

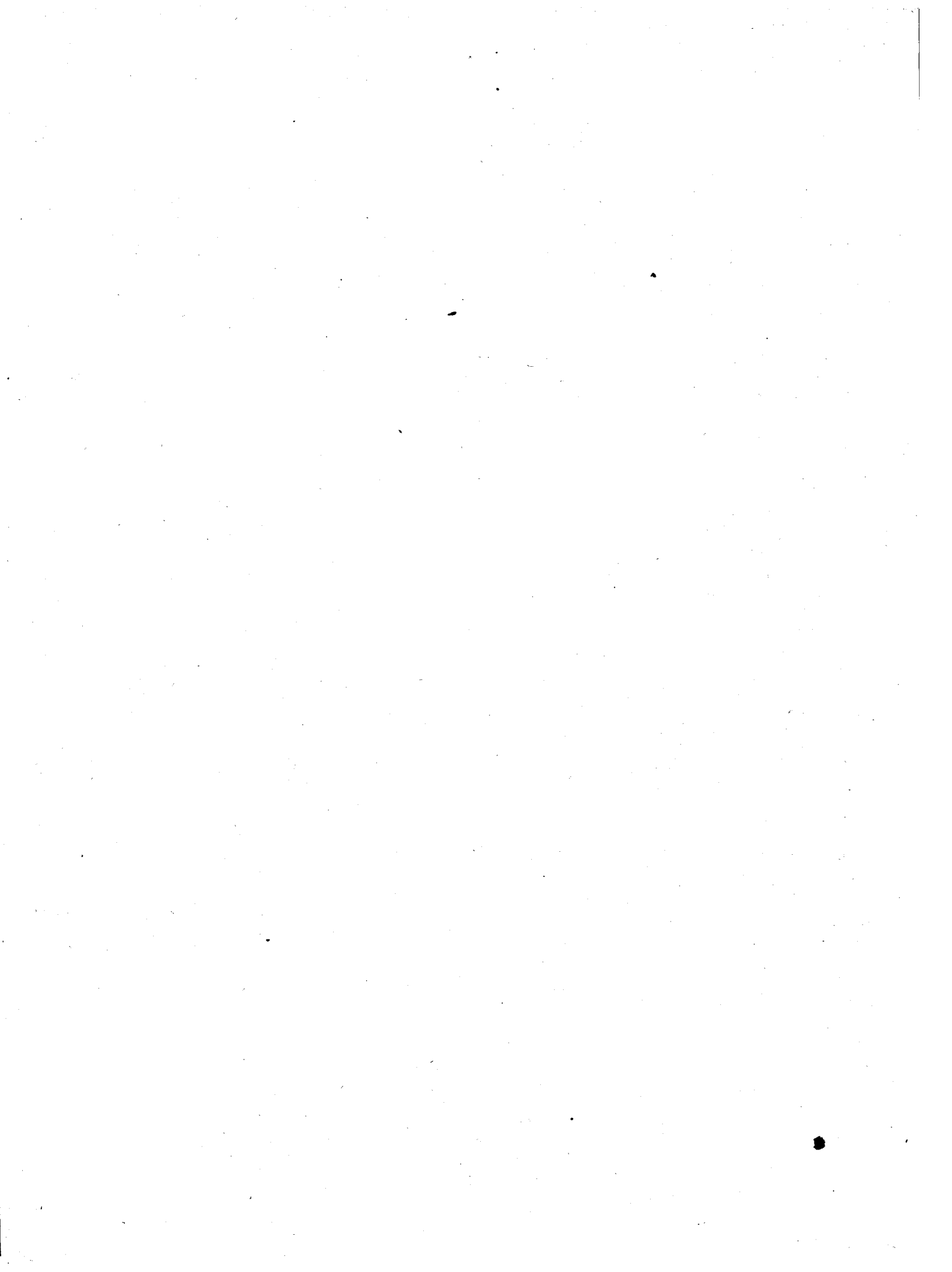
T A S M A N I A.

