

(b) three persons for appointment as members of the Commission under paragraph (c) of subsection (2) of section three of that Act (as amended by this Act).

(2) Notwithstanding anything in the Principal Act, of the three persons elected at the election held for the purposes of clause (b) of sub-paragraph (2) of this paragraph—

(a) that person who, at that election, receives the highest number of votes shall hold office for the term of five years; and

(b) the other two persons elected at that election shall hold office for the term of four years,

from the appointed day.

HOBART CORPORATION.

No. 103 of 1957.

AN ACT to amend the *Hobart Corporation Act* 1947. [29 January 1958.]

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* 1957. Short title and citation.

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

2 Section three of the Principal Act is amended—

(a) by inserting before the definition of “Assessment roll” the following definition:—

“‘Annual value’ means assessed annual value under the *Land Valuation Act* 1950:”;

(b) by omitting from the definition of “Assessment roll” the words “the roll prepared in pursuance of the *Annual Values Assessment Act* 1911, which is in force at the relevant time” and substituting therefor the words “the assessment roll of the city under section forty-five of the *Land Valuation Act* 1950”;

Interpretation.

(c) by inserting after the definition of "British subject" the following definition:—

" 'Citizens' roll' means the roll or other document kept pursuant to section seven: "; and

(d) by inserting after the definition of "City" the following definition:—

" 'Record of occupiers' means the record kept pursuant to section seven A: ".

Qualifications
of citizens.

3 Section seven of the Principal Act is amended—

(a) by omitting the words "for the city" (first occurring) and substituting therefor the words "or on the record of occupiers";

(b) by omitting the words "for the city" (second occurring);

(c) by inserting, after the words "owner or", the words "the record of occupiers as the "; and

(d) by adding, at the end thereof, the following subsections:—

"(2) The corporation shall cause—

I The names of all citizens to be entered on a roll, to be called 'the citizens' roll': and

II Names on the citizens' roll of persons who are dead or have otherwise ceased to be citizens to be struck out of the citizens' roll.

"(3) For the purposes of this section the corporation may use in lieu of a roll a card system or such other means of showing who are citizens as the council thinks fit."

4 After section seven of the Principal Act the following section is inserted:—

Record of
occupiers.

"7A—(1) The town clerk shall prepare and maintain a record of the occupiers of all lands shown in the assessment roll who are not the owners thereof.

(2) The record of occupiers may be kept by entry on the assessment roll of the city or in such other form as the council may determine.

(3) Where any lands are occupied, but not owned, in portions by more persons than one, the town clerk may for the purpose of setting down the annual value of each portion in the record of occupiers, apportion the annual value shown on the assessment roll between each of the portions in such manner as he shall think fit.

(4) The town clerk shall give to each of the occupiers of those lands notice in writing of the apportionment made under subsection (3) of this section.

(5) An occupier who is dissatisfied with an apportionment made under this section may, within fourteen days after the giving of the notice referred to in subsection (4) of this section, post to, or lodge with, the town clerk an objection in writing to the apportionment.

(6) Where an objection has been received by the town clerk pursuant to subsection (5) of this section, the town clerk shall for the purpose of determining the annual value of each of the portions of those lands, apply to the Chief Valuer for the purposes of the *Land Valuation Act 1950* to make a separate valuation of each of those portions, and the Chief Valuer shall forthwith make that valuation.”.

5 Section twenty of the Principal Act is repealed and the following section is substituted therefor:—

“ 20 Every citizen—

Qualifications of aldermen.

I Whose name appears—

- (a) In the assessment roll as the owner of property of the annual value of not less than twenty-five pounds: or
- (b) In the record of occupiers as the occupier of property of the annual value of not less than fifty pounds:

II Whose name appears in the citizens’ roll: and

III Who is not disqualified under any provision of this Act,

is qualified to be elected, and, if elected, to hold office, as an alderman.”.

6 After section twenty-seven of the Principal Act the following section is inserted:—

“ 27A—(1) A person—

Enrolment of spouses and ex-servicemen.

I Who is the spouse of a citizen and enrolled on an electoral roll for an Assembly division under the *Electoral Act 1907* in respect of a place of living within the city: or

II Who, having been a member of His Majesty’s forces, as defined by section twenty-eight of the *Constitution Act 1934*, and having been discharged therefrom or ceased so to serve otherwise than through any fault or misconduct on his part, is enrolled on an electoral roll for a Council division under the *Electoral Act 1907* in respect of a place of living within the city,

and who is not otherwise qualified to vote at an election under this Part, shall be entitled to have his name entered on all voters’ rolls prepared in accordance with section thirty-two and to vote at elections under this Part, if he claims enrolment thereon as provided by this section.

(2) A claim for enrolment under this section shall—

I In the case of a claim under paragraph I of subsection (1)—

- (a) Be in accordance with form IA:
- (b) Show the claimant's number on the relevant Assembly roll: and
- (c) Show the name of the citizen as whose spouse he claims enrolment and an address by which that citizen may be identified in the corporation's records:

II In the case of a claim under paragraph II of subsection (1)—

- (a) Be in accordance with form IB:
- (b) Show the claimant's number on the relevant roll for a Council division: and
- (c) Show the nature and particulars of the qualifications of the claimant as an elector of members to serve in the Legislative Council:

III Be signed by the claimant with his personal signature and attested by an authorized witness (as defined by section fifty-three) who shall sign his name as witness in his own handwriting: and

IV Be sent to the town clerk.

(3) If a person who is enrolled under this section ceases to be the spouse of the person as whose spouse he has claimed enrolment, he shall, within one month next following, give notice thereof in writing to the town clerk, who shall forthwith remove his name from the current voters' roll, if any."

Mode of
calculating
votes.

7 Section twenty-nine of the Principal Act is amended—

(a) by omitting from subsection (1) the words "for the city as the owner or occupier, or owner and occupier," and substituting therefor the words "as the owner or in the record of occupiers as the occupier"; and

(b) by omitting subsection (2) and substituting therefor the following subsection:—

"(2) Where a citizen is owner and occupier of the same property in such a way that if he were one and not the other he would have more votes in respect of that property as one than as the other—

I If he would have more votes as owner than as occupier his occupation shall be disregarded: and

II If he would have more votes as occupier than as owner, he shall, if he so requests the town clerk in writing, be entered in the record of occupiers in respect of that property and shall then have no vote as owner."

8 After section thirty-one of the Principal Act the following section is inserted in Division II of Part IV:—

“31A. A person enrolled on a voters’ roll under section twenty-seven A is entitled to one vote only at each election under this Part.” Voters not citizens to have one vote.

9 The Principal Act is amended by omitting from Part IV the heading “*Division III—The citizens’ roll*” and substituting therefor the heading “*Division III—Voters’ rolls*”. Heading to Division, Part IV.

10 Section thirty-two of the Principal Act is repealed and the following section is substituted therefor:—

“32—(1) On or before the first day of March in every year in which a biennial election is to be held under this Act, the town clerk shall, in such manner and form as may be convenient, or as may be prescribed, prepare a roll or book, to be called the ‘voters roll’, containing in alphabetical order the name of every person whose name appears on the citizens’ roll on that day or who on that day is entitled to vote under section twenty-seven A, but excepting thereout any person— Preparation of roll.

I Who has his name in the assessment roll or record of occupiers in respect of property of a less annual value than five pounds, unless the property includes a house in which that person resides or unless that person is entitled to vote under section twenty-seven A: or

II Who is an alien.

(2) A voters’ roll shall show—

I In the case of a citizen—

- (a) The property or properties in respect of which he is entitled to vote:
- (b) The street in which each such property is situated:
- (c) The number of votes to which he is entitled under the provisions of this Act: and
- (d) Whether he is qualified to vote as being the owner or occupier of the property, or both: and

II In the case of each other person entitled to vote at the election—

- (a) The qualification in respect of which he is entitled to vote: and
- (b) His place of living.

