

- (b) for the use by those persons of any facilities or services provided by the board in connection with any hospital under its management and control.

THE SCHEDULE.

(Section 3.)

CITY OF GLENORCHY.

4 ACRES 2 ROODS 26 PERCHES.

Commencing at a south-east corner of 10 acres 3 roods 29 perches as shown on survey plan 2519 filed and registered in the office of the Surveyor-General and Secretary for Lands at Hobart and bounded on the south-west by 250 feet 2 $\frac{3}{4}$ inches north-westerly along that land on the north-west by 802 feet 7 $\frac{1}{4}$ inches north-easterly in several bearings again along that land along Brownes Lane along part of 50 acres purchased by H. Bilton and along Amber Street on the north-east by 336 feet 4 inches south-easterly in two bearings again along part of 50 acres aforesaid and along part of 30 acres 3 roods 5 $\frac{7}{10}$ perches acquired for hospital purposes again on the south-west and on the south-east by 400 feet 3 inches north-westerly and south-westerly in several bearings again along part of the last-mentioned land and thence again on the south-east by 482 feet 4 inches south-westerly in two bearings again along that land to the point of commencement as shown on survey plan 2519 filed and registered in the office of the Surveyor-General and Secretary for Lands at Hobart.

LOCAL GOVERNMENT.

No. 24 of 1968.

AN ACT to amend the *Local Government Act* 1962 and the *Local Government Act* 1967.

[5 July 1968.]

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 *Local Government Act* 1968.

(2) The *Local Government Act* 1962, as subsequently amended, is in this Act referred to as the Principal Act.

Dog tax.

2 Section two hundred and fourteen of the Principal Act is amended by omitting paragraph (a) of subsection (2) and substituting therefor the following paragraphs:—

“(a) may differ in amount in respect of the kind and sex of dog;

“(ab) shall not, in the case of a dog owned by a blind man and used to guide him, be more than fifty cents;

“(ac) shall not, in the case of—

(i) a sheep dog or cattle dog owned by a farmer, shepherd, drover, or similar person;

(ii) a pure-bred dog kept for breeding purposes by a *bona fide* commercial breeder of dogs;

(iii) a greyhound registered with the National Coursing Club of Tasmania,

be more than four dollars;”.

3 Section eight hundred and forty-five of the Principal Act is amended—

Offences in connection with parking meters.

(a) by transposing the word “or” at the end of paragraph (b) to the end of paragraph (c); and

(b) by inserting, after paragraph (c), the following paragraph:—

“(d) places or leaves a vehicle mentioned in sub-paragraph (i) or sub-paragraph (ii) of paragraph (d) of subsection (1) of section seven hundred and six so as to obstruct the parking of any other vehicle.”.

4 Sections seven hundred and three to seven hundred and seven of the Principal Act are repealed and the following sections are substituted therefor:—

“703 In this Division—

Interpretation.

‘owner’ includes—

(a) in the case of a motor vehicle within the meaning of the *Traffic Act 1925*—

(i) a joint owner or part owner thereof;

(ii) a person who has the use thereof under a hiring or hire-purchase agreement; and

(iii) a person in whose name as owner the vehicle is registered under that Act or under any corresponding enactment or ordinance of a State or Territory of the Commonwealth; and

(b) in the case of any other vehicle—

(i) a joint owner or part owner thereof;

(ii) a person who has the use thereof under a hiring or hire-purchase agreement; and

(iii) a person in charge thereof, at the time at which there was a contravention of this Division with that vehicle;

'park' means to stop a vehicle in a place where the driver intends it to remain stationary otherwise than—

- (a) because the stopping of traffic prevents movement; or
- (b) so long only as is required to set down or take up passengers or goods without waiting.

Power to establish metered parking.
Cf. 11 Geo. VI No. 78, s. 201A.

"704—(1) On any part of the highway, on which vehicles without distinction of kind may lawfully be parked, the corporation may mark out places twenty feet by eight feet or of such other dimensions as the council may determine, and near the front kerbside corner of each place so marked, looking at the place as the driver of a vehicle properly parked therein would look at it, may put up a parking meter.

"(2) Any device for measuring time upon the insertion of a coin is a parking meter for the purposes of this Division.

"(3) On the parking meter of a metered space shall be plainly written—

- (a) the name or value of the coin to be inserted;
- (b) the time for which the parking meter should run on its insertion;
- (c) the maximum time, if any, for which a vehicle may be parked in the metered space; and
- (d) the hours and days on which the use of the meter is compulsory.

"(4) A parking meter may be operable by different kinds of coin for different times.

"(5) Every place so marked and provided with a parking meter constitutes a metered space for the purposes of this Division.

"(6) Metered spaces may be made not only in places where vehicles without distinction of kind may lawfully be parked at all times, but also in places where such vehicles may lawfully be parked only during certain periods, but if they are made in the latter places they shall be deemed not to be metered spaces outside the relevant periods.

