

## HOBART RIVULET FLOOD PROTECTION.

No. 73 of 1960.

AN ACT to provide for the preparation of measures to prevent or control the flooding of the Hobart Rivulet and to provide for matters incidental thereto.

[19 December 1960.]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

**1** This Act may be cited as the *Hobart Rivulet Flood Protection Act 1960*. Shor title.

**2** In this Act, unless the contrary intention appears—

“ Authority ” means the Hobart Rivulet Flood Protection Authority constituted under this Act;

“ Council ” means the Hobart City Council;

“ industrial award ” means—

(a) an order or award under the *Commonwealth Conciliation and Arbitration Act 1904-1960* and an agreement under that Act having the force of an order or award; and

(b) a determination under the *Wages Boards Act 1920*.

Interpretation.  
Cf. No. 43 of  
1951, s. 2.

**3**—(1) For the purposes of this Act there shall be an authority, to be known as the “ Hobart Rivulet Flood Protection Authority ”.

Constitution and incorporation of the Authority.

*Ibid.*, ss. 3,  
4, 5.

(2) The Authority shall consist of five members, of whom—

(a) one shall be the City Engineer of the city of Hobart, who shall be the chairman of the Authority;

(b) one shall be the Director of Public Works;

(c) one shall be the person for the time being holding office as the Engineering Member of the Rivers and Water Supply Commission, constituted under the *Water Act 1957*;

- (d) one shall be a senior civil engineer in the service of the Hydro-Electric Commission appointed by the Minister on the nomination of that Commission; and
- (e) one shall be the Principal Executive Officer of the Authority appointed pursuant to section eight.

(3) An officer of the Public Service within the meaning of the *Public Service Act* 1923 who becomes a member of the Authority may hold office as a member thereof in conjunction with his office as an officer of the Public Service, but no member of the Authority, as such, is subject to the provisions of that Act.

(4) The Authority shall be a body corporate with perpetual succession and a common seal, and may sue and be sued by its corporate name.

Remuneration of members of the Authority.  
*Ibid.*, s. 4  
(4).

**4** Subject to section eight, each member of the Authority is entitled to receive—

- (a) such remuneration, if any, as the Governor may approve; and
- (b) such travelling and other expenses as may be prescribed.

Vacation of office of members of the Authority.  
*Ibid.*, s. 5.

**5** The office of a member of the Authority becomes vacant if he ceases to hold the office or qualifications by virtue of which he is, or is appointed as, a member thereof.

Procedure of the Authority.  
*Ibid.*, s. 6.

**6**—(1) Any three members constitute a quorum for the transaction of the business of any meeting of the Authority, and the Authority may function, notwithstanding a vacancy in its membership, so long as a quorum remains.

(2) The chairman of the Authority shall have a deliberative vote only.

(3) Any question arising at a meeting of the Authority shall be decided by a majority of the votes of the members present and voting thereon, and where the voting on a question is equal that question shall pass in the negative.

(4) The common seal of the Authority shall not be affixed to a document except pursuant to a resolution of the Authority, and every sealing shall be authenticated by the signatures of one member of the Authority and its secretary, or of two members of the Authority.

(5) No proceeding of the Authority is invalidated by reason of any defect or irregularity in the appointment of any member of the Authority.

(6) Subject to this section, the Authority may regulate its own procedure.

Functions and powers.  
*Ibid.*, s. 7.

**7** The Authority shall—

- (a) investigate flooding in, or in the vicinity of, the Hobart Rivulet and measures to mitigate it; and
- (b) prepare and transmit to the Governor a scheme to prevent or control flooding in that Rivulet and to provide protection from flooding for lands

adjacent to that Rivulet, in such detail and with such plans and estimates as it thinks proper.

(2) Subject to this section, the Authority, for the purposes of this Act—

- (a) may acquire and dispose of personal property;
- (b) may obtain reports and opinions from engineers, geologists, architects, and other persons who possess professional or technical qualifications;
- (c) may enter on any land, and there—
  - (i) make surveys and take levels;
  - (ii) probe, bore, or sink pits, or otherwise examine the soil;
  - (iii) set out the line of proposed works; and
  - (iv) do anything necessary for ascertaining the suitability of the land for the purpose of any proposed works; and
- (d) is entitled to inspect any plans, records, or other documents in the possession of the Crown or of any public or local authority, free of charge, and to take copies thereof at its own expense.

(3) The Authority shall not acquire or dispose of—

- (a) chattels real that yield a rent exceeding three hundred and fifty pounds a year; or
- (b) other things the cost or market value of which exceeds five hundred pounds each,

except with the approval of the Minister.

(4) Before entering on any occupied land the Authority shall give to the owner or occupier thereof not less than three days' notice of its intention so to do; but the Authority is not, in any case, obliged to give more than fourteen days' notice to any person for the purposes of this subsection.

(5) Compensation shall be paid to any person for any damage done to any property by the Authority under this section or by the exercise of the powers conferred by this section.

(6) If the Authority and a person who claims compensation under this section cannot agree thereon, the dispute shall be determined as a disputed claim for compensation under the *Public Authorities' Land Acquisition Act 1949* which, to the necessary extent, is incorporated with this Act.

**8**—(1) The Governor may appoint a civil engineer to be the Principal Executive Officer of the Authority. Staff.  
*Ibid.*, s. 8.

(2) The Principal Executive Officer of the Authority shall be paid such remuneration as the Governor may determine, which remuneration shall not, without his consent, be reduced during the term for which he is appointed, and he is entitled to such leave of absence and is subject to such other conditions of employment as may be specified in his instrument of appointment.

(3) The Authority may appoint and discharge such officers, engineers, and clerks as it thinks necessary for the purposes of this Act, and shall pay them such salaries and allowances as the Governor may approve.

(4) The Authority may appoint, discharge, and determine the wages or remuneration of, such workmen and servants as it may deem necessary to carry out the purposes of this Act subject to the provisions of any relevant industrial award or, where no such award is applicable, to the regulations under the *Public Works Construction Act 1880*, so far as they are applicable.

(5) Section eighty-three of the *Hobart Corporation Act 1947* does not apply to or in relation to any officer, clerk, or employee of the Council who is appointed as a member of the Authority, or as an officer, engineer, clerk, or other employee of the Authority.

Finance.  
*Ibid.*, s. 9.

**9**—(1) The costs and expenses incurred by the Authority under this Act shall be defrayed out of moneys provided in equal proportions by the Minister and the Council.

(2) All moneys required by virtue of this section to be paid to the Authority by the Minister shall be paid out of moneys provided by Parliament for the purpose.

Annual  
report.  
*Ibid.*, s. 10.

**10**—(1) As soon as practicable after the thirty-first day of December in each year the Authority shall submit to the Minister a report on its operations under this Act during the preceding period of twelve months.

(2) The Minister shall cause a copy of each report submitted to him under subsection (1) of this section to be laid on the table of each House of Parliament within the first seven sitting days of the House after the report is received by the Minister.

---

## STEVEDORING INDUSTRY LONG SERVICE LEAVE.

---

No. 74 of 1960.

AN ACT to provide for the granting of long service leave to certain persons employed in the stevedoring industry, and for matters incidental thereto. [19 December 1960.]

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:—

### PART I.

#### PRELIMINARY.

Short title  
and com-  
mencement.

**1**—(1) This Act may be cited as the *Stevedoring Industry Long Service Leave Act 1960*.

(2) This Act shall commence on a date to be fixed by proclamation.