

(b) adjourn the claim to a day and place to be fixed by it, for the damages then and there to be assessed and adjudged by such justices as may then be there, who have jurisdiction accordingly.

“(5) On the application of the complainant after the conviction of the defendant, the civil party shall be allowed to conduct as a party so much of the proceedings as concerns him.

“(6) If an application for damages is made, the civil party is bound by the finding thereon, and the order of the justice is a bar to any civil proceeding by him against the offender in respect of the damage in respect of which the application was made.

“(7) Where in a complaint by or on behalf of the person aggrieved in respect of an offence against section thirty-five of the *Police Offences Act 1935*, the justices upon hearing the case upon the merits find that the offence is not proved, or that the assault charged was justified or of so trifling a nature as not to merit any punishment, they may dismiss the complaint, and upon the application of the defendant shall issue to him a certificate of dismissal in the prescribed form, which certificate shall be a bar to any civil proceedings in respect of the assault alleged in that case.

“(8) A person may not be convicted of an offence under subsection (4) of section thirty-seven of the *Police Offences Act 1935* in respect of the property of a public authority if on demand by that public authority he pays to it the cost of repairing, replacing, or making good the damage done by him.”.

13 Until such time as rules for the purposes of the amendments made by this Act are made under section one hundred and forty-four of the Principal Act, the Attorney-General may make rules for those purposes in respect of any matter for which rules may be made under that section.

Transitory
provision
for rules.

LAUNCESTON FLOOD PROTECTION.

No. 34 of 1963.

AN ACT to amend the *Launceston Flood Protection Act 1960*. [18 September 1963.]

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 Flood Protection Act 1963*.

Short title
and citation.

(2) The *Launceston Flood Protection Act 1960*, as subsequently amended, is in this Act referred to as the Principal Act.

2 Sections ten and eleven of the Principal Act are repealed and the following section substituted therefor:—

Transfer of
works on
completion.

“10—(1) In this section ‘transferee authority’ means the corporation or the marine board.

“(2) The Board and the transferee authorities, or either of them, may, with the approval of the Minister, enter into and carry into effect an agreement for the transfer of the management of any works constructed under this Act to any transferee authority entering into the agreement or, if both of them enter into the agreement, to both of them jointly.

“(3) An agreement under subsection (2) of this section may provide for the transfer to any transferee authority entering into the agreement or, if both of them enter into the agreement, to both of them jointly, of any land vested in the Board.

“(4) The Minister may direct that the management of any works constructed under this Act shall be transferred to a transferee authority or to both of them jointly, and, on such date as may be specified in the direction or as may be notified by the Minister to the Board, the management of those works shall be so transferred.

“(5) Where the management of any works is transferred or directed to be transferred under this section the Minister may direct the Board to transfer to a transferee authority, or to both of them jointly, any land that, having regard to the transfer of the management of those works, he considers should be so transferred, and the Board and the transferee authorities shall do such things as may be necessary to give effect to a direction given under this subsection.

“(6) Subject to any arrangements made under subsection (7) of this section, where the management of any works is transferred under this section, it shall be the duty of the transferee authority to which that management is so transferred or, if that management is transferred to both of them jointly, the duty of both of them, to maintain those works in proper and efficient condition.

“(7) Where, by subsection (6) of this section, the duty of maintaining any works is imposed upon the transferee authorities jointly, they may make such arrangements as the Minister may approve with respect to the discharge of that duty and, if the Minister so directs, shall make such arrangements with respect to the discharge of that duty as may be specified in the direction.

“(8) Without prejudice to any powers to make by-laws conferred by any other Act, a transferee authority may, and if required by the Minister shall, make by-laws with respect to the control, maintenance, protection, supervision, and use of—

(a) any works the management of which has under this section been transferred to it or transferred to it jointly with the other transferee authority;

- (b) any land that, under this section, has been transferred to it or to it jointly with the other transferee authority; and
- (c) any land situated within the flood plains enclosed by any works constructed under this Act any estate or interest in which is vested in the Crown or any body established by or under any enactment.

“(9) Where any land or the management of any works is transferred under this section to the transferee authorities jointly neither of them shall, in relation to that land or those works, exercise the powers conferred by subsection (8) of this section except with the approval of the Minister or the other of those authorities.

“(10) No by-laws shall be made under this section in respect of any land referred to in paragraph (c) of subsection (8) of this section except with the approval either of the Minister or of the bodies referred to in that paragraph that have estates or interests in that land.”.

MINERS' PENSIONS.

No. 35 of 1963.

AN ACT to amend the *Miners' Pensions Act* 1956. [18 September 1963.]

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 *Miners' Pensions Act* Short title and citation.
1963.

(2) The *Miners' Pensions Act* 1956, as subsequently amended, is in this Act referred to as the Principal Act.

2 Section seventeen of the Principal Act is amended by Contributions by the Treasurer. omitting subsection (1) thereof and substituting therefor the following subsection:—

“(1) The Treasurer shall pay to the Fund in each financial year such amount (not exceeding in any case the sum of fifteen thousand pounds) as the Treasurer, having regard to the latest report submitted to the Board by the actuary pursuant to section sixteen, may consider to be necessary for the purpose of ensuring the solvency of the Fund.”.