**THE HOBART CORPORATION ACT,
1920.**

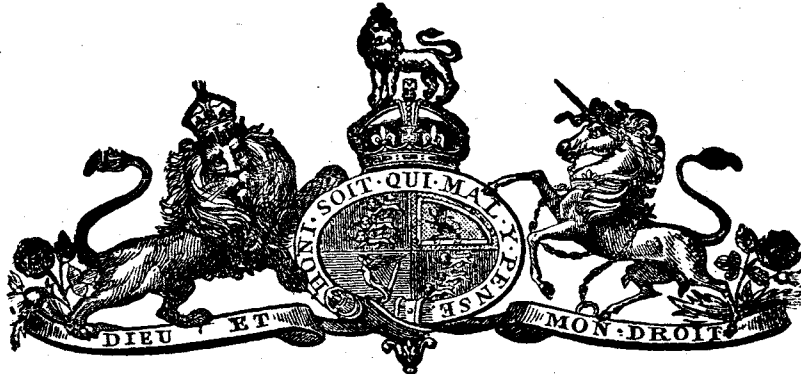
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10d.]



TASMANIA.



1920.

ANNO UNDECIMO

GEORGII V. REGIS,

No. 68.

AN ACT to further amend "The Hobart Corporation Acts, 1893-1919." A.D. 1920.

[10 January, 1921.]

WHEREAS it is expedient to further amend "The Hobart Corporation Acts, 1893-1919," in the manner hereinafter appearing: PREAMBLE.

Be it therefore 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 for all purposes as "The Hobart Corporation Act, 1920," and is hereby incorporated with and shall be read as one with "The Hobart Corporation Act, 1893," and every amendment thereof. Short title and incorporation with 57 Vict. No. 11.

(2) "The Hobart Corporation Act, 1893," and every amendment thereof, inclusive of this Act, may together be cited as "The Hobart Corporation Acts, 1893-1920."

2 In this Act, unless the context otherwise determines—

"The Principal Act" means "The Hobart Corporation Act, 1893": Interpretation. 57 Vic. No. 11.

"The Water Acts" mean "The Hobart Water Acts, 1893-1907":

"The said Act" means "The Hobart Corporation Act, 1919, No. 2": 10 Geo. V. No. 64.

"The Council" means the Hobart City Council:

"The Corporation" means the Corporation of the Mayor, aldermen, and citizens of the City of Hobart.

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Division of Act.

3 This Act is divided into parts as follows :—

Part I. — Consolidation and Abatement of Rates.

Part II. — Rounding of Street Corners.

Part III — Vesting of Portions of Highways.

Part IV. — Additional Remedies for Recovery of Rates

Part V. Confirmation of Certain Expenditure.

Part VI. — Election of Mayor.

PART I.

CONSOLIDATION AND ABATEMENT OF RATES.

Amendment of
Section 159
inserted in the
Principal Act
by Section 5 of
9 Geo. V. No. 14.**4** Section One hundred and fifty-nine of the Principal Act is hereby amended by inserting at the end of the section the following proviso :—

“ Provided that this section shall not come into operation until the First day of July, One thousand nine hundred and twenty.”

