

Interpretation.

2 Section two of the Principal Act is amended by omitting from the definition of "treatment centre" in subsection (1) the words "a hospital or other institution" and substituting therefor the words "any premises or a part of any premises".

Treatment centres and superintendents thereof.

3 Section fifteen of the Principal Act is amended by omitting from subsection (1) the words "hospital or other institution at which mental health services are provided under the *Mental Health Services Act 1967*" and substituting therefor the words "premises or part of any premises (being premises or a part of any premises at which mental health services are provided under the *Mental Health Services Act 1967*)".

Saving in respect of treatment centres.

4 Section twenty-one of the Principal Act is amended by omitting all the words following the words "medical practitioner" and substituting therefor the words "acting in the course of his duties in connection with the provision at that centre of mental health services under the *Mental Health Services Act 1967*".

LOCAL GOVERNMENT.

No. 66 of 1971.

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

[26 November 1971.]

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 1971*.

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

Changes in districts.

2 Section seven of the Principal Act is amended by omitting from subsection (1) the words "fifteen, nineteen, twenty, twenty-three, and twenty-nine to thirty-three" and substituting therefor the words "nineteen, twenty, twenty-nine, thirty, and thirty-two".

3 Division II of Part II of the Principal Act is repealed and the following Division is substituted therefor:—

“ Division II—The Municipal Commission.

“13—(1) For the purposes of this Division there shall be a ^{The Municipal Commission.} commission called the Municipal Commission consisting of—

- (a) a chairman who shall have a degree in law of a university or be entitled to practise law in this State or elsewhere;
- (b) two members nominated by the Minister, one of whom shall be experienced in financial matters and the other in regional planning;
- (c) a member nominated as provided in subsection (2); and
- (d) a member nominated as provided in subsection (4),

all of whom shall be appointed by the Governor to hold office until the last day of June 1975.

“(2) As often as a nomination is required for the purposes of paragraph (c) of subsection (1) the Minister shall request the Municipal Association to nominate three persons for the purposes of that paragraph, of whom the Minister shall nominate one for appointment by the Governor.

“(3) If the Municipal Association fails for thirty days to make nominations when so requested the Minister may choose three persons being aldermen or councillors who shall be deemed to have been nominated by the Municipal Association.

“(4) As often as a nomination is required for the purposes of paragraph (d) of subsection (1) the Minister shall request the Institute of Municipal Administration to nominate three persons for the purposes of that paragraph, of whom the Minister shall nominate one for appointment by the Governor.

“(5) If the Institute of Municipal Administration fails for thirty days to make nominations when so requested the Minister may choose three persons being clerks who shall be deemed to have been nominated by the Institute of Municipal Administration.

“(6) The Municipal Commission may have and use a common seal.

“(7) Members of the Municipal Commission shall be paid such fees and allowances as are prescribed by the Governor.

“(8) At a meeting of the Commission—

- (a) the quorum shall be three;
- (b) questions shall be decided by a majority of members voting thereon;
- (c) questions on which voting is equal shall be deemed to pass in the negative; and
- (d) the chairman shall have a deliberative vote only.

“(9) If all members of the Municipal Commission do not agree on a report to be made under section fifteen, the member disagreeing or the members disagreeing or either of them may prepare his or their own report or reports, which shall be forwarded to the Minister with the Commission’s report.

Substitute
members.

“14—(1) The Minister may in the case of the absence through sickness, disqualification, or otherwise of a member of the Municipal Commission nominated as provided in subsection (2) or subsection (4) of section thirteen from time to time appoint a deputy to act in the place of that member.

“(2) A deputy member so appointed shall be one of the other persons nominated by the same body that nominated the member in whose place the deputy member is appointed to act.

“(3) A person shall not be concerned to inquire whether or not any occasion has arisen requiring or authorizing a deputy member to act in the place of a member and all acts and things done or omitted to be done by a deputy member when so acting shall have the same consequences as if they had been done or omitted to be done by the member in whose place the deputy member has acted.

Functions
and powers.

“15—(1) The Municipal Commission shall inquire into and report on—

- (a) matters on which it is required to report by section eighteen;
- (b) petitions referred to it under section twenty-eight;
- (c) other petitions under this Act referred to it by the Minister;
- (d) questions directed by this Act to be referred to it; and
- (e) any matter or question relating to local government referred to it by the Minister.

“(2) Except as otherwise provided in this Act, the Municipal Commission shall make its reports to the Minister.

