

or, if there has been no objection thereto, the decision of the Board thereon, to be published in the *Gazette*; and

(b) a copy of that notice to be forwarded to—

- (i) the Director of Public Works;
- (ii) the Commissioner of Police;
- (iii) the Commissioner for Transport;
- (iv) the Director of the Tourist and Immigration Department;
- (v) the Commissioner for Town and Country Planning; and
- (vi) the council of the city or municipality affected by the decision.”; and

(b) by omitting from subsection (2) the words “six months” and substituting therefor the words “one month”.

8 Section twenty K of the Principal Act is amended by omitting from subsection (3) the words “six months” and substituting therefor the words “one month”. Approval of names of post offices, &c.

HOBART CORPORATION.

No. 75 of 1955.

AN ACT to amend the *Hobart Corporation Act* 1947.
[22 December, 1955.]

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* 1955. Short title and citation.

(2) The *Hobart Corporation Act* 1947, as subsequently amended, is in this Act referred to as the Principal Act.

When
extra-
ordinary
vacancy
arises.

2 Section sixty-six of the Principal Act is amended by inserting in subsection (3), after the word "election" (first occurring), the words "and the council requires the vacancy to be filled".

Abatement
of rates.

3 Section one hundred and eight of the Principal Act is amended by inserting in subsection (1), after the word "sewer", the words "or being within one hundred feet of a public sewer cannot be drained into that sewer.".

4 The Principal Act is amended by inserting after Part IX the following Part:—

"PART IXA.

"IMPROVEMENT OF THE CITY.

Improve-
ment powers.

"162A.—(1) For the purposes of—

I Improving means of communication:

II Aiding the proper development of the city: or

III Giving effect to any scheme of town planning,

the corporation may purchase or acquire compulsorily any land in order to deal with it as provided in section three hundred and forty-eight.

(2) For the purposes of this section the council may agree with any owner of land that—

I He will execute works on his land in conformity with a scheme for those purposes: or

II He will permit the council to execute such works, on such terms and conditions as the council thinks proper."

5 The Principal Act is amended by inserting after section one hundred and seventy-four the following sections:—

Land may be
acquired for
new streets.

"174A.—(1) The council may purchase or acquire compulsorily land required for making and opening new public streets within the city.

(2) Where land is acquired compulsorily for the purposes of this section the provisions of subsection (2) of section nineteen of the *Public Authorities' Land Acquisition Act 1949* shall not apply.

Recovery of
cost of
new public
streets.

"174B.—(1) Where a new public street is made and opened by the corporation it may recover the cost thereof as provided in this section.

(2) The certificate of the City Engineer shall be conclusive for the purposes of this Act of the date on which any such street or portion thereof was opened.

(3) The council may by resolution declare and determine the amount by which the lands of each owner fronting on

or near such new street have been increased in value by reason of the construction and opening of such new street for use by the public and the proportion not exceeding one-half of such amount which shall be payable by such owner to the council.

(4) Every person who on the day after the passing of such resolution by the council is the owner of any land fronting on or near such new street shall be liable in accordance with this section to pay to the corporation such proportion as has been so determined and such proportion shall as from that day be charged upon such land and except as hereinafter provided shall be payable within thirty days of demand.

(5) After the passing of any such resolution the council shall serve upon the owner of any land affected thereby a notice in writing—

- I Containing clear and concise particulars of the land to be affected thereby:
- II Informing him of the amount by which the value of such land has been determined by the council to have been increased:
- III Stating the proportion thereof which the council has determined shall be paid by such owner: and
- IV Demanding payment of such proportion within thirty days of the date of such notice.

“174C.—(1) The owner of any land who is dissatisfied with any demand served upon him in pursuance of section one hundred and seventy-four B may within one month after such service, post to or lodge with the Town Clerk an objection in writing against the demand stating fully and in detail the ground or grounds on which he relies and stating the amount by which he considers the value of his land has been increased. Objection to demand.

(2) An objection under this section may be made on any one or more of the following grounds but on no other ground, that is to say:—

- I That the amount by which the value of such land is claimed to have been increased or the proportion thereof which the council has determined shall be paid by such owner is too high:
- II That lands which should be included in the one notice have been dealt with separately:
- III That lands which should be dealt with separately have been included in the one notice:
- IV That the person named in any notice is not the owner of the land to which the notice relates: or
- v That the area, dimensions, or particulars of any land is or are not correctly described.

