

days after the service of that notice that person by writing so requires it, has given him an opportunity of being heard by some member or officer of the authority nominated by the authority in that behalf.

“(3) No order under this section is of any effect until it is served on the person in respect of whom it is made.

“(4) A local authority by which an order is made under this section may revoke the order or vary it by reducing the length of the period specified therein.

“(5) On application by a person in respect of whom an order has been made under this section a police magistrate may revoke or vary that order.

“(6) Subject to the regulations, section two hundred and twenty-seven of the *Local Government Act 1906* applies to notices and orders under this section as it applies to notices and orders under that Act.

“(7) The regulations may prescribe the manner in which notices and orders may be, or are to be, served under this section and may regulate the making, hearing, and determination of applications under subsection (5) of this section.

“(8) No person in respect of whom an order is in force under this section shall engage in or undertake any plumbing work contrary to the terms of the order.

Penalty: Fifty pounds.”.

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## LAUNCESTON FLOOD PROTECTION.

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No. 85 of 1960.

AN ACT to make provision with respect to the design and construction of works for the protection from flooding of lands in the vicinity of the confluence of the North Esk and South Esk Rivers, and for other purposes connected therewith.

[19 December 1960.]

**B**E 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.

**1** This Act may be cited as the *Launceston Flood Protection Act 1960*.

**2** The *Launceston Flood Protection Act 1955* is repealed. Repeal.

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

Interpretation.  
Cf. No. 43 of  
1955, s. 2.

“Authority” means the Launceston Flood Protection Authority constituted under the *Launceston Flood Protection Act 1955*;

“Board” means the Launceston Flood Protection Board constituted under this Act;

“corporation” means the corporate body constituted of the Mayor, Aldermen, and Citizens of the city of Launceston;

“council” means the Launceston City Council;

“Financial Agreement” means the agreement made between the Commonwealth and the States and ratified by the *Financial Agreement Act 1927*, and includes that agreement as varied from time to time and any agreement made in substitution therefor;

“Loan Fund” means the Loan Fund established under section six of the *Public Account Act 1957*;

“marine board” means the Marine Board of Launceston.

**4—(1)** For the purposes of this Act there shall be a board, to be known as the “Launceston Flood Protection Board”.

Constitution  
and incorporation  
of the  
Board.  
*Ibid.*, ss. 3, 4,  
5.

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

(a) one shall be the City Engineer of the city of Launceston, who shall be the chairman of the Board;

(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 the person for the time being holding office as Chief Engineer in the service of the marine board; and

(e) one shall be the Principal Executive officer of the Board appointed pursuant to section nine.

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

(4) The Board 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 Board.  
*Ibid.*, s. 4 (4).

**5** Subject to section nine, the Board shall pay to each member thereof—

- (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 Board.  
*Ibid.*, s. 5.

**6** The office of a member of the Board 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 Board.  
*Ibid.*, s. 6.

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

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

(3) Any question arising at a meeting of the Board 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 Board shall not be affixed to a document except pursuant to a resolution of the Board, and every sealing shall be authenticated by the signatures of one member of the Board and its secretary, or of two members of the Board.

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

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

Functions and  
powers of  
the Board.  
*Ibid.*, s. 7.

**8**—(1) The Board shall—

- (a) make or cause to be made all such investigations, surveys, and designs, and construct or cause to be constructed all such works, as in the opinion of the Board are necessary for the purpose of giving effect to the recommendations made to the Minister by the Authority in the reports submitted to the Minister by the Authority in the months of September and October, 1959, including (but without prejudice to the generality of this paragraph) the works specified in the schedule; and
- (b) construct, or cause to be constructed, such further or other works as, in the opinion of the Board, are incidental to, or necessary for the effective operation or protection of, any of the works to which paragraph (a) of this subsection relates.

(2) In making or carrying out any designs or works pursuant to this section, the Board shall have regard to the likelihood of the construction of a bridge across the River Tamar in the vicinity of Royal Park in the city of Launceston, and shall, so far as is practicable, ensure that the design and construction of those works are co-ordinated with the design and construction of that bridge.

(3) For the purposes of this Act, the Board—

(a) may, with the approval of the Minister, purchase or take, in accordance with the provisions of the *Public Authorities' Land Acquisition Act 1949*, any land that, in the opinion of the Board is necessary for the purposes of, or in connection with the construction of, any works constructed or proposed to be constructed under or for the purposes of this Act;

(b) may, subject to subsection (4) of this section, acquire and dispose of personal property; and

(c) may do all such other acts and things as may be necessary or desirable for carrying out or giving effect to the objects of this Act or for the due exercise or performance of any of the powers, functions, or duties that are conferred or imposed on the Board by this Act.

