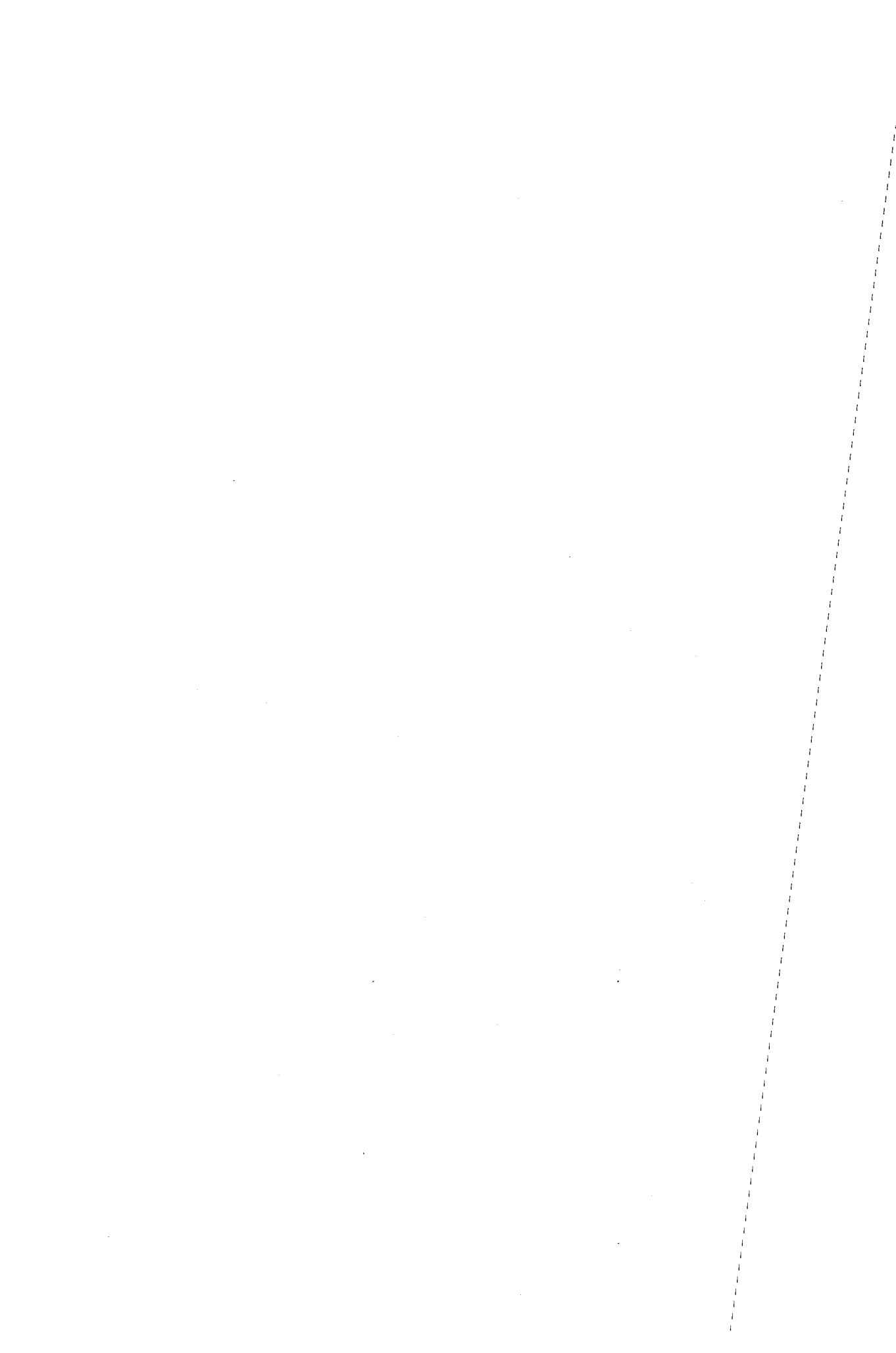


TASMANIA.

THE HOBART CORPORATION ACT 1939.

ANALYSIS.

