

HOBART CORPORATION.

No. 84 of 1950.

AN ACT to amend the *Hobart Corporation Act* 1947. [21 December, 1950.]

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:—

Short title. **1** This Act may be cited as the *Hobart Corporation Act* 1950.

Allowance to Lord Mayor. **2** Section seventeen of the Principal Act is hereby amended by deleting the words “seven hundred and fifty” and substituting “two thousand”.

Preparation of roll. **3** Section thirty-two of the Principal Act is hereby amended by inserting at the end of subsection (1) thereof (in alignment with the commencement of the section), the words “but where the council has received the prescribed notice of any change of ownership or occupancy in respect of any property the name of the new owner or occupier shall be substituted for the relevant name appearing in the assessment roll in respect of that property or added to the citizens’ roll as the case may require and appropriate effect shall be given to any re-assessment of any property made after the assessment roll came into force”.

4 The Principal Act is hereby amended by inserting after section sixty-five the following new section sixty-five A—

Kinds of electioneering prohibited on polling-day. “65A.—(1) No person on any day on which a poll is being held shall within the city—

- I. Distribute any electoral advertisement, notice, handbill, pamphlet, or card intended or calculated to affect the vote of any citizen: or
- II. Publish or cause to be published or distributed any advertisement for or on behalf of or in any way whatsoever relating to any candidate as such, or any matter or comment relating to any question or issue of the election campaign of any candidate.

Penalty: Twenty pounds or two months’ imprisonment.

(2) It shall be a defence to the publisher or a distributor of any newspaper charged with a contravention of this section that the words complained of were such as would naturally appear in the newspaper if no poll were being held.”.

5 Section sixty-six of the Principal Act is hereby amended by expunging subsection (3) and substituting therefor the following new subsection (3):—

When extraordinary vacancy arises.

“(3) Where an extraordinary vacancy occurs six months or more before the date prescribed for a biennial election—

- I. The council by resolution shall appoint a day for holding an extraordinary election to fill such vacancy not less than thirty or more than fifty days after such resolution is passed:
- II. The returning officer shall publish in a newspaper forthwith the fact of the vacancy having occurred, the date appointed for the holding the election, and the last day on which nominations may be lodged—

and an election shall be held on the day so appointed in accordance with the provisions of this Part.”.

6 Section one hundred and sixty-nine of the Principal Act is hereby amended by deleting the numeral “(6)” at the commencement of the final subsection thereof and substituting therefor the numeral “(8)”.

Rounding of street corners and widening of streets.

7 Section one hundred and eighty-one of the Principal Act is hereby amended by deleting the words “such” to “triplicate” in the fifth line of subsection (6) and “who” to “council” at the end of that subsection and inserting after the word “engineer” the words and numerals—

Conditions precedent for opening of private streets.

- I. Such surveyor’s plan in triplicate: and
- II. Plans and specifications for the construction of the street prepared by a competent engineer or an acceptance of the council’s quotation for the preparation thereof—

and the city engineer shall submit such surveyor’s plan, together with the plans and specifications for construction, to the council.”.

8 Section one hundred and eighty-three of the Principal Act is hereby amended by inserting at the end of paragraph II. of subsection (3) the words “or procured as provided by subsection (6) of section one hundred and eighty-one and approved by the council”.

Construction of new private streets.

9 Section one hundred and eighty-five of the Principal Act is hereby amended by expunging subsection (5) and substituting therefor the following new subsection (5):—

Subdivision of land.

“(5) The council may require the owner of any land proposed to be subdivided to dedicate such portion not

exceeding ten per cent of such land as the council may specify for public recreational space, and the following provisions shall apply to any such dedication—

- I. The council shall pay to such owner for the land so dedicated such amount as the council and the owner may agree upon or failing agreement such amount as the council would have been liable to pay as compensation if under the *Public Authorities' Land Acquisition Act 1949** it had taken that land in its then condition on the day on which the owner made application to the council for approval of the proposed subdivision, which amount may be determined as a disputed claim for compensation under that Act:
- II. If the land dedicated abuts on any private street constructed or to be constructed by the owner under Division V. of this Part the council shall pay a proportion of the cost of such street to be ascertained by dividing the total cost of such street by the number of allotments to be served by such street:
- III. Upon payment to him of the amount ascertained as provided by paragraph I. hereof the owner, at the request and cost of the council, shall execute a transfer or conveyance (as the case may require) to the corporation of the land dedicated and thereupon the same shall vest in the corporation subject to the provisions of section three hundred and thirteen."

Procedure on application.

10 Section one hundred and eighty-six of the Principal Act is hereby amended by inserting after the word "shall" in the second line of subsection (6) the words "within one year after the plan has been sealed by the council" and adding at the end of that subsection the words "but any such plan sealed by the council before the commencement of this amendment may be registered within one year after the commencement of the *Hobart Corporation Act 1950*".

Power to construct and extend public sewers and drains.

11 Section two hundred and twenty-eight of the Principal Act is hereby amended by deleting the words "adjoining or abutting on any street or" in subsection (4) and by inserting before the words "any common sewer" the words "and capable of being drained into".

Compensation.

12 Section two hundred and thirty-two of the Principal Act is hereby amended by inserting—

- I. The numeral "(1)" at the commencement: and
- II. The following new subsection (2) at the end:—

"(2) In determining any claim for compensation under this section regard shall be had to any benefit accruing to the claimant by reason of the works in relation to which the claim is made."

