

## HOBART CORPORATION.

---

### No. 48 of 1948.

## AN ACT to amend the *Hobart Corporation Act* 1947. [15 December, 1948.]

**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. **1** This Act may be cited as the *Hobart Corporation Act* 1948.

Amendment of section 42. **2** Section forty-two of the Principal Act is hereby amended by inserting after the words “assistant presiding officers” in subsection (1) the words “or poll-clerks”.

Amendment of section 48. **3** Section forty-eight of the Principal Act is hereby amended by inserting at the end of paragraph III. of subsection (1) the words and figures “as alderman; or one of the figures 1, 2, 3 and so on in like order according to his preference opposite each of the names on the ballot-paper in the case of an election of Lord Mayor or Deputy Lord Mayor”.

Amendment of section 58. **4** Section fifty-five of the Principal Act is hereby amended by expunging paragraphs I. and II. of subsection (2) and substituting therefor the following new paragraphs I., II. and III.—

“I. An envelope duly addressed to ‘The Returning Officer, Town Hall, Hobart’ and endorsed with the words ‘Postal Voter’s Envelope’ and a certificate by the returning officer in form X. that the applicant is entitled to vote at the election:

II. A ballot-paper for each election to be held on the day to which the certificate relates in form IX. and for the number of votes to which the applicant is entitled: and

III. A smaller envelope suitable to hold the ballot-paper and to be enclosed in the postal voter’s envelope.”.

**5** Section fifty-six of the Principal Act is hereby repealed and the following section fifty-six substituted therefor—

“56—(1) The following directions relating to voting by means of postal ballot-papers shall be substantially observed—

I. Before marking his ballot-paper the citizen shall exhibit the ballot-paper and the postal voter’s envelope to the authorised witness and shall then, in his own handwriting, sign his name on that envelope in the place provided for the signature of the citizen:

Repeal of section 56.  
New section 56.

Directions for postal voting.

- II. The authorised witness shall attest the citizen's signature by signing his name in his own handwriting in the place provided on the envelope for the signature of the authorised witness and shall add the title under which he acts as authorised witness and the date of signing:
- III. The citizen shall then and there—
- (a) In the presence of the authorised witness but so that his vote cannot be seen by the authorised witness, mark his ballot-paper as indicated by the directions printed on the back thereof:
  - (b) Fold the ballot-paper so that the vote cannot be seen:
  - (c) Enclose the ballot-paper in the small envelope and close and fasten that envelope:
  - (d) Enclose the small envelope in the postal voter's envelope and close and fasten the last-mentioned envelope: and
- IV. The citizen shall deliver the postal voter's envelope or post the same as a prepaid letter, to the returning officer.

(2) The vote marked on the postal ballot-paper shall not, except as provided in section fifty-seven, be looked at by any person other than the voter until the counting of the votes at the scrutiny; and the small envelope in which the postal ballot-paper is placed shall not, after it has been closed, be opened until the scrutiny.

**6** Section fifty-seven of the Principal Act is hereby amended— Amendment of section 57.

I. By deleting the words—

- (a) “and the declaration on the wrapper” in subsection (1): and
- (b) “and to such declaration respectively” in subsection (2): and

II. By inserting at the end of subsection (3) the words “or if such voter so requests shall permit some person selected by the voter to mark the ballot-paper as aforesaid”.

**7** Section fifty-eight of the Principal Act is hereby amended by deleting the word “wrapper” in subsection (1) and substituting the words “postal voter's envelope”. Amendment of section 58.

**8** Section fifty-nine of the Principal Act is hereby amended by expunging subsection (3) and substituting therefor the following new subsection (3)— Amendment of section 59.

“ (3) At the count the returning officer shall—

- I. Produce all applications for postal ballot-papers, and unopened, all the postal voters' envelopes received as aforesaid:

- II. Compare the signature of the citizen on the application with the signature of such citizen on the postal voter's envelope and allow the scrutineers, if any, to inspect both signatures and shall determine whether the signature on the postal voter's envelope is that of the applicant or duly written for him by the authorised witness:
- III. Reject and set aside any postal voter's envelope which is not signed and witnessed as prescribed in this Part:
- IV. Open each postal voter's envelope which has been allowed, withdraw the small envelope containing the postal ballot-papers, and place it in a closed ballot-box: and
- v. When all postal voters' envelopes have been so dealt with, open the ballot-box, open the small envelopes, and proceed to count the votes given for each candidate”.

Amendment  
of section 64.

**9** Section sixty-four of the Principal Act is hereby amended—

- I. By inserting “(1)” at the commencement: and
- II. By adding at the end the following new subsections (2) and (3)—

“(2) The provisions of section one hundred and forty-five and of subsections (2) to (5) of section one hundred and forty-six of the *Electoral Act* 1907 as herein modified shall apply in respect of elections under this Act as if such provisions were enacted herein.