Amendment of
Section 244 of
the Principal Act.**5** The words “ At such rate per centum per annum as the Council may from time to time determine ” are hereby substituted for the words “ at the rate of Five Pounds per centum per annum ” in line Three of Section Two hundred and forty-four of the Principal Act.Unforseen expen-
diture. Amend-
ment of Section
8 of 8 Edward
VII. No. 24.**6** The words “ One hundred ” are hereby expunged from the Sixth line of Section Eight of “ The Hobart Corporation Act, 1908,” and the words “ Two hundred and fifty ” inserted in lieu thereof.Repeal and re-
enactment of
Section 36 of 10
Geo. V. No. 64.**7** Section Thirty-six of the said Act is hereby repealed as from the Thirty-first December, One thousand nine hundred and twenty, and the following substituted therefor :—“ **36** Notwithstanding anything to the contrary contained in any Act, it shall be lawful for the Council from and after the First day of January, One thousand nine hundred and twenty-one, to make and levy a rate for the general expenditure of the City not exceeding Six Shillings and Sixpence in the Pound in any one year upon the assessed annual value of the lands and buildings within the City, which rate shall be designated the “ City Rate,” and shall be in substitution for, and to consolidate into one rate, the general rate, water rate, health rate, sewerage rate, recreation ground rate, tramway rate, and sanitary service charge, or any other rate or charge leviable by the Council under the authority of every or any Act or power enabling it in that behalf.Consolidation of
Rates.**8** After Section Thirty-six of the said Act the following section is inserted :—

57 Vict. No. 25.

“ **36a**—(1) Any sum or sums of money heretofore borrowed on the security of the water rates levied by the Council under the provisions of “ The Water Acts,” and any sum or sums of money borrowed on the

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security of the revenues of the Corporation, other than the water rates, are hereby declared to be and shall be deemed to have been charged on the whole of the revenues of the Corporation as fully and effectually as if the same had been originally borrowed on the security of the whole of such revenues.” A.D. 1920.

“(2) Where by any Act the Corporation or Council is authorised to borrow any sum or sums of money on the security of portion only of the revenues of the Corporation, and such sum or sums have not been borrowed up to the date of this Act coming into operation, it shall be lawful for the Council to borrow such sum or sums of money on the security of the whole of the revenues of the Corporation.”

9 Section Thirty-seven of the said Act is hereby repealed and the following substituted therefor:—

Repeal and re-enactment of Section 37 of 10 Geo. V. No. 64. Abatement of rates.

“37 The owners of all assessed lands and buildings within the City shall be entitled to an abatement of the city rate in respect of—

- i. Any land or building which is not situate within a sewerage area: or
- ii. Any land or building (not included in a sewerage area) which is not actually supplied with a sanitary service: or
- iii. Any land or building not actually supplied with water for domestic or other purposes and which is distant at least Fifty feet from the Council's mains or pipes:

And a notice, signed by the Mayor and not less than Five aldermen, specifying the respective amounts in the Pound to be allowed by way of abatement in respect of the assessed annual value of all lands and buildings within the City which fall under headings i., ii., and iii. in this section mentioned, shall be published in the “Gazette.” together with the notice specifying the amount of the city rate and the period for which the same is made.”

10 Section Thirty-eight of the said Act is hereby amended by omitting the words “other than water rates and charges” from the Third and Fourth lines of the section.

Amendment of Section 38 of 10 Geo. V. No. 64.

PART II.

ROUNDING OF STREET CORNERS.

11 In addition to the powers of the Council to resume land contained in Part VII of “The Hobart Corporation Act, 1913,” it shall be lawful for the Council in such cases as it may deem necessary without obtaining the approval of the Governor, and without further or other authority than this Act—

Rounding of street corners. 4 Geo. V. No. 24.

- i. To require the owner of any vacant allotment of land situate at the corner of any street within the City of Hobart, before any buildings are erected thereon, to round the corner of any such allotment to the extent of Ten feet measured along the alignment of each street frontage, and in no case

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less than Ten feet measured along the diagonal or chord of the curve, and the Council shall not be liable to pay any such owner compensation in respect thereof:

- i. To require the owner in the case of all future subdivisions of land within the City to round the corners of all streets in connection with any such subdivisions to the extent provided for in the last preceding subsection free of any claim against the Council for compensation:
- iii. To require the owner in cases where a building or buildings at the corner of any such streets as aforesaid has been pulled down or demolished with a view to rebuilding on such corner, before any new building is commenced, to round such corner as aforesaid, free of any claim against the Council for compensation.