* No. 22 of 1949.

13 Section three hundred and thirty of the Principal Act is hereby amended by deleting the numeral "I.A." inserted by section twenty-three of the *Hobart Corporation Act 1948** and substituting therefor the numeral "(1A.)".

Council authorised to purchase land to widen, &c., the Rivulet.

14 Before section three hundred and forty-six of the Principal Act the following section is inserted:—

"345A.—(1) Any registered instrument purporting to convey to the council any land comprised in a prior notification under section three hundred and forty-five shall be deemed valid, notwithstanding that the land was already vested in the council by virtue of the notification.

Protection of registered titles and instruments.

(2) The council may register any notice of acquisition under section three hundred and forty-five as if it were a notice of acquisition under section twelve of the *Public Authorities' Land Acquisition Act 1949†*, and section seventeen of that Act shall, except for subsections (7) and (8) thereof, apply with all necessary modifications to such registration.

(3) On and after the first day of July, 1951, every notification under section three hundred and forty-five which has not been so registered shall, notwithstanding anything contained in that section, be deemed to have no greater effect than an unregistered instrument under the *Real Property Act 1862‡* or the *Registration of Deeds Act 1935§* as the case requires, but shall still be capable of registration under subsection (2) of this section, and for the purposes of the *Registration of Deeds Act 1935§* shall be deemed an instrument made in good faith and for valuable consideration.

(4) In this section 'register' means register under the *Real Property Act 1862‡* or the *Registration of Deeds Act 1935§*, as the case requires, and its derivatives have corresponding meanings."

15 Section three hundred and ninety-three of the Principal Act is hereby amended—

General powers to make by-laws.

I. By inserting after division (o) of paragraph I. of subsection (2) the following new division (p):—

"(p) The treatment of refuse resulting from any trade, manufacture, or business, either generally or in the case of any prescribed class of refuse and the charges which shall be paid to the council—

(i) for any such treatment carried out by the council: and

* No. 48 of 1948.

† No. 22 of 1949.

‡ 25 Vict. No. 16. For this Act, as amended to 1936, see Reprint of Statutes, Vol. V., p. 1002. Subsequently amended by 11 & 12 Geo. VI. No. 83.

§ 26 Geo. V. No. 24. For this Act, as amended to 1936, see Reprint of Statutes, Vol. VI., p. 97.

(ii) for covering or otherwise effectively disposing of such refuse to prevent it from becoming a nuisance.”:

II. By inserting after the word “force” at the end of paragraph II. of subsection (3) the words “and if immediately before that time such enlargement, rebuilding, or extension was not forbidden by some other by-law”: and

III. By adding after the said subsection (3) the following new subsection (3A):—

“(3A) Notwithstanding paragraphs I. and II. of subsection (3) of this section any by-law made under that subsection which defines a zone for any trade, industry, manufacture, or business, or for shopping, may prohibit or regulate the erection, enlargement, or establishment of any building within such zone for the purposes of a dwelling or for flats.”.

Amendment of first schedule.

16 The first schedule to the Principal Act is hereby amended by inserting at the end thereof the words and figures—

“ 11 Geo. VI. No. 33 | The *Hobart Corporation (Loans) Act 1947*”.

Amendment of fifth Schedule .

17 The fifth schedule to the Principal Act is hereby amended by—

I. Deleting the figures “ 650,013 3s. 1d. in the second column against “ Street Improvements ” and substituting therefor the figures “ 680,013 3s. 1d.”:

II. Inserting at the end thereof the following additional items:—

(a) Constructing, reconstructing, improving, extending, realigning, and widening the streets of the city	£ 500,000
(b) Sealing and re-sealing the streets of the city	81,000
(c) The improvement and extension of the tramway service in the city and suburbs, the establishment, acquisition, and equipment of trams, motor omnibuses, tramway works, and other transport services, the provision of tracks and roadways and generally for the purposes of Part XIII.	550,000
(d) The acquisition of plant, machinery, and equipment	75,000
(e) The purchase of land, erection of buildings, and provision of equipment for youth centres, community centres, kindergartens, child welfare clinics, day nurseries, and other like social amenities	20,000
(f) Augmenting, improving, and extending the water supply of the city and suburbs, the improvement of the reticulation therein, and generally for the purposes of Part XI.	100,000

- (g) The provision of additional land, premises, and equipment for reserves and recreation grounds, and for the improvement thereof 50,000
- (h) The extension, improvement, furnishing, heating, and ventilating of public halls 10,000

18—(1) The amendment contained in paragraph I. of section seventeen shall be deemed to have come into force at the commencement of the Principal Act. Operation of amendments.

(2) The amounts set forth in paragraph II. of section seventeen shall be inclusive of and not in addition to the moneys authorised to be raised under the *Hobart Corporation (Loans) Act 1947** hereby repealed.

* 11 Geo. VI. No. 33. See s. 16, *supra*.

COAL MINING INDUSTRY LONG SERVICE LEAVE.

No. 85 of 1950.

AN ACT to Constitute a Coal Mining Industry Long Service Leave Trust Fund; to provide for the Payment therefrom to Employers in the coal mining Industry of Amounts paid by them to Employees in respect of long service Leave accrued to such Employees under certain Awards; to amend the *State Employees (Long Service Leave) Act 1950*; to validate certain Matters; and for Purposes connected therewith. [21 December, 1950.]

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 *Coal Mining Industry Long Service Leave Act 1950*. Short title and commencement.