(4) The Board 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.

(5) The *Public Authorities' Land Acquisition Act 1949* is incorporated with this Act, and the Board shall be deemed to be the council within the meaning of that Act, and this Act shall be deemed to be a special Act within the meaning of that Act.

(6) For the purposes of the construction of works pursuant to this Act, the Board may—

(a) with the approval of the Minister, engage, and make use of the services of, consulting engineers or contractors, or both;

(b) arrange for the construction of all or any of those works, on behalf of the Board, by or under the direction of—

(i) the Director of Public Works;

(ii) the corporation; or

(iii) the Marine Board.

**9**—(1) The Governor may appoint a person to be the Principal Executive Officer of the Board.

Staff.  
*Ibid.*, s. 8.

(2) The Principal Executive Officer of the Board shall be paid by the Board 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) With the approval of the Minister, the Board may—

(a) appoint and discharge such officers, engineers, and clerks as it thinks necessary for the purposes of making or carrying out investigations, surveys, and designs; or

(b) make use of the services of such engineers, officers, and clerks of any public authority or local authority as the Board thinks necessary for those purposes and as may be agreed upon between the Board and that authority,

and shall pay to them such salaries and allowances as the Minister may approve.

Vesting of completed works.

**10** Where the Minister is satisfied that any works constructed under this Act have been completed, he may direct the Board to transfer those works, and any land held by the Board that he considers should be transferred with those works, to—

(a) the corporation;

(b) the marine board; or

(c) the corporation and the marine board jointly,

and the Board, the corporation, and the marine board shall take such other steps and do such other things as may be necessary to effect that transfer.

Maintenance of completed works.

**11**—(1) The corporation or the marine board, as the case may be, shall maintain in proper and efficient condition all works vested in it pursuant to section ten.

(2) Where, pursuant to section ten, any works are vested in the corporation and the marine board jointly, the corporation and that board shall make such arrangements for the maintenance in proper and efficient condition of those works as the Minister may direct or approve.

(3) Without prejudice to any powers to make by-laws conferred on it by any other Act, the council may, and if required by the Minister shall, make such by-laws as may be necessary or expedient for or in relation to the control, maintenance, protection, supervision, and use of any works vested in the corporation pursuant to section ten and of such of the flood plains enclosed by those works as are vested in the corporation.

(4) Without prejudice to any powers to make by-laws conferred on it by any other Act, the marine board may, and if required by the Minister shall, make such by-laws as may be necessary or expedient for or in relation to the control, maintenance, protection, supervision, and use of any works vested in the marine board pursuant to section ten and of such of the flood plains enclosed by those works as are vested in the marine board.

**12** Notwithstanding anything in this Act, the Board, the corporation, and the marine board, and any person acting in good faith in the execution of this Act, shall not be liable to pay any compensation, damages, or other sum in respect of any loss, injury, or damage arising from the diversion, or the alteration of the flow or accumulation, of any waters, arising from the construction or maintenance of any works authorized by this Act. Indemnity.

**13**—(1) The total expenditure incurred by the Board under this Act shall not exceed £850,000. Financial.

(2) For the purposes of this Act, the Treasurer may issue out of the Loan Fund (which, to the necessary extent, is appropriated accordingly), the sum of £850,000.

(3) For the purposes of this Act, the Treasurer may arrange for the borrowing on behalf of this State, in accordance with the Financial Agreement, of any sums of moneys not exceeding £850,000.

(4) As a contribution towards the expenditure incurred by the Board under this Act, there shall be paid to the Treasurer, to the credit of the Loan Fund, by the corporation and the marine board respectively such sums of moneys, on such conditions, and at such times, as may be agreed upon between the Treasurer and the corporation and the marine board respectively.

**14** The Governor may make regulations for the purposes of this Act. Regulations.

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## THE SCHEDULE.

(Section 8.)

1. A training levee or similar suitable structure in, or in the vicinity of, Royal Park.
2. The raising of the Paterson Street embankment.
3. The raising of the existing levees at Inveresk and Invermay, together with any necessary extensions.
4. The construction of levees—
  - (a) from Royal Park to Willis Street;
  - (b) from Willis Street to the hill near Cypress Street;
  - (c) from the Invermay area to Mowbray Hill; and
  - (d) from Rosslyn Road to Mackenzie Street.
5. The construction of all such drains and other structures for drainage, and all such flood gates, roads, footpaths, and buildings, and the installation of all such machinery, as may be necessary for the continued use and operation of all or any of the works mentioned in the preceding paragraphs of this schedule.