

- I. Shall obey all the directions given by the authorised witness:
- II. Shall not, except in the case mentioned in the preceding directions—
 - (a) Make any communication to the citizen as to his vote;
 - (b) Assist, or in any way interfere with, the citizen as to his vote;
 - (c) Look at the vote of the citizen, or do anything whereby he might become acquainted with the nature of the vote.

And where such person is selected by the citizen to mark the ballot-paper, he shall mark the ballot-paper as requested by the citizen, and not otherwise.

Penalty: Twenty Pounds or One Month's Imprisonment.

Hobart Corporation.

A.D. 1936.

Duty of Person to Whom an Envelope Containing a Postal Ballot-Paper is Entrusted for Posting or Delivery.

No person shall fail, without a reasonable and lawful excuse, forthwith to post or deliver to the Returning Officer an envelope containing a postal ballot-paper, which a citizen has entrusted to him for the purpose of posting or delivery.

Penalty: Twenty Pounds or One Month's Imprisonment."

Amendment
of section
151A.

XV. By substituting the word "may" for the word "shall" in the seventh line of section one hundred and fifty-one A (inserted therein by the *Hobart Corporation Act 1932*).

XVI. By inserting after section one hundred and fifty-eight C (inserted therein by the *Hobart Corporation Act 1935*) the following new sections one hundred and fifty-eight D and one hundred and fifty-eight E:—

New section
158D.
Contribution
to cost of
museum
building.

"**158D** It shall be lawful for the Council to appropriate out of the revenues of the Corporation such sums of money as the Council in its discretion may deem desirable, not exceeding in the whole the sum of two thousand pounds, and to pay the same to the trustees of the Tasmanian Museum and Botanical Gardens as a contribution towards the cost of the extension of the present Museum building along Argyle-street and Davey-street.

New s. 158E.
Subsidy to
Hobart
Chest Clinic

"**158E** It shall be lawful for the Council to expend such sums of money, not exceeding in the whole one hundred pounds in any one year, in aid or in furtherance of the establishment and maintenance of a chest clinic for the Hobart District at the Hobart Public Hospital. Any sums of money so expended shall be charged to the Health Account."

Amendment
of 21 Geo.
V. No. 41.

3 The *Hobart Corporation Act 1930* is hereby amended by inserting after Part XII. thereof the following new Part XIII.A.—

Hobart Corporation.

“ PART XIII.

A.D. 1936.

LICENSING OF DAIRIES, MILKSHOPS, COWSHEDS, AND COWS; AND REGISTRATION OF COWKEEPERS, DAIRYMEN, AND PURVEYORS OF MILK.

“ **212A** In this part of this Act, unless the contrary intention appears—

New section 212A.

Interpretation of terms.

- ‘ Cowkeeper ’ means a person who owns, rents, keeps, controls, or has possession of any cow or cows, the milk or cream from which is sold, or is intended or attempted to be sold, offered for sale, or exposed for sale, either by such person or by any other person :
- ‘ Dairyman ’ means a person who keeps, controls, or manages a dairy :
- ‘ Purveyor of milk ’ means a person who sells, or attempts to sell, or offers or exposes for sale, milk or cream :
- ‘ Dairy ’ means a building, land, or place—
 - I. Used for the keeping, stalling, milking grazing, or feeding of any cow, the milk, or cream from which cow is sold, or is intended or attempted to be sold, offered for sale, or exposed for sale :
 - II. Used for the keeping or storing or reception of milk or cream which is sold, or is intended or attempted to be sold, offered for sale, or exposed for sale :
- ‘ Infectious disease ’ includes contagious disease :
- ‘ Milkshop ’ means a shop, shed, building, or place where milk or cream is stored or kept for sale, or is sold or intended or attempted to be sold, offered for sale, or exposed for sale :
- ‘ Inspector ’ means the veterinary surgeon appointed by the Council and any one of such other officer or officers, inspector or inspectors, as the Council may, either in addition to or in substitution for him, appoint, whether under the *Hobart Corporation Acts* 1929-36, or any amendment thereof, or the *Public Health Act* 1935, or the *Food and Drugs Act* 1910 :
- ‘ Pasteurised milk ’ means milk which has been heated to a temperature of not less than one hundred and forty-five degrees Fahrenheit and held at such

Hobart Corporation.