(3) Upon receipt of any objection under this section the council shall with all reasonable despatch consider the same and may either allow the objection in whole or in part or may disallow the same, as it thinks fit.

(4) Upon the determination of any such objection the council shall give to the person by whom the objection was made notice in writing of its decision thereon.

(5) Within fourteen days after the service of a notice under subsection (4) of this section the person by whom the objection was made may by notice in writing served upon the Town Clerk require the Town Clerk to refer the objection either to the Supreme Court or to an arbitrator appointed by the parties in pursuance of the *Arbitration Act* 1892 for determination.

(6) The Court, after hearing representations of the council and the objector, shall consider the objection so made and may uphold such objection in whole or in part or may overrule any such objection and shall determine what amount is to be paid by such objector.

(7) The costs of the hearing before the Court shall be in the discretion of the Court.

(8) Rules of Court may be made in accordance with Part XIV of the *Supreme Court Civil Procedure Act* 1932 for carrying into effect the provisions of subsection (6).

(9) Where an objection is made under subsection (1) the amount demanded shall not become payable until thirty days after notice of the decision of the council has been given in pursuance of subsection (4) and if the objection is referred to the Supreme Court or an arbitrator under subsection (5) until thirty days after a decision has been given by the Court or the arbitrator as the case may be.

(10) Every amount which is not paid within thirty days of becoming payable under subsections (3) or (9) shall, until paid, bear interest at the rate of five per cent per annum from the expiration of such period of thirty days and such interest shall be charged upon the land.

(11) At the request of any such owner, the council shall accept payment of the amount due by him under this section by sixty quarterly instalments bearing interest on such portion as from time to time remains unpaid, at a rate not exceeding the current trading bank rate.

(12) The council may make by-laws for the purposes of this Part."

6 After section one hundred and seventy-five of the Principal Act the following section is inserted in Division III of Part X:—

Parking.

"175A. For the purpose of avoiding congestion in the public streets, the corporation may provide buildings and places off, over, or under public streets and reserves for the parking of vehicles and may charge as prescribed for their use."

7 Section one hundred and eighty-five of the Principal Act is amended— Subdivision of land.

(a) by inserting in subsection (2), after the word "inner", the word "central,"; and

(b) by adding at the end the following subsection:—

"(8) The council may charge and collect such fees, in respect of the consideration of applications for the approval of subdivisions, the approval thereof, and the inspection by the council or its officers of land proposed to be subdivided, as may be prescribed."

8 Section one hundred and eighty-six of the Principal Act is amended by inserting after paragraph VIII of subsection (3) the following new paragraphs:— Procedure on application.

"VIIIA The distance of any existing building or structure from the boundary of a proposed allotment:

"VIIIB The condition of any party or other wall on or near the boundary of a proposed allotment:"

9 Section one hundred and eighty-eight of the Principal Act is amended by omitting from paragraph II of subsection (4) the word "eight" and substituting therefor the word "seven". Ascertainment of compensation.

10 Section one hundred and ninety-three of the Principal Act is amended by omitting the word "with" (first occurring) and substituting therefor the word "within". Compensation for built-on land.

11 The Principal Act is amended by inserting after section one hundred and ninety-eight the following section:—

"198A.—(1) For the purpose of widening or improving any public street or part thereof the council may in accordance with this section make footpaths over the adjoining land and through any buildings thereon. Colonnading.

(2) To obtain the right to make such footpaths the corporation may obtain so much land as is necessary for the footpath and its foundations, with or without all the subjacent and superincumbent land, by way of assurance in fee simple or dedication as part of the highway, and either voluntarily or by compulsory process.

(3) The corporation may also acquire either voluntarily or by compulsory process any land of which the land required under subsection (2) forms part; and whether the land acquired under this subsection is the whole or any portion of the balance of the land of any owner.

(4) Where such a footpath is made it may be built over, and the superincumbent structure may be carried on piers or columns in the highway along the footpath or the kerb of the carriage way in the manner, if any, prescribed or agreed on under this section.

(5) For the purpose of making such a footpath the council—

I May: or

II May agree with the owner that he will, pull down, rebuild, underpin, shore up, or remodel any portion of the building through which the footpath runs, and make provision for vehicular access to that building.