- | | |
|---|---|
| <p>1. Short title.</p> <p>2. Amendment of 20 Geo. V. No. 44.</p> <p style="padding-left: 20px;">Section 4.</p> <p style="padding-left: 20px;">Section 15.</p> <p style="padding-left: 20px;">Deputy Lord Mayor.</p> <p style="padding-left: 20px;">Sections 23, 32, 33, and 48.</p> <p style="padding-left: 20px;">Section 40.</p> <p style="padding-left: 20px;">Date of election.</p> <p style="padding-left: 20px;">Section 43.</p> <p style="padding-left: 20px;">Separate elections of Lord Mayor and Deputy Lord Mayor.</p> <p style="padding-left: 20px;">Section 64.</p> <p style="padding-left: 20px;">New section 114A.</p> <p style="padding-left: 20px;">Supply of water outside City.</p> <p style="padding-left: 20px;">New Section 144.</p> <p style="padding-left: 20px;">Notice of sale of property.</p> <p style="padding-left: 20px;">Section 154.</p> <p style="padding-left: 20px;">Contracts of £100 and upwards.</p> <p style="padding-left: 20px;">Section 158.</p> <p style="padding-left: 20px;">New section 158F.</p> <p style="padding-left: 20px;">Subsidy to Hobart Regatta Association.</p> <p style="padding-left: 20px;">Amendment of schedule (10) form C.</p> <p style="padding-left: 20px;">Amendment of schedule (17).</p> <p>3. Amendment of 21 Geo. V. No. 64.</p> <p style="padding-left: 20px;">Section 9.</p> <p style="padding-left: 20px;">Officer taking other than allowed fees to lose office and forfeit £50.</p> <p style="padding-left: 20px;">Penalty.</p> | <p>Section 18.</p> <p>New section 56A.</p> <p>Improvement of private streets.</p> <p>Section 58.</p> <p>Section 62.</p> <p>Section 67.</p> <p>New Part VIA.</p> <p>New section 72A.</p> <p>Subdivision of land.</p> <p>Section 111.</p> <p>New section 151.</p> <p>Butchers' licences.</p> <p>Schedule (24).</p> <p>Section 170.</p> <p>Penalty for selling unwholesome meat.</p> <p>New section 219A.</p> <p>Notice of injury.</p> <p>Section 260.</p> <p>Amendment of 1 Edw. VIII. and 1 Geo. VI. No. 49, s. 212A.</p> <p>Interpretation of terms.</p> <p>Section 212B.</p> <p>New subsections (1) and (2).</p> <p>Licences:</p> <p style="padding-left: 20px;">Dairy.</p> <p style="padding-left: 20px;">Milkshop.</p> <p style="padding-left: 20px;">Cowshed.</p> <p>Section 212J.</p> <p>Section 212K.</p> <p>Section 212X.</p> <p>Amendment of schedule (24).</p> |
|---|---|





1939.

ANNO TERTIO ET QUARTO
 GEORGII VI. REGIS.

No. 42.

AN ACT to amend the *Hobart Corporation Acts*
 1929-38. [21 December, 1939.]

A.D.
 1939.

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* 1939. Short title.

(2) The *Hobart Corporation Acts* 1929-38, as amended by
 this Act, may be cited as the *Hobart Corporation Acts*
 1929-39.

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

I. As to section four thereof by inserting—

(a) “(1)” at the commencement: and

(b) “(2) Where in this Act or in any Act relating to the Corporation the term ‘Mayor’ is used the same shall be construed to refer to the Lord-Mayor under this Act.”:

Amendment
 of 20 Geo.
 V. No. 44.
 Section 4.

Hobart Corporation.

A.D. 1939

Section 15.

Deputy Lord
Mayor.

II. By repealing section fifteen, inserted therein by the *Hobart Corporation Act 1931*, and inserting the following new section fifteen:—

“**15**—(1) A Deputy Lord-Mayor shall be elected or chosen in the manner herein provided.

(2) At each biennial election a separate election shall be held to fill the office of Deputy Lord-Mayor, and separate nominations shall be made and advertised, and such election shall be conducted and an appointment made in the manner provided for the election and appointment of Lord-Mayor.

