

TASMANIA.



1941.

ANNO QUINTO

GEORGII VI. REGIS.

No. 27.

ANALYSIS.

1. Short title.	Section 72A.
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AN ACT to amend the *Hobart Corporation Act* 1929. A.D. 1941
[7 August, 1941.]

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 This Act may be cited as the *Hobart Corporation Act* Short title. 1941.

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2 The Principal Act is hereby amended —

Amendment
of 20 Geo. V.
No. 44.
Section 19.
Section 126A.

I. By expunging paragraph III. of section nineteen thereof: and

II. As to section one hundred and twenty-six A thereof—

(a) By deleting “day to day at the rate of six” and substituting therefor “month to month at the rate of five”: and

(b) By inserting at the end of the section the following proviso—

“Provided, however, that no such sum or interest respectively shall be added to such rate if the same, when calculated as aforesaid, amounts to less than sixpence.”.

Amendment
of 21 Geo. V.
No. 64.
Section 43.

3 The *Hobart Corporation Act* 1930 is hereby amended—

I. As to section forty-three thereof by inserting—

(a) “(1)” at the commencement: and

(b) “(2) For the purposes of paragraph 1. of subsection (1) hereof an allotment of land shall be considered to be vacant if there is no shop, dwelling, office, warehouse, workshop, garage, or similar building within twenty feet of the corner which the council requires to be splayed.” (at the end):

Section 57.

II. As to section fifty-seven thereof by inserting—

(a) At the end of subsection (2) the words: “or the owner of such land has deposited with the council an approved bank guarantee or a sum sufficient to construct or complete the construction of the said street in accordance with section fifty-eight.”: and

(b) After subsection (3) the following new subsection (3A)—

“(3A) Any private street which, in the opinion of the council, is not likely to form part of a main or arterial road may be of a width of not less than fifty feet.”:

Section 58.

III. As to section fifty-eight thereof—

(a) By inserting at the end of paragraph II. the following proviso—

“Provided that, in the case of a private street on a hillside, the cross-section of such street shall be of such design as the council shall direct”:



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- (b) By inserting at the end of paragraph VII. the words: "or to a drain approved by the council": and A.D. 1941.
- (c) By expunging paragraph VIII. and substituting therefor the following new paragraph VIII.—

"VIII. Every footway shall—

- (a) Have thereon a concrete path not less than four feet wide, such path being either constructed *in situ*, three inches thick or consisting of approved pre-cast slabs, and the remainder of the footway shall be either asphalted, gravelled, or grassed, the whole of the work to be executed in such manner:

- (b) Where, in the opinion of the council, retaining walls are necessary for the support or protection of roadways or footways, have such retaining walls of concrete, stone, or other approved material as the council may require, which shall be constructed in such manner:

- (c) Have every battered bank supporting or adjacent to it formed with such slope and dimensions—

as the council in each case shall direct.”:

IV. By expunging paragraphs II. and III. of subsection (3) of section fifty-nine thereof and substituting therefor the following new paragraphs II. and III.— Section 59.

- “II. Construct such street in accordance with the plans, sections, and designs supplied to him by such engineer:

- III. Pay to the council the actual cost of preparing such plans and of supervising the construction, but not exceeding seven pounds ten shillings per centum of the total cost of such construction.”:

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Section 71.

V. By inserting the words “one-half of” after “proviso that” in subsection (1) of section seventy-one thereof:

Section 72A.

VI. As to section seventy-two A thereof—

(a) By deleting “or shall be sold or offered for sale in allotments” in subsection (1):

(b) By expunging paragraph i. of subsection (1) and substituting therefor the following new paragraph i.—

“i. Being in an area prescribed under the *Building Act* 1937 as an—

(a) Inner area, comprises an area of not less than five thousand square feet, with a frontage upon a street of not less than twenty feet, and there is within such allotment an open space within which can be drawn a circle having a diameter of not less than fifty feet:

(b) Outer area, comprises an area of not less than six thousand square feet, with a frontage upon a street of not less than twenty feet, and there is within such allotment an open space within which can be drawn a circle having a diameter of not less than sixty feet: and

(c) By expunging subsection (9) and substituting therefor the following new subsection (9)—

“(9) No person shall, without the written consent of the council first obtained, reduce the frontage, depth, or area of any allotment of land within the City.”:

VII. By repealing section one hundred and eleven thereof and substituting therefor the following new section one hundred and eleven—

“**111**—(1) Subject to the provisions of this section, the council in its uncontrolled discretion, may grant leases or licences for any purpose of

Repeal of section 111.
New section 111.

