

LAUNCESTON FLOOD PROTECTION.

No. 43 of 1955.

AN ACT to provide for flood protection measures at the confluence of the North Esk and South Esk Rivers.
[29 November, 1955.]

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

1 This Act may be cited as the *Launceston Flood Protection Act 1955*. Short title

2 In this Act, unless the contrary intention appears, “the Authority” means the Launceston Flood Protection Authority constituted under this Act. Interpretation.

3 The persons mentioned in, or appointed under, section four shall be a body corporate with perpetual succession and a common seal by the name of “The Launceston Flood Protection Authority”. Constitution of the Authority.

4—(1) The members of the Authority shall be— Members of the Authority.

- (a) the City Engineer of the City of Launceston, who shall be the chairman of the Authority;
- (b) the Director of Public Works;
- (c) the Engineer to the Marine Board of Launceston;
- (d) a senior civil engineer in the service of the Hydro-Electric Commission appointed by the Minister on a nomination of that Commission; and
- (e) the Principal Executive Officer of the Authority appointed under subsection (2) of this section.

(2) The Governor may appoint a civil engineer to be the Principal Executive Officer of the Authority for such term as he thinks fit.

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

(4) Subject to section eight each member of the Authority shall be entitled to receive—

- (a) such remuneration, if any, as the Governor may appoint; and

(b) such travelling and other expenses as may be prescribed.

Vacation
of office.

5—(1) The office of the members of the Authority mentioned in paragraphs (a), (b), (c), and (e) of subsection (1) of section four shall become vacant upon their ceasing to hold the office by virtue of which they are members of the Authority.

(2) The office of the member of the Authority mentioned in paragraph (d) of subsection (1) of section four shall become vacant—

(a) if he ceases to be in the service of the Hydro-Electric Commission; or

(b) if the Hydro-Electric Commission nominates to the Minister another qualified person in his stead.

Procedure
of the
Authority.

6—(1) Any three members shall 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) No member of the Authority shall have more than one vote on any question and where the voting on a question is equal that question shall be postponed until the next meeting at which more members are present.

(3) The common seal of the Authority shall not be affixed to any 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.

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

Functions
and powers.

7—(1) The Authority shall—

(a) investigate flooding at or near the confluence of the North Esk and South Esk Rivers and measures to mitigate it; and

(b) prepare a scheme to provide protection from flooding for low-lying lands in the vicinity in such detail and with such plans and estimates as it thinks proper.

(2) In the exercise of its functions under this section the Authority shall give consideration to certain plans to provide protection against flooding prepared by the Mayor, Aldermen, and Citizens of the City of Launceston, and may use those plans for the purposes of paragraph (b) of subsection (1) of this section.

(3) For the purposes of this Act the Authority—

(a) may acquire and dispose of personal property, subject in the case of the acquisition of—

(i) chattels real yielding a greater rent than three hundred and fifty pounds a year;
or

- (ii) other things costing the Authority more than five hundred pounds apiece, to the approval of the Minister;
- (b) may obtain reports and opinions from consulting engineers, geologists, architects, and other professional men;
- (c) may enter on any land, in the case of occupied land only after giving not less than three or more than fourteen days' notice to the owner or occupier thereof, and there—
 - (i) make surveys and take levels;
 - (ii) probe, bore, 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.

(4) 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.

(5) If the Authority and a person claiming 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 Principal Executive Officer of the Authority ^{Staff.} 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 shall be entitled to such leave of absence and shall be subject to such other conditions of employment as shall be specified in his instrument of appointment.

(2) 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.

(3) 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 wages board determination or industrial award or, where there is none, to the regulations under the *Public Works Construction Act 1880* so far as they are applicable.

Finance.

9 The costs and expenses incurred by the Authority for the purposes of this Act shall be defrayed out of moneys to be provided by Parliament for that purpose.

Annual report.

10—(1) As soon as practicable after the end of each calendar year the Authority shall submit to the Minister a report on its operations under this Act during the preceding year.

(2) The Minister shall cause a copy of the report 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.

SUPERANNUATION (No. 2).

No. 44 of 1955.

AN ACT to amend the *Superannuation Act 1938*.
[29 November, 1955.]

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

Short title and citation.

1—(1) This Act may be cited as the *Superannuation Act (No. 2) 1955*.

(2) The *Superannuation Act 1938*, as subsequently amended, is in this Act referred to as the Principal Act.

Qualified pension when payable.

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

(a) by omitting from the end of sub-paragraph (c) of paragraph I of subsection (1) the word “or”;

(b) by inserting after that paragraph the following paragraph:—

“IA Being the holder of an office mentioned in the third schedule or some other prescribed office tenable by or under any statute for a term, is not at the end of a term reappointed thereto and does not by reason of some other appointment continue to be a contributor: or”; and