(3) Only a person who is eligible to be elected as Lord-Mayor shall be eligible to be elected as Deputy Lord-Mayor.

(4) During the temporary absence or illness or incapacity of the Lord-Mayor, the Deputy Lord-Mayor shall act and discharge the duties of the office of Lord-Mayor until the Lord-Mayor resumes his duties.

(5) If an extraordinary vacancy shall occur in the office of Lord-Mayor the Deputy Lord-Mayor shall forthwith become Lord-Mayor for the remainder of the period for which the Lord-Mayor was elected.

(6) If an extraordinary vacancy shall occur in the office of Deputy Lord-Mayor, the Town Clerk shall forthwith declare by advertisement in a newspaper that a vacancy exists, and shall so advise all candidates eligible to contest the office.

(7) Upon the declaration of such extraordinary vacancy—

I. Any alderman who, at the last preceding election for the office of Deputy Lord-Mayor, was an unsuccessful candidate for the office may nominate himself as a candidate for the vacancy:

II. Such nomination shall be made by delivering or posting to the Town Clerk his written consent to act if elected:

III. Such nomination must be in the hands of the Town Clerk on or before twelve o'clock noon on the seventh day after the day on which the vacancy is declared by him:

IV. If on such day only one of the candidates for the office of Deputy Lord-Mayor at such previous election is an alderman and a consenting candidate, he shall forthwith become Deputy Lord-Mayor for the remainder of the period for which the former Deputy Lord-Mayor was elected:

Hobart Corporation.

- v. If no eligible consenting candidate is available the aldermen shall choose one of their number to be Deputy Lord-Mayor: A.D. 1939.
- vi. If there are two or more candidates duly nominated and qualified for election as Deputy Lord-Mayor, the Town Clerk shall forthwith proceed to ascertain which consenting candidate shall be elected to fill the said vacancy, and a recount shall be carried out by the returning officer in manner provided by subsection (9) of section one hundred and thirty-two A of the *Electoral Act* 1907, relating to by-elections, the provisions of which shall be applied with such alteration of terms as may be necessary.”:
- III. By adding the words “Deputy Lord-Mayor” after “Mayor” whenever it appears in sections twenty-three, thirty-two, thirty-three, and forty-eight: Sections 23, 32, 33, and 48.
- IV. By expunging subsection (1) of section forty and substituting the following new subsection (1):—
 “(1) Elections shall be held on the Wednesday preceding the third Friday in the month of May, one thousand nine hundred and forty, and in each second succeeding year thereafter, for the purpose of filling vacancies in the offices of Lord-Mayor and Deputy Lord-Mayor, and the vacancies caused by the retirement of aldermen which will occur on the third Friday in each such month of May.”: Section 40.
Date of election.
- V. By repealing section forty-three thereof and substituting therefor the following new section forty-three:—
 “**43**—(1) At every biennial election separate elections shall be held to fill the offices of Lord-Mayor and Deputy Lord-Mayor respectively, and the offices of retiring aldermen. Separate elections of Lord Mayor and Deputy Lord Mayor.
 (2) No candidate shall be nominated for, or capable of holding, the office of Lord-Mayor or of Deputy Lord-Mayor respectively unless he is—
 I. A continuing alderman: or
 II. Nominated for and elected to the office of alderman at the same election.
 (3) When the scrutiny hereinafter mentioned is concluded the returning officer shall declare the result of the election of—
 I. Aldermen:
 II. Lord-Mayor: and
 III. Deputy Lord-Mayor—
 respectively, in the above order.”:

Hobart Corporation.

A.D. 1939.

Section 64.

VI. By expunging paragraph v. of section sixty-four and substituting therefor the following new paragraph v.—

“v. If the election be held to fill an extraordinary vacancy or vacancies—

(a) In the case of one vacancy only, the citizen shall place the number 1 opposite the name of the person for whom he intends to vote:

(b) In the case of more than one vacancy, the citizen shall place consecutive numbers opposite not more and not less names than the number of persons required to fill such vacancies.”:

VII. By inserting after section one hundred and fourteen the following new section one hundred and fourteen A—

“**114A**—The Council may supply water to the owners or occupiers of any land, houses, or other buildings in any place outside the City at such charges and under such conditions as shall be agreed upon and settled by and between the Council and the person requiring the same.”:

New section
114A.
Supply of
water outside
city.