A.D. 1936.

temperature for not less than thirty minutes and immediately afterwards reduced to a temperature below forty degrees Fahrenheit, and shall include milk which has been treated by any other recognised method of pasteurisation.

New section
212B.

Licences.

Dairy.

Milkshop.

Cowshed.

“**212B**—(1) No person shall use, or permit or suffer to be used, in the city any shop, building, land, or place as a—

i. Dairy :

ii. Milkshop :

iii. Cowshed.

(2) The use by any other person, unless he is the holder of a subsisting licence under this Part permitting him so to do, or in the case of a cowshed he is the holder of a dairy licence in respect of the premises so used, of such shop, shed, building, land, or place as aforesaid with the consent of a person having the necessary licence, shall not be an offence under this section, but the burden of proof of such consent shall lie on such other person.

(3) The licence mentioned in—

i. Paragraph i. of subsection (1) hereof shall be known as a ‘dairy licence’ :

ii. Paragraph ii. of that subsection shall be known as a ‘milkshop licence’ : and

iii. Paragraph iii. of that subsection shall be known as a ‘cowshed licence’.

(4) The provisions of this section shall apply in respect of a dairy, notwithstanding that the same is registered under the *Dairy Produce Act 1932*, but shall not apply in respect of a factory registered in accordance with that Act.

23 Geo. V.
No. 37.New section
212C.Licence to
keep cow.

“**212C**—(1) No person, other than a registered cowkeeper, shall keep, or permit or suffer to be kept, or to be at any place in the city, any cow, unless such person has a subsisting licence permitting him to keep such cow.

(2) This section shall not apply to cows which have not yet produced milk, or to cows which are being travelled in good faith through the city from one place without the city to another place without the city, or to cows at any recognised agricultural or pastoral show.

Hobart Corporation.

“**212D**—(1) No person shall permit or suffer to exist on any premises in the city of which he is the owner, tenant, or occupier—

A.D. 1936.

New section
212D.Persons to
be in charge
of—
Dairy.

i. A dairy, unless a person who is registered as a cow-keeper or dairyman in manner hereinafter provided shall be and remain in control of, and responsible for, the management of such dairy :

ii. A milkshop, unless a person who is registered as a dairyman or purveyor of milk in manner hereinafter provided shall be and remain in control of, and be responsible for, the management of such milkshop.

Milkshop.

(2) For the purposes of this and sections two hundred and twelve B and two hundred and twelve C, the fact that a dairy, milkshop, or cowshed is or has been used, or exists or has existed, or a cow is or has been on such premises, shall be conclusive evidence that the owner, the tenant, and the occupier have each (but in the case of an owner, only when he is himself the occupier or the premises are unoccupied) suffered such dairy, milkshop, or cowshed to be used or to exist, or such cow to be on such premises ; and the burden of proof that a dairy or milkshop is and remains in control of the required person (registered cowkeeper, dairyman, or purveyor of milk, as the case may be), and that he is responsible for the management thereof, shall lie on such owner, tenant, and occupier.

Evidence.

“**212E**—(1) No person shall sell, attempt to sell, offer for sale, expose for sale, supply, barter, or distribute (whether regularly or in a casual way) milk or cream within the city, or carry on the trade or business of cowkeeper, dairyman, or purveyor of milk, or control, manage, or be responsible for the management of a dairy or milkshop within the city, unless he or his employer is the holder of a subsisting licence from the Council authorising him in that behalf.

New section
212E.
Sale of milk.

(2) The provisions of subsection (1) hereof shall not apply to the supply or distribution in good faith of milk to the members of such person's household, his lodgers, or guests, nor to pasteurised cream in hermetically sealed bottles.

(3) The burden of proof as to the existence and currency of the employer's licence, where the person claims that his employer has a licence, shall lie on that person.

Hobart Corporation.

A.D. 1936.

New section
212F.
Purchase of
milk.

“**212F** No cowkeeper, dairyman, or purveyor of milk shall purchase, obtain, or receive from any person, any milk or cream, and sell, attempt to sell, offer for sale, expose for sale, supply, barter, or distribute the same within the city, whether separately or mixed with other milk or cream, unless the person from whom such milk or cream is purchased, obtained, or received is himself registered with the Council as a cowkeeper, dairyman, or purveyor of milk : Provided that this section shall not apply to the supply of pasteurised cream in hermetically sealed bottles.

New section
212G.

