

LAUNCESTON CORPORATION AMENDMENT ACT 1982

No. 52 of 1982

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LAUNCESTON CORPORATION AMENDMENT ACT 1982

No. 52 of 1982



AN ACT to amend the Launceston Corporation Act 1963 for the purpose of making amendments to that Act that are consequential to the Local Government (Highways) Act 1982.

[Royal Assent 23 December 1982]

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 *Launceston Corporation Amendment Act* 1982. Short title.

2—(1) This section and section 1 shall commence on the day on which this Act receives the royal assent. Commencement.

(2) Except as provided in subsection (1), this Act shall commence on the day fixed by proclamation under section 2 (2) of the *Local Government (Highways) Act* 1982.

Principal Act.

3—In this Act, the *Launceston Corporation Act 1963** is referred to as the Principal Act.

Substitution of section 142 of Principal Act.

4—Section 142 of the Principal Act is repealed and the following section is substituted:—

Application of *Local Government (Highways) Act 1982*.

142—In its application to the city, the *Local Government (Highways) Act 1982* has effect subject to this Act.

Amendment of section 143 of Principal Act (Duty of repair).

5—Section 143 (1) (b) of the Principal Act is amended by omitting “1962.” and substituting “1962 or the *Local Government (Highways) Act 1982*.”

Amendment of section 147 of Principal Act (Closing roads and diverting traffic).

6—Section 147 (1) of the Principal Act is amended by omitting “section 368 of the *Local Government Act 1962*” and substituting “section 25 (1) of the *Local Government (Highways) Act 1982*”.

Amendment of section 149 of Principal Act (Power of corporation to determine new alignment).

7—Section 149 (1) of the Principal Act is amended by omitting “by the *Local Government Act 1962* or this Act”.

Substitution of section 152 of Principal Act.

8—Section 152 of the Principal Act is repealed and the following section is substituted:—

Effect of sealed scheme.

152—Subject to this Division, Division 2 of Part II of the *Local Government (Highways) Act 1982* applies to a sealed scheme under this Division as it applies to a local highway order.

Amendment of section 159 of Principal Act (Construction of old ways not repairable by the corporation).

9—Section 159 of the Principal Act is amended by omitting subsection (1) and substituting the following subsection:—

(1) Part V of the *Local Government (Highways) Act 1982* does not apply to the streets coloured green on the plan prepared and sealed in accordance with Schedule 4, but the corporation, if and when the council thinks fit, may cause such a street to be constructed wholly or in part in such manner as the council determines.

* No. 82 of 1963. For this Act, as amended up to and including 12th October 1981, see the continuing Reprint of Statutes.

10—Section 164 of the Principal Act is repealed.

Repeal of section 164 of Principal Act (Roads in building estates).

11—(1) Section 165 (3) of the Principal Act is amended by omitting all the words following “in accordance with” and substituting “section 10 of the *Local Government (Highways) Act 1982*”.

Amendment of section 165 of Principal Act (Construction of old “private streets”).

(2) Section 165 of the Principal Act is further amended by omitting subsections (4) and (5) and substituting the following subsection:—

(4) Section 10 of the *Local Government (Highways) Act 1982* applies in a case where a notice is served under subsection (3) and, in relation to such a case, the date of the service of the notice shall be taken as the relevant date referred to in subsection (2) of section 11 of that Act, except that, if that notice specifies the period within which the highway is to be constructed, that last-mentioned subsection has effect as if for the period of 12 months referred to in that subsection there were substituted the period so specified.

(3) Section 165 (6) of the Principal Act is amended by omitting “subsection (2)” and substituting “subsection (1)”.

12—Section 167 of the Principal Act is amended by omitting “or Part XV of the *Local Government Act 1962*” and substituting “or the *Local Government (Highways) Act 1982*”.

Amendment of section 167 of Principal Act (Compensation to owners or occupiers in certain cases).

13—Section 217 of the Principal Act is repealed and the following section is substituted:—

Substitution of section 217 of Principal Act.

217—(1) Where a fence erected after 1st April 1924 on land in the city which serves as, or purports to be, the boundary between that land and a highway deviates from the regular line of the highway, the corporation may serve a written notice on the owner or occupier of the land requiring him, within such time as is specified in the notice, to remove the fence or such part of it as is specified in the notice and to re-erect it in conformity with that line as redefined by the city engineer.

Fences.

(2) A notice under subsection (1) may be signed by the mayor or town clerk.

(3) If a person on whom a notice is served pursuant to subsection (1) does not, within the time specified in that notice, carry out the work to which the notice relates, the corporation may itself carry out that work and recover the expenses reasonably incurred in so doing from that person.

(4) Section 36 (1) of the *Local Government (Highways) Act 1982* applies to the city as if—

- (a) “, in a highway in a city or town, there is a made footpath and between the footpath and the adjoining land ” were omitted and “ land in the city adjoins a highway and ” were substituted; and
- (b) “ the boundary between the footpath ” were omitted and “ the boundary between the highway ” were substituted.

Amendment of
section 230 of
Principal Act
(Street names
and house
numbers).

14—Section 230 of the Principal Act is amended by omitting “ section 391 of the *Local Government Act 1962* ” and substituting “ section 55 of the *Local Government (Highways) Act 1982* ”.