

## TASMANIA.

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 THE HOBART CORPORATION AMENDMENT ACT, 1927.
 

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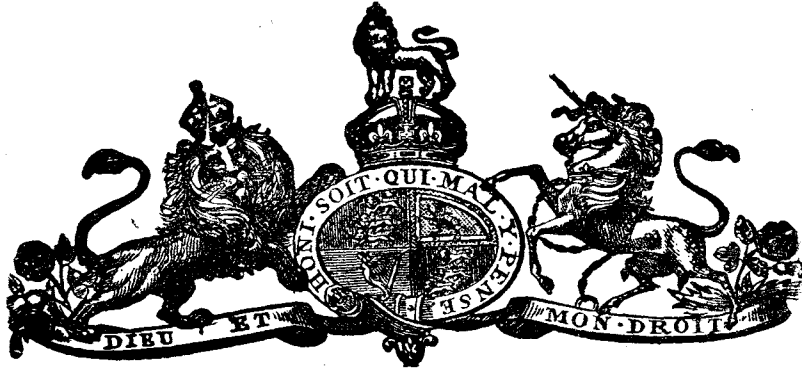
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TASMANIA.



1927.

ANNO OCTAVO DECIMO

GEORGII V. REGIS.

No. 87.

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AN ACT to amend the Hobart Corporation Acts, 1893-1926. [22 December, 1927.]

A.D. 1927.

WHEREAS it is expedient to further amend the Hobart Corporation Acts, 1893 to 1926, and other Acts 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, 1927.” Short title and incorporation.

(2) This Act and the Hobart Corporation Acts, 1893 to 1926, may together be cited as the Hobart Corporation Acts, 1893 to 1927.

2 This Act is divided into parts as follows:—

Division of Act.

Part I.—Private Streets.

Part II.—Powers and Functions of the Corporation.

Division (1)—Licensing and Registration of Dogs.

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Interpretation.

57 Vict. No. 11.

**3** In this Act, unless the context otherwise determines—

“The Principal Act” means the Hobart Corporation Act, 1893 :

“The City” means the City of Hobart :

“The Council” means the Hobart City Council :

“The Corporation” means the Corporation of the Mayor, aldermen, and citizens of the City of Hobart :

“Private street” shall have the same meaning as in the Principal Act :

“Schedule” means schedule to this Act :

“Section” means section of this Act.

Repeal.

**4** The Acts set forth in Schedule (1) are hereby repealed to the extent specified in the third column to that schedule.

## PART I.

## PRIVATE STREETS.

Plans of new streets to be submitted to the Council.

Cf. Section 252 of 57 Vict. No. 11.

**5** No new private street shall be surveyed, pegged off, shown upon a subdivision plan, laid out, opened, or used as a street in the City, nor shall any land be subdivided or disposed of on which it is proposed to open a new private street until a sketch showing the proposed new private street, the width and direction of the same, and a sketch showing the proposed drainage of such street, has been submitted to the Council and the approval of the Council obtained thereto

Streets to be 60 feet in width and to be carriage-ways.

Cf. Section 253 of 57 Vict. No. 11. Reduced width in certain cases.

**6** Every new private street shall be of the width of sixty feet at the least whatever its length and shall be constructed for use as a carriage-way.

Provided that the Council may permit the construction of private streets, within such areas as may from time to time be defined by a resolution of the Council on the recommendation of the City Engineer and the Medical Officer of health, of such width as the Council shall from time to time see fit

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**7** If and when the approval of the Council has been given to the sketches mentioned in Section Five, the person submitting the same shall forthwith have a proper survey made and shall deposit the survey plan and a duplicate of the same with the Council, and shall also deposit with the Council in duplicate the proposed specifications for the construction of such new private street and the drainage of the same.

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—  
If approval given survey and specifications to be deposited in duplicate.

**8—(1)** Every new private street shall be constructed so as to comply with the following requirements:—

Manner of construction of carriage roads.  
Cf. Section 15 of 7 Ed. No. 19.