VIII. By substituting for repealed section one hundred and forty-four the following new section one hundred and forty-four:—

“**144** Every owner shall notify the Council, in writing, of every sale of the whole or any part of his property within fourteen days of a binding contract of sale, or, where no contract is made, within fourteen days of the conveyance or transfer of the property, and in such notice shall give the name and address of the purchaser and the amount of the purchase-money.

Penalty: Five pounds.”:

New section
144.
Notice of
sale of
property.

IX. By expunging paragraph IV. of section one hundred and fifty-four and substituting therefor the following new paragraph IV.—

“IV. All contracts of one hundred pounds or more entered into by or with the Corporation during the year and all such contracts not yet discharged at the said thirtieth day of June.”:

Section 154.
Contracts of
£100 and
upwards.

Section 158.

X. By deleting the words “one hundred pounds” in subsection (2) or section one hundred and fifty-eight and substituting “two hundred and fifty pounds.”:

Hobart Corporation.

- XI. By inserting after section one hundred and fifty-eight E (inserted by the *Hobart Corporation Act 1936*) the following new section one hundred and fifty-eight F:—
- A.D. 1939.
- “**158F** The payment of the sum of two hundred and fifty pounds voted by the Council on the second day of August, one thousand nine hundred and thirty-seven to the Royal Hobart Regatta Association in respect of the Hobart Centenary Regatta, is hereby validated and declared to have been legally made.”
- New section
158F.
Subsidy to
Hobart
Regatta
Association.
- XII. As to Form C, in schedule (10) (inserted by the *Hobart Corporation Act 1936*), by expunging paragraph (c) of rule four and substituting therefor the following new paragraph (c)—
- Amendment
of schedule
(10), form C.
- “ (c) If the election is held to fill an extraordinary vacancy or vacancies—
- (i) In the case of one vacancy only, the citizen shall place the number 1 opposite the name of the person for whom he intends to vote:
- (ii) In the case of more than one vacancy, the citizen shall place consecutive numbers opposite not more and not less names than the number of persons required to fill such vacancies.”
- XIII. As to schedule (17) (inserted therein by the *Hobart Corporation Act 1931*)—
- Amendment
of schedule
(17).
- (a) By deleting all the words after the word “Mayor” in paragraph (5):
- (b) By deleting all words after the word “until” in paragraph (7) and substituting the words “one candidate secures an absolute majority”:
- (c) By deleting paragraphs (8) and (10): and
- (d) By deleting the words “before the final count” in paragraph (9).
- 3** The *Hobart Corporation Act 1930* is hereby amended—
- Amendment
of 21 Geo.
V. No. 64.
- I. By repealing section nine thereof and substituting therefor the following new section nine:—
- “**9**—(1) Except as hereinafter expressly provided, every officer employed by the Council who—
- I. Exacts or accepts on account of anything done by virtue of his office or in relation to the matters to be done under this or
- Section 9.
Officer taking
other than
allowed fees
to lose office
and forfeit
£50.

Hobart Corporation.

A.D. 1939.

any other Act relating to the Corporation any fee or reward whatsoever other than the salary or allowances allowed by the Council: or

- II. Is in anywise concerned or interested in any bargain or contract made by the Council—

shall be incapable of being afterwards employed by the Council, and shall forfeit and pay the sum of fifty pounds.

(2) No officer shall be liable to a penalty solely by reason of being concerned or participating in any contract or transaction made or entered into by the Corporation or the Council—

- I. With any incorporated company (other than a proprietary company of less than seven members) of which he is a member unless he is a director or the general manager of such company:
- II. With himself—

- (a) For the supply of water, light, or power, or sewerage service under the provisions of any Act authorising the Corporation or the Council to supply such services, or any of them, to the citizens of Hobart:
- (b) In respect of the payment of any licence issued to him by the Council:
- (c) In respect of any agreement for the loan of money, or any security for the payment of money, or in the nature of a deposit to be made by him under any act:
- (d) For the lease, sale or purchase of lands: or
- (e) For any goods or materials supplied or to be supplied or for any work done or to be done or for any service rendered or to be rendered by the Corporation or the Council under the provisions of any Act—

Provided that the contract made between the officer and the Council or the Corporation for any of the purposes aforesaid is upon the same terms, and subject to the like conditions in every respect, as are applicable in the case of persons who are not officers.”:

Hobart Corporation.

