

TASMANIA.

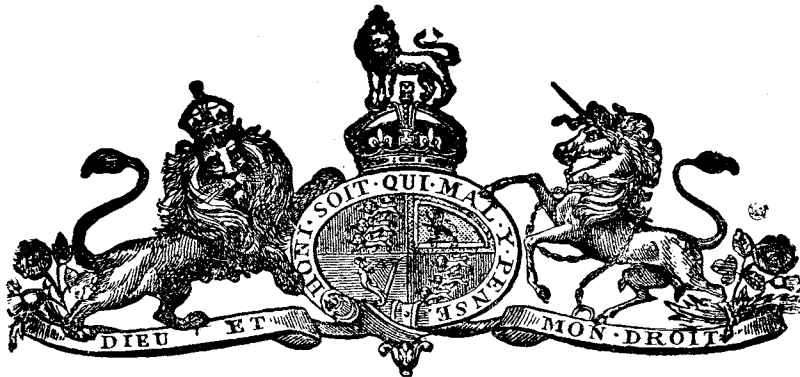
**THE HOBART CORPORATION ACT,
1922.**

ANALYSIS.

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| <p>1. Short title and incorporation with 57 Vict. No. 11.</p> <p>2. Division of Act.</p> <p>PART I.—AMENDMENTS OF PRINCIPAL AND OTHER ACTS.</p> <p>3. Amendment of Section 50 of the Principal Act.</p> <p>4. Amendment of Section 51d. inserted in the Principal Act by Section 3 of 2 Geo. V. No. 62.</p> <p>5. Amendment of Section 62 of the Principal Act.</p> <p>6. Amendment of Section 65 of the Principal Act.</p> <p>7. Amendment of Section 161 of the Principal Act.</p> <p>8. Amendment of Section 274 of the Principal Act.</p> <p>9. Amendment of Section 36 inserted in 10 Geo. V. No. 64 by Section 7 of 11 Geo. V. No. 68.</p> <p>PART II.—POWERS AND FUNCTIONS OF THE CORPORATION.</p> <p>10. Rivulets within City vested in Corporation.</p> <p>11. Rivulets to be sewers.</p> <p>12. Council authorised to purchase land to widen rivulets.</p> <p>13. Sections 167 to 183 of Principal Act incorporated.</p> <p>14. Power to reclaim portion of New Town Bay.</p> | <p>15. Reclaimed land to be granted to Corporation.</p> <p>16. Reclaimed land to form part of City.</p> <p>17. Reservations may be made.</p> <p>18. Provision for future streets.</p> <p>19. Beaumaris Zoo.</p> <p>20. Cart entrances to be provided by owner.</p> <p>21. Council may establish transport service.</p> <p>22. Cool storage at abattoirs.</p> <p>PART III.—REBATE ON RATES.</p> <p>23. Rebate may be allowed on rates.</p> <p>24. Charges for excess water.</p> <p>PART IV.—BY-LAWS.</p> <p>25. Application of Section 44 of 6 Ed. VII. No. 12, as amended by Section 14 of 7 Geo. V. No. 15, to City by-laws.</p> <p>26. Power to make by-laws.
Refuse destructor.
Rivulets.
Zoological gardens.
Transport service.
Use of water.</p> <p>27. Regulations provided for.</p> <p>PART V.—MISCELLANEOUS.</p> <p>28. Confirmation of expenditure, King Edward Memorial.</p> <p>29. General penalty.</p> |
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TASMANIA



1922.

ANNO TERTIO DECIMO

GEORGI V. REGIS.

No. 12.

AN ACT to amend "The Hobart Corporation Acts, 1893-1921." [2 December, 1922.] A.D. 1922.

WHEREAS it is expedient to further amend "The Hobart Corporation Acts, 1893-1921," 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 as "The Hobart Corporation Act, 1922." Short title and incorporation with 57 Vict. No 11.
- (2) "The Hobart Corporation Act, 1893," is in this Act referred to as "The Principal Act."
- (3) The Principal Act and every amendment thereof, inclusive of this Act, may together be cited as "The Hobart Corporation Acts, 1893-1922."