- i. The carriageway shall be forty-two feet wide, except in the case of streets less than sixty feet wide, when the width of the carriageway shall be as required by the Council :
- ii. The surface of the carriageway shall have a curve or fall from the crown to the channel at the sides thereof of not more than twelve inches, and not less than six inches :
- iii. The whole of the carriageway shall be covered with not less than six inches of rubble and six inches of good bluestone metal broken to a two-inch ring gauge :
- iv. The carriageway shall be well and properly consolidated and rolled as required by the Council :
- v. The metal shall be properly blinded with at least two inches of good gravel or other material approved by the Council, and properly swept in, watered, and rolled :
- vi. Footways shall be constructed on each side of the carriageway of a width of not less than nine feet, except in the case of streets less than sixty feet wide, when the width of the footway shall be as required by the Council, but shall not be less than five feet :
- vii. Each footway shall have a cross fall of one half-inch per foot to the channel :
- viii. The surface of the footways shall be coated with asphalt not less than two inches thick, or good gravel not less than three inches thick, if allowed by the Council, well laid and rolled smooth to the satisfaction of the Council :
- ix. Each footway shall have a stone or concrete kerbing not less than six inches thick and twelve inches deep, laid solidly and parallel to the centre line of the street and with the same gradient as the road, and so as to show six inches of a dressed face above the channel : Provided that the Council may, in the case of fairly level streets, permit or require the kerbing to vary and show from four to eight inches of a dressed face to enable a necessary or advisable fall in the level of the gutter :
- x. A gutter of stone or cement concrete, eighteen inches to twenty-two inches in width as ordered by the Council, and six inches in thickness, shall be constructed along the kerbing of each footway at such levels as the Council shall require :

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xI. And such other requirements as the Council shall, either generally by by-law, or specifically in any particular case, determine.

(2) Every new private street shall be maintained by the owner for a period of three months after the completion thereof before the Council shall be called upon to take over the same as a public street.

Specifications to set out requirements.

**9** The specifications for the construction of a new private street shall set out all necessary requirements for the new private street in question.

Council to approve or alter proposed specifications.

**10** The Council shall, upon the receipt of such survey-plan and duplicate and proposed specifications in duplicate, consider the same and express their approval of the same, or make such necessary alterations as they shall see fit, and thereupon give notice to the person submitting the same of such approval or alteration, returning the survey-plan and one copy of the specifications.

If street constructed in accordance with specifications.

**11** If such new private street be constructed within twelve months after the notice mentioned in Section Ten in accordance with such survey and specifications as approved or altered, and on the terms contained in Section Twelve hereof, the Council shall, on the completion of such construction to the satisfaction of the City Engineer or other person appointed for the purpose, thereafter take over the said street and maintain the same as one of the streets of the City: Provided such street is transferred to the Corporation or dedicated as a public highway to the satisfaction of the Council.

Corporation to construct or supervise.

**12** Every such new private street shall be constructed either—

- i. By the Corporation; or
- ii. Under the supervision of the City Engineer and to his satisfaction.

Corporation may quote price and construct.

**13** The Council may, if asked to do so, quote a sum for such construction, and shall thereupon be taken to have agreed to construct such street for the sum so quoted: Provided that such sum is paid to the Council or security given for the payment of the same to the satisfaction of the Council within one calendar month from such quotation.

Construction under supervision.

**14** If the new street is constructed under the supervision of the City Engineer the following provisions shall apply—

- i. All contracts and other papers in connection with the construction of the street shall be shown to the City Engineer whenever required, and he shall be at liberty to take extracts therefrom and make copies thereof:
- ii. Full particulars of all arrangements made from time to time as to the construction shall be furnished to the City Engineer:
- iii. All persons concerned in the construction shall obey the reasonable orders of the City Engineer:

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- iv. The owner of the land on which the street is to be constructed shall pay to the Corporation a fee equal to five per cent. of the cost of construction. A.D. 1927. —

**15** No new private street shall be opened or used as a street in the City, nor shall any land be disposed of fronting on or adjoining the same, nor shall any building be erected fronting on the same, or the entrance to which building is, will, or should be over the same until—

Street not to be opened, nor land thereon sold, until street constructed or provision made for construction.

- i. The street shall have been constructed in accordance with the requirements of this Act, and the supervision fee, if any, paid to the Corporation ; or
- ii. The sum quoted by the Corporation has been paid, or security given for the payment of the same, in accordance with Section Thirteen ; or
- iii. There has been paid or secured to the Corporation such sum as the Council shall deem sufficient to secure the proper construction of the street.

