

- (b) by inserting after that subsection the following subsections:—

“(3A) Subsection (2) of this section does not apply to or in relation to the payment, out of moneys on current account or deposit in the name of the deceased person (whether alone or jointly with some other person), of a sum not exceeding one thousand two hundred dollars if the payment is made—

(a) for the purpose of defraying the funeral expenses incurred in connection with the funeral of the deceased person or for the purpose of reimbursing any person by whom those expenses have been paid; or

(b) to a person who is domiciled in the State and who is the spouse, or an ancestor, or a descendant, of the deceased person.

“(3B) Where such a payment as is mentioned in subsection (3A) of this section is made, the banker or other person by whom the payment is made shall, within thirty days after the making of the payment, notify the Commissioner of the making of the payment.”.

---

## LOCAL GOVERNMENT (No. 2).

---

No. 80 of 1968.

AN ACT to amend the *Local Government Act* 1962. [24 December 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 *Local Government Act* Short title and citation.  
(No. 2) 1968.

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

Savings of  
regulations  
and by-laws.

## 2 Section three of the Principal Act is amended—

- (a) by omitting from subsection (1) the word “five” and substituting therefor the word “six”; and
- (b) by inserting in that subsection, at the end thereof, the words “in the case of by-laws authorized only by subsection (2A) or subsection (3A) of section three hundred and ninety-three of the *Hobart Corporation Act* 1947, subsection (2A) of section three hundred and forty-six of the *Launceston Corporation Act* 1941, sub-paragraph v of paragraph (2) of section two hundred and five of the *Local Government Act* 1906, paragraph v of subsection (2) of section sixty of the *Building Act* 1937, or any corresponding previous enactment and until the end of eight years in other cases.”.

Voting when  
interested.

## 3 Section one hundred and twenty-three of the Principal Act is amended by adding, at the end thereof, the following subsection:—

“(10) A mayor, warden, or treasurer, or a deputy of any of them, being a member of the council, may take part in the discussion of, or vote on, a treasurer’s statement of accounts paid or to be paid by the corporation, notwithstanding that the statement includes the payment of previously-determined remuneration to the officer concerned, but if in the consideration of the statement a question arises of the correctness of the amount or the propriety of the payment, the officer concerned shall not vote on it.”.

Minutes.

## 4 Section one hundred and twenty-nine of the Principal Act is amended—

- (a) by inserting in sub-paragraph (ii) of paragraph (a) of subsection (2), after the word “council”, the words “, except as provided in subsection (2A) ”; and
- (b) by inserting after that subsection the following subsection:—

“(2A) The council may by resolution empower any committee appointed by it to confirm its own minutes, and then that committee’s minutes shall—

- (a) be confirmed by it at the meeting to which they relate or its next meeting; and
- (b) after confirmation be signed not by the mayor or warden but by the chairman of the meeting at which they were confirmed.”.

**5** Section one hundred and thirty-six of the Principal Act is amended by omitting from paragraph (a) of subsection (1) the word "four" and substituting therefor the word "three". Special resolutions.

**6** Section one hundred and thirty-eight of the Principal Act is amended by omitting from subsection (3) the words "two hundred dollars" and substituting therefor the words "five hundred dollars". Simplified procedure for municipal contracts.

**7** Section one hundred and thirty-nine of the Principal Act is amended by omitting from subsection (1) the words "five hundred dollars" and substituting therefor the words "one thousand dollars". When tenders must be called.

**8** After section one hundred and forty-four of the Principal Act, the following section is inserted in Division I of Part VI:—

"144A—(1) Except as provided in subsections (2) and (3), a municipality shall not appoint or employ as a permanent officer or other kind of employee a person who— Retirement of officers and servants.

(a) being male has attained the age of sixty-five years;  
or

(b) being female has attained the age of sixty years,  
and all such employees on attaining the relevant age shall have their office or employment terminated by the corporation and be deemed to be retired.

"(2) This section does not apply to—

- (a) any office held by an alderman or councillor;
- (b) any person employed at the commencement of this section in respect of whom the corporation is maintaining a policy of assurance maturing after that person has attained the relevant age mentioned in subsection (1), until that policy matures;
- (c) any person not required by his contract of employment to give all or nearly all his paid service to the corporation or to work for the corporation for more than twenty-five hours a week;
- (d) any person whose contract is not of service but for services; or
- (e) any person receiving no payment from the corporation for his services.

"(3) A person who has attained the relevant age for the purposes of subsection (1) may be appointed and employed notwithstanding that subsection if—

- (a) in the case of a town clerk or council clerk—
  - (i) that person has in this State held the office of town clerk, council clerk, deputy town clerk, or deputy council clerk;

(ii) the corporation has advertised the vacancy and no other suitable qualified person has applied; and

(iii) the Minister has consented to that person's appointment under this section; and

(b) in any other case—

(i) that person has within the previous six years been in the paid service of a municipality under this Act or any corresponding previous enactment and the council is of opinion that he is the only person suitable for the office or other employment; or

(ii) the corporation has certified that no other person, including a person qualified for appointment under sub-paragraph (i), is available and the Minister has consented to that person's appointment.