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Division of Act.

2 This Act is divided into parts as follows :—

Part I.—Amendments of Principal and other acts.

Part II.—Powers and functions of the Corporation :—

- (1) Control of rivulets.
- (2) New Town Bay reclamation.
- (3) Main thoroughfares in undeveloped areas.
- (4) Zoological Garden.
- (5) Cart entrances.
- (6) Transport.
- (7) Cool storage of meat.

Part III.—Rebate of rates.

Part IV.—By-laws.

Part V.—Miscellaneous.

PART I.

AMENDMENTS OF PRINCIPAL AND OTHER ACTS.

Amendment of
Section 50 of the
Principal Act.

3 Section Fifty of the Principal Act is amended by inserting after the words " Town Clerk " occurring in the Eighth line thereof, the words " and an assistant selected by him from among the clerical staff of the Corporation."

Amendment of
Section 51d
inserted in the
Principal Act by
Section 3 of 2
Geo. V. No. 62.

4 Section **51d** of the Principal Act as inserted therein by Section Three of " The Hobart Corporation Act, 1911 " is amended by deleting Paragraph II. thereof, and by substituting the following Paragraph II. in lieu thereof :—

" II. If at any such ballot the candidate receiving the fewest votes has to be excluded as aforesaid, and it happens that :—

- (a) Every candidate received the same number of votes, it shall be decided by lot forthwith, which one of such candidates shall be excluded as defeated.
- (b) Two or more candidates receive the same and the smallest number of votes, their names shall be submitted to another ballot to determine which one of such candidates shall be excluded as defeated, and if each candidate again receive the same number of votes, it shall be decided by lot forthwith which one of such candidates shall be excluded as defeated."

Amendment of
Section 62 of the
Principal Act.;

5 Section Sixty-two of the Principal Act is amended by deleting the word " male " occurring in the First line thereof.

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- 6** Section Sixty-five of the Principal Act is amended by deleting the words "under the Crown or," occurring in the Third line thereof. A.D. 1922.³
- 7** Section One hundred and sixty-one of the Principal Act is amended by deleting the words "the Mayor and countersigned by an Alderman and the Treasurer," occurring in the Eleventh and Twelfth lines of the said section, and substituting in lieu thereof the words "not less than Two persons authorised in that behalf from time to time by the Council by resolution, provided that no person shall be so authorised who is not an Alderman or an officer of the Corporation." Amendment of Section 65 of the Principal Act. Amendment of Section 161 of the Principal Act.
- 8** Section Two hundred and seventy-four of the Principal Act is amended by deleting the Second and Third provisos to the said section. Amendment of Section 274 of the Principal Act.
- 9**—(1) Section Thirty-six of "The Hobart Corporation Act, 1919 (No. 2)," as re-enacted by Section Seven of "The Hobart Corporation Act, 1920," and amended by Section Twenty-two of "The Hobart Corporation Act, 1921," is amended by inserting at the end thereof the following additional proviso which shall be deemed to have come into operation on the Tenth day of January, One thousand nine hundred and twenty-one:—
"Provided also that nothing contained in this section shall be deemed to deprive the Council of the right to make a charge for the supply of water by measure as provided by "The Hobart Water Acts, 1893-1907."
Amendment of Section 36 inserted in 10 Geo. V. No. 64 by Section 7 of 11 Geo. V. No. 68.
- (2) The word "Corporation" occurring in the Sixth line of Section Twenty-two of "The Hobart Corporation Act, 1921," is deleted and the word "Council" is substituted therefor and shall be deemed to have been so substituted at the date of the passing of the last-mentioned Act. 12 Geo. V. No. 24.

PART II.

POWERS AND FUNCTIONS OF THE CORPORATION.