(6) In connection with the voluntary obtaining of land for such a footpath the corporation may agree with the owner on what works are to be done in connection with the footpath and when and how and what support is to be given then or in the future for superincumbent building and where it acquires the land in fee covenant with him—

I To permit him to build over the footpath and to sell or lease to him any structure so built: or

II To reconvey to him so much of the superincumbent or subjacent space as is not required for the footpath together with rights of support for building therein.

(7) Where the corporation obtains land for such a footpath by compulsory process, it may at any time before the land is vested in it or dedicated to the public execute a deed poll declaring that it will do any of the things that it may agree to do under subsection (6) of this section and upon such vesting or dedication—

I The deed poll shall be enforceable by the owner as if it were an indenture to which he was a party: and

II Compensation shall be assessed on that basis.

(8) Where land is dedicated by the owner, voluntarily or compulsorily, for the purpose of such a footpath—

I The council shall have the same powers to do works therein and thereon as if it had been acquired by the corporation in fee:

II The dedication shall as against the owner be deemed to have been accepted by the public, but the right of the public to pass and repass thereover shall remain in suspense until the council opens the footpath to the public: and

III The same procedure shall be used as nearly as possible in the case of land subject to the *Real Property Act 1862* as if the corporation were obtaining an easement of passage for itself.

(9) The rule against perpetuities does not apply to any agreement for the purposes of this section.”.

12 Section two hundred and one A of the Principal Act is amended—

Power of
council to
erect and
maintain
parking
meters.

- (a) by inserting after subsection (4) the following subsections:—

“(4A) Where a motor vehicle (not being a motor vehicle in respect of which a licence under section fourteen A of the *Traffic Act* 1925 is in force) has been parked in a metered space otherwise than in accordance with the by-laws made under this Act, the person who at the time such vehicle is so parked is the registered owner thereof, or in the case of a vehicle other than a motor vehicle, the person who at the time such vehicle is so parked is the owner thereof, shall, subject to subsection (5) of this section, be and be deemed to be the driver of such vehicle and shall be guilty of an offence in all respects as if he were the actual offender, and shall be liable to a fine not exceeding twenty-five pounds, unless the court hearing the complaint is satisfied that the vehicle was a stolen vehicle or a vehicle illegally taken or used.

“(4B) Nothing in the foregoing provisions of this section shall affect the liability of the actual offender, but where the full amount of any penalty has been paid by the actual offender or the registered owner or owner in relation to an offence, no further penalty shall be imposed or recovered in relation thereto.”; and

- (b) by adding at the end the following subsection:—

“(8) In any proceedings in respect of an offence against the provisions of this section or of the by-laws made thereunder, the defendant, at any time after service of the summons upon him, may plead guilty by—

I Endorsing on such summons the words ‘I, the defendant named herein, plead guilty to the charge herein set forth.’:

II By signing his name to such statement in the presence of a justice to whom the defendant is personally known, or who can otherwise identify him, and who shall attest such signature: and

III By lodging the summons so endorsed at the office of the court at which it is returnable not less than forty-eight hours before the time fixed for the hearing,

and upon receipt of such summons so endorsed and attested, the justices before whom the same is to be heard may accept such plea.”.

Domestic
supply of
water in
the city.

13 Section two hundred and six of the Principal Act is amended by omitting subsection (3) and substituting therefor the following subsections:—

“(3) When the council resolves to lay a new main to serve one or more buildings or pieces of land—

- I It shall specify in its resolution the pieces of land which are to be served by such main:
- II The amount determined by the council as hereinafter provided shall forthwith become a charge on each such piece of land: and
- III The council shall serve a notice on each of the owners of such pieces of land telling each the amount payable in respect of his land.

“(4) The council shall determine from time to time the amount to be paid by the owner of every piece of land in respect of which a new main is to be laid, and, in so determining, shall have regard to the average cost per allotment of laying new mains within the city during the preceding twelve months, or during such other period as it thinks just, but except as hereinafter provided, no amount so determined shall exceed two-thirds of such average cost.

“(5) The council may determine an amount exceeding two-thirds of such average cost in any case where the estimated cost of laying a new main is more than fifty per cent above such average cost.

“(6) If any piece of land to be served by a new main is capable of subdivision into allotments under the provisions of sections one hundred and eighty-five and one hundred and eighty-six, the amount so determined shall be payable in respect of each of the maximum number of allotments into which such piece of land could be so subdivided.

“(7) When the City Engineer has certified that such new main has been laid the council shall serve a notice on the owner of each such piece of land requiring payment of the amount payable in respect of his land.