(3) In the application of the said section one hundred and forty-five any reference in such provisions to section eighty-seven of the said Act shall be construed as a reference to the relevant provisions of sections fifty-six and fifty-seven of this Act; and the penalty for any contravention thereof shall be twenty pounds or one month's imprisonment.”.

Amendment  
of section 68.

**10** Section sixty-eight of the Principal Act is hereby amended—

- I. By deleting the words—
  - (a) “Twenty” and substituting “forty”: and
  - (b) “Forty” and substituting “sixty” in subsection (1): and
- II. By inserting after paragraph VII. of subsection (2) the following new paragraph VIII.—
 

“VIII. Radio broadcasting.”.

**11** Section ninety-three of the Principal Act is hereby amended by inserting after paragraph XI. the following new paragraph XII.— Amendment  
of section 93.

“ XII. Functions or celebrations to mark the visit to the city of any member of the Royal Family.”.

**12** Section one hundred and twenty-seven of the Principal Act is hereby amended by deleting the word “ sixty-eight ” in paragraph II. of subsection (2) and substituting “ sixty-seven ”. Amendment  
of section 127.

**13** Section one hundred and thirty of the Principal Act is hereby amended— Amendment  
of section 130.

I. By expunging paragraph v. of subsection (1) :

II. By inserting after subsection (1) the following new subsection IA.—

“ IA. Each debenture shall have annexed to it a coupon for each payment of interest and every such coupon shall bear the same number as the debenture to which it is annexed ”: and

III. By expunging subsection (4).

**14** Section one hundred and sixty-three of the Principal Act is hereby amended by deleting the words “ made after the commencement of this provision ” in paragraph v. and substituting “ in a will made after the fourteenth day of December, one thousand nine hundred and forty-four.”. Amendment  
of section 163.

**15** Section one hundred and eighty-five of the Principal Act is hereby amended— Amendment  
of section 185.

I. By deleting the words “ or, being ” to “ thirty feet ; ” at the end of division (c) of paragraph I. of subsection (1) :

II. By inserting after paragraph I. of subsection (1) thereof the following new paragraph IA.—

“ IA. Being within a zone prescribed for the erection of shops has—

(a) An area of not less than—

(i) 500 square feet if within a prescribed part of the central area:

(ii) 750 square feet if within any other part of the central area: or

(iii) 3000 square feet if elsewhere:

(b) A frontage on a street of not less than—

(i) 15 feet if within the central area: or

(ii) 30 feet if elsewhere—  
and is to be used primarily for  
business purposes”:

III. By inserting at the end of subsection (1) in alignment with the commencement the words “but where an allotment is at the corner of two streets which join at one of its angles, the Council before approving any new subdivision may require such allotment to have a frontage of at least 55 feet in an inner area or at least 70 feet in an outer area.”: and

IV. By expunging subsection (2) thereof and substituting the following new subsection (2) therefor—

“(2) The Council may approve of the inclusion in a plan of subdivision of a piece of land having less than the prescribed area or frontage if such piece of land—

I. Being in an inner or an outer area and within a zone prescribed for the erection of a shop is to be used for the purposes of business only and not to be dwelt upon and the Council is satisfied that the area and dimensions of such piece of land are sufficient in the circumstances: or

II. Is to be sold or conveyed to the owner of adjoining land.”.

Amendment  
of section 187.

**16** Section one hundred and eighty-seven of the Principal Act is hereby amended by inserting at the end thereof the following new subsection (3)—

“(3) Where any such proposed re-alignment is for the purposes of a scheme proposed pursuant to the *Town and Country Planning Act 1944* the council may proceed therein as provided by that Act in lieu of proceeding under this Division.”.

Amendment  
of section 197.

**17** Section one hundred and ninety-seven of the Principal Act is hereby amended by deleting the word “ninety-six” in subsection (2) and substituting the word “eighty-nine”.

Amendment  
of section 251.

**18** Section two hundred and fifty-one of the Principal Act is hereby amended—

I. By inserting at the end of paragraph IV. the word and symbol “or—”: and

II. Transposing the words “as the council may think fit” from paragraph III. to follow after paragraph IV. and in alignment with the commencement of the section.

Amendment  
of section 314.

**19** Section three hundred and fourteen of the Principal Act is hereby amended by inserting at the end thereof the following new subsection (8)—

“(8) The council by resolution may permit the Governor to have the sole control and management of any portion of

the Queen's Domain specified in such resolution for the period therein specified not exceeding one year for any purpose associated with the visit to the city of any member of the Royal Family."

**20** Section three hundred and fifteen of the Principal Act is hereby amended by inserting after the word "two" in subsection (2) the words "and a half". Amendment of section 315.