(1) *Control of Rivulets.*

- 10** Subject to all private rights and interests therein, if any, which have been acquired previously to the passing of this Act, the several rivulets, or parts of rivulets, enumerated in Schedule (1) hereto, and such other rivulets, or parts of rivulets, as the Governor may at the request of the Council by Proclamation, published in the "Gazette," add to such schedule (all of which are in this Act referred to as "the said rivulets"), and the respective beds and soil thereof together with the water flowing over and upon the beds and soil of the said rivulets, and the rights to ingress and egress to and from the said rivulets, shall be, and the same are hereby declared to be respectively vested in the Corporation for the use of the public for ever. Rivulets within city vested in Corporation.

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Rivulets to be sewers.

11 The said rivulets shall be under the supervision, control, and management of the Council, and it shall be lawful for the Council to use the bed and soil of any of the said rivulets, the whole of which shall not be within any sewerage area declared under the provisions of "The Hobart Sewerage Acts, 1898-1913," and the water flowing over and upon the same as and for a sewer and for the cleansing of the city, and the said rivulets and the beds and soil thereof, shall be and be deemed and be taken to be sewers of and for the city under the control and management of the Council.

Council authorised to purchase land to widen rivulets.
4 Geo. V. No. 24.

12 The Council is hereby authorised and empowered, from time to time to widen, divert, or alter any of the said rivulets or any part or parts thereof, and to purchase, or take, in accordance with the provisions of Part VII. of "The Hobart Corporation Act, 1913," any land which may be required for the purpose of so widening, diverting, or altering any of the said Rivulets or any part or parts thereof.

Sections 167 to 183 of Principal Act incorporated.

13 All the powers, authorities, provisions, conditions, and obligations conferred or imposed upon the Council with respect to the Hobart Rivulet, and all the powers, provisions, conditions, and obligations conferred or imposed upon the owners of land abutting on the Hobart Rivulet by Sections One hundred and sixty-seven to One hundred and eighty-three inclusive of the Principal Act shall extend to, and the same are hereby conferred or imposed upon the Council with respect to the said rivulets and upon the owners of land abutting upon the said rivulets as if the said sections were re-enacted herein with the substitution of the words "the said rivulets" for the words "the Hobart Rivulet" or "the said rivulet" wherever occurring in the said sections.

(2) New Town Bay Reclamation.

Power to reclaim portion of New Town Bay.

14 It shall be lawful for the Council at any time and from time to time, to fill up and raise above the level of high water, and so to reclaim portion of the New Town Bay comprising an area of Eleven acres One rood and Fifteen perches or thereabouts and shown approximately on the plan in the Schedule (2) hereto.

Reclaimed land to be granted to Corporation.

15 The reclaimed land and such portions of the foreshore along the said bay as are shewn in the said plan shall be vested by the Governor absolutely in the Corporation as a city recreation ground, and shall be granted by the Crown to the Corporation in fee simple free from all claims on the part of the Crown.

Reclaimed land to form part of City.
10 Geo. V. No. 10.

16 The reclaimed land and foreshore when so granted as last afore-said shall be included within the boundaries of the City of Hobart as set forth in the Schedule (2) to "The Hobart Corporation Act, 1919," and shall be and become a city recreation ground within the meaning and for the purpose of "The Hobart Corporation Acts, 1893-1921."

Hobart Corporation.

17 The Council may from time to time reserve any part of the reclaimed land and foreshore for streets or public places, or for or in connection with the outlet of the New Town Rivulet, and may lay out, set up, and maintain such streets, public places, outlet, and all public conveniences in connection therewith as the Council may deem proper.

A.D. 1922.

Reservations may be made.

(3) Main Thoroughfares in Undeveloped Areas.

18—(1) The Council may at any time by resolution declare that any strip of land within the city not exceeding One hundred feet in width is or is likely to be required for the future construction of any street or streets in order—

Provision for future streets.

- I. To provide for the future development of or afford access to any part of the city ; or
- II. To insure adequate and convenient means of communication between different parts of the city ; or
- III. To serve as a main or principal thoroughfare in any part of the city.

