

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

“(5) A person shall, for the purposes of this section, be deemed to be the occupier of property only if he—

I Is an inhabitant occupier as tenant of a dwelling-house: or

II Has legal possession of property shown separately on the relevant municipal assessment roll or valuation roll.

“(6) A person who inhabits a dwelling-house by virtue of any office, service, or employment, which dwelling-house is not inhabited by any person under whom he serves in that office, service, or employment, shall be deemed for the purposes of subsection (5) to be an inhabitant occupier of that dwelling-house as tenant.

“(7) For the purposes of subsection (5)—

I Only one person may be deemed to be the inhabitant occupier of any dwelling-house at any one time: and

II A “dwelling-house” includes—

(a) A dwelling-house parts of which are otherwise occupied so long as the person claiming to be the inhabitant occupier retains for himself and his household exclusive occupation of separate eating, sleeping, and cooking accommodation: and

(b) Any set of apartments in which the person claiming to be the inhabitant occupier has for himself and his household exclusive occupation of separate eating, sleeping, and cooking accommodation.”.

LAUNCESTON CORPORATION.

No. 70 of 1954.

AN ACT to amend the *Launceston Corporation Act* 1941. [21 December, 1954.]

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 *Launceston Corporation Act* 1954.

Short title
and citation.

(2) The *Launceston Corporation Act* 1941, as subsequently amended, is in this Act referred to as the Principal Act.

Citizens
entitled to
vote.

2 Section thirty-one of the Principal Act is amended by omitting the word "thirtieth" and substituting therefor the word "sixtieth".

Representative
voting.

3 Section thirty-nine of the Principal Act is amended by omitting the word "thirtieth" and substituting therefor the word "sixtieth".

Counting of
votes.

4 Section fifty-nine of the Principal Act is amended by inserting after subsection (1) the following subsection:—

"(1A) In addition to the scrutineers the returning officer may, at his discretion, permit a limited number of journalists (not exceeding three) to be present at the count."

Committees.

5 Section seventy-seven of the Principal Act is amended by adding at the end of subsection (3) the words "; but if, at any meeting of a committee of which the Mayor is not a member, a quorum is not present, the Mayor, if present, may act as a substitute for any absent member of the committee for the purpose of constituting a quorum."

Committee
meetings.

6 Section seventy-eight of the Principal Act is amended by adding at the end of subsection (5) the words ", unless he is acting as a substitute for an absent member of the committee for the purpose of constituting a quorum under the provisions of subsection (3) of section seventy-seven."

7 After section one hundred and eight of the Principal Act the following section is inserted:—

Reduction of
amount of
sewerage
rate in
certain cases.

"108A One-fourth only of the sewerage rate shall be payable if the outer boundary of the land in respect of which it is levied is not within one hundred feet of a common sewer into which it is possible for the sewage from the land to be drained and if a bacteriolytic tank for the treatment of the sewage from the land is installed and in operation on the land."

Property
exempted
from rates.

8 Section one hundred and fifteen of the Principal Act is amended—

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

"IX St. Luke's Hospital"; and

(b) by omitting from paragraph XIVA of that subsection the words "No. 3" and substituting therefor the words "Nos. 1 and 3".

Basis of
annual values.

9—(1) Section one hundred and eighteen of the Principal Act is amended by inserting at the end thereof the following paragraph:—

"VI The annual value of each of the properties specified in the tenth schedule shall, for the period set opposite that

property in the fourth column of that schedule, be assessed at an amount equal to three pounds per centum of the capital value thereof.”.

(2) This section shall be deemed to have commenced on the first day of July 1949.

10 Section one hundred and twenty-nine of the Principal Act is amended by adding at the end thereof the following subsection:—

Modes of borrowing.

“(2) The provisions of the *Local Bodies Loans Act 1881* do not apply to any borrowing of money under this Part.”.

11 Section one hundred and forty of the Principal Act is amended—

Terms and conditions of debentures and instalment debentures.

- (a) by omitting paragraphs I and V of subsection (1);
- (b) by inserting after subsection (1) the following subsection:—

“(1A) Each debenture shall have annexed to it a coupon for each payment of interest and that coupon shall bear the same number as the debenture to which it is annexed.”;

- (c) by omitting subsection (4); and
- (d) by omitting from subsection (5) the words “Subject to the provisions of subsection (4) hereof”.

12 Section one hundred and ninety-six of the Principal Act is repealed and the following section is substituted therefor:—

“196—(1) No penalty or liability shall be incurred by, or be enforceable against, the corporation in respect of any failure by the council to supply any water to any person who would ordinarily be entitled thereto or of any restriction in the supply if the failure or restriction is caused by—

Stoppage of supply in certain cases.

- I Drought or other unavoidable cause, or by accident;
- II The necessity for alterations in, or additions or repairs to, any waterworks: or
- III The cutting off of the supply under any of the provisions of this Act.

(2) The Mayor may, by order under his hand, prohibit, during such hours as he may order, and either for such period as he may order or until the making of an order under his hand removing the prohibition, but in either case not later than the conclusion of the council meeting next after the date on which the firstmentioned order is made, either generally, or for any purpose, the use of water in the city or any part thereof or in any district or place without the city in which the council supplies water.