(3) Every citizen and other person entitled to vote at the election may inspect the roll at the town hall during ordinary office hours.”.

11 Section thirty-four of the Principal Act is repealed and the following section is substituted therefor:—

Voters' roll
in case of an
extra-
ordinary
election.

"34—(1) Where an election is necessary to fill any extraordinary vacancy the town clerk shall, at least seven days before the date fixed for holding the election, prepare a supplemental voters' roll, in which shall be shown—

- I The names of all persons on the existing roll who have ceased to be entitled to have their names thereon:
- II The names of any persons who are entitled to have their names included in the voters' roll, but whose names are not on the then existing roll: and
- III The name of any citizen who is entitled to a greater or a lesser number of votes than he is shown by the existing roll to be entitled, and the number of votes to which he may then be entitled.

(2) The existing roll, varied by the supplemental roll, shall be used at the election to fill the extraordinary vacancy, and shall be conclusive."

12 After section forty of the Principal Act the following section is inserted in Division VI of Part IV:—

Interpreta-
tion.

"40A. In this Division 'citizen' includes a person entitled to vote under section twenty-seven A."

13 After section fifty-two of the Principal Act the following section is inserted in Division VII of Part IV:—

Interpreta-
tion.

"52A. In this Division 'citizen' includes a person entitled to vote under section twenty-seven A."

Assessments.

14 Division III of Part VIII of the Principal Act is repealed.

15 After section one hundred and forty-four of the Principal Act the following section is inserted:—

Governor may
guarantee
principal.

"144A The Governor may guarantee payment of the principal of any security issued by the council for money borrowed for the erection of chilling chambers and other improvements at the abattoir for the city but not exceeding £150,000."

Half the
expenses of
paving the
footways to
be borne by
owners of
lands
abutting
thereon.

16 Section one hundred and sixty-six of the Principal Act is amended—

- (a) by inserting in subsection (1), after the word "footway" (first occurring), the words "or portion thereof"; and
- (b) by inserting in subsection (3), after the word "footway", the words "or portion thereof so made, formed, or paved".

Enforcement
of council's
require-
ments.

17 Section one hundred and seventy of the Principal Act is amended—

- (a) by omitting from subsection (5) the words "the owner of the land to which such dedication or order relates shall be divested of his title to

such land and the same shall vest in His Majesty and shall become part of the street for which it was required” and substituting therefor the words “the land to which the dedication or order relates shall be deemed to have been accepted by the public as part of the street for which it was required”; and

- (b) by omitting subsections (6) and (7) and substituting therefor the following subsections:—

“(6) The corporation shall cause the deed of dedication or order to be registered—

I In the case of land under the *Real Property Act 1862*, by lodging a certified copy of the deed or order together with a plan, both in such form, of such sort, and with such verification as the Recorder of Titles may require, in the office of the Recorder: and

II In the case of land not under that Act, as provided in the *Registration of Deeds Act 1934*, for the purposes of which the order shall be deemed to be a deed.

“(7) The Recorder of Titles shall, where the deed or order is lodged under paragraph I of subsection (6), register it by entering a memorial thereof on the folium of the register book containing the title to the land, and shall endorse the like memorial on the duplicate grant or certificate of title when next produced to him.

“(8) Where the soil of the public street adjoining the dedicated land belongs to the Crown, the corporation shall notify the dedication to the Commissioner of Crown Lands, and the owner shall when required by the Commissioner surrender the dedicated land to the Crown subject to the dedication.”.

18 Section one hundred and eighty-two of the Principal Act is amended—

Requirements
for new private streets.

- (a) by omitting paragraph IV of subsection (1) and substituting therefor the following paragraph:

“IV The carriageway shall be constructed as prescribed.”;

- (b) by omitting paragraphs v and vi; and

- (c) by omitting from sub-paragraph (a) of paragraph x of that subsection the words “the remainder of the footway shall be either asphalted, gravelled, or grassed” and substituting therefor the words “where the concrete path is next to the kerb, the area between the path and the

nearer boundary of the street, or where the path is nearer that boundary than the kerb, the area between the path and the kerb, shall be trimmed and covered with three inches of loam”.

Subdivision
of land.

19 Section one hundred and eighty-five of the Principal Act is amended—

(a) by adding at the end of subsection (1) the following paragraph:— “ and

VI Has the appropriate area prescribed in paragraph I or paragraph II, as the case may be, without including any portion that, in the opinion of the council, is subject to inundations.”; and

(b) by inserting after subsection (1A) the following subsection:—

“(1AA) Where the work required by the council under subsection (1A) includes the construction of a carriageway serving more allotments than one—

I The council may direct the owner to carry out part of the work on the soil of a street:

II The owners of all allotments having a right of way over any portion of the carriageway shall keep in good repair, properly drained, and clean and tidy—

(a) The carriageway: and

(b) Any land subject to similar rights as the carriageway and not part of a public street:

III If at any time the council is of opinion that the owners are in default of compliance with paragraph II of this subsection the town clerk may give notice to the owners for the time being of the allotments served by the carriageway specifying how the default is to be remedied and requiring them to remedy the default accordingly within such time as may be specified in the notice:

IV If the owners served with a notice under paragraph III of this subsection fail to comply therewith within the time specified in the notice, the council may remedy their default and apportion the cost thereof among those owners or their successors in title in such proportions as it shall see fit:

V The amount apportioned under paragraph IV of this subsection shall be paid to the corporation within thirty days of demand, and in default of payment may be recovered from the person liable therefor or his successor in title by action in any court of competent jurisdiction:

VI An amount apportioned under paragraph IV of this subsection together with any interest payable thereon shall from the day of the apportionment be and remain a charge on the allotment in respect of which it was apportioned.”; and

(c) by omitting from subsection (2B) the words “ paragraph II of ”.

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

“(3A) The council may as a condition of granting the application require the owner to execute a deed poll in accordance with form XIX dedicating as a highway or part of a highway such part of the land comprised in the plan of subdivision as it considers should be or be part of a public street, and if the owner executes and delivers to the corporation the required deed the council shall grant the application or cancel the deed, which shall on cancellation be void and without effect as from its making; and if it grants the application—

- I The dedication of the land comprised by the deed shall be deemed to have been accepted by the public:
- II The corporation may, notwithstanding the dedication, lease the surface of the dedicated land to the owner or his successors in title in portions each appurtenant to the adjoining allotment until such time as the corporation is able to reconstruct the relevant street in conformity with the dedication, at a nominal rent, for such term and on such conditions as it thinks fit, and during the currency of any such lease the right of the public to pass and repass over the leased land shall be in suspense:
- III The corporation shall cause the deed to be registered—
 - (a) In the case of land under the *Real Property Act* 1862, by lodging a certified copy of the deed together with a plan, both in such form, of such sort, and with such verification as the Recorder of Titles may require, in the office of the Recorder: and

(b) In the case of land not under that Act, as provided in the *Registration of Deeds Act 1934*:

- IV. The Recorder of Titles shall, where the deed is lodged under sub-paragraph (a) of paragraph III, register it by entering a memorial thereof on the folium of the register book containing the title to the land, and shall endorse the like memorial on the duplicate grant or certificate of title when next produced to him: and
- V Where the soil of the public street adjoining the dedicated land belongs to the Crown, the corporation shall notify the dedication to the Commissioner of Crown Lands, and the owner shall when required by the Commissioner surrender the dedicated land to the Crown subject to the dedication.”.

21 After section two hundred of the Principal Act the following section is inserted:—

Temporary
buildings and
constructions.

“200A—(1) The corporation may license an owner to erect and maintain for a term not exceeding three years a building or specified part of a building not complying with the *Building Act 1937*.

(2) On the expiration of a licence under this section the owner shall pull down—

- I The building and level and restore its site to the satisfaction of the council: or
- II The part of the building and complete the building in compliance with the *Building Act 1937*.