System of metered parking.
Cf. *ibid.*

"705—(1) A vehicle shall not remain parked—

- (a) in a metered space—
 - (i) unless the parking meter thereof is running;
 - (ii) longer than the maximum period notified on the parking meter for that space; or
 - (iii) in which another vehicle which was parked before the first-mentioned vehicle stopped there remains parked therein; or

(b) partly within and partly without a metered space.

“(2) The owner of a vehicle remaining parked in a metered space in contravention of subsection (1) shall, subject to subsections (3) and (10), forfeit to the corporation the sum of twenty-five dollars.

“(3) Forfeits under subsection (2) may be enforced only under the *Justices Act* 1959, and the court hearing a complaint therefor may award such less sum as it thinks proper in the circumstances.

“(4) Where there is a contravention of subsection (1) a person authorized by the corporation to supervise parking in metered spaces may date, time, sign, and affix a notice to the vehicle in respect of which the contravention has occurred requiring the driver to pay the corporation's collector within fourteen days the sum of one dollar by way of composition for the contravention.

“(5) Subject to subsections (11), (12), and (13), if a composition is made as provided in subsection (4) it bars any subsequent proceedings in respect of the same contravention.

“(6) Without affecting the availability of any other defence, it is a defence to a complaint for a forfeit under this section—

- (a) that the relevant parking meter could not be set running with a coin of the kind notified thereon;
- (b) that the relevant parking meter having been set running by or on behalf of the person who parked the vehicle failed to run for the time notified thereon for the coin inserted;
- (c) that the vehicle was at the relevant time in the metered space in compliance with the directions of a police officer or a person authorized by the corporation to supervise parking in metered spaces;
- (d) that the vehicle was at the relevant time in the possession of, or had at the relevant time been parked by, a person who had taken it unlawfully;
- (e) that the vehicle had at the relevant time just been parked and a reasonable opportunity of setting the relevant parking meter running had not yet occurred to the person who parked the vehicle or to someone to do it for him;
- (f) that the driver of the vehicle had not parked it at the relevant time;
- (g) that by reason of some defect or accident it was the duty of the driver to draw off the road, that no space not metered was available, and that the vehicle could not since then up to the relevant time be driven on; or
- (h) that by reason of illness or accident or the necessity for treatment as a result of illness or accident the driver of the vehicle was unable to set the relevant parking meter running.

“(7) For the purposes of paragraph (e) of subsection (6) the question whether there was a reasonable opportunity shall be determined on the assumption that the driver had on his person the necessary coins to operate the parking meter.

“(8) A defendant who wishes to rely on a defence provided in subsection (6) shall give notice in writing of his intended defence to the corporation within seven days of the service of the complaint and summons upon him, but if he fails to do so and raises the defence at the hearing the corporation is entitled to an adjournment to enable it to meet the defence and to such costs of the adjournment as justice requires.

“(9) A summons on a complaint for a forfeit under this section shall set out subsections (6), (7), and (8).

“(10) If an owner proceeded against for a forfeit under this section alleges that another person parked the vehicle at the relevant time, a justice may on the owner’s application issue a summons to that other person to attend the hearing of the complaint against the owner, at which if the contravention of subsection (1) is proved the court may—

- (a) hear and determine whether the other person did so park the vehicle; and
- (b) if it finds that he did, discharge the owner and adjudge the other person to pay the forfeit for the contravention.

“(11) If an owner—

- (a) makes a composition as provided in subsection (4);
- (b) pays a forfeit under this section; or
- (c) makes a composition and pays a fee as provided in subsection (15),

he may recover the amount thereof and any costs incurred by him in connection therewith from another person who parked the vehicle at the relevant time as money payable by the defendant to the plaintiff for money paid by the plaintiff for the defendant at his request.

“(12) If an owner who—

- (a) makes a composition as provided in subsection (4);
- (b) pays a forfeit under this section; or
- (c) makes a composition and pays a fee as provided in subsection (15),

had parted with the control of the vehicle at the relevant time, he may, instead of proceeding under subsection (11), recover the amount thereof and any costs incurred by him in connection therewith from the person who at the relevant time had the control of the vehicle, and that person may proceed and recover under subsection (11) in his stead.

“(13) A composition for the purposes of subsection (4) may be made by any person and shall be accepted by the corporation at any time before a complaint for the forfeit is called on for hearing, but if made—

- (a) after the fourteen days referred to in that subsection and before the filing of the complaint shall be of the sum of one dollar and fifty cents; and
- (b) after the filing of the complaint shall be of the sum of three dollars and fifty cents.