(3) The council may, by resolution, prohibit, during such hours as the council may decide and either for such period as the council may decide or until the passing of a resolution of the council removing the prohibition, either generally or

for any purpose, the use of water in the city or any part thereof or in any district or place without the city in which the council supplies water.

(4) No person shall use any water in contravention of an order of the Mayor made under subsection (2) of this section or a resolution of the council passed under subsection (3) of this section.

Penalty: Ten pounds.

(5) The occupier of any premises to which water is supplied by the council and on which water is used in contravention of an order of the Mayor made under subsection (2) of this section or a resolution of the council passed under subsection (3) of this section shall be guilty of an offence.

Penalty: Ten pounds.

(6) In any proceedings under subsection (4) of this section, the averment of the complainant in the complaint that an order has been made under subsection (2) of this section, or that a resolution has been passed under subsection (3) of this section, shall be *prima facie* proof of the making of the order or the passing of the resolution and of the terms thereof."

13 After section two hundred and ninety-six of the Principal Act the following Division is inserted in Part XVIII:—

"Division IV.—Parking.

296A—(1) Notwithstanding anything contained in the *Traffic Act 1925* the council may—

- I Erect and maintain parking meters in streets within the city:
- II Prescribe metered zones in those streets:
- III Mark out metered spaces in those metered zones except in such portions thereof as are set aside under the *Traffic Act 1925* for the use of public vehicles or commercial vehicles or in which vehicles are not permitted to stand under that Act, or in which, in the opinion of the Transport Commission, a stationary vehicle would constitute a traffic hazard: and
- IV Make by-laws—
 - (a) prescribing the conditions under which vehicles may be left in metered zones:
 - (b) fixing the period or periods of time during which any vehicle may be left in a metered zone and the manner in which and the time or times at which the driver of any vehicle shall insert the prescribed coin or coins in the parking meter;

Power of council to erect and maintain parking meters.

Cf. No. 78 of 1947, s. 201A.

- (c) provide for the protection of parking meters, against misuse, damage, or interference, or any attempted interference, by any person, or against the insertion or any attempt to insert in any parking meter anything other than the prescribed coin:
- (d) prohibiting any person parking any vehicle in any metered space, otherwise than in accordance with any by-laws made under this Act:
- (e) prohibiting the removal by any other person than the driver of a vehicle of any notice affixed thereto or left therein or thereon by a parking attendant employed by the council:
- (f) providing for the exception from the operation of such by-laws of certain vehicles or classes of vehicles, and that such by-laws shall not operate upon certain days or during certain hours in every day or during certain hours in certain days:
- (g) prescribing the fees which shall be paid for the use of a metered space and which shall not exceed sixpence for one half-hour or part thereof, with *pro rata* maximum charges for periods exceeding one half-hour:
- (h) imposing penalties for offences against the by-laws, not exceeding—
 - (i) fifty pounds for damage to, misuse of, interference or attempted interference with, any parking meter:
 - (ii) twenty-five pounds for any other offence against the by-laws: and
- (i) prescribing any matters or things required or permitted to be prescribed for the purposes of this section, or necessary or convenient to be prescribed for carrying this section into effect, and generally prescribing any matters or things under or for the purposes of this section.

(2) If it is reported to the council that a person is alleged to have committed an offence against any of the provisions of the by-laws made under this section, the council may give to that person, by post, notice to the effect that he may expiate the offence by the payment to the council, within the time specified in that behalf in the notice, of the amount specified in the notice, not exceeding the penalty fixed by the by-laws with respect to that offence, and if that person, within the

time so specified, pays to the council the amount so specified he shall not be liable to any proceedings in respect of that offence.

(3) Notwithstanding that a notice under subsection (2) of this section may not have been given, the council may, in its discretion, accept a prescribed amount, not exceeding the penalty fixed by the by-laws, and acceptance of that amount by the council shall be deemed to be in expiation of the offence.

(4) All fees received by the council for the use of metered spaces, shall, after deducting therefrom all expenses of providing, maintaining, and operating parking meters, and marking out and maintaining metered spaces, be applied by the council towards the provision of off-street parking areas or buildings.

(5) Where the registered owner of a motor vehicle or the owner of any vehicle other than a motor vehicle is charged with an offence against any provision of a by-law under this section on the ground that the vehicle was left in a metered zone in contravention of the provisions of the by-law, he shall be entitled, upon complaint laid by him, to have any other person whom he charges as the actual offender brought before the court on the hearing of the charge, and if, after the offence has been proved, the registered owner or owner, as the case may be, proves to the satisfaction of the court that—

- I He used due diligence to enforce the observance of the provisions of the by-law: and
- II The other person contravened those provisions without the knowledge, consent, or connivance, or in contravention of the orders, of the registered owner or owner,

the other person shall be convicted of the offence and the registered owner or owner, as the case may be, shall be exempt from any penalty, and the other person shall, in the discretion of the court, be also liable to pay any costs incidental to the proceedings.