(2) When any such resolution has been passed the Council may purchase or resume in accordance with the provisions of Part VII. of "The Hobart Corporation Act, 1913," any land which may be required for the purpose of such street or streets.

4 Geo. V. No. 24.

(3) After such land has been acquired and until it shall be required for the street construction, the Council may grant to the owner or occupier of any premises adjoining such land or to any other person a licence to occupy such land at such rental and upon such terms and conditions as the Council may determine, but every such licence shall be terminable at any time upon Three months' notice to the licensee.

(4) When the Council shall determine that it is desirable that a street shall be constructed along and upon any strip of land purchased or resumed as aforesaid, such street shall be constructed in all respects as if it were a private street constructed by the Council, and all the provisions relating to private streets contained in "The Hobart Corporation Acts, 1893-1921," shall be applicable thereto, but so that Two-thirds of the expense incurred by the Council in the construction of such street or portion thereof as in the said Acts mentioned, shall be repaid by the owner or owners of the lands fronting or abutting on such street, and the remaining One-third shall be paid by the Council.

(5) The Council may withhold its approval to any plan submitted to it under Section Two hundred and fifty-two of the Principal Act, which shows a proposed disposition of any land intended to be laid out or disposed of for building purposes unless such proposed disposition conforms with and is convenient to the location of any land so purchased or resumed as aforesaid or any street constructed upon such land.

(4) Zoological Garden.

19 The Council is authorised and empowered to establish and maintain a Zoological Garden (to be known as "The Beaumaris Zoo") in such portion of the Queen's Domain as it may determine, and to expend such annual sum as the Council may think proper upon the establishment, maintenance, and up-keep thereof.

Beaumaris Zoo.

Hobart Corporation.

A.D. 1922.

(5) *Cart Entrances.*

Cart entrances to be provided by owner.

20—(1) It shall be lawful for the Council, by notice under the hand of the Town Clerk, to require the owner of any premises abutting on any public street within the city, and having or desiring to have a cart entrance thereto, to cause to be constructed across the gutter in front of such cart entrance a proper and sufficient crossing to the satisfaction of the Council within a reasonable time to be fixed by the notice.

(2) If the owner of such premises as aforesaid shall fail or neglect to construct the crossing specified in such notice the Council may carry out the work at the owner's expense, and all expenses incurred by the Council in relation thereto may be recovered by the Council from the owner of such premises as aforesaid, together with all costs in respect thereof in a summary manner.

(6) *Transport.*

Council may establish transport service.

21 It shall be lawful for the Council to establish, acquire, maintain, and conduct such motor, omnibus, or other transport services for the conveyance of passengers and goods for hire, to, from, and in such places and in such manner as to the Council may seem fit.

(7) *Cool Storage of Meat.*

Cool storage at abattoirs.

22 It shall be lawful for the Council in connection with the City Abattoirs or otherwise to erect, establish, equip, maintain, and conduct such buildings, apparatus, and equipment for cooling, chilling, freezing, or for the storage of carcase meat in such manner as to the Council may seem fit, with full power to regulate the conduct and management of the same and the fees and charges payable in connection therewith.

PART III.

REBATE ON RATES.

Rebate may be allowed on rates.

23 It shall be lawful for the Council from time to time to make such a rebatement as the Council shall think fit, not exceeding Two Pounds Ten Shillings per centum upon all rates or instalments thereof due and owing to the Corporation, which shall be paid to the Council not later than Thirty days from the date appearing on the demand referred to in Sections One hundred and eighteen and One hundred and nineteen of the Principal Act.

Charges for excess water.

64 Vict. No. 64.

24 For the purpose of Section Six of "The Hobart Water Act, 1900," the "annual rate" and "assessed rate" mentioned therein shall be deemed as from the Tenth day of January, One thousand nine hundred and twenty-one to be a portion of the city rate equivalent to the abatement allowed in respect of the city rate by virtue of Section Nine of "The Hobart Corporation Act, 1920," on properties falling under heading III. of that section.