“(14) On a complaint for a forfeit under this section—

- (a) all allegations in the complaint are, unless denied by the defendant, *prima facie* evidence of the facts thereby alleged;
- (b) the production of a document purporting to be signed by the officer in charge of any of the records referred to in sections eleven and twenty-seven of the *Traffic Act 1925* that a person therein referred to or named—
 - (i) was the registered owner of; and
 - (ii) if such be the case, held a licence under section fourteen A of that Act for, a motor vehicle therein referred to by its registered number on a date mentioned in the document shall be *prima facie* evidence that that person was the registered owner of, and, if it be the case, held such a licence for that motor vehicle on that date, and any such document may refer to or name any number of persons and vehicles; and
- (c) in the case of a contravention with a vehicle the subject of a licence under section fourteen A of that Act, evidence by a person that he has inspected the records of the registered owner of the vehicle and that they show that at the relevant time the vehicle was let for hire to the defendant shall be *prima facie* evidence that it was so let for hire.

“(15) The corporation may—

- (a) where—
 - (i) a motor vehicle not registered in this State; or
 - (ii) any vehicle for longer than twenty-four hours, has remained parked in contravention of this section; or
- (b) where a vehicle has remained parked in contravention of paragraph (b) of subsection (1),

remove the vehicle to a place of safety and keep it there until paid the appropriate sum for the purposes of subsection (4) by way of composition for the contravention, and the prescribed fee for its removal and detention.

“(16) In any action against the corporation its servants or agents in respect of the removal of a vehicle under subsection (15) in which the defendant justifies the removal

under sub-paragraph (ii) of paragraph (a) of that subsection, the defendant's averment that the vehicle had at the relevant time remained parked in contravention of this section for longer than twenty-four hours shall be rebuttable evidence of the fact averred.

Application
of system.

“706—(1) Subsection (1) of section seven hundred and five does not apply—

- (a) on Sundays;
- (b) on any day or part of a day which is a bank holiday or bank half-holiday in the municipality except during such hours, being hours during which, in the opinion of the council, most shops in the relevant city or town are open, as the corporation has by public notice ordered and declared to be hours during which subsection (1) of that section shall apply;
- (c) outside the prescribed hours; or
- (d) to—
 - (i) bicycles and tricycles moved only by human strength;
 - (ii) trolleys with only two wheels if those wheels are less than one foot in diameter;
 - (iii) vehicles used as ambulances and at the relevant time used on urgent ambulance service;
 - (iv) vehicles used by a fire brigade in connection with a fire with which the brigade is then dealing; or
 - (v) a vehicle in respect of which the corporation has issued a permit under subsection (2).

“(2) The corporation may issue a permit under this section in respect of a vehicle used—

- (a) for carrying goods, equipment, or materials in the course of trade, business, or an undertaking involving similar use of vehicles;
- (b) necessarily by any professional or business man to carry on his profession or business; or
- (c) by a cripple,

entitling the vehicle when so used to be parked in a metered space without the operation of the parking meter thereof for not longer than the maximum period notified on the parking meter for that space.

“(3) The corporation may—

- (a) charge the fee prescribed by it for issuing;
 - (b) require payments instead of the prescribed coins that would be payable but for; and
 - (c) impose conditions on,
- a permit under subsection (2).

"707—(1) A police officer, an officer of the Transport Commission, or a person authorized by the corporation may in or by a metered space or on the parking meter thereof place a notice bearing—

Closure of metered spaces.

- (a) the words 'no parking', 'no standing', or other words indicating that the space may not be used for parking vehicles; or
- (b) the words 'no parking without a municipal permit',

and while the notice remains there the space shall be deemed not to be a metered space, its use being subject to the effect of the notice under the *Traffic Act 1925*.

"(2) When a metered space is subject to a notice under paragraph (b) of subsection (1), the mayor or warden or officer of the corporation authorized for the purpose may permit in writing persons specified in the writing, their servants, and invitees, to use, stand, or park vehicles in that space subject to the conditions therein specified and such use in accordance with the permit will be lawful."

5—(1) Until such time as other rules are made under section one hundred and forty-four of the *Justices Act 1959* the Attorney-General may make such rules as could be so made, providing for—

Justices Rules.

- (a) a defendant to plead in writing to a complaint under section seven hundred and five of the *Principal Act* before and in lieu of appearance to answer the complaint; and
- (b) any variation of normal procedure necessary or convenient for the purposes of that section.

(2) This section shall expire on the last day of December 1970.

6 Section thirty-five of the *Local Government Act 1967* is repealed.

Justices Rules.

WEIGHTS AND MEASURES.

No. 25 of 1968.

AN ACT to amend the *Weights and Measures Act 1934*. [10 July 1968.]

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 *Weights and Measures Act 1968*.

Short title, citation, and commencement.

(2) The *Weights and Measures Act 1934*, as subsequently amended, is in this Act referred to as the *Principal Act*.