

Penalty, &c.,  
for breach of  
determination.

**15** Section forty-seven of the Principal Act is amended—

- (a) by omitting from subsection (2) the word “may” (first occurring) and substituting therefor the word “shall” and by omitting from that subsection the word “nine” and substituting therefor the word “twelve”;
- (b) by omitting subsection (3); and
- (c) by omitting from paragraph (a) of subsection (5) the word “nine” and substituting therefor the word “twelve”.

Compulsory  
conferences.

**16** Section seventy-seven of the Principal Act is amended by omitting subsection (5) and substituting therefor the following subsection:—

“(5) In this section, ‘industrial dispute’ means a dispute in relation to—

- (a) a matter in respect of which a board is authorized by this Act to make a determination; or
- (b) the engagement, dismissal, or reinstatement of any particular employee or particular class of employees, and includes a threatened, or an impending, or a probable dispute.”.

Repeal.

**17** Sections forty-eight, forty-nine, fifty-one, and seventy of, and the second schedule to, the Principal Act are repealed.

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**PUBLIC HEALTH.**

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**No. 37 of 1970.**

AN ACT to amend the *Public Health Act 1962* and the *Fisheries Act 1959*.

[24 November 1970.]

**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 *Public Health Act 1970*.

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

**2** After Part IX of the Principal Act the following Part is inserted:—

“ PART IXA.

“ PREVENTION OF POLLUTION.

“ 128 In this Part ‘aquatic life’ includes seabirds, waterfowl, whales, porpoises, dolphins, seals, fish, crustaceans, molluscs, and all other creatures living in or on fresh or salt water. Interpretation.

“ 128A—(1) A person shall not cause or knowingly permit to flow, put, or knowingly permit to be put, into— Pollution within the State forbidden.

- (a) the sea or any arm or creek of the sea;
- (b) a source of supply for a water district or irrigation water district;
- (c) a fishery of the State; or
- (d) any river, stream, watercourse, lake, pond, or marsh flowing into or communicating with such a source of supply or a fishery of the State,

any solid or liquid matter that may cause those waters or any part thereof to be—

- (e) a common nuisance to persons in this State;
- (f) destructive of aquatic life or vegetation;
- (g) prejudicial to the health of mariners or fishermen; or
- (h) deleterious to foods of man.

Penalty: Four thousand dollars and a daily penalty of one thousand dollars.

“(2) Nothing in this section affects—

- (a) anything lawful by virtue of Division V of Part IV of the *Water Act 1957*;
- (b) any works of the Crown or of a public or local authority constructing a road, bridge, ford, dam, or channel, improving a river or harbour, laying an underwater pipeline or cable, or lawfully reclaiming land, so far as concerns rock, soil, sand, gravel, shingle, silt, mud, or muddy water;
- (c) discharge of sewage lawful at the commencement of this section, except as provided in subsection (3) of this section;
- (d) anything that is—
  - (i) authorized by the *Mining Act 1929*;
  - (ii) being done at the commencement of this section; and
  - (iii) continued in substantially the same manner and to the same or less extent; and
- (e) anything that is exempted under subsection (4) of this section.

“(3) Where, but for subsection (2) of this section, discharge of sewage lawful at the commencement of this section would be a contravention of this section, the Minister may order the person

discharging that sewage to treat it as specified in the order, and if that person fails so to treat it after the time specified for compliance in the order he is liable for a contravention of subsection (1) of this section.

“(4) The Minister may by order exempt from the operation of subsection (1) of this section—

- (a) anything being lawfully done at the commencement of this section, either absolutely or conditionally; or
- (b) conditionally anything not being done at the commencement of this section.

“(5) Conditions imposed under subsection (4) of this section shall be such as in the opinion of the Minister will ensure or make it unlikely that the thing exempted will be a nuisance to, or prejudicial to the health of, any person.

“(6) A breach of a condition imposed under subsection (4) of this section makes the person committing the breach liable to a penalty of one thousand dollars and a daily penalty of two hundred and fifty dollars.

“(7) Nothing in this section affects the operation of Chapter XV of the *Criminal Code* or any right of action.

Pollution on  
the high seas  
restrained.

“128B—(1) A person shall not do any act in preparation for carrying out of this State or any island comprised therein any matter that may cause any part of the seas to become—

- (a) a common nuisance to persons in this State;
- (b) prejudicial to aquatic life or vegetation;
- (c) prejudicial to the health of mariners or fishermen; or
- (d) deleterious to foods of man,

at the place of discharge or elsewhere for the purpose of discharging it into the sea.

Penalty: Four thousand dollars.

“(2) A ship, barge, tank, or other vessel or an aircraft that has been used for discharging matter as mentioned in subsection (1) of this section, which matter has been carried out of this State or any island comprised therein, and is within the jurisdiction of this State thereafter may in an action against it by the Attorney-General in the Supreme Court be seized and upon proof of such use forfeited to the Crown.

“(3) A person who, having discharged or assisted in discharging matter as mentioned in subsection (1) of this section, which matter has been carried out of this State or any island comprised therein, returns to this State is liable to a penalty of one thousand dollars.

“(4) A person who in this State procures matter to be discharged as mentioned in subsection (1) of this section is liable to a penalty of five thousand dollars.

“(5) A foreign company registered under Division III of Part XI of the *Companies Act* 1962 that outside this State procures matter to be discharged as mentioned in subsection (1), which matter has been carried out of this State or any island comprised therein, shall be deemed to have done so in this State.