- II. By inserting the words "or Town Clerk" after the word "Mayor" in paragraph II. of section eighteen, and adding after "Council" at the end of the paragraph the words "but any such contract for a sum exceeding fifty pounds shall be signed by the Lord Mayor.": A.D. 1939.
Section 18.
- III. By inserting after section fifty-six the following new section fifty-six A—
- "56A Notwithstanding anything in this division, the Council may erect or place lights in any private street, and shall not thereby be deemed to have adopted or taken over such street as one of the streets of the City.": New section
56A.
Improvement
of private
streets.
- IV. By inserting the words "and construction" after the words "such width" in section fifty-eight: Section 58.
- V. By inserting the words "after approval shall cause the survey plan to be sealed with the seal of the Corporation and shall" after the words "shall see fit and" in section sixty-two: Section 62.
- VI. As to paragraph II. of section sixty-seven by deleting the word "seventy-five" in the third line and substituting therefor the word "sixty-five" and by adding after paragraph III. the following new paragraph IV.— Section 67.
- "IV. The survey plan referred to in section sixty-two shall have been sealed with the seal of the Corporation.":
- VII. By inserting after Part VI. the following new Part VI.A and new section seventy-two A—
- "PART VI.A. New Part
VIA.
- "SUBDIVISION OF LAND.
- "72A—(1) No land shall be subdivided into allotments which are capable of being sold, conveyed, or transferred— New section
72A.
Subdivision
of land.
- i. Unless each of such allotments—
- (a) Conforms with all statutory requirements: and
- (b) Can be sufficiently drained to a street channel or public drain:
- II. Until a sketch plan thereof has been submitted to the City Engineer: and
- III. Until a proper survey plan thereof has been approved and sealed by the Corporation.
- (2) Five copies of such plan shall also be supplied to the Council.

Hobart Corporation.

A.D. 1939.

(3) The City Engineer shall report to the Council on all such plans.

(4) Every such survey plan and copy thereof shall show all measurements and levels that are necessary to enable the Council to be satisfied that the allotments shown thereon conform with all statutory requirements.”:

Section 111.

VIII. By inserting the words “ or days ” after the word “ day ” in paragraph (a) of subsection (6) of section one hundred and eleven (inserted by the *Hobart Corporation Act 1932*):

IX. By repealing section one hundred and fifty-one thereof and substituting therefor the following new section one hundred and fifty-one—

New section
151.
Butchers'
licences.
Schedule (24).

“ **151**—(1) Every butcher’s licence—

I. May be in the form contained in schedule (24):

II. May be granted by the Council on the written application of the person seeking to obtain the same if, in the opinion of the Council, he is a fit and proper person to be so licensed:

III. Shall be subject to suspension or cancellation at any time if the licensee shall neglect or refuse, after due notice, to comply with the requirements of the Council under its Acts or by-laws, or if, in the opinion of the Council, he shall cease to be a fit and proper person to hold such licence:

IV. Shall, from the date on which the same is granted, remain in force until the first day of January then next ensuing.

(2) The fee payable to the Council for every such licence shall be an amount prescribed by the Council, but shall not exceed the sum of five pounds.”:

X. By repealing section one hundred and seventy and substituting therefor the following new section one hundred and seventy—

Section 170.
Penalty for
selling
unwholesome
meat.

“ **170**—(1) No butcher or other purveyor of meat shall have in his custody or possession the carcase, or any portion of the carcase, of a diseased animal or any putrid or unwholesome meat unless the same has been treated as prescribed so as to render it incapable of being used for human consumption.

Penalty: Fifty pounds.

Hobart Corporation.

(2) Meat shall include the edible portion of any animal."': A.D. 1939.