**21** Section three hundred and sixteen of the Principal Act is hereby amended by inserting at the end thereof the words "except within the area of three roods twenty-eight perches and three-tenths of a perch known as the Springs Hotel site or alternatively within the area of one acre and one-half of an acre formerly known as the Exhibition Garden, but no building shall be constructed nor the construction thereof commenced upon either of the said areas, and no licence under the Licensing Act 1932 shall be granted in respect of or transferred to any premises upon either of the said areas until the expiration of three years after the twenty-fourth day of November 1948; and after the expiration of the said three years such a licence shall only be granted in respect of or transferred to new premises which have been erected at a cost which has been estimated by the Licensing Court at not less than £100,000.". Amendment of section 316.

**22** Subsection (5) of section three hundred and twenty-one of the Principal Act is hereby amended by inserting after the word "twenty-seven" the words "and if such place or grave is within the city". Amendment of section 321.

**23** Section three hundred and thirty of the Principal Act is hereby amended by inserting after subsection (1) the following new subsection IA.— Amendment of section 330.

"IA. Where any rivulet is diverted or altered as aforesaid the council may sell or lease any portion of the rivulet which by reason of such diversion or alteration is no longer required in connection with the rivulet and all moneys accruing therefrom shall be paid in to the Municipal fund."

**24** Section three hundred and thirty-three of the Principal Act is hereby amended by inserting after the word "erection" in paragraph I. of subsection (1) the words "or any other material or thing.". Amendment of section 333.

**25** The first schedule to the Principal Act is hereby amended by deleting the figures "1943" in the item commencing "7 & 8 Geo. VI. No. 105" and substituting the figures "1944". Amendment of the first schedule.

**26** The third schedule to the Principal Act is hereby amended— Amendment of the third schedule.

- I. By deleting the words "section thirty-nine" in Form V. and substituting "section thirty (or section thirty-one)":

II. By deleting the figures "1945" at the end of Form VII. and substituting "1947":

III. As to Form VIII.—

- (a) By inserting the words "during polling hours" after the word "not" in clause 3:
- (b) By expunging paragraph II. of that clause:
- (c) By inserting the words "or ill-health" after "infirmity" in paragraph III. of clause 3:
- (d) By deleting the words "any two" and substituting "either" in the note to clause 3; and substituting "does" for "do" in the next line:
- (e) By inserting before the sub-heading "Authorised Witnesses" the words "If the voter is blind or cannot write the application shall be read over to him and the authorised witness may sign the voter's name and attest such signature under his hand":

IV. By deleting the words "you must" to "back hereof.)" on the front of the ballot-paper in Form IX.:

V. As to the Directions to be printed on the back of form IX.—

- (a) By expunging paragraphs I. and II. of clause 4:
- (b) By expunging clauses 5 and 6 and substituting therefor the following new clauses 5 and 6—

"5. The citizen shall then—

- I. Fold the ballot-paper so that the vote cannot be seen:
- II. Enclose the ballot-paper so folded in the small envelope:
- III. Close and seal that envelope and enclose it in the postal voter's envelope: and
- IV. Close and seal the postal voter's envelope.

6. The citizen shall then deliver or post, or cause to be delivered or posted, the postal voter's envelope to the returning officer and shall duly stamp the same if sent by post.":

- (c) By inserting after "impaired" in clause 7 the words "or the citizen is so physically incapacitated or so illiterate"; and inserting at the end of that clause the words "and the person who so marks the ballot-paper shall sign the citizen's name on the postal voter's envelope": and

- (d) By deleting the words "envelope" to "fasten the" in clause 8 and substituting "small envelope, fasten that envelope and enclose it in the postal voter's".

**27** The sixth schedule to the Principal Act is hereby amended by deleting the words "to its most south-easterly angle thence north-easterly" in the fifth line. Amendment of sixth schedule.

**28** The seventh schedule to the Principal Act is hereby amended— Amendment of seventh schedule.

I. By deleting the figures "3A OR 15 6/10P" and substituting "6A OR 19 6/10P": and

II. By deleting the words "Valley-street" and substituting "Lenah Valley"—

in Part XXV.

---

## MARKETING OF PRIMARY PRODUCTS.

---

No. 49 of 1948.

AN ACT to amend the *Marketing of Primary Products Act 1945*. [15 December, 1948.]

**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:—

**1**—(1) This Act may be cited as the *Marketing of Primary Products Act 1948*. Short title and citation.

(2) The *Marketing of Primary Products Act 1945*\*, as subsequently amended, is in this Act referred to as the Principal Act.

**2** Section twenty-one of the Principal Act is amended by omitting from subsection (3) the word "ten" and substituting therefor the words "three hundred". General powers of boards.

---

\* 9 & 10 Geo. VI. No. 41, as amended by 11 Geo. VI. No. 20. See also 10 Geo. VI. No. 35.