Leasing of recreation reserves.



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recreation or amusement of the whole or any portion of any City recreation ground, except the Mountain Park, for any term not exceeding twenty-one years. A.D. 1941.

“(2) The council shall not grant any lease or licence in respect of any portion of the Barrack Square Reserve or of the Queen’s Domain without the consent of the Minister for Lands and Works, or of any portion of Franklin Square without the approval of the Governor first had and obtained.

“(3) The term for which the council may grant any lease or licence of any portion of the under-mentioned City recreation grounds shall not exceed the terms herein respectively specified; that is to say—

The Barrack Square Reserve ..	Five years
Franklin Square	Three days
North Hobart Recreation Ground (oval only)	Five years
Queen’s Domain	One year

“(4) The council may authorise the Royal Hobart Regatta Association to occupy and have the control and management of such portion of the Queen’s Domain as may be necessary for the holding of the Royal Hobart Regatta on a day or days in the month of January or February in every year and authorise the Association to make such charges on that day for booths, tents, sheds, stands, stalls, shows, exhibitions, swings, roundabouts, or other erections, and for the right of selling and hawking any article, commodity, or thing thereon as the Association may think fit.

“(5) The council may let all that portion of the Queen’s Domain known as ‘the Hollow’, lying between the University Reserve and a road leading to that portion of the Domain known as the ‘Upper Cricket Ground,’ for the purpose of any fair, circus, menagerie, or like entertainment, and authorise the lessee to make such charges as he shall think fit for admission thereto.

“(6) Every lease or licence granted under this section shall be for such purpose, upon such terms, and subject to such rents, conditions, covenants, provisions, and reservations as the council may think fit, but where a reserve is Crown property, the consent of the Governor to such lease or licence shall first be obtained.

“(7) No lease shall be made for, or in consideration of, or be accompanied with, any premium or foregift, nor shall it contain any covenant, condi-

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tion, or agreement for renewal of lease or for purchase of the leased lands.

“(8) The council may accept the surrender of any lease or licence granted by it.”:

Section 207.

VIII. As to section two hundred and seven thereof by inserting—

(a) “(1)” at the commencement: and

(b) “(2) The council may make by-laws providing for running special trams or buses, single fare through trams or buses, and the levying and making of fares and charges for travelling thereon.” (at the end):

IX. By inserting after section two hundred and twelve Y the following new section two hundred and twelve Z—

“**212Z** No person without the city, unless he is registered by the council as a cowkeeper, dairyman, or purveyor of milk under this Part, shall sell to any other person any milk to be sold, or which is sold, or intended to be sold within the city.”:

Section 260.

X. By inserting at the end of section two hundred and sixty the following new paragraph XLII.—

“XLII. Prohibiting, regulating, or controlling excavating operations (other than quarrying or blasting operations) and, without restricting the generality of the foregoing provisions of this section—

(a) Prohibiting, regulating, or controlling the carrying on of such operations within the distance prescribed in the by-law from any street, road, building, or land:

(b) Requiring, in the carrying on of such operations, that banks or sides of excavations be sloped down or banked or shored up as required by the by-law:

(c) Prescribing work to be carried out during or after such operations to prevent disfigurement of the landscape, danger to persons or animals, or damage to property:
or

(d) Requiring a bond or deposit to secure the proper carrying out of such work.”: and



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XI. By adding at the end of section two hundred and twelve X thereof the following new paragraph XI.—

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Section
212X.

“ XI. Prescribing requirements in relation to the production, supply, and distribution of milk; and the manner in which, and the conditions under which, the same shall be effected; and regulating the things to be done and the measures to be taken by any persons concerned therein ”.

4 Section three of the *Hobart Corporation Act 1932* is hereby repealed.

Repeal of
section 3 of
23 Geo. V. No.
43.

5 The *Hobart Corporation Act 1935* is hereby amended by expunging paragraph v. of section three thereof.

Amendment
of 26 Geo. V.
No. 84, s. 3.