Registration
of cowkeep-
ers, dairy-
men, or
purveyors
of milk.

“**212G** All applicants for registration as cowkeeper, dairyman, or purveyor of milk shall submit with their applications the names and addresses of all persons from whom they intend to purchase, obtain, or receive milk, and, if during the currency of such registration they should have occasion to purchase, obtain, or receive milk from any other person, they must immediately forward to the Town Clerk the name and address of such other person.

New section
212H.

Facilities
and assist-
ance to
inspector.

“**212H** No person shall be registered as a cowkeeper, dairyman, or purveyor of milk for the City of Hobart unless he shall undertake at all reasonable times to provide facilities for inspection by the inspector of his dairy herd, premises, fodder, machinery, utensils, cans, receptacles, vessels, plant, stock, equipment, milk, and cream, and to render to the inspector such reasonable assistance as may be required by him.

New section
212I.

Council
may refuse
to register.
Cancellation
of regis-
tration.

“**212I** If any cowkeeper, dairyman, or purveyor of milk shall refuse to provide such facilities or to render such assistance as is or are referred to in the last section, or in the event of his failing to comply with any of the provisions of this Part or of the *Public Health Act 1935*, or any Act enabling the Council or the Local Authority to make by-laws, or if for any other reason the Council shall deem it advisable so to do, the Council may refuse to register such person, or may cancel his registration, and forbid the person concerned to carry on the trade of cowkeeper, dairyman, or purveyor of milk in the said city.

New section
212J.

Inspection.

“**212J** The inspector may, at all reasonable times, enter into and upon any premises belonging to any person registered as mentioned in section two hundred and twelve F, which are used, or which the inspector believes to be used, as a dairy, milkshop, or cowshed, or paddock

Hobart Corporation.

or yard, or into and upon any land or premises in the occupation, or which the inspector believes to be in the occupation, of any person following the trade of a cowkeeper, dairyman, or purveyor of milk, or used by him in connection with such trade, or into or upon any premises or land on which any cow is kept, or is found to be or is believed to be kept, and may examine the condition thereof and of any cattle or other livestock, fodder, machinery, utensils, cans, receptacles, vessels, plant, stock, equipment, milk, or cream found thereon, for the purpose of reporting on the same to the Council, and may examine, wherever found, any milk or cream, or cans or vessels used for containing milk or cream, which is sold or which, in the opinion of the inspector, is intended or attempted to be sold, offered for sale, or exposed for sale; and the Council, being satisfied that it is necessary or expedient, may give written notice requiring the occupier of any such premises or land to take such measures for the lighting, ventilation, cleansing, drainage, or supply of water of or for such premises or land, machinery, utensils, cans, receptacles, vessels, plant, stock, or equipment as the Council may direct, or requiring any cowkeeper, dairyman, or purveyor of milk to take any such measures as aforesaid, or to take such measures for cleansing the cans and vessels used for receiving, keeping, or containing milk or cream in such manner as the Council may direct, wherever the same may be.

A.D. 1936.

And thereupon such occupier, cowkeeper, dairyman, or purveyor of milk shall comply with such requirements to the satisfaction of the Council.

“**212K** All cattle, wherever found, belonging to any person registered as mentioned in section two hundred and twelve F (if in any way connected with or believed by the inspector to be connected with any milk or cream sold or intended or attempted to be sold, offered for sale, or exposed for sale, within the city), may be inspected by a duly qualified veterinary surgeon, and, if such veterinary surgeon shall deem it necessary or advisable, the tuberculin or other diagnostic test may be applied by the inspector or under his directions, to any such cattle, and the inspector may prohibit the sale or disposal of the milk of any cow which is found to be suffering from tuberculosis or other infectious disease as revealed by the tuberculin or other diagnostic test, and may order the disposal of such milk in such manner as he shall direct.

New section
212K.
Test for
disease.

Hobart Corporation.

A.D. 1936.

New section
212L.
Isolation of
cattle.

212L Each cowkeeper or dairyman or other person owning, renting, keeping, controlling or having possession of one or more cattle belonging to any person registered as mentioned in sections two hundred and twelve C and F which shall be declared by any duly qualified veterinary surgeon to be suffering or suspected to be suffering from any disease, shall, on being required to do so by such veterinary surgeon, isolate in an approved place such one or more cattle from his other stock, and such cattle so isolated shall not be removed from such place unless authorised by the Chief Inspector of Stock.