PART III.

VESTING OF PORTIONS OF HIGHWAYS.

Portions of highways vested in Corporation.

12 The pieces of land described in Schedules (1) and (2) hereto are hereby vested in the Corporation and shall henceforth cease to be and form part of any public or common highway or thoroughfare, and may lawfully be enclosed by walls or otherwise and be applied to such purposes as the Corporation may deem expedient.

Governor may issue notifications closing highways or parts thereof.

13 The Governor may, at the request of the Council, by notification and description published in the "Gazette" and in each of the daily newspapers published in Hobart, declare that any common highway or thoroughfare, or any part of a common highway or thoroughfare, within the City of Hobart shall, after the date of publication of such notice, thenceforth cease to be or form part of any such common highway or thoroughfare and shall be vested in the Corporation and be dealt with in such manner as the Council shall think proper. A plan of such common highway or thoroughfare, showing so much thereof as it is proposed to vest in the Corporation, shall be deposited with the City Engineer at the Town Hall, Hobart, which plan shall be open for public inspection.

PART IV.

ADDITIONAL REMEDIES FOR RECOVERY OF RATES.

Additional remedies for recovery of rates.

14 In addition to the powers relating to the making, levying, collection, and recovery of rates and charges by the Council under the provisions of every or any Act enabling it in that behalf, the following shall be added:—

Complaint before justices.

- i. If any person liable to pay any rates or charges under the said Acts fails to pay the same for the space of Seven days after demand to him to pay the same, any justice of the peace may summon the defaulter to appear before him or any other justice of the peace, at a time and place to be

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mentioned in the summons, to show cause why the rates and charges should not be paid; and in case the defaulter fails to appear, according to the exigency of the summons, or no sufficient cause for non-payment be shown, the justice of the peace may and he is hereby authorised and required to grant a warrant of distress under his hand, which warrant may be in the form contained in Schedule (3), or to the like effect, authorising the collector of rates appointed by the Council, or some other fit person named therein, to levy the amount, with costs, according to the scale in Schedule (4), by distress and sale of the goods and chattels of such defaulter wheresoever the same may be found, subject, however, to the proviso for the protection of occupiers of premises contained in Section Thirteen of the said Act:

- ii. The Council may from time to time appoint some person or persons to be bailiff or bailiffs for the purpose of executing warrants of distress : A.D. 1920
Council may appoint bailiffs.
- iii. A bailiff so appointed shall have power and authority to sell, by public auction, any goods and chattels seized under warrant of distress without taking out a licence as an auctioneer Bailiff may sell by auction without licence.

PART V.

CONFIRMATION OF CERTAIN EXPENDITURE

15 The sum of Nine hundred and twenty-eight Pounds Nineteen Shillings, shown by the Commissioners of the Hobart Municipal Sinking Fund as having been expended by them in the administration of that fund up to the Thirtieth day of June, One thousand nine hundred and nineteen, and charged against the same in the books of the Commissioners, is hereby authorised and declared legal, and the Commissioners are hereby indemnified against any loss arising on account of the said sum not having been invested at compound interest; all expenses thenceforth incurred by the Commissioners in the administration of the said fund shall be defrayed by the Council out of the Municipal Fund. Confirmation of certain expenditure.

16 The expenditure by the Council of the sum of Five hundred Pounds for the purpose of panelling the vestibule of the Town Hall, upon which to inscribe the names of citizens who enlisted in the Australian Imperial Forces during the European War, 1914-1919, is hereby authorised and declared legal. Confirmation of expenditure on panelling Town Hall vestibule.

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Amendment of
Section 50 of the
Principal Act.

PART VI.

ELECTION OF MAYOR.

17 The words "or such other room in the Town Hall building as shall be selected by the Town Clerk, and notified to Aldermen," are hereby inserted after the word "office," in the Seventh line, and the words "or room," after the word "office," in the Eighth line of Section Fifty of the Principal Act.