(3) If the owner has not complied with subsection (2) of this section within three months after the expiration of his licence the corporation may—

- (a) Enter on the land and do all things that the owner ought to have done in such manner as it thinks proper:
- (b) Sell on account of the owner any materials removed in the course of the demolition: and
- (c) Recover from the owner its expenses incurred under this subsection.

(4) The corporation shall not use its powers under subsection (3) of this section against a purchaser within the meaning of the *Conveyancing and Law of Property Act 1884* after the grant of the licence of land under the *Real Property Act 1862*, unless it has before his purchase lodged with the Recorder of Titles a notice of the licence in such form and containing such particulars as the Recorder requires, which notice the Recorder shall enter on the folium of the register book specified in the notice and on the duplicate grant or certificate of title when next produced to him.

(5) Where before the commencement of this section the council has entered into an agreement whereby it has granted its consent to the erection or alteration by the other party to the agreement of a building or structure not complying with the *Building Act 1937*, the corporation shall be deemed to have granted him a licence under this section in conformity as nearly as possible with the agreement and this section applies to the licence and the proceedings on its expiration as if this section were in force when the agreement was made.

(6) Anything licensed under this section shall during the term of the licence be subject to the *Building Act 1937* as if that Act required or permitted erection in accordance with the licence.”.

22 Section two hundred and one of the Principal Act is amended— Penalties.

(a) by inserting after the word “pounds” (second occurring) the following words:—

“, except as provided in subsection (2) of this section or elsewhere in this Part”; and

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

“(2) The penalty for a breach of—

I Subsection (6) of section one hundred and eighty-five: or

II Subsection (4), subsection (5), or subsection (6) of section one hundred and eighty-six,

is five hundred pounds, with a daily penalty of twenty pounds.”.

23 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 (4A) the following subsection:—

“(4AA) Where 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 when the vehicle is so parked is the hirer thereof under an agreement with the owner of the vehicle shall, subject to subsection (5) of this section, be and be deemed to be the driver of the 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.”;

- (b) by inserting in subsection (5) after the word "vehicle" (first occurring), the words, "the hirer of a motor vehicle in respect of which a licence under section fourteen A of the *Traffic Act 1925* is in force,"; and
- (c) by inserting after subsection (7) the following subsection:—

"(7A) In any proceeding under this Act, the production of a document purporting to be signed by the officer in charge of any of the records referred to in section eleven of the *Traffic Act 1925* certifying that a person therein referred to or named was the registered owner on a date mentioned in the document of a motor vehicle therein referred to by its registered number shall be prima facie evidence that that person was the registered owner of that motor vehicle on that date; and any such document may refer to or name any number of persons and vehicles."

Domestic
supply of
water in the
city.

24 Section two hundred and six of the Principal Act is amended—

- (a) by omitting subsections (1) and (2) and substituting therefor the following subsections:—

"(1) Where the outer boundary of land is within one hundred feet of a main or other pipe of the corporation, and the owner of the land so requests, the corporation shall furnish at a point on that boundary a sufficient supply of water for domestic purposes in and about any building erected or to be erected on that land, unless the building is so much higher than the corporation's main or other pipe that the pressure therein is not enough for such a supply.

"(2) Service pipes and other necessary and proper appliances and apparatus for the purposes of subsection (1) of this section provided, laid down, or affixed—

I On the land shall be paid for and maintained by the owner or occupier of the building: and

II Between the main or other pipe of the corporation and the boundary of the land—

(a) Before the first day of July 1958, shall be paid for by that owner or occupier: and

(b) On or after that date shall be paid for by the corporation, and maintained by the corporation."

- (b) by omitting from subsection (3) the word "When" and substituting therefor the words "If before the first day of July 1958";

- (c) by inserting after the word "main" (first occurring) in that subsection the words "(which term shall in subsections (3) to (13) inclusive of this section include any branches, service pipes and fittings deemed necessary by the council)";
- (d) by omitting from subsection (4) the word "The" and substituting therefor the words "Where a new main is laid before the first day of July 1958, the ";
- (e) by omitting from subsection (6) the words "and one hundred and eighty-six";
- (f) by omitting subsection (8) and substituting therefor the following subsections:—

"(8) Any amount so determined by the council shall be recoverable as a debt in a court of competent jurisdiction.

"(9) At the request of the owner of any land in respect of which an amount has been so determined the corporation shall accept payment of that amount by forty quarterly instalments and that amount or such portion thereof as remains unpaid from time to time shall bear interest at such rate as the council may determine.

"(10) A request for the purposes of subsection (9) shall be made in writing, signed by the owner, and lodged with the corporation within one month from the time when the owner was notified in writing by the corporation of the determined amount, and the first quarterly instalment thereof shall be payable immediately on the expiration of that month and subsequent instalments on the first days of January, April, July, and October in each year.

"(11) The corporation may accept payment by instalments as provided by subsection (9) of this section although the request therefor is not received by it within the time thereby prescribed.

"(12) An owner paying by instalments may pay to the corporation at any time any one or more instalments before the due date thereof and interest on any instalment so paid shall cease from the date of the payment.

"(13) If any owner fails to pay the amount of any instalment under this section within one month after it has been demanded, it may be recovered in the same manner as the city rate from any person liable to pay the city rate in respect of the land."

By-laws.

25 Section two hundred and twenty-seven of the Principal Act is amended by inserting after paragraph IV the following paragraph:—

“IV A Prescribing fees for the provision, laying, and affixing of service pipes from any water main or pipe of the corporation to the boundary of any land.”.

26 Division I of Part XII of the Principal Act is repealed and the following Division is substituted therefor:—

Division I—Powers of the Council.

Vesting of sewers and drains.

“228 All common sewers and drains, wherever constructed within the city which have been or shall hereafter be constructed or taken over by the corporation and all sewers and drains in and under the streets of the city with all the works and materials thereto belonging, whether or not the same have been constructed or taken over by the corporation, shall be vested in and belong to the corporation.

Power to make and extend systems of sewerage, &c.

“229—(1) The corporation may construct, maintain and extend—

- I Limited sewerage systems within the meaning of the *Sewers and Drains Act 1954*;
- II Stormwater drainage systems within the meaning of that Act; and
- III Such sewers and drains not part of any such system as the council thinks fit.

(2) For the purposes of this section the corporation may—

- I Make, construct, adopt, take over, and maintain such and so many sewers and drains as the council thinks fit;
- II Extend, enlarge, repair, alter, or discontinue any sewer or drain; and
- III Define and declare the purpose of any system of sewerage or drainage or any sewer or drain.

(3) The corporation may purchase, construct and maintain all such ejectors, pumps, engines, machinery, and appliances as it may think desirable for the purposes of this Part.

Power to discharge sewage into River Derwent.

“230—(1) The corporation may conduct sewage and water in, through, and over any land within or without the city and discharge them at any point on the River Derwent where they were discharged at the commencement of this Act and at such other points, if any, as may be determined in accordance with this Part.

(2) Before commencing any new work at any point on the bank, bed or shore of the River Derwent for the purposes of this Part, the corporation shall submit plans of the proposed work to the Director of Public Health and the Marine Board of Hobart.

(3) If the Marine Board of Hobart does not, within one month after the receipt by it of such plans, serve upon the corporation a notice setting forth its objections to the proposed work, the corporation may proceed therewith unless the Director of Public Health has within that time ordered it not to proceed therewith, with which order the corporation shall comply.

(4) If a notice under subsection (3) of this section contains an objection considered by the council to be unreasonable, the corporation may refer the matter to the Governor, and the decision of the Governor thereon shall be final and binding on both parties.

(5) The corporation shall not cause or permit any sullage water within the meaning of the *Sewers and Drains Act 1954* to be discharged into Sullivan's Cove.

(6) The Director of Public Health may under his official seal order the corporation—

- I To treat any sullage water within the meaning of that Act as specified in the order before discharging it into the River Derwent under this section: and
- II Not to discharge into the River Derwent under this section any such sullage water of a kind specified in the order,

and the corporation shall comply.