“(3) For the purposes of subsection (1) the Municipal Commission may—

- (a) inquire in any manner it thinks proper;
- (b) with or without any further inquiry use the knowledge of its own members however obtained;
- (c) if it thinks it needful—
 - (i) hear evidence in public; and
 - (ii) summon and examine witnesses; and
- (d) examine a municipality upon interrogatories in the same manner and with the same powers as the Supreme Court may in a civil action to which that municipality is a party.

“(4) For the purposes of sub-paragraph (ii) of paragraph (c) of subsection (3) the Municipal Commission shall be deemed to have been appointed by the Governor by letters patent to inquire into and report on the matter into which it is inquiring.

“(5) An appeal lies to the Supreme Court from any order of the Municipal Commission under paragraph (d) of subsection (3).

“(6) A copy of every report made by the Municipal Commission shall be laid before each House of Parliament within the first ten sitting days of the House after the report is made.”

4 Section twenty-three of the Principal Act is amended by omitting paragraph (a) of subsection (1). Conditions for the creation and alteration of municipalities.

5 Section thirty-one of the Principal Act is amended by omitting from subsection (1) the words "upon and in accordance with a report of the Municipal Commission or". Petition to create a town.

6 Section thirty-three of the Principal Act is amended— Alteration or abolition of town or change of name.

(a) by omitting from subsection (1) the words "upon and in accordance with a report of the Municipal Commission or"; and

(b) by omitting from subsection (4) the words "report or".

7 After section four hundred and twenty-nine of the Principal Act the following section is inserted:—

"429A—(1) Subject to this Act, a person who erects or alters any building or structure shall in so doing comply with and conform to the provisions of the Building Regulations so far as they are applicable. Buildings and structures to comply with the Building Regulations and the approved plans, &c.

"(2) A person when carrying out the erection or alteration of a building or structure in regard to which plans or specifications have been approved under the Building Regulations shall do so strictly in accordance with those plans or specifications."

8 After section four hundred and thirty-one of the Principal Act the following section is inserted:—

"431A—(1) The Governor may, in respect of a municipality or part thereof, by proclamation made on the recommendation of the Director of Mines, declare areas to be subject to danger of earth movement by reason of their inherent instability, and define them by reference to a plan. Prohibition of building in unstable areas.

"(2) Areas declared under subsection (1) shall be known as landslip areas.

"(3) In a landslip area no person may without the Governor's licence erect or add to a building other than an outbuilding of a farm.

"(4) The Governor may on the recommendation of the corporation license—

(a) the erection of a shed or other insubstantial building that is not an outbuilding of a farm; and

(b) an addition to a dwelling."

9 Section four hundred and thirty-nine of the Principal Act is amended by omitting from subsection (1) the words "provided in this section" and substituting therefor the words "prescribed in the Building Regulations". Additions to and alterations of buildings.

Power of corporation to refuse to approve in certain cases.

10 Section four hundred and fifty-one of the Principal Act is amended by inserting in subsection (1), after paragraph (b), the following paragraph:—

“(ba) the stability of the site;”.

The municipal map.

11 Section six hundred and ninety-four of the Principal Act is amended—

(a) by omitting the word “and” at the end of paragraph (f) of subsection (1); and

(b) by inserting at the end of that subsection the following word and paragraph:—

“; and

“(h) all landslip areas.”.

Ascertainment of municipal rights in and over land.

12 Section six hundred and ninety-five of the Principal Act is amended by inserting in subsection (1), after paragraph (a), the following paragraph:—

“(ab) whether building on the land is affected by section four hundred and thirty-one A;”.

The fourth schedule.

13 The fourth schedule to the Principal Act is amended by inserting at the end of Part II the following paragraph:—

“11. Fixing fees to be paid by builders or building owners to the corporation in respect of acts done or services rendered by the corporation pursuant to the Building Regulations.”.

The sixth schedule.

14 The sixth schedule to the Principal Act is amended—

(a) by omitting from paragraph 24 the words “one hundred” and substituting therefor the words “five hundred”; and

(b) by omitting from that paragraph the word “ten” and substituting therefor the word “fifty”.

PORT OF HOBART RECLAMATION.

No. 67 of 1971.

AN ACT to amend the *Port of Hobart Reclamation Act 1954*. [26 November 1971.]

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 *Port of Hobart Reclamation Act 1971*.

(2) The *Port of Hobart Reclamation Act 1954* is in this Act referred to as the Principal Act.