SCHEDULES.

(1)

All that piece of land containing $17 \frac{9}{10}$ perches more or less situated in the City of Hobart and bounded as follows:—Commencing at the junction of Argyle-street with the northern boundary of Ryde-street, thence north-easterly along the northern boundary of Ryde-street in several bearings for a distance of 869 feet 6 inches to Letitia street, thence south-easterly along the production of the western boundary of Letitia-street for a distance of 9 feet 2 inches, thence south-westerly for a distance of 869 feet 7 inches to the point of commencement.

(2)

All that piece of land situated in the City of Hobart containing 93 square links more or less, and bounded as follows:—Commencing at the junction of Hunter-street with the north-western boundary of a right-of-way between properties belonging to Messrs. H. Jones & Co. Ltd., thence on the south-west along Hunter-street for a distance of $31 \frac{2}{10}$ links in a westerly direction, thence on the north-west for a distance of $4 \frac{6}{10}$ links north-easterly, thence on the north-east for a distance of $30 \frac{8}{10}$ links south-easterly to the right-of-way aforesaid, thence on the south-east for a distance of $1 \frac{1}{2}$ link south-westerly along this right-of-way to the point of commencement.

(3)

DISTRESS WARRANT FOR RATE.

Section 13.

TASMANIA } To X.Y. and all Constables in the State of Tasmania.
TO WIT. }

WHEREAS complaint has been made before [me], a Justice of the Peace, that A.B. of _____ has not paid the sum of _____ payable by him by virtue of the City Rate made on or about the _____ day of _____ 19____, although the same has been duly demanded of him: And whereas it appears to me upon the oath of [the said X.Y.] a Collector of Rates for the City of Hobart that the said sum of _____ has been duly demanded by him from the said A.B. and that the said A.B. has failed to pay the same for the space of _____ days after such demand made, and has not paid the same: And whereas the said A.B. having appeared before me in pursuance of a summons issued by [me] for that purpose, has not shown sufficient cause why the said sum of _____ should not be paid: [or And whereas it has been proved to me upon oath that the said A.B. has been summoned to appear before [me] or such other Justice of the Peace as might now be here to show cause why the said sum of _____ should not be paid, and the said A.B. has neglected to appear according to such summons (or has not shown any sufficient cause why the said sum of _____ should not be paid)]:

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These are therefore to command you forthwith to make Distress of the Goods and Chattels of the said *A.B.* wheresoever the same may be found, and also of all Goods and Chattels found by you upon the said property to whomsoever the same may belong ; and unless at any time within the space of [*Four*] days after such Distress by you made the said sum of _____ together with all costs, charges and expenses attending upon such Distress, be paid to you, that you cause the said Goods and Chattels so by you distrained to be sold, and out of the money arising by such sale that you detain the said sum of _____ and also all costs, charges, and expenses attendant upon such Distress and Sale, rendering to the said *A.B.* or other person whose Goods and Chattels are so distrained by you, as the case may be, the overplus, if any, on demand ; [*in case the Warrant is directed to some other person than the Collector, and the said sum of _____ you are hereby commanded to pay to (the said X.Y.) the said Collector ;*] and if no sufficient Distress can be made of the Goods and Chattels of the said *A.B.* or otherwise as aforesaid, that then you certify the same to me, together with this Warrant.

Given under my hand, this _____ day of _____

19 _____
J.P.
 Justice of the Peace.

(4)

Section 13.

For every Warrant of Distress	One Shilling.
For man in possession each day, or part of day	Five Shillings.
For inventory, sale, commission, and delivery of goods	} Not exceeding One shilling in the Pound on the proceeds of the sale.
<i>Mileage.</i>	
For every mile, or part of a mile, where the Warrant is executed, not more than Two miles from the office of the Council	One Shilling.
Where such distance exceeds Two miles, for every mile, or part of a mile beyond.....	Sixpence.