(7) The Director of Public Health shall not make such an order under subsection (6) of this section that the corporation will have to spend in consequence of the order during any three financial years a sum in excess of one hundred and twenty thousand pounds.

(8) The Director of Public Health, may under his official seal order the Marine Board of Hobart to discharge into an appropriate sewer of the corporation specified in the order all sullage water within the meaning of the *Sewers and Drains Act 1954* from any wharf as defined by the *Marine Act 1921* within the city specified in the order, and the Marine Board of Hobart shall comply.

“ 231—(1) The corporation at any time may enter on any Crown land or private land, within or without the city, and may—

- I Make, enlarge, repair, cleanse, alter, cover, ventilate or continue upon any of such lands all or any such sewers and drains as it may deem necessary for sewerage or draining the city: and
- II Do all such things (including the making of preliminary surveys) as it thinks necessary for conducting, and continuing to conduct, sewage and water in, through, or over any such lands, and discharging the sewage, water, and effluent into the River Derwent or the estuary thereof, and constructing, installing, and operating storage tanks, treatment plants, and any other works required for such purposes,

Power to
make, &c.,
sewers and
drains on
Crown and
private lands.

and for any such purposes may take any such works across any railway.

(2) Except in a case of emergency to safeguard health or property, the corporation shall not enter on any Crown land under this section without the permission in writing of the Secretary for Lands.

(3) Twenty-eight days' notice in writing of the intention so to enter upon private land shall be first given to the owner or occupier thereof unless either—

I Such sewer or drain is likely to become a nuisance or injurious to health by reason of damage, disrepair or otherwise: or

II Conditions exist on or near such lands which are likely in the opinion of the Municipal Health Officer to be injurious to health or to give rise to a nuisance:

and in either of such cases entry may be made without notice.

Compensation for entry on private lands.

“ 231 A—(1) When any entry is made upon any private lands under this Part, the corporation shall pay to each owner and occupier thereof respectively such compensation for any damage suffered by him as is agreed upon between him and the corporation, and, in case of dispute, the compensation shall be determined by, and be recoverable from the corporation in any court of competent jurisdiction.

(2) In determining a 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.

Power to drain ill-made streets, &c., and private land.

“ 231 B—(1) If, in the opinion of the council, any street or right-of-way which has not been well and sufficiently laid out or constructed or any private land is not adequately drained, the corporation may construct a stormwater drain of such capacity as it may think sufficient for the purpose of draining that street, right-of-way, or land.

(2) The corporation, before proceeding with construction under this section, shall give to all the owners of lands through, under, or over which the drain is to pass, twenty-eight days' notice in writing of its intention to construct the drain.

(3) Where a drain has been commenced under this section before the first day of July 1958, upon its completion the City Treasurer shall certify to the council the cost of construction of the drain.

(4) The council shall thereupon apportion the cost among the several owners of lands which in its opinion are served by or derive benefit from the drain, and shall cause to be served a demand upon each person who at the time of service owns lands included in the apportionment for the amount payable in respect of his land.

(5) Each such owner thereupon becomes liable to pay to the corporation the sum specified in the said demand and the corporation may sue for and recover the said sum as a debt in any court of competent jurisdiction.

(6) The sum specified in a demand under this section shall from the date of service of the demand be a charge on the land referred to therein.

“231C—(1) Where before the first day of July 1958 the council in pursuance of the powers conferred under or by virtue of this Part resolves to make or construct a new sewer or alternatively to extend, alter, enlarge, or continue an existing sewer—

Power to
recover cost
of sewerage
works.

- I It shall specify in its resolution the pieces of land which are to be benefited by the carrying out of such work and upon the carrying out of the said work such pieces of land shall, for all purposes, be deemed to be benefited and served by such work:
- II It shall determine in accordance with subsection (2) of this section an amount of money to be paid to the corporation by the owner of each of those pieces of land:
- III It shall cause to be served a notice on each of the owners of those pieces of land of the amount payable in respect of his land, and thereupon each of the owners is liable upon demand to pay to the corporation the amount so notified: and
- IV The amount so determined in respect of each piece of land, together with all interest which subsequently becomes payable in respect thereof, shall upon the determination of the said amount become a charge on that piece of land.

(2) The council, in determining the amount referred to in subsection (1) of this section, shall have regard to the average cost per allotment (including any compensation paid under or by virtue of the provisions of this Part) of carrying out work the cost of which is recoverable under this section within the city during the preceding twelve months or during such other period as it thinks just, but, except as provided in subsection (3) of this section, no amount so determined shall exceed two-thirds of the average cost per allotment.

(3) No determination in accordance with subsection (2) of this section may be made in respect of anything done under this Part after the first day of July 1958.

(4) The council may in respect of a particular work to be done under or by virtue of this Part determine an amount exceeding two-thirds of the average cost per allotment mentioned in subsection (2) of this section where the estimated cost of carrying out the work is more than one and a half times the average cost.

(5) If a piece of land to be served by work done under or by virtue of this Part is capable of subdivision into allotments under the provisions of section one hundred and eighty-five

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 and which could be served by that work.

(6) At any time after the work has been completed the corporation may demand payment of the amount determined in accordance with subsection (2) of this section from the owner for the time being of each piece of land served by the work and that owner shall thereupon become liable to pay to the corporation the amount so demanded.

(7) An amount demanded in accordance with the provisions of this section may be recovered as a debt in any court of competent jurisdiction from the person on whom the demand has been made or from any of his successors in title.

Payment by instalments.

“ 231 D—(1) At the request of a person liable to an action under subsection (7) of section two hundred and thirty-one C the corporation shall accept payment of the amount determined in respect of his land by forty quarterly instalments, bearing interest on such portion as from time to time remains unpaid at such rate as the council may determine.

(2) Requests under this section shall be made in writing, signed by the owner, and lodged with the corporation within one month from the issue by the corporation of a demand for payment of the amount so determined, and the first quarterly instalment thereof shall be payable immediately on the expiration of that month, and subsequent instalments on the first days of January, April, July, and October in each year.

(3) The corporation may accept payment by instalments as provided by subsection (2) of this section although the request therefor is not received by it within the time thereby prescribed.

(4) A person entitled to pay by instalments under this section may pay to the corporation at any time any one or more of the instalments before the due date thereof and interest on any instalment so paid shall cease from the date of payment.

(5) If a person entitled to pay by instalments under this section fails to pay the amount of an instalment within one month after the due date of payment of the instalment the whole of the sum determined in respect of his land then remaining unpaid (together with any interest accrued thereon) shall thereupon become payable and may be recovered from any person liable to pay it in the same manner as the city rate.

Exonerated of corporation from claim to return of payments and enforcement of claims by corporation otherwise invalid.

“ 231 E—(1) Where the corporation has before the commencement of this section made or constructed a new sewer or extended, altered, enlarged, or continued an existing sewer and has demanded from any owner of land capable of being drained thereby a sum of money as that owner's proportion of the cost of carrying out the work—

- I No part of the sum so demanded or of any interest thereon which has been paid to the corporation is recoverable from the corporation: and
- II Any part of the sum so demanded together with interest thereon at the rate of five pounds per cent per annum which has not been paid to the corporation is recoverable by the corporation as a debt in any court of competent jurisdiction.

(2) Where before the commencement of this section the corporation has carried out or commenced to carry out work of the nature of the work referred to in subsection (1) of this section, but has not demanded any sum from the owners of lands capable of being drained thereby, the corporation may in accordance with subsections (2) (4) and (5) of section two hundred and thirty-one C determine an amount to be paid to the corporation in respect of each piece of land served by the work.

(3) An amount determined under subsection (2) of this section together with all interest which subsequently becomes payable in respect thereof shall upon the determination of the amount be and remain a charge on each of the pieces of land subject thereto.

