

“Tamar.”

The area comprised within the municipality of Latrobe and portions of the municipalities of Devonport, Beaconsfield, and Westbury bounded by a line along the right bank of the River Mersey commencing at its confluence with Bass Strait and extending to the boundary of the municipality of Devonport by that boundary to the municipality of Kentish by the boundary of that municipality the boundary of the municipality of Deloraine to the Meander River by the left bank of that river and the left bank of the South Esk River to Lake Trevallyn by that lake to its most northern extremity by a north-westerly line to Cormiston Creek at its intersection with the south-west boundary of 500 acres purchased by A. Thompson by that creek to the River Tamar by a north-easterly line to the centre of that river by the centre of that river and by Bass Strait aforesaid to the point of commencement.

“West Devon.”

The area comprised within the municipalities of Burnie and Penguin.

“Westmorland.”

The area bounded by a line commencing at a point on the centre line of the River Tamar opposite the south-east angle of 195 acres purchased by H. Reading and by a north-easterly line to that angle by the south-east boundary of that land and by a continued north-easterly line to the East Tamar Highway thence by the centre line of the Lilydale Road to its intersection with Russell Plains Road by the centre line of that road to a point on the continuance of the north-eastern boundary of 418 acres 1 rood 38 perches acquired by the Commonwealth of Australia by that line to the northern angle of that land by the south-western boundary of the municipality of Lilydale and by a continued south-easterly line crossing Distillery Creek to the Tasman Highway by the centre line of that highway to its intersection with the centre line of Abel's Hill Road by a southerly line to the western angle of 80 acres 2 roods granted to J. Atkinson on the Blessington Road by a south-westerly line crossing that road and along the north-western boundary of 113 acres 2 roods 17 perches granted to W. Henty and F. A. Ducroz to the North Esk River thence by the centre line of that river and the centre line of the River Tamar aforesaid to the point of commencement.”

ROADS AND JETTIES.

No. 71 of 1967.

AN ACT to amend the *Roads and Jetties Act 1935.* [20 December 1967.]

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 *Roads and Jetties Act 1967.*

(2) The *Roads and Jetties Act 1935*, as subsequently amended, is in this Act referred to as the Principal Act.

2 Section three of the Principal Act is amended by omitting Interpretation. the definition of "the Committee".

3 Section five of the Principal Act is amended by omitting subsection (2) and substituting therefor the following subsection:— Application of State Highways Trust Fund.

"(2) The Minister shall pay, out of the Fund, in respect of each financial year, to each of the municipalities of Bruny, Flinders, and King Island a sum equivalent to ninety-eight per cent of—

(a) the amount expended by that municipality from its own resources during that financial year upon the roads within its municipality; or

(b) the amount of the motor taxes collected in the municipality during that financial year,

whichever of those amounts is the less."

4 Section forty-two of the Principal Act is amended by omitting from subsection (1) the words "growing or" and substituting therefor the words "erected, constructed, growing, or". Hedges, &c., obstructing view of traffic.

5 After section forty-eight of the Principal Act the following section is inserted in Division II of Part IV:—

"48A—(1) Where it appears to the road authority that an article has, without lawful authority, been abandoned on a State highway or subsidiary road, the road authority may remove the article from that highway or road. Removal and disposal of abandoned articles.

"(2) Where an article has been removed from a State highway or subsidiary road under this section the road authority 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 or road, possession has not been taken of the article under subsection (4) of this section; or

(b) if the road authority 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 or road 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 road authority 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 road authority, 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 State highway or subsidiary road 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 State highway or subsidiary road and of its storage until the time it is sold, the road authority shall, on a claim made to it, within six months of its being so removed, by a person who satisfies the road authority 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 road authority 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 authority that there is or may be some other person who is an owner of that article, nothing in that subsection requires the authority 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 road authority 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 a road authority under this section, and that authority 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) A road authority may recover from a person who is an owner of an article removed from a State highway or subsidiary road under this section, or from the 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 a road authority under this section in respect of an article shall be regarded as expenses incurred by it in the exercise of its duty to maintain the State highway or subsidiary road from which the article was removed, and any sums received by the road authority under this section shall be paid into the Fund.

“(11) This section does not apply to a carcase that, pursuant to section five hundred and thirty-six A of the *Local Government Act 1962*, it is the duty of a municipality to remove from a 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 State highway or subsidiary road 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 State highway or subsidiary road 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.”.

6 The provisions of section forty-eight A of the Principal Act (other than those of subsection (10) thereof) apply in respect of a road in a municipality that is not a State highway or subsidiary road as if that road were a State highway and the municipality were the road authority thereof.

Extension of
Act to
municipali-
ties.

AUCTIONEERS AND ESTATE AGENTS.

No. 72 of 1967.

AN ACT to amend the *Auctioneers and Estate Agents Act 1959*. [20 December 1967.]

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 *Auctioneers and Estate Agents Act 1967*.

Short title
and citation.

(2) The *Auctioneers and Estate Agents Act 1959*, as subsequently amended, is in this Act referred to as the Principal Act.