XI. By inserting after section two hundred and nineteen the following new section two hundred and nineteen A—

“**219A** No person shall be entitled to recover damages against the Council in respect of any loss or injury sustained, either to himself or any other person or any property, by reason of any accident upon or while using any highway, street, road, bridge, or tramway in the municipal district or under the control of the Council unless the following conditions are complied with or in case such last-mentioned person or the then owner of such property has died within the time herein-after allowed for giving notice by condition numbered I., then that the condition numbered IV. is complied with—

New section
219A.
Notice of
injury.

- I. That notice in writing, stating the name and address of the person injured or of the owner of such property, the nature of the accident, and the time and place at which it took place be given to the Council or left at the office of the Council, by or on behalf of the person injured or by and on behalf of the owner of such property, within twenty-one days after the occurrence of the accident. Failure to give notice within the period of twenty-one days shall not be a bar to the recovery of damages if it is found that such failure was occasioned by mistake or other reasonable cause:
- II. That any person receiving bodily injury shall permit himself to be examined by any legally-qualified medical practitioner appointed in that behalf by the Council or by the Lord-Mayor or the Town Clerk, and, if in a fit state so to do, shall answer fully such reasonable inquiries of such medical practitioner as may be necessary to enable him to ascertain the extent of the injury:
- III. That, in case of injury to property, the property injured, if it is possible so to do, be produced for the inspection of any person appointed on behalf of the Council by the Lord-Mayor or the Town Clerk:
- IV. That one month's notice, in writing, of the action be given to the Council, setting forth the particulars of demand so far

Hobart Corporation.

A.D. 1939.

as the same can be reasonably supplied and naming a time and place at which accounts and vouchers for the same can be inspected on behalf of the Council.”:

Section 260.

XII. By inserting the words “and the subdivision of land” after the word “streets” in paragraph xx. of section two hundred and sixty:

Amendment
of 1 Edw.
VIII. and 1
Geo. VI. No.
49, s. 212A.

XIII. As to section two hundred and twelve A thereof (inserted by the *Hobart Corporation Act 1936*)—

(a) By deleting the words “or cows” to the end of the definition of “cowkeeper”:
and

(b) By adding after that definition the following new definition—

Interpreta-
tion of terms.

‘Cowshed’ means a building, land, or place used for the keeping, stalling, milking, grazing, or feeding of any cow or for the keeping, storing, or reception of any milk or cream therefrom.”:

Section 212B.

XIV. By expunging subsections (1) and (2) of section two hundred and twelve B thereof and substituting therefor the following new subsections (1) and (2)—

New subsec-
tions (1)
and (2).

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

Licences:
Dairy.
Milkshop.
Cowshed.

- I. Dairy:
- II. Milkshop:
- III. Cowshed—

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.

(2) The use by any other person 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 be on such other person.”:

Section 212J.

XV. As to section two hundred and twelve J thereof—

(a) By deleting the numeral “F” in the fourth line and substituting the numeral “C”:
and

(b) By inserting the words—

- (i) “or used for human consumption” (after “sale” in the twentieth line):
and
- (ii) “construction” (before “lighting” in the twenty-third line):

Hobart Corporation.

- XVI. By inserting the word "use" before the word "sale" in the eleventh line of section two hundred and twelve K thereof: A.D. 1939.
Section 212K.
- XVII. By adding the following new paragraphs at the end of section two hundred and twelve X thereof— Section 212X.
- "VII. Prescribing and regulating the construction, lighting, ventilation, drainage, and water-supply of dairy premises, cowsheds, and milkshops:
- VIII. Prescribing the maximum and minimum temperatures at which milk may be stored or sold:
- IX. Prescribing standards for bacteriological contents of milk: and
- X. Prescribing, regulating, and controlling the pastuerisation of milk." : and
- XVIII. As to schedule twenty-four, by expunging the same and substituting therefor the following new schedule twenty-four:— Amendment
of schedule
(24).

" (24)

" HOBART CITY COUNCIL.

BUTCHER'S LICENCE.

No.

....., of,

having paid the prescribed fee, is hereby licensed to sell meat within the limits of the Hobart Corporation Acts until the first day of January, 19 .

Issued at Hobart this day

of , 19 .

Town Clerk."