Each cowkeeper or dairyman, or other person owning, renting, keeping, controlling, or having possession of any one or more cattle which shall be declared by an inspector to be—

- i. In such a condition that the milk derived therefrom will be likely if dispensed to endanger public health :
- ii. Unfit for dairy purposes or for supplying milk, from poverty, weakness, or otherwise : or
- iii. In such a condition that the milk derived therefrom is unlikely to reach the standard or quality from time to time required by law—

shall remove such one or more cattle from the confines of such dairy premises, and in the case of a cow kept by a person who is not a registered cowkeeper, the licence issued in respect of such cow may be cancelled by the Council.

New section
212M.
Cleansing.

212M Every cowkeeper, dairyman, or purveyor of milk shall do all things necessary, and take all reasonable precautions, for the cleansing of the cows, machinery, utensils, cans, receptacles, vessels, plant, stock, and equipment, and the premises and the vehicles used for the conveyance of milk or cream, and for the hygienic storage, handling, transport, and distribution of milk and cream, and shall comply with the orders of any inspector relating thereto, and shall keep all swine at a distance of more than one hundred and fifty feet from every place where milk or cream is, or is likely to be, kept, stored, received, sold, or distributed.

Swine to be
kept away.

New section
212N.
Infectious
diseases to
be notified.

212N Every cowkeeper, dairyman, or purveyor of milk, or other person keeping a cow, shall give immediate notice to the Town Clerk of any person suffering from or having

Hobart Corporation.

any infectious disease on or near the dairy, milkshop, building, or premises of which he is the owner, tenant, or occupier, or of which he is in control or responsible for the management.

A.D. 1936.

“**212O** Every cowkeeper, dairyman, or purveyor of milk shall prevent every person, including himself, suffering from or having an infectious disease, or who has recently been in contact with infectious disease, from taking any part in milking, tending the cattle, or otherwise in the production or storage, handling, transport, or distribution of milk or cream, and from coming, being, or remaining on, in, or about the dairy, milkshop, building, or premises of which he is the owner, tenant, or occupier, or of which he is in control or responsible for the management until such person produces the certificate of a medical practitioner certifying that he is no longer infectious.

New section
212O.
Protection
from
infectious
diseases.

“**212P**—(1) If, in the opinion of the inspector, any milk is likely, if used, to endanger the public health, he may prohibit the sale or use, or order the destruction, of such milk for such period as may be thought expedient, or until evidence is produced to his satisfaction that such danger no longer exists.

New section
212P.
Order that
milk not to
be used.

(2) No person shall sell, attempt to sell, offer or expose for sale, barter, or otherwise offer for human consumption, use, or distribute any milk the sale or use of which has been prohibited; and every person ordered to destroy such milk shall comply with such order.

“**212Q** Every cowkeeper, dairyman, or purveyor of milk shall, on demand, furnish the inspector with a list of all his customers and their addresses.

New section
212Q.
Customers.

“**212R** No licence referred to in section two hundred and twelve B shall be issued in respect of any shop, shed, building, land, or place if a cesspool exists within five hundred feet of the same, or unless the water-closets or earth-closets on or near the premises are to the satisfaction of the Council; and every earth-closet must at all times be supplied with a good supply of earth or ashes.

New section
212R.
Cesspools.

“**212S** No person shall convey any milk, cream, or dairy produce, or any can, receptacle, or vessel, used or likely to be used for milk, cream, or dairy produce, in any vehicle or

New section
212S.
Conveyances
to be clean.

Hobart Corporation.

A.D. 1936.

conveyance which contains or has contained any refuse, rubbish, manure, dung, offal, or other offensive matter, unless such vehicle shall have been thoroughly cleansed to the satisfaction of the inspector.

New section
212T.Fresh milk
not to be
mixed with
older milk.

“**212T** No cowkeeper, dairyman, or purveyor of milk shall mix any milk obtained from a forenoon milking with that obtained from an afternoon milking, or milk obtained from a milking on one day with that obtained from a milking on another day; and no person shall sell, attempt to sell, offer for sale, expose for sale, supply, barter, or distribute any milk so mixed by any person.

New section
212U.Notice to
be given of
chang of
address.

“**212U** Every registered cowkeeper, dairyman, or purveyor of milk who ceases to trade, or who changes his address or place of business, shall, prior to so ceasing to trade or changing his address or place of business, give notice thereof to the Council.