(4) At any time after work referred to in subsection (2) of this section has been completed the corporation may demand payment of the amount determined in accordance with subsection (2) of section two hundred and thirty-one C from the owner for the time being of each piece of land served by the work and that owner shall thereupon become liable to pay to the corporation the amount so demanded.

(5) Any amount demanded in accordance with subsection (4) of this section may be recovered as a debt in any court of competent jurisdiction.”.

27 Sections two hundred and thirty-two to two hundred and thirty-six of the Principal Act are repealed and the following sections are substituted therefor:—

“ 232—(1) When any land within the city is within one hundred feet of, and capable of being drained into, a common sewer and is at any time found not to be drained by a sufficient drain communicating with that common sewer and emptying itself into that common sewer to the satisfaction of the council, the corporation may give notice to the owner of that land requiring him within a time to be specified in the notice to construct from any suitable point on his land so much of a covered drain leading into that sewer as will lie within his land.

Drainage into common sewers.

(2) When a covered drain communicating with a common sewer becomes blocked, broken or out of repair, the corporation may give notice to the owner of the land served by that drain requiring him, within a time to be specified in the notice, to clear, mend, repair, or renew so much of the covered drain as lies within his land.

(3) Where a notice under this section requires an owner to construct a covered drain, that drain shall be of such size and materials and with such fall and constructed in such position and manner as the council may direct, and where the requirement is to clear, mend, repair, or renew the drain, the work shall be carried out in such manner and to such specifications as the council may direct.

(4) Upon receipt of a notice under this section the owner to whom the notice is given shall comply with and carry out the requirements therein specified within the time specified in the notice.

Penalty: Fifty pounds and a daily penalty of two pounds.

(5) If an owner fails for any reason to comply as provided in subsection (4) of this section the council may cause the required work to be carried out or completed, and may demand and recover from the owner, or any of his successors in title to the land served by the drain the cost thereby incurred.

(6) In proceedings under this section, or under section two hundred and thirty-one C a certificate under the hand of the town clerk certifying a sum of money as the cost incurred in carrying out or completing the requirements specified in a notice shall be conclusive evidence of the cost so incurred.

(7) Any amount demanded in accordance with this section shall be and remain from the date of the demand a charge on the land in respect of which the notice is issued.

(8) A penalty imposed under subsection (4) of this section for not constructing a covered drain may not be enforced unless—

I The convicting justices have found and stated in their conviction: or

II The justice enforcing the penalty is satisfied, that the corporation has provided a sufficient covered drain ready to be joined to that of the party convicted.

Closets, &c.,
in sewered
buildings.

“233—(1) The council may require each owner of a property within one hundred feet of, and capable of being drained into, a common sewer to provide and maintain to the satisfaction of the council such proper closets, drains and appliances, and all such connections as may be necessary with the sewers and drains of the city.

(2) The corporation may not enforce a requirement under this section before it has provided a sufficient drain to receive at the boundary of the land the sewage to be carried by the required works.

Drainage of
stormwater.

“234—(1) Where a common stormwater drain is provided by the corporation to carry stormwater the owner of any land which is within one hundred feet of, and capable of being drained into, that common stormwater drain may be required by the corporation to provide, clean, or repair a separate drain exclusively for stormwater and which drains that land into the common stormwater drain.

(2) The corporation may not enforce a requirement to provide a drain under this section before it has provided a sufficient drain to receive at the boundary of the land the stormwater to be carried by the required works.

(3) The provisions of section two hundred and thirty-two apply *mutatis mutandis* to separate drains referred to in subsection (1) of this section.

(4) No person shall, without the consent of the council, cause or permit any stormwater from his land to flow into any sewer or drain of a limited sewerage system.

Penalty: Fifty pounds and a daily penalty of two pounds.

“235 The owner of any land may enter into an agreement with the corporation, and in pursuance thereof the council may in its discretion—

Work for owner by agreement.

I Cause a covered drain to be constructed and made from any point on that land into a common sewer, and connected with any water closet or urinal on that land, including any plumbing work outside or inside any building on that land: or

II Clear, mend, repair, or renew any such drain or any connection or plumbing work outside or inside any such building.”.

28 Sections two hundred and thirty-seven and two hundred and thirty-eight of the Principal Act are—

Renumbering and transposition of sections.

- (a) renumbered two hundred and thirty-one F and two hundred and thirty-one G respectively; and
- (b) transposed to Division I of Part XII to follow section two hundred and thirty-one E.

29 The Principal Act is amended by omitting from Part XIII the heading “*Division IV—By-laws.*” and substituting therefor the heading “*Division V—By-laws.*”.

Heading to Division, Part XIII.

30 Section two hundred and fifty-eight of the Principal Act is amended by omitting from the definition of “The abattoir district” the words “all land comprised in the area defined in section two hundred and fifty-seven” and substituting therefor the words “the municipality of Glenorchy”.

Interpretation.

31 Section two hundred and fifty-nine of the Principal Act is amended—

Construction, establishment, and maintenance of services.

- (a) by omitting paragraph v of subsection (1) and substituting therefor the following paragraph—

“v Grant and issue to any person a butcher’s licence authorizing the sale or exposure or offering for sale of meat on the premises described in the licence.”; and

- (b) by omitting subsection (2) and substituting therefor the following subsection:—

- “(2) The town clerk, on being satisfied that—
 I The applicant is a fit person: and
 II The premises are fit for the sale of meat thereon,

may grant the applicant a butcher’s licence under this section in respect of premises described in the application and where the application is in respect of shops or other premises in more places than one shall grant a separate licence in respect of each such place.”.

Sale of meat.

32 Section two hundred and sixty-two of the Principal Act is amended—

- (a) by omitting from subsection (1) the word “No” and substituting therefor the words “Except as provided in section two hundred and seventy-five C, no”;
- (b) by omitting at the end of paragraph II of that subsection the word “or”;
- (c) by inserting after paragraph III of that subsection the following paragraph:—

“or

IV Except on premises in respect of which a butcher’s licence has been issued under this Part or from a cutting cart licensed under the *Food and Drugs Act 1910*.”;

- (d) by inserting in subsection (2), after the word “Part”, the words “or Part XIV A”;
- (e) by inserting in subsection (5) after the word “with”, the words “Part XIV A or”.

Sale of meat killed outside the abattoir district.

33 Section two hundred and sixty-three of the Principal Act is amended—

- (a) by omitting from paragraph I of subsection (1) the word “and” and substituting therefor the words “or of a subsisting licence to sell pet meat under Part XIV A.”;
- (b) by adding at the end of that subsection in paragraph II the following words “under this Part or Part XIV A: and

III The carcase is sold or offered for sale—

- (a) On premises in respect of which a butcher’s licence has been issued under this Part:
- (b) From a cutting cart licensed under the *Food and Drugs Act 1910*: or
- (c) On premises licensed for the sale of pet meat under Part XIV A.”; and
- (c) by inserting in subsection (3), after the word “food”, the words “or as pet meat under Part XIV A”.

34 Section two hundred and sixty-four of the Principal Act is amended by inserting in subsection (4) after the word "consumption" the words—

Animals to be inspected.

": or

III Deal as provided in subsection (4) of section two hundred and seventy-five C with".

35 Section two hundred and sixty-five of the Principal Act is amended by omitting paragraph II and the words "seize such meat, and dispose of, or destroy, the same." and substituting therefor the following paragraph:—

Inspection of premises where meat sold.

" II If he has reasonable grounds for believing that any such meat is kept therein for the purpose of sale and that it is—

(a) Not stamped as required by this Part and is not portion of meat which has been so stamped: or

(b) Diseased, unwholesome, or unfit for human consumption,

seize that meat, and dispose of, or destroy, it, except where it may be sold lawfully under Part XIVA."

36 Section two hundred and seventy-one of the Principal Act is amended—

Disposal of dead animals.

(a) by inserting in paragraph I after the word "animal" the word "or to inspect it for the purposes of subsection (4) of section two hundred and seventy-five C"; and

(b) by inserting in paragraph III after the word "withheld" the words "or the carcass is not stamped or branded under section two hundred and seventy-five".