**16** The Corporation shall not be liable under the Boundary Fences Act, 1908, or otherwise to join in fencing or to contribute to the cost of any fencing because the Corporation is the owner of any street, highway, road, or right-of-way. Corporation not liable for fencing. 8 Ed. VII. No. 40.

**17** Every person who shall—

Penalties.

- i. Do or cause to be done any act or thing in contravention of any of the provisions of this Act ; or
- ii. Fail to comply with any of the provisions of this Act in the laying out, or construction of, any new private street, or in connection with the sketches, plans, or specifications of the same—

and also each owner of any land over which, or adjoining which, any new private street is proposed to be shown or opened, and in respect of which new private street—

- i. Any act or thing is done in contravention of any of the provisions of this Act ; or
- ii. There is failure to comply with any of the provisions of this Act—

shall be guilty of an offence under this Act, and shall upon conviction forfeit and pay a penalty not exceeding Ten Pounds, and a penalty not exceeding Five Pounds for every day during which such offence shall be repeated or continued.

And Section Thirty-two of the Justices' Procedure Act, 1919, and other limitations of time now or hereafter enforced shall not apply to proceedings hereunder which may be taken at any time as if such limitations did not exist. 10 Geo.V. No. 55.

And each owner of any such land shall from time to time be liable notwithstanding that such owner has ceased to be the owner of such land, and notwithstanding that the offence was committed prior to such owner becoming the owner of such land.

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## PART II

## POWERS AND FUNCTIONS OF THE CORPORATION.

Division (1)—*Registration of Dogs.*

Fees payable on registration of dogs in Hobart. Section 28 of 5 Ed. VII. No. 30.

**18**—(1) Notwithstanding anything contained in Section Twenty-eight of the Police Act, 1905, the sum payable in respect of any registration made within the City of any dog mentioned in such registration shall be such sum or sums of money as the Council may from time to time determine, and such sum or sums of money shall be in lieu of the sum of Five Shillings prescribed by the said section.

(2) The Council may from time to time make such by-laws as it may deem necessary with regard to the licensing, registration, and control of all dogs within the City. Such by-laws shall be in addition to the provisions contained in Part V. of the Police Act, 1905, and shall be made in the mode prescribed by the Principal Act, and any such by-laws and any regulations made thereunder may be enforced by the imposition of similar penalties to those therein provided.

Division (2)—*Power to Lease the North Hobart Recreation Ground.*

Modification of Section 26 of 12 Geo. V. No. 24 in regard to North Hobart Recreation Ground. 4 Geo. V. No. 24.

**19** Notwithstanding anything contained in Section Twenty-six of the Hobart Corporation Act, 1921, it shall be lawful for the Council in its uncontrolled discretion to grant a lease or leases for any purpose of recreation or amusement of the whole or any portion of the North Hobart Recreation Ground as described in Schedule (5) to the Hobart Corporation Act, 1913, for any term not exceeding five years.

Division (3)—*Power to Sell or Lease Houses.*

Power of Council to sell or let houses. 10 Geo. V. No. 54.

**20**—(1) It shall be lawful for the Council to sell, lease, or let to any person any house erected or acquired for occupation by its employees or erected in pursuance of the Municipal Homes Act, 1919, together with the land on which such house is erected.

(2) Such sale, lease, or letting may be upon such terms and subject to such conditions as may be determined by the Council.

## PART III.

## RATES.

Division (1)—*Rebate of Rates on Unoccupied Premises.*

Repeal of Section 9 of 10 Geo. V. No. 64, and substitution of new section.

Unoccupied buildings to pay reduced rates.

**21** Section Nine of the Hobart Corporation Act, 1919 (No. 2), is hereby repealed as from the first day of July, one thousand nine hundred and twenty-seven, and the following section is inserted as from that date in lieu thereof:—

“**9**—(1) If—

(a) Any dwelling-house or other building remains actually vacant and unoccupied during any financial year for any continuous period or periods, each such period being of not less duration than one calendar month; and



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- (b) The person rated in respect thereof has given notice in writing to the City Treasurer within fourteen days of the respective dates on which the house or building became vacant and unoccupied and on which it again became occupied—

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then such person shall, for each complete calendar month in such financial year during which such house or building remained vacant and unoccupied, be entitled to an allowance or deduction or refund of one twenty-fourth part of the rates payable or paid by him in respect of such house or building for such financial year.