“(4) An appointment under subsection (3) shall be for one year only but may be renewed from year to year if the conditions specified in that subsection are complied with before each renewal.”.

Certain employees entitled to long-service leave.

**9** Section one hundred and forty-nine of the Principal Act is amended by omitting subsections (1) and (2) and substituting therefor the following subsections:—

“(1) Every employee who—

(a) on the thirty-first day of May 1951 had completed at least fifteen years' continuous service;

(b) after that date and before the first day of July 1969 has completed at least fifteen years' continuous service; or

(c) after the latter date completes at least ten years' continuous service,

as an employee of one or more municipalities is entitled to be granted long-service leave of absence in accordance with this section, except so far as he has had leave under the *Municipal Employees' Long Service Leave Act 1951* or this Division.

“(2) Leave of absence under this section shall comprise—

(a) ninety days for the first fifteen years of such service completed before the first day of July 1969; and

(b) ninety days for each ten years of such service other than the first fifteen years completed before that date, if so many were then completed,

service before the thirty-first day of May 1926 not to count.”.

**10** Section one hundred and sixty-one of the Principal Act is amended—

Powers and  
duties of  
Council  
Clerks'  
Board.

(a) by inserting, after subsection (3), the following subsection:—

“(3A) A legal practitioner is entitled—

(a) if he proves to the satisfaction of the Board that he is the holder of a recognized qualification in accountancy, to the grant, without further examination, of a certificate of competency; or

(b) if he does not so prove, to the grant of a certificate of competency upon passing the examination for that certificate only in the subject relating to accountancy.”; and

(b) by omitting, in subsection (5), the words “subsection (3)” and substituting therefor the words “subsections (3) and (3A)”.

**11** Section one hundred and ninety-nine of the Principal Act is amended—

Ancillary  
powers.

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

(b) by inserting in that subsection, at the end thereof, the following paragraphs:—

“(g) that any provision of a by-law regulating the proceedings at meetings of the council and the transaction of business thereat may be suspended if—

(i) the mayor or warden declares that there is urgent necessity so to do; and

(ii) two-thirds of the members present concur in the suspension; and

“(h) that for the better regulation and control of the parking of vehicles on lands of the corporation—

(i) the ‘owner’, as defined in section seven hundred and three, of the vehicle be liable for any contravention of the by-law;

(ii) the corporation may take a prescribed composition in respect of a contravention of the by-law; and

- (iii) persons may escape liability or recover over as provided in subsections (10), (11), and (12) of section seven hundred and five as if the penalty for the contravention were a forfeit under that section.”.

Councils to prepare annual estimates.

**12** Section two hundred and nineteen of the Principal Act is amended by omitting subsection (5) and substituting therefor the following subsection:—

“(5) For the purposes of this section the treasurer shall, each month except July and August, submit to an ordinary meeting of the council a financial statement as approved by the Auditor-General and prescribed by the corporation.”.

**13** After section two hundred and thirty-six of the Principal Act the following section is inserted:—

Rates may be made piecemeal. No. 82 of 1963, s. 92.

“236A—(1) The entry of a rate in the rate book may be done piecemeal, and each set of entries may be completed by signing in accordance with paragraph (d) of subsection (1) of section two hundred and thirty-six.

“(2) On such signing of a set of entries the rate is sufficiently made in respect of them and may be levied as if the whole rate were then made.

“(3) Where a rate is made piecemeal under this section there shall be only one notice under section two hundred and thirty-seven which shall be signed by the persons signing the first set of entries.”.

Persons liable for rates.

**14** Section two hundred and forty of the Principal Act is amended by omitting from subsection (5) the words:—  
“within fourteen days after—

(a) the land or portion ceases to be unoccupied; or

(b) the end of the relevant financial year, if the land or portion is then still unoccupied.”,

and substituting therefor the words “at any time not later than fourteen days after the end of the financial year in respect of which he claims.”.

**15** After section three hundred and eighty-one of the Principal Act the following section is inserted in Division IX of Part XV:—

Removal and disposal of abandoned articles. 26 Geo. V No. 82, s. 48A.

“381A—(1) Where it appears to the corporation that an article has, without lawful authority, been abandoned on a highway of which it has the care, control, and management, it may remove the article from that highway.

“(2) Where an article has been removed from a highway under this section the corporation may, subject to this section, dispose of it in such manner as it thinks fit—

- (a) if, within one month of its removal from the highway, possession has not been taken of the article under subsection (4) of this section; or
- (b) if the corporation is satisfied that the article is of no value or the amount that might be received from its sale would not be sufficient to defray the cost of its removal from the highway and its storage for the period of one month thereafter.