“(6) Liability to a penalty under subsections (3), (4), and (5) of this section is enforceable under the *Justices Act* 1959 like liability to a penalty for a simple offence.

“(7) For the purposes of this section where a barge, tank, or other vessel that is without its own means of propulsion is or is about to be towed by another vessel, the tug and the tow shall be deemed to be one vessel.

“128c—(1) Upon complaint on oath of a health officer or a police officer as defined in the *Police Regulation Act* 1898 that he has reasonable grounds for believing and does believe that there is a ship, barge, tank, or other vessel or an aircraft about to leave this State or any island comprised therein for the purpose mentioned in subsection (1) of section one hundred and twenty-eight B, a justice may issue a warrant to that officer or any other such officer therein named to board, enter, and search that vessel or aircraft and to demand and inspect the vessel's or aircraft's papers, which warrant may be acted on, is enforceable, and shall be complied with, according to its tenor.

Evidence for  
the purposes  
of s. 123B.

“(2) Where a ship, barge, tank, or other vessel or an aircraft carries any matter mentioned in subsection (1) of section one hundred and twenty-eight B for which there is in respect of the matter no bill of lading, consignment note, or similar document evidencing a right to receive in, or a duty to deliver to, some person outside the vessel's port, or the aircraft's place, of loading, the owner, charterer, or master, skipper, or captain of the vessel or aircraft, if prosecuted for an offence or penalty under section one hundred and twenty-eight B in respect of that matter, shall be deemed to intend or to have intended, as the case may be, that the matter should be discharged into the sea unless he proves the contrary.

“(3) Where in a prosecution for an offence, forfeiture, or penalty under section one hundred and twenty-eight B it is proved that matter is to be or has been discharged into the sea, that matter shall be deemed to be capable of causing the effects mentioned in subsection (1) of that section unless the contrary is proved.

“(4) Where there is—

- (a) preparation for the carriage; or
- (b) carriage,

of matter out of this State or any island comprised therein and that matter is not an ordinary commodity of commerce or is such that its possessor would wish to get rid of it otherwise than by sale or barter, that matter shall be deemed to be intended to be or to have been discharged into the sea, as the case may be, unless the contrary is proved.

Prosecution  
of offences  
under this  
Part.

“128D—(1) A complaint for an offence under this Part may be made only by a person authorized to make that complaint by order-in-council made on the recommendation of the Minister.

“(2) Before the Minister may make a recommendation under this section he shall consult—

- (a) the Director of Public Health, the Director of Mines, or the Secretary for Labour whichever he considers appropriate for the matter to be considered;
- (b) the Commissioner of Inland Fisheries where the Minister considers it appropriate for the matter to be considered;
- (c) a person nominated to the Minister by the persons known as the Tasmanian Industry Association for Environmental Control for consultation on that matter;
- (d) a person nominated to the Minister by the persons known as the Tasmanian Conservation Trust for consultation on that matter; and
- (e) a person nominated to the Minister by the Municipal Association of Tasmania for consultation on that matter.

“(3) For the purposes of consultation the Minister shall have a meeting with the persons to be consulted, all present together at the same time.

“(4) The Minister shall act as chairman of such a meeting.

“(5) No such meeting may deal with more than one matter of complaint, but may deal with more than one proposed complaint arising out of a single matter.

“(6) If—

- (a) the persons or body mentioned in subsection (2) of this section have not made a nomination to the Minister within fourteen days after being requested so to do; or
- (b) a person nominated under that subsection fails to attend the meeting to which he is summoned,

the Minister may proceed as if there were no obligation to consult the nominee of the persons or body in default or the nominee so failing to attend.”.

Regulations.

**3** Section one hundred and forty-two of the Principal Act is amended by omitting subsection (10).

Amendment  
of the  
*Fisheries Act*  
1959.

**4** Section fifty-two A of the *Fisheries Act* 1959 is amended by inserting, after subsection (1), the following subsection:—

“(1A) Nothing in subsection (1) of this section affects—

- (a) anything lawful by virtue of Division V of Part IV of the *Water Act* 1957;

- (b) any works of the Crown or of a public or local authority constructing a road, bridge, ford, dam, or channel, improving a river or harbour, laying an underwater pipeline or cable, or lawfully reclaiming land, so far as concerns rock, soil, sand, gravel, shingle, mud, or muddy water;
- (c) discharge of sewage lawful by or under an Act; or
- (d) anything that is authorized by or under the *Mining Act 1929*."

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## LAND TAX.

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### No. 38 of 1970.

AN ACT to impose a land tax.

[24 November 1970.]

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 *Land Tax Act 1970*.

Short title  
and incor-  
poration.

(2) This Act is incorporated, and shall be read as one, with the *Land and Income Taxation Act 1910* (in this Act referred to as the Principal Act).

**2**—(1) For the financial year ending on the thirtieth day of June 1971, the graduated land tax imposed by the Principal Act shall be paid in the cases and at the amounts and rates declared in the scale set forth in the schedule to this Act, but subject to the provisions of this section.

Rates of  
land tax for  
1970-1971.

(2) Notwithstanding anything contained elsewhere in this section—

- (a) where the amount of land tax for which a taxpayer would otherwise be liable is less than two dollars, no land tax is payable by him; and
- (b) if, apart from this subsection, the land tax that a taxpayer would be liable to pay leaves an amount of cents remaining, when expressed in dollars and cents, if the remaining number of cents—
  - (i) is less than ten cents but not more than five cents, the land tax payable by the taxpayer is the amount so expressed in dollars;