11 Geo. V. No. 68.

Hobart Corporation.

PART IV.

A.D. 1922.

BY-LAWS.

25 The provisions of Section Forty-four of "The Interpretation Act, 1906," as amended by Section Fourteen of "The Interpretation Act, 1916," shall apply to all by-laws made by the Council since the First day of January, One thousand nine hundred and twenty-two, and to all by-laws hereafter to be made by the Council under or by virtue of any Act authorising or empowering the Council to make by-laws.

Application of Section 44 of 6 Ed. VII. No. 12, as amended by Section 14 of 7 Geo. V. No. 15, to City by-laws.

26—(1) It shall be lawful for the Council from time to time to make by-laws—

Power to make by-laws.

- i. For the proper ordering, conduct, management, control, and supervision of the refuse destructor, and for fixing the fees and charges to be paid for the services rendered in connection therewith: Refuse destructor.
- ii. For the proper management and control of the rivulets referred to in Schedule (1) of this Act, and for any of the purposes which the Council may think it expedient to carry out or effectuate in relation thereto: Rivulets.
- iii. For the proper management and control of the Zoological Garden referred to in this Act, and for the making of charges for admission thereto, or to any part thereof, and for all purposes similar to those set out in Section Ten of "The St. David's Burial Ground Vesting and Improvement Act." Zoological Gardens.
10 Geo. V. No. 43
- iv. For the proper management, conduct, and control of any transport service which may be established by the Council, and for the levying and making of tolls and charges, and for regulating, travelling, and the conduct of officers, and for preventing the commission of any nuisance, and generally for the conduct of the service: Transport service.
- v. For regulating, controlling, or prohibiting the use of water in time of drought or other emergency. Use of water.

(2) All such by-laws shall be made in the mode prescribed by the Principal Act as amended by this Act, and any such by-laws and any regulations made thereunder may be enforced by the imposition of similar penalties to those therein provided.

27 Any by-law which the Council is authorised or empowered to make under or by virtue of any Act, may leave any matter or thing to be determined, applied, dispensed with, prohibited, or regulated by the Council from time to time by resolution (to be published whenever practicable in one or more daily newspapers circulating in the City), either generally or for any classes of cases or in any particular case, and to provide a penalty not exceeding Five Pounds for any breach or contravention of such resolution, and a penalty not exceeding One Pound per day in the case of a continuing or daily breach or contravention of such resolution. Regulations provided for.

Hobart Corporation.

A.D. 1922.

PART V.

MISCELLANEOUS.

Confirmation of
expenditure, King
Edward
Memorial.

28 The expenditure by the Council of the sum of Two hundred and seventy-five Pounds for the purpose of providing and erecting a pedestal for the statue of His late Majesty King Edward the Seventh is hereby authorised and declared legal.

General penalty.

29 If any person commits any offence against any Act conferring any powers upon the Corporation now passed or hereafter to be passed, or any by-laws heretofore made or hereafter to be made thereunder for which no penalty is by any of the said Acts or By-laws provided, he shall be liable to a penalty not exceeding Ten Pounds, and in the case of a continuing offence to an additional penalty not exceeding Two Pounds for every day on which the offence is continued after the First day.

SCHEDULE (1).

Park-street Rivulet.

Rivulet between Argyle-street and Park-street, approximately parallel with Cedric-street

Rivulet from Providence Valley and Mellifont-street to Park-street Rivulet, and tributaries thereof.

Rivulet from Warwick-street, above Harrington-street to Melville-street.

New Town:—

Tor Creek and its tributary.

Maypole Rivulet.

Jutland Creek.

Sandy Bay:—

Wellington Rivulet.

Ashfield Rivulet and tributaries thereof.

SCHEDULE (2)

NEW TOWN BAY



APPROX. AREA

A. R. P
11. 1. 15

ESPLANADE
P.W. ROAD

ROAD

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