“(3) Notwithstanding anything in subsection (2) of this section, if the article is the carcase of an animal or of a perishable nature the corporation may at any time dispose of it in such manner as it thinks fit.

“(4) Unless the article has otherwise been disposed of in accordance with this section, the corporation, on a claim made to it by a person who satisfies it that he is an owner of the article, shall allow that person to take possession of the article on the payment by him of the expenses reasonably incurred in the removal of the article from the highway and in its storage until possession of the article is taken by that person.

“(5) If under subsection (2) or subsection (3) of this section an article is sold and the amount recovered from its sale exceeds the cost of its removal from the highway and of its storage until the time it is sold, the corporation shall, on a claim made to it, within six months of its being so removed, by a person who satisfies the corporation that he is an owner of the article, pay to that person the amount of the excess.

“(6) Where, before payment is made under subsection (5) of this section in respect of any article, two or more separate claims are made under that subsection by persons each of whom the corporation is satisfied is an owner of that article, it shall pay the sum otherwise required to be paid under that subsection to such one of them, or divide that sum between all or some of them in such manner, as may be agreed between them or, in default of agreement, as may be determined by a justice on the application of any of them.

“(7) Where a claim is made under subsection (5) of this section in respect of an article by a person and it appears to the corporation that there is or may be some other person who is an owner of that article, nothing in that subsection requires the corporation to make a payment in pursuance of that claim until the expiration of the period of six months referred to in that subsection, unless before the expiration of that period a claim is made under that subsection in respect of that article by that other person or he notifies the corporation in writing that he does not intend to make such a claim.

“(8) The rights of any person in an article to which this section applies, or in the proceeds of the sale thereof, have effect subject to the powers and duties conferred or imposed on the corporation under this section, and it incurs no liability to that person by reason of the exercise of those powers or the carrying out of those duties or by reason of the loss of, or damage to, any article arising in connection therewith.

“(9) The corporation may recover from a person who is an owner of an article removed from a highway under this section, or from a person who abandoned the article, the cost incurred in its removal, storage, and disposal, less any sums received by the authority on the sale of the article.

“(10) The expenses incurred by the corporation under this section in respect of an article shall be regarded as expenses incurred by it in the exercise of its duty to repair the highway from which the article was removed.

“(11) This section does not apply to a carcase that, pursuant to section five hundred and thirty-six A, it is the duty of the corporation to remove from the highway.

“(12) In this section—

‘article’ includes a vehicle or trailer, or any part or component thereof, and the carcase of any animal;  
 ‘owner’, when used in relation to an article removed from a highway under this section, means any person who, at the time the article was so removed, had any property in the article and the legal personal representative of a person who was the owner of that article.

“(13) Without prejudice to the provisions of subsection (12) of this section, where an article removed from a highway under this section is a motor vehicle or trailer within the meaning of the *Traffic Act* 1925, or is a part or component of such a vehicle or trailer, the person who, within the meaning of that Act, was the owner of that motor vehicle or trailer at the time it was so removed, or, if the motor vehicle or trailer of which the article was a part or component had remained in existence, would then have been the owner thereof, shall for the purposes of this section be deemed to be an owner of that article.”.

Inclusion of  
 incidental  
 expenses.

**16** Section three hundred and ninety-eight of the Principal Act is amended by omitting from paragraph (b) the words “seven and one-half” and substituting therefor the words “ten and one-half”.

The Building  
 Regulations.

**17** Section four hundred and twenty-five of the Principal Act is amended—

(a) by inserting in subsection (4), after the word “Regulations”, the words “and any other document issued or published under this section”;  
 and



(b) by adding, at the end thereof, the following subsection:—

“(11) The Building Regulations may be supplemented or varied in relation to the draining and plumbing of buildings and structures in respect of the use of new materials or in respect of practice where in this State or elsewhere it is in a state of flux by instructions issued as the Minister may direct.”.

**18** Section five hundred and thirty-nine of the Principal Act is amended by omitting from paragraph (b) of subsection (3) the word “water” and substituting therefor the word “sewerage”. Special provision for sewerage rates and charges.

**19** Section five hundred and fifty-seven of the Principal Act is amended— Abolition of cesspools, &c.

(a) by omitting subsection (1) and substituting therefor the following subsection:—

“(1) It is unlawful to have—

(a) on any land in a city or town, except as provided in subsection (5)—

(i) any device, system, or scheme for disposing of nightsoil other than a licensed septic tank or a device or system connected to a public sewerage system; or

(ii) any place for the accumulation of nightsoil that is not emptied by an authorized service; or

(b) on any land outside a city or town or in a town exempt from the operation of paragraph (a) an installation for disposing of nightsoil in which a flow of water is used for the removal and in the treatment of the nightsoil other than a licensed septic tank.”; and

(b) by inserting in subsection (5), after the word “of”, the words “paragraph (a) of”.