New section
212V.No other
trade on
dairy
premises
without
consent.

“**212V** No person shall conduct any other trade on or about a dairy premises, except that of cowkeeper, dairyman, or purveyor of milk, without the consent in writing of the Council.

New section
212W.

Penalties.

“**212W** Every person guilty of any breach of the provisions of this Part shall be liable to a penalty of ten pounds and a daily penalty of five pounds; but in no case shall the total penalty be less than ten shillings.

New section
212X.

By-laws.

“**212X** The Council may from time to time make by-laws—

Issue of
licences.

i. For the issue of dairy licences, milkshop licences, cowshed licences, and licences to keep cows:

Registration
of cow-
keepers, &c.

ii. For registering cowkeepers, dairymen, and purveyors of milk:

Fees.

iii. Prescribing the fees to be payable for licences and registrations, which fees may be on a sliding scale, differing with the number of cows, size of business, or otherwise:

Application
forms, &c.

iv. Prescribing the inspection required and the information and particulars to be supplied; the place where applications are to be lodged; the

Hobart Corporation.

conditions on which same are to be granted (but special conditions may be made without regard to the by-laws, where an inspector reports that they are advisable, in any particular case coming within any class of licence or registration); the period for which such licences and registrations may remain in force; the method of cancellation :

A.D. 1936.

- v. Prohibiting dairies, and cowsheds, or any of them, from being used as such in any defined portion of the city, and defining such portion if thought by the Council advisable, requiring the removal or alteration of all or any buildings in such portion which had been or were being used as a stable, dairy, or cowshed :

Prohibiting dairies, &c. in certain areas.

- vi. Prescribing and regulating the cleansing of cows, machinery, utensils, cans, receptacles, vessels, plant, stock, equipment, premises, vehicles, and conveyances used in connection with the working of any dairy or milkshop or the sale or distribution of milk or cream.

Cleansing.

“**212Y** The provisions of this Part of this Act shall be subject to the provisions of the *Stock Act 1932* and the *Dairy Produce Act 1932*.”

New section 212Y. Provisions.

4 In case it is necessary for the proper drainage of any land, street, lane, right-of-way, yard, passage, private premises, or other place, that drains or sewers should be made through or under any one or more private premises, whether occupied or not, it shall be lawful for the Council to make an order on the owner or owners of such premises requiring such owner or owners to permit the formation of such drains or sewers through or under such premises, and after the expiration of one month from the making of such order, the Council may form or make through or under such premises such drains or sewers as may, in the opinion of the said Council, be necessary for the proper drainage of any such land, street, lane, right-of-way, yard, passage, private premises, or other places as aforesaid: Provided that such drains or sewers shall be made and maintained in good order so as not to be a nuisance or injurious to health. Where the Council have, under the powers conferred by this section, formed or made any drain

Drainage of lands.

Hobart Corporation.

A.D. 1936.

or sewer through or under private premises, there shall be paid by the said Council to the owner or owners of such premises, such equitable compensation as is agreed upon between such owner or owners and the said Council, or as in case of dispute may be awarded on appeal by either side to a judge upon application to be made to him by summons in chambers, and upon the hearing of any such application the judge shall have power to determine by whom the costs thereof and of the proceedings incidental thereto shall be paid. The amount of compensation so paid and all costs and expenses incurred by the said Council, together with the cost of forming or making any drain or sewer under the provisions of this section, shall, in the case of the drainage of any land, yard, passage, or other premises, be repaid to the said Council by the owner of the land, yard, passage, or other premises, for the drainage of which such drain or sewer has been formed or made, or if there be more than one owner, then such compensation and expenses shall be repaid to the said Council by such owners in such proportions as may be fixed by the said Council; and in the case of the drainage of any street, lane, or right-of-way, such compensation and expenses shall be repaid to the said Council, in such proportions as may be fixed by the said Council, by the owner or owners of the land or premises fronting, adjoining, or abutting on such street, lane, or right-of-way; and such compensation and expenses shall be recoverable by the said Council from such owners in a summary manner.

Formation of
rights-of-
way and
lanes.

5 The Council may, before granting permission to any person to erect any building fronting on any right-of-way or passage in the City of Hobart, require such person to lay out and construct such right-of-way or passage in such manner as the Council thinks fit.