37 The Principal Act is amended by omitting from Part XIV—

Headings to Divisions, Part XIV.

(a) the heading "*Division VII—Penalties.*" and substituting therefor the heading "*Division VIII—Penalties.*"; and

(b) the heading "*Division VIII—By-laws.*", and substituting therefor the heading "*Division IX—By-laws.*".

38 After Part XIV of the Principal Act the following Part is inserted:—

PART XIVA.

" 275 A In this Part, unless the contrary intention appears—

Interpretation.

'Animal' means an ox, sheep, pig, horse, or goat of either sex or any age, whether alive or dead:

'Carcass' means the dead body or any portion of the dead body of an animal:

'City Abattoir' means an abattoir appointed for the city under Part XIV:

'Horse' includes ass, mule, and hinny:

'Inspector' means an inspector of stock appointed by the council or any person authorized in writing by the Lord Mayor or Town Clerk to perform the duties of an inspector:

'Meat' means a carcase or any portion thereof ordinarily used for human food:

'Pet meat' means a carcase not passed by an inspector under Part XIV:

'The abattoir district' means the abattoir district as defined in section two hundred and fifty-eight.

Licences in respect of pet meat.

" 275 B—(1) The council may in its absolute discretion grant, issue, suspend or cancel licences—

I Authorizing the slaughter of horses on defined premises:

II Authorizing the sale of pet meat on defined premises:
or

III Authorizing persons to sell pet meat, and may charge fees for such licences.

(2) The council may suspend or cancel any such licence at any time—

I If the licensee neglects or refuses after due notice to comply with any requirement of the council under this Part:

II If, in the opinion of the council, the licensee ceases to be a fit and proper person to hold such licence:
or

III If any premises licensed under this Part cease to comply with any condition of the licence granted in respect of those premises.

(3) The town clerk, on being satisfied that—

I A person applying for a licence under this section is a fit person to hold it: or

II Premises for which a licence under this section is sought are satisfactory,

may grant a licence under this section.

(4) A licence under this section shall—

I Be in the prescribed form:

II Be subject to payment of a prescribed fee not exceeding three pounds: and

III Remain in force until the first day of January next after its issue.

Sale of pet meat.

" 275 C—(1) No person shall, within the abattoir district, sell or expose for sale, or permit to be sold or exposed for sale any pet meat unless—

I He is the holder of a subsisting licence under this Part to sell pet meat:

II The pet meat sold or exposed for sale is from an animal—

(a) Slaughtered within the abattoir district at the city abattoir or at premises licensed by the council for the slaughter of horses:

(b) Slaughtered without the abattoir district and is expressly permitted to be sold by the provisions of this Part: or

(c) That was killed by accident or died from disease: and

III The pet meat has been stamped or branded by an inspector as provided by this Part and has also been treated as prescribed.

Penalty: Fifty pounds.

(2) No seller of pet meat within the abattoir district shall have in his possession or custody any carcass which has not been—

I Stamped or branded by an inspector as provided by this Part: and

II Treated as prescribed.

Penalty: Twenty pounds.

(3) No person, except an inspector, shall—

I Stamp or brand or permit to be stamped or branded any pet meat with a stamp or brand being or purporting to be an official stamp or brand authorized by the council for that purpose: or

II Remove or deface or permit to be removed or defaced any brand or mark placed on any pet meat by an inspector (except when such meat has been or is about to be cooked),

unless he is authorized, in writing, by the town clerk to do so.

Penalty: Twenty pounds.

(4) Where an inspector is satisfied that a carcass submitted for his inspection is suitable as food for dogs and cats he shall stamp or brand that carcass with the stamp or brand authorized for that purpose by the council.

“ 275 D No owner or occupier of any premises within the abattoir district shall sell or expose for sale or permit or suffer any person to sell or expose for sale pet meat on those premises unless there is in force in respect of those premises a licence authorizing the sale of pet meat thereon.

Selling pet meat on unlicensed premises.

Penalty: Twenty pounds for a first offence and fifty pounds for a second or subsequent offence.

“ 275 E No person within the abattoir district shall slaughter or dress, or permit to be slaughtered or dressed, a horse elsewhere than at premises licensed under this Part.

Slaughtering horses on unlicensed premises.

Penalty: Twenty pounds for a first offence and fifty pounds for a second or subsequent offence.

“ 275 F Any inspector or health inspector may enter any premises where he reasonably believes that any animal is about to be slaughtered or has been slaughtered or that any pet meat is about to be sold or offered or exposed for sale or has been sold or offered or exposed for sale and may—

Powers of inspection.

I Inspect any pet meat or carcass found therein: and

II If he has reasonable grounds for believing that pet meat is kept therein for the purposes of sale and is—

- (a) Not stamped or branded as required by this Part and is not portion of a carcass which has been so stamped or branded:
- (b) Not treated as prescribed: or
- (c) Diseased, unwholesome, or unfit for use as food for dogs and cats,

seize the pet meat and dispose of or destroy it.

Inspection of foreign horse carcasses.

“275G—(1) Every unsalted carcass of a horse brought for sale within the abattoir district shall be conveyed to the place appointed by the council for inspecting such carcasses.

(2) There shall be paid to the inspector such fee as may be prescribed for the inspection of any such carcass.

(3) If any such fee is not paid forthwith on demand, such carcass shall be forfeited to the use of the corporation.

By-laws.

“275 H The council may make by-laws prescribing the measures which shall be taken and the persons by whom and the times within which the same shall be taken and the materials which shall be used—

I For effecting the construction and maintaining the cleanliness of shops or other premises licensed under this Part:

II For the marking, branding, and use of containers and wrappings for pet meat: and

III For the branding of, staining of, and treatment to be applied to, pet meat.

Exception of boiling down, &c.

“275 J—(1) Nothing in this Part prevents or affects the sale or disposal of carcasses for boiling down or any manufacturing process.

(2) A person claiming the benefit of this section when prosecuted for an offence has the burden of proving its application to his case.”

Restriction on alienation.

39 Section three hundred and thirteen of the Principal Act is amended—

(a) by omitting from subsection (3) the word “seventy” and substituting therefor the words “one hundred and seventy”; and

(b) by adding at the end thereof the following subsections:—

“(4) Notwithstanding the provisions of subsection (1) of this section, the council may surrender to Her Majesty an area not exceeding four acres of the land firstly described in the third paragraph of Part II of the seventh schedule freed and discharged from the provisions of this Act for the purpose only of the *Homes Act 1935*.

“(5) The council shall apply all moneys received from the sale of the land referred to in subsection (4) of this section, towards the purchase and development of a reserve.”

40 Section three hundred and fifteen of the Principal Act is amended by omitting from subsection (2) the words “or accommodation house or a refreshment room or kiosk” and substituting therefor the words “, accommodation house, refreshment room, kiosk, or television transmitting station”.

Leasing powers in regard to Mountain Park.

41 Section three hundred and twenty-six of the Principal Act is amended—

By-laws.

- (a) by omitting the word “and” at the end of paragraph IX; and
- (b) by inserting after paragraph IX the following paragraph:—

“IXA The seizure and taking possession by a police officer or an officer of the council of any intoxicating liquor in the possession of a person on a reserve and the disposal of that intoxicating liquor, whether by return to that person, or by the destruction or sale thereof, as the council may determine: and”.

42 Section three hundred and twenty-seven of the Principal Act is amended—

Rivulets vested in corporation.

- (a) by adding in subsection (1) after the word “shall” the words “subject to subsections (2), (3) and (4) of this section”;
- (b) by renumbering subsection (2) as subsection (7); and
- (c) by inserting after subsection (1) the following subsections:—

“(2) The Governor may, at the request of the corporation, by proclamation discharge any part of a rivulet to which this Part applies from the use of the public.