**20** Section six hundred and seventy-four of the Principal Act is amended by omitting subsections (1), (2), (3), (4), (5), (7), (8), and (10). Local provisions.

Special urban  
powers.

**21** Section six hundred and ninety-seven of the Principal Act is amended by omitting sub-paragraphs (ii) and (iii) of paragraph (b) of subsection (1) and substituting therefor the following paragraph:—

“(ii) the owner of lands abutting on a made street having a made footpath adjoining those lands, where no fence or no sufficient fence exists or the fence being sufficient is out of repair, at his own expense—

(A) to erect a fence of such size as the council may direct; or

(B) to repair or re-erect the existing fence,

as the council thinks the case requires, along the front boundary line of those lands within the time specified therefor in the notice;”.

Power  
of sale.

**22** Section seven hundred and seventy of the Principal Act is amended by omitting subsection (1) and substituting therefor the following subsection:—

“(1) Where—

(a) a sum of money due to the corporation is a charge on land under section seven hundred and sixty-five; and

(b) that sum or any part thereof has remained unpaid for not less than four years after it was first demanded by the corporation,

the corporation may apply to the Public Trustee to sell the land as provided in this section.”.

**23** Section seven hundred and seventy-five of the Principal Act is repealed and the following section is substituted therefor:—

Charges  
barred by  
lapse of time.

“775—(1) Except as provided in subsection (2) no—

(a) action may be commenced;

(b) summons may be issued;

(c) application under section seven hundred and seventy may be made; or

(d) entry may be made,

for the purpose of recovering moneys recoverable under this Division except within twenty years next after those moneys first became due and payable.

“(2) Where the owner of land on which moneys are charged under section seven hundred and sixty-five is—

(a) in indigent circumstances; or

(b) a trustee for a person in such circumstances, the corporation may notify him under its common seal that it will allow all or specified moneys then or thereafter charged upon the land, including specified parts of such moneys to stand out until the death of the owner or *cestui que trust*, as the case may be, or further notice, whichever event first occurs, and thereupon time will not begin to run for the purposes of this section until the event first occurring.”

**24** After section eight hundred and sixty-two of the Principal Act the following section is inserted:—

“862A—(1) The Association may have such officers and <sup>Officers.</sup> servants as it thinks proper.

“(2) Full-time officers and servants of the Association are entitled to the benefits of Division III and Division IV of Part VI as they would be if the Association were a municipality and employed them as such.

“(3) For the purposes of Division III of that Part the Association shall have the same rights in respect of, and duties to, such employees and municipalities as a municipality would in the same circumstances.

“(4) For the purposes of Division IV of that Part the Association shall in respect of such employees be deemed to be a municipality named as a party to the agreement made under section four of the *Municipal Employees' Assurance Act 1944*.

“(5) For the purposes of this section ‘full-time’ means employed under a contract to serve, subject to proper leave, on all or nearly all working days usual for the service to be given.”.

**25** The sixth schedule to the Principal Act is amended— <sup>The sixth schedule.</sup>

(a) by inserting, after paragraph 4, the following paragraph:—

“4A Evidence to be accepted by the corporation that specified products, materials, and methods of construction have specified properties or performance, or comply with specified specifications.”;

(b) by inserting in paragraph 10, at the end thereof, the words “for recreation, parking motor vehicles, drying washing, ventilation, or any other purpose.”;

(c) by adding at the end of paragraph 21 the words “and with power to refer to and provide for the publication by the Minister of lists of authorities in this State or elsewhere whose

testing, approval, marking, and stamping of fittings shall be accepted for the purposes of the Building Regulations, together with descriptions, verbal or pictorial, of their marks or stamp"; and

(d) by adding, at the end thereof, the following paragraph:—

"37 The recognition of certificates by authorities or institutions in this State or elsewhere that specified fittings, systems, or materials—

(a) have specified qualities, generally or when used for specified purposes or in specified circumstances; or

(b) comply with specified requirements of the Building Regulations."

---

## RAILWAY MANAGEMENT (EMU BAY RAILWAY EMPLOYEES).

---

No. 81 of 1968.

AN ACT to make provision with respect to the appointment, and the determination of the seniority, of certain persons transferred to the employment of the Transport Commission from employment with the Emu Bay Railway Company Limited. [24 December 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 *Railway Management (Emu Bay Railway Employees) Act 1968*.

(2) The *Railway Management Act 1935*, as subsequently amended, is in this Act referred to as the Principal Act.

Interpretation.

**2—**(1) In this Act, unless the contrary intention appears—

"the agreement" means the agreement between the Transport Commission and the company with respect to the leasing, operation, and use of the