(2) In respect of any house or building which has been vacant during any portion of the period between the first day of July, on thousand nine hundred and twenty-seven, and the date of the commencement of this Act, the notice required to be given by Paragraph (b) of Subsection (1) of this section may be given within six weeks after the date of the commencement of this Act.

(3) The expression "one calendar month" used in this section shall mean the period to be calculated from the day upon which the house or building becomes vacant and unoccupied to the day, and including the day numerically corresponding to that day in the following month, and when there is no such corresponding day in such following month then to the last and including the last day of such following month."

*Division (2)—Distress for Rates.*

**22** Section One hundred and eighteen of the Principal Act is hereby amended by deleting therefrom all the words after the word "same" in the second line thereof to the end of the section.

Amendment of 57  
Vict. No. 11,  
Section 118.

**23** The following new section is inserted in the Principal Act to follow Section One hundred and eighteen of such Act :—

New section to  
follow 57 Vict.  
No. 11, Sect. 118.

"**118a**—(1) If any person liable to pay any rate imposed by the Council neglects or refuses to pay the amount of any such rate to a collector of rates or to the City Treasurer or Town Clerk at the City Rates Office for the space of thirty days after the same has been demanded in manner herein provided, it shall be lawful for the City Treasurer, and he is hereby authorised and empowered, by warrant under his hand, to distrain the goods and chattels of such person, whether the same are on the property assessed or elsewhere, and to cause such goods and chattels when distrained to be sold, and out of the moneys to arise by such sale to pay all costs, charges, and expenses attendant upon such distress and sale, and in the next place to pay the amount of the rate for which such distress and sale are made, and to pay over the surplus (if any) to such person whose goods and chattels have been so distrained and sold as aforesaid.

Rates leviable by  
distress.

(2) In the event of any distress so made as aforesaid not realising sufficient to pay such rate, costs, charges, and expenses as aforesaid, it

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shall be lawful for the City Treasurer from time to time to make further and other distress in manner aforesaid until the whole of such rate, costs, charges, and expenses has been fully paid."

Repeal of 57  
Vict. No. 11,  
Schedule (9), and  
10 Geo. V. No.  
64, Sections 14  
and 35 and Form  
9a in schedule.  
New section sub-  
stituted for 57  
Vict. No. 11,  
Section 121 as  
amended by 10  
Geo. V. No.  
64, Section 14.  
Forms of distress  
warrant.

**24** Schedule (9) of the Principal Act and Sections Fourteen and Thirty-five of the Hobart Corporation Act, 1919, No. 2, and Form 9A in the schedule to the last-mentioned Act are hereby repealed.

**25** Section One hundred and twenty-one of the Principal Act, as amended by Section Fourteen of the Hobart Corporation Act, 1919, No. 2, is hereby repealed, and the following section inserted in lieu thereof:—

"**121**—(1) The warrant of distress for the recovery of any rate may be in the form in Schedule (2).

(2) But in cases where it is sought to distrain for more than one year's rates, the form in Schedule (3) may be used in substitution for the form in Schedule (2).

(3) In either of such forms, instead of inserting the date when any rate or rates is or are made it shall be sufficient to insert the period or periods for which the same are made.

(4) Either of such forms may be varied or altered as may at any time or times be reasonably necessary or convenient, and no such alteration shall affect the validity of anything done under or in pursuance of the same.

(5) In all cases where a distress is by this Act authorised to be made, every constable shall, upon being required by the City Treasurer or by a collector of rates, aid in making a distress or sale pursuant to such warrant, and any constable who refuses to do so shall be liable to a penalty not exceeding Five Pounds."

## PART IV.

## MISCELLANEOUS.

*Certain Contracts not to Disqualify for Office.*

Amendment of  
57 Vict. No. 46,  
Section 9 (1).