“(3) The corporation may—

I Retain and use for any purpose for which it may acquire land under section three hundred and forty-three: or

II Sell or lease free from any public or private right,

any land discharged under subsection (2) of this section.

“(4) The corporation may on a sale or lease under subsection (3) of this section—

I Except any pipe or duct within which the water of the rivulet has been confined:

Hobart Corporation.

- II Impose such terms and conditions as it sees fit: and
- III Reserve to itself the right of ingress and egress to and from the pipe or duct so excepted, for the purposes of inspecting, cleansing, maintaining, repairing, replacing, enlarging, and making good the pipe or duct or for any of those purposes.

“(5) The corporation—

- I Shall before selling land under this section: and
- II May with the consent of the Recorder of Titles at any time,

cause land discharged from the public use under this section to be brought under the *Real Property Act* 1862, for which purpose the corporation shall produce to the Recorder a copy of the proclamation discharging the public use and a plan of the land, and the Recorder if satisfied with the title of the corporation and the information supplied by it shall without any fee register the corporation as proprietor of the land under that Act.

“(6) Paragraph I of subsection (5) of this section does not apply in the case of the sale to the owner of adjoining land not under the *Real Property Act* 1862 of a piece of land too small to be enjoyed otherwise than as part of a larger piece of land.”

Power to
build over
rivulets.

43 Section three hundred and thirty-five of the Principal Act is amended by inserting in paragraph IX of subsection (1), after the word “under”, the words “section three hundred and thirty-two or”.

Sawbenches,
&c., to be
registered.

44 Section three hundred and thirty-seven of the Principal Act is amended—

- (a) by inserting in subsection (1) after the word “used” the words “or on which timber which is to be sold is stacked or kept”;
- (b) by inserting at the end of that subsection the following subsection:—

“(1A) The council may exempt from registration any premises on which there is a sawbench or other mechanism which is so small or is in such surroundings that, in the opinion of the council, its use will not create a nuisance or cause undue annoyance or inconvenience to persons residing in the vicinity of those premises.”; and

(c) by omitting subsection (6) and substituting therefor the following subsection:—

“(6) A person who—

I Uses a saw-bench or other mechanism for sawing, splitting, planing, or cutting wood or stone: or

II Keeps timber which is to be sold, on premises not registered as prescribed, is liable to a penalty of twenty pounds and a daily penalty of two pounds.”.

45 Section three hundred and fifty-six of the Principal Act is amended by inserting in paragraph IV of subsection (1), after the word “seventy-three”, the words “, section one hundred and seventy-six”.

Certain moneys to be charged on land in respect of which they are payable.

46 After section three hundred and fifty-eight of the Principal Act the following section is inserted in Division IV of Part XXIII:—

“358 A Where by this Act or any other Act, the corporation is empowered to recover from any person the costs, charges, and expenses that are incurred by the corporation in or about the execution of any works, or any portion of those costs, charges, and expenses, the council may calculate and determine the relative portions of those costs, charges, and expenses, including overhead charges, in accordance with the average cost of labour employed by the corporation on that class of works and the average prices of materials used by it in that class of works at the time of the execution thereof.”.

Power to use average costs.

47 Section three hundred and seventy-two of the Principal Act is amended by inserting after the word “order” (thrice occurring) the word “, requisition”.

Proof of service of notices, orders, or demands.

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

General powers to make by-laws.

(a) by omitting from division (vii) of sub-paragraph (e) of paragraph I of subsection (2) the word “Regulating”;

(b) by adding at the end of that sub-paragraph the following divisions: —

“(XIII) The fixtures and fittings which shall be provided in connection with the plumbing or drainage system of any premises: and

“(xiv) The measures which shall be taken and the persons by whom and the time within which the same shall be taken for the repair of any defective fix-

tures or fittings on any premises or for the completion of the works specified in the sewerage plan approved by the city engineer in respect of any premises.”;

- (c) by adding at the end of paragraph I of subsection (2) the following sub-paragraph:—

“: and

“(s) To the extent that the council deems it necessary to prevent a nuisance through materials being dropped or blown from a vehicle onto a street or public place, the manner in which a particular type of vehicle or a vehicle used for a particular purpose shall be constructed and covered and the methods in which materials shall be stacked on a tray of that vehicle or type of vehicle:”;

- (d) by inserting in sub-paragraph (n) of paragraph II of subsection (2), after the word “in”, the words “or occupied by”;

- (e) by omitting subsection (3) and substituting therefor the following subsections:—

“(2A) The council may by by-law define zones within the city and may within any such zone or any specified part thereof—

I Prohibit or regulate the use of land for the purposes of any trade, industry, manufacture, business, or public amusement specified in the by-law:

II Prescribe the types and descriptions of buildings that may be erected:

III Prescribe the types and descriptions of allotments on which those buildings or any class of buildings may be erected:

IV Permit the erection, conversion, enlargement or alteration of buildings, subject to such conditions (if any) as the council may impose:

V Prohibit the erection, conversion, enlargement, or alteration of buildings other than buildings of a prescribed type or description:

VI Prohibit the erection, conversion, enlargement, or alteration of buildings unless or until the allotments on which the buildings are to be or are erected conform to such type or description as the council may prescribe: and

VII Prohibit the destruction of trees and saplings.

“(3) A by-law made under subsection (2A) of this section shall not—

I Preclude the continuance of the use of any land or building for any purpose for which it was used immediately before the making of the by-law: or

II Prevent the enlargement, rebuilding, or extension of any building used for the same purpose as it was used for at the commencement of the by-law on or onto land belonging to the owner of the building at the time when the by-law came into force, if immediately before that time such enlargement, rebuilding, or extension was not forbidden by some other by-law.”; and

(f) by inserting after subsection (3A) the following subsection:—

“(3B) A by-law made under subsection (2A) of this section may—

I Define a zone by reference to streets or roads or portions thereof:

II Prohibit or regulate in a zone all classes, or any specified classes, of trade, industry, manufacture, business, or public amusement, or all classes thereof other than those specified in the by-law: and

III Create a zone consisting of one allotment or piece of land or portion thereof.”.

49 The third schedule to the Principal Act is amended— Third schedule.

(a) by inserting after form I the following forms:—

“ FORM IA.

(Section 27A.)

CLAIM BY SPOUSE FOR ENROLMENT.

Surname.....

Christian names.....

(In full)

Place of living.....

(Give full address)

The following particulars relating to claimant will not appear on the roll, but must be stated on this claim:—

Date and year of birth.....

Place of birth.....

Former surname*.....

* See instruction (d) on other side.

Hobart Corporation.

To the Town Clerk

- (1) I am a British subject.
- (2) I have attained the age of twenty-one years.
- (3) My name is at present enrolled for the.....
Subdivision of the State and my number on the roll is.....
- (4) I hereby claim enrolment as the spouse of.....
owner (or occupier) of.....*

* See instruction (b) on other side.

I declare that the whole of the statements made in this claim are true to the best of my knowledge and belief.

.....
Personal signature of claimant.

Date.....

I, the undersigned, am a person qualified to be a witness to a claim and I certify that I have seen the abovenamed claimant sign the above claim, and that I either know the statements contained in the claim to be true or have satisfied myself by inquiry of the claimant or otherwise that the said statements are true.

Personal signature of witness (in own handwriting).....

Occupation.....

Place of residence.....

(BACK OF CLAIM.)

INSTRUCTIONS TO BE OBSERVED WHEN FILLING IN PARTICULARS ON THE OTHER SIDE OF THIS CLAIM.

- (a) Place of residence—Full address, including name and street number (if any), of residence must be inserted;
- (b) Here set out an address by which the other spouse may be identified on the citizens' roll, valuation list, or record of occupiers;
- (c) *Personal signature of claimant*—The signature of the claimant must be his personal signature; if unable to sign his name in his own handwriting, he may make his mark as his signature, but the signature must be made in the presence of the person who signs as witness; and
- (d) *Former surname*—is to be filled in *only* in the case of a married woman who has changed her name by marriage since the last printing of the roll referred to in paragraph 3 of this claim.