“(8) The amount so determined by the council shall be recoverable in the same manner as the city rate and the provisions of subsections (2) to (6) inclusive of section one hundred and seventy-eight and of sections one hundred and seventy-nine and three hundred and fifty-six shall apply to the payment of such amount as if it were payable under section one hundred and seventy-eight.”.

14 The Principal Act is amended by inserting after section two hundred and seven the following section:—

“207A.—(1) The council at any time by resolution published in a newspaper may—

- I Restrict the hours during which water may be used, generally or for specified purposes:
- II Prohibit or regulate the use of water for specified purposes: and

Restriction
on use
of water.

III Allow such exemptions and exceptions as it may think fit.

(2) No person shall use water in contravention of any such resolution.

(3) The council, by resolution, may authorize the Lord Mayor or the Town Clerk to make such variation or variations by notice in writing either on one occasion only, or from time to time, of any such restriction, prohibition, regulation, exemption, or exception, to operate during such period or periods as he shall think fit, and any such notice shall be published in a newspaper.”.

15 Section two hundred and fourteen of the Principal Act is amended by omitting all the words after “premises” (second occurring) and substituting therefor the words “such quantity of water as is determined by the council at the time of making the city rate.”.

Supply of water to ratepayers.

16 Section two hundred and thirty-five of the Principal Act is amended—

Agreement may be entered into for drainage connections.

(a) by omitting from subsection (2) the words “any land is beyond one hundred feet from any sewer and”;

(b) by omitting from that subsection the word “therefor” and substituting therefor the words “of any land”; and

(c) by omitting from that subsection the words “of terms”.

17 Section two hundred and fifty-seven of the Principal Act is amended—

Application of this Part.

(a) by omitting paragraph II of subsection (1) and substituting therefor the following paragraph:—

“II The municipality of Glenorchy.”; and

(b) by omitting subsection (2).

18 Section three hundred and fourteen of the Principal Act is amended by adding at the end thereof the following subsection:—

Leasing of recreation reserves.

“(11) The council may lease a portion of the Queenborough Recreation Ground to the Metropolitan Transport Trust for the purpose of a sub-station on such terms and conditions as it may think fit.”.

19 Section three hundred and nineteen of the Principal Act is amended by adding at the end thereof the following subsections:—

Power to reclaim certain areas.

“(9) Any person who without the permission of the council removes and takes away from those portions of New Town Bay which are described in subsection (8) of this section and in Part XXIII of the seventh schedule during the period

of such reclamation as is mentioned in subsection (1) anything deposited thereon in the course of such reclamation shall be liable to a fine of fifty pounds or to imprisonment for six months.

“(10) Notwithstanding anything in this section, on or after the first day of December 1956 the council shall not use, or cause or permit to be used, for the purpose of reclaiming that portion of New Town Bay that is described in Part XXII of the seventh schedule, any substance or material other than earth, sand, rock, concrete, or other like material or within such further period as the Governor may approve.”.

Offences.

20 Section three hundred and twenty-five of the Principal Act is amended by omitting the word “Twenty” in subsection (4) thereof and substituting therefor the word “Fifty”.

Power to acquire land and purposes for which it may be acquired.

21 Section three hundred and forty-three of the Principal Act is amended by adding the following subsection:—

“(2) With any land required by it for the purposes of Part IXA or for opening, widening, or diverting streets the council may purchase or acquire compulsorily, together with any land so required, any adjoining land of the same owner.”.

Powers in respect of other property.

22 Section three hundred and forty-eight of the Principal Act is amended by adding at the end thereof the following subsection:—

“(4) Where land is to be sold in accordance with paragraph XII of subsection (1) of this section in lots not coinciding with former title boundaries the corporation may surrender the land to be sold and such adjacent lands as it thinks fit and shall be entitled to a new grant in accordance with the provisions of the *Crown Lands Act* 1935 of the land surrendered together with any intervening or adjacent lands of the Crown not required by the Crown for its own purposes.”.

Fifth schedule.

23 The fifth schedule to the Principal Act is amended by adding at the end thereof the following item:—

“(y) The provision of off-street parking areas or buildings—£400,000.”.

HOMES.

No. 76 of 1955.

AN ACT to amend the *Homes Act* 1935, the *Homes Act* 1953, and the *Casual Workers and Unemployed Persons Homes Act* 1936.

[22 December, 1955.]