**26** Paragraph (1) of Section Nine of the Hobart Corporation Act, 1895, is hereby repealed, and the following paragraph is substituted therefor:—

- "(1) (a) For the supply of water, light, or power to such citizen under the provisions of any Act authorising the Corporation or the Council to supply water, light, or power to the citizens of Hobart:
- (b) For the performance by the Council at his expense of any sanitation or road construction or work:
- (c) In respect of the use by him of any market, abattoirs, or sale-yard, or in respect of the payment for any licence issued to him by the Council:

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(d) In respect of any agreement for the loan of money, or any security for the payment of money, or in the nature of a deposit to be made by him under any Act : A.D. 1927

(e) For the lease, sale, or purchase of lands, or for an agreement for the lease, sale, or purchase of lands :

(f) For any work done or service rendered by the Corporation or the Council under the provisions of any Act :

Provided that the contract made between the citizen and the Council or the Corporation for any of the purposes aforesaid is upon the same terms and subject to the like conditions in every respect as are applicable in the case of persons who are not aldermen."

**SCHEDULES.**

(1)

Date and No. of Act.	Title of Act.	Extent of Repeal.
57 Vict. No. 11	The Hobart Corporation Act, 1893	Sections 252, 253, 254, 255, 257, and 259
7 Ed. VII. No. 19	The Hobart Corporation Act, 1907	Sections 13, 14, and 15
9 Geo. V. No. 14	The Hobart Corporation Act, 1918	Section 4
12 Geo. V. No. 24	The Hobart Corporation Act, 1921	Section 19

(2)

DISTRESS WARRANT FOR RATES.

Tasmania }  
to wit }

To \_\_\_\_\_ and all constables in the State of Tasmania.  
Whereas *A.B.*, of \_\_\_\_\_ Street, in the City of Hobart (hereinafter called the "debtor"), has not paid the sum of \_\_\_\_\_ payable by him by virtue of the City Rate for the City of Hobart [or of the Special Rate for the City of Hobart called the (*name of rate*) Rate], made on or about the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, although the same has been duly demanded of him : These are therefore to command you forthwith to make distress of the goods and chattels of the debtor, wheresoever the same may be found, and also of all goods and chattels found by you upon the property in respect of which such rates are due and payable, to whomsoever the same may belong (except appliances the property of the Hobart Gas Company), and that (unless at any time before the sale of the goods and chattels

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so by you distrained, the said sum, together with all costs, charges, and expenses attendant upon such distress, be paid to you) 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 and also all costs, charges, and expenses attendant upon such distress and sale, rendering to the debtor or other person whose goods and chattels are so distrained by you, as the case may be, the overplus (if any) on demand; and the said sum you are hereby commanded to pay to me; and if no sufficient distress can be made of the goods and chattels of the debtor, or otherwise as aforesaid, that then you certify the same to me together with this warrant.

Given under my hand, this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_ .

C.D.,

City Treasurer of the City of Hobart.

(3)

Tasmania }  
to wit }

To \_\_\_\_\_ and all constables in the State of Tasmania.  
Whereas \_\_\_\_\_ of \_\_\_\_\_ Street, in the City of Hobart (hereinafter called the "debtor") has not paid the sum of \_\_\_\_\_ payable by \_\_\_\_\_ by virtue of the City Rate, for the City of Hobart, [or the Special Rate for the said City called the \_\_\_\_\_ Rate], made—  
As to the sum of \_\_\_\_\_ on or about the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_ .  
And as to the sum of \_\_\_\_\_ on or about the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_ .

although the said sums have, and each of them has, been duly demanded of him: These are therefore to command you forthwith to make distress of the goods and chattels of the debtor wheresoever the same may be found, and also of all goods and chattels whatsoever found upon the property in respect of which such rates are due and payable, to whomsoever the same may belong (except appliances the property of the Hobart Gas Company), and that (unless at any time before the sale of the goods and chattels so by you distrained, the said sums, together with all costs, charges, and expenses attendant upon such distress, be paid to you) 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 sums, and also all costs, charges, and expenses attendant upon such distress and sale, rendering to the debtor or other person whose goods and chattels are so distrained by you, the overplus (if any) on demand; and the said sums you are hereby commanded to pay to me; and if no sufficient distress can be made of such goods and chattels, that then you certify the same to me, together with this warrant.

Given under my hand, this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_ .

C.D.,

City Treasurer of the City of Hobart.