(6) Where it is made to appear to the satisfaction of a person (in this subsection referred to as "the complainant") instituting proceedings in respect of an offence against a provision of a by-law under this section, at the time of discovering the offence—

- I That the registered owner or owner of a vehicle has used all due diligence to enforce the observance of the provisions of the by-law:
- II By what person the offence was committed: and
- III That it has been committed without the knowledge, consent, or connivance of the registered owner or owner or in contravention of his orders,

the complainant shall proceed against the person whom he believes to be the actual offender without first proceeding against the registered owner or owner, as the case may be.

(7) In this section "registered owner" means the person registered in the record of motor vehicles kept in accordance with section eleven of the *Traffic Act 1925*."

14 The fourth schedule to the Principal Act is amended by omitting form XI and substituting therefor the following form:— The fourth
schedule.

" FORM XI.

INSTALMENT DEBENTURE.

THE CORPORATION OF THE CITY OF LAUNCESTON, TASMANIA.

Loan of

Bearing interest at _____ per centum per
annum and redeemable by _____ half yearly
instalments of and a final instalment of £ _____

INSTALMENT DEBENTURE: £ _____

Redeemable: _____

Issued by the Corporation of the City of Launceston
under the provisions of the *Launceston Corporation
Act 1941*.

Transferable by delivery.

No. _____

THIS DEBENTURE is issued in compliance with the provisions of the abovementioned Act and is to secure to _____ or other holder thereof for the time being the sum of _____ (_____) being the principal and interest as shown in the table printed on the back hereof. The principal sum and interest are payable at _____ on the _____ day of _____ 19 _____ in exchange for this debenture. If the sum of _____ (_____) is not paid on the date last aforesaid interest thereon at the rate aforesaid shall be payable until payment of such sum. All the principal and interest are charged in accordance with the provisions of the abovementioned Act upon the whole of the revenue of the said Corporation. This debenture being one of a series of _____ (_____) debentures issued to _____ to secure the repayment with interest of the amount of _____ (_____) lent by the said _____ to the said Corporation is issued under, and subject to, and in compliance with, the provisions of the abovementioned Act. AND it is hereby expressly declared that when the said sum of _____ (_____) aforesaid shall have been paid in redemption of this debenture the sum so paid shall be in satisfaction of the instalment of the principal and interest set opposite to the number of this debenture in the fourth and third columns respectively of the table printed on the back hereof.

[If it is so, add—The interest is guaranteed by the State of Tasmania at a rate not exceeding _____ pounds per centum per annum.]

The common seal of the Corporation of the City of Launceston was hereunto affixed this _____ day of _____ 19 _____ } (Seal.)
in the presence of _____

Mayor.

Town Clerk.

(BACK)

Loan:

TABLE REFERRED TO IN THIS DEBENTURE.

Term	years.	Rate £	per centum per annum.		
No. of debenture. (1)	Principal outstanding at the beginning of each half-year. (2)	Portion of half-year's payment applied to interest. (3)	Portion of half-year's payment applied to principal. (4)	Total half-year's payment secured by debenture. (5)	Date payable. (6)

Fifth schedule.

15 The Principal Act is amended by omitting from the third column of the fifth schedule the numerals "£275,000" (opposite the purpose "water-supply") and substituting therefor the numerals "£450,000", and by omitting from the third column of that schedule the numerals "£450,000" (opposite the purpose "Tramways") and substituting therefor the numerals "£500,000".

Seventh schedule.

16 The Principal Act is amended by omitting from the seventh schedule the words "The Homoeopathic Hospital" and substituting therefor the words "St. Luke's Hospital".

Tenth schedule.

17 The Principal Act is amended by inserting at the end thereof the following schedule:—

" THE TENTH SCHEDULE.

" Section 118.

" PROPERTIES IN RESPECT OF WHICH SPECIAL ASSESSMENTS SHALL BE MADE.

Situation of property	Number in 1953-54 Assessment Roll	Owner of property	Period during which the provisions of paragraph vi of section 118 shall apply
304-308 Invermay Road	7572	James Nelson (Aust.) Pty. Ltd.	1st January 1952 to 31st December 1957.
310-314 Invermay Road	7571	Recco Bearing Co. Pty. Ltd.	1st July 1949 to 30th June 1955.
316-320 Invermay Road	7570	Modern Transport and Metal Industries Pty. Ltd.	1st July 1950 to 30th June 1956.
Hobler's Bridge Road	6341	Tasmanian Board Mills	1st July 1951 to 30th June 1957."

18 The appropriation by the council, out of the revenues of the corporation, of the following amounts and the expenditure of those amounts for the following purposes is validated, namely:—

Validation of appropriation and expenditure of certain moneys.

Centenary of Municipal Government in Launceston	£1,396	1	5
Coronation of Queen Elizabeth II.	£	560	15 3.

INDUSTRIAL DEVELOPMENT.

No. 71 of 1954.

AN ACT to make provision with respect to the establishment and development of industries in this State and matters incidental thereto, and to repeal the *Rural Industries Act 1943* and the *Industries Establishment Act 1946*.
[21 December, 1954.]

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.

1 This Act may be cited as the *Industrial Development Act 1954* Short title.