INSTRUCTIONS TO PERSONS WITNESSING ELECTORAL CLAIM.

- 1. The person witnessing a claim shall be one of the following:—
 - I The town clerk or the deputy town clerk:
 - II A postmaster or postmistress or person in charge of a post-office:
 - III A justice:
 - IV A town clerk, police clerk, or council clerk:
 - v The head teacher of a State school:
 - VI A police officer:
 - VII A legally-qualified medical practitioner or matron of a hospital under the *Hospitals Act 1918*:
 - VIII An officer in charge of a quarantine station:
 - IX A legal practitioner:
 - x A minister of religion:

- XI A State or Commonwealth returning officer: or
- XII A citizen qualified to vote at the election and who is not a candidate at the election.

- 2. A person shall not sign his name as witness—
 - I On a blank claim:
 - II On a claim which has been wholly or partly filled up unless it has been signed by the person intended to sign it: or
 - III On a claim, unless he has seen the person, whose signature he purports to witness, sign it.
- 3. A person shall not write on a claim as his own name—
 - I The name of another person: or
 - II Any name not being his own name.

“ FORM IB.

(Section 27A.)

The Hobart Corporation Act 1947.

CLAIM BY EX-SERVICEMAN FOR ENROLMENT.

Surname

Christian names

(In full)

Place of living

(Give full address)

To the Town Clerk—

- (1) I am a British subject.
- (2) I am not under the age of 21 years.
- (3) My name is at present enrolled for the Legislative Council Division of..... and my number on the roll is.....
- (4) I hereby claim enrolment as an ex-serviceman (Give details of service).

I declare that all the statements made in this claim are true to the best of my knowledge and belief.

Signature of claimant.....

Date.....

I the undersigned, am a person qualified to witness this claim and I certify that I have seen the abovenamed sign this claim, and that I either know the statements contained in this claim to be true or have satisfied myself by inquiry of the claimant or otherwise that the said statements are true.

Signature of witness.....

Occupation of witness.....

Place of living.....

(Please read directions on other side.)

[BACK OF CLAIM.]

INSTRUCTIONS TO BE OBSERVED WHEN FILLING IN PARTICULARS OF THE OTHER SIDE OF THIS CLAIM.

- (a) Place of living—Full address (including name of street and number) to be stated.
- (b) An applicant for enrolment shall state regimental number and unit. Discharge from service due to default or misconduct is a disqualification.
- (c) Signature of claimant—The signature of the claimant shall be his personal signature. If unable to sign his name in his own handwriting, he may make his mark, which shall be made in the presence of the person who signs as witness.

INSTRUCTIONS TO PERSONS WITNESSING ELECTORAL CLAIM.

1. The person witnessing a claim shall be one of the following:—
 - I The town clerk or the deputy town clerk:
 - II A postmaster or postmistress or person in charge of a post-office:
 - III A justice:
 - IV A town clerk, police clerk, or council clerk:
 - v The head teacher of a State school:
 - VI A police officer:
 - VII A legally-qualified medical practitioner or matron of a hospital under the *Hospitals Act 1918*:
 - VIII An officer in charge of a quarantine station:
 - IX A legal practitioner:
 - X A minister of religion:
 - XI A State or Commonwealth returning officer: or
 - XII A citizen qualified to vote at the election and who is not a candidate at the election.
2. A person shall not sign his name as witness—
 - I On a blank claim:
 - II On a claim which has been wholly or partly filled up unless it has been signed by the person intended to sign it: or
 - III On a claim, unless he has seen the person, whose signature he purports to witness, sign it.
3. A person shall not write on a claim as his own name—
 - I The name of another person: or
 - II Any name not being his own name.”;

(b) by omitting from form V the words—

“ The person named as [*here insert name*] in the assessment roll: or ”

and substituting therefor the words—

“ The person named as [*here insert name*] in the assessment roll:

“ The person named as [*here insert name*] in the record of occupiers:

Entitled to vote under section twenty-seven A as [*here give particulars of entitlement*] : or ”;

- (c) by omitting from form VIII the words “ the citizen is personally known to him ” and substituting therefor the words “ he has satisfied himself as to the identity of the citizen ”;
- (d) by omitting from that form the words “ Chief Clerk in the Town Clerk’s Office ” and substituting therefor the words “ Deputy Town Clerk ”;
- (e) by omitting from paragraph 2 of the directions in Form IX the words “ vote certificate ” and substituting therefor the words “ voter’s envelope ”;
- (f) by omitting from paragraph 3 of the directions in that form the words “ vote certificate ” and substituting therefor the words “ voter’s envelope ”;

- (g) by omitting from form XVII the words “ within the area defined by Part XIV of the Hobart Corporation Act 1947 ” and substituting therefor the words “ on premises within the abattoir district situate [*here describe premises*]..... ”; and
- (h) by omitting form XIX and substituting therefor the following form:—

“ FORM XIX. (Sections 170 and 186.)

Know all men by these presents that I
of do hereby dedicate the land described in
the schedule hereto to the use of the public for a highway for ever:
In witness whereof I have hereunto set my hand and seal this
day of 19 .

Signed sealed and delivered by the abovenamed
in the presence of ”.

50 The fifth schedule to the Principal Act is amended— Fifth
schedule.

- (a) by omitting the heading thereto and substituting therefor the following heading:—

“ *Part I—Purposes for which, and limits within which, moneys may be borrowed under the authority of Acts passed on or before the fourteenth day of July 1944.* ”;

- (b) by inserting in that schedule, immediately before item (a), inserted by the *Hobart Corporation Act 1950*, the following heading:—

“ *Part II—Purposes for which, and limits within which, moneys may be borrowed under the authority of Acts passed after the fourteenth day of July 1944.* ”; and

- (c) by adding at the end thereof the following items:—

	£
“(z) Constructing, reconstructing, improving, extending, realigning, and widening the streets of the city	300,000
“(za) Augmenting, improving, and extending the water supply of the city and suburbs, the improvement and extension of the reticulation therein, and generally for the purposes of Part XI	200,000
“(zb) The provision of additional land, premises, and equipment for reserves and recreation grounds and public swimming pools, with such equipment, furniture, and other facilities as the council thinks fit, and for the improvement thereof	200,000
“(zc) Augmenting, improving, and extending the sewerage system of the city and generally for the purposes of Part XII	100,000

Hobart Corporation.

- (zd) The extension, improvement, equipment, furnishing, heating, and ventilating of public halls £ 50,000
- (ze) The acquisition of plant, machinery, and equipment 75,000
- (zf) The purchase of land, the provision of chilling chambers and the improvement of facilities at the abattoir 200,000."

Seventh schedule.

51 The seventh schedule to the Principal Act is amended—

- (a) by omitting the figures " 16 " from the heading of Part XXV and substituting therefor the figure " 6 "; and
- (b) by omitting the figures and words " 3 acres and 15 6/10 perches " from Part XXV and substituting therefor the figures and words " 6 acres and 19 6/10 perches ".

Consequential amendments.

52 The sections of the Principal Act specified in the first column of the schedule are amended as respectively specified in the second column of the schedule.

New schedule.

THE SCHEDULE.

(Section 52.)

FIRST COLUMN.	SECOND COLUMN.
Section amended—	How amended—
28	By inserting in subsection (1) after the word "or" (first occurring) the words "in the record of occupiers as the".
33	By omitting the word "citizens," (twice occurring) and substituting therefor in either case the word "voters".
39	By omitting from paragraph II of subsection (1) the word "citizens" and substituting therefor the word "voters".
59	By omitting from paragraph II of subsection (3) the words "citizen on the application with the signature of such citizen" and substituting therefor the words "postal voter on his application with his signature".
61	By adding at the end of subsection (3) the words "or under section twenty-seven A".
169	By omitting the numerals "1909" (twice occurring) and substituting therefor in either case the numerals "1950".