

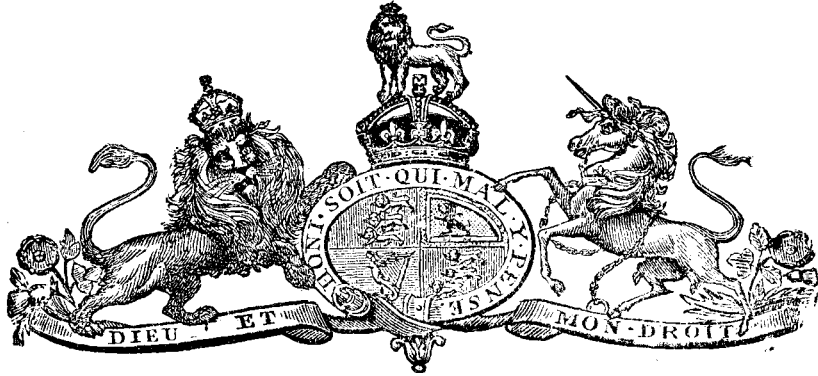
TASMANIA.

THE LAUNCESTON CORPORATION
ACT, 1929.

ANALYSIS.

- | | |
|--|--|
| <p>1. Short title.</p> <p>2. Interpretation.</p> <p style="text-align: center;">PART I.—LEGAL PROCEEDINGS.</p> <p>3. Retainer of solicitor, &c., need not be under seal.</p> <p style="text-align: center;">PART II.—PAVING FOOTWAYS.</p> <p>4. Repeal of Section 236 of Principal Act.</p> <p>5. One-half of expense of paving to be repaid to Council.</p> <p>6. Paving expenses charged on property. Paving charges.</p> <p>7. Further amendment of Section 43 of 9 Geo. V. No 11; 15 Geo. V. No. 59.</p> <p>8. Amendment of Subsection (1) of Section 44 of 9 Geo. V. No. 11, as inserted by Section 13 of 15 Geo. V. No. 59.</p> <p>9. Amendment of Subsection (3) of Section 44 of 9 Geo. V. No. 11, as amended by Section 14 of 15 Geo. V. No. 59.</p> <p style="text-align: center;">PART III.—CEMETERY RESERVE FUND.</p> <p>10. Power to form a cemetery reserve fund.</p> <p style="text-align: center;">PART IV.—SEWERAGE RESERVE FUND.</p> <p>11. Power to form a sewerage reserve fund.</p> <p style="text-align: center;">PART V.—CLIFF GROUNDS.</p> <p>12. Amendment of Section 17 of 62 Vict. No. 60.</p> <p style="text-align: center;">PART VI.—ALDERMEN.</p> <p>13. Amendment of Section 27 of 58 Vict. No. 30, as re-enacted by Section 4 of 12 Geo. V. No. 20</p> <p>14. Amendment of Section 28 of 58 Vict. No. 30, as re-enacted by Section 4 of 12 Geo. V. No. 20.</p> <p>15. Amendment of Section 15 of 9 Geo. V. No. 11.</p> | <p style="text-align: center;">PART VII.—EXTRAORDINARY VACANCIES.</p> <p>16. Amendment of Section 70 of 58 Vict. No. 30, as re-enacted by Section 6 of 12 Geo. V. No. 20.</p> <p style="text-align: center;">PART VIII.—RATES.</p> <p>17. Amendment of Section 122 of 58 Vict. No. 30.</p> <p>18. Assessment of public schools.</p> <p>19. Amendment of Section 44 of 9 Geo. V. No. 11, as amended by Section 13 of 15 Geo. V. No. 59.</p> <p>20. Amendment of Section 135 of 58 Vict. No. 30, as re-enacted by Section 47 of 9 Geo. V. No. 11.</p> <p style="text-align: center;">PART IX.—MORTGAGES AND DEBENTURES.</p> <p>21. Interest may be paid on overdue principal.</p> <p style="text-align: center;">PART X.—ADVERTISEMENTS REGULATIONS.</p> <p>22. Council may order removal of hoardings.</p> <p>23. Council may order removal of all hoardings.</p> <p>24. Compensation.</p> <p>25. Application to Crown land.</p> <p>26. Addressing notice.</p> <p style="text-align: center;">PART XI.—PETROL PUMPS.</p> <p>27. Power of Council to grant permits to use portion of street for installation of petrol pump.</p> <p>28. Effect of permit.</p> <p>29. Conditions on which permit may be granted.</p> <p>30. Power to remove pumps, &c.</p> <p>31. Duty of holder of permit.</p> <p>32. Council not to incur any liability.</p> |
|--|--|

TASMANIA.



1929.

ANNO VICESIMO

GEORGII V. REGIS.

No. 78.

AN ACT to further amend the Launceston Corporation Act, 1894. [18 January, 1930.] A.D. 1929.

WHEREAS it is expedient to further amend the Launceston Corporation Act, 1894: 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 This Act may be cited as "The Launceston Corporation Act, 1929." Short title.

Launceston Corporation.

A.D. 1929.

Interpretation.
58 Vict. No. 30.**2** In this Act, unless the context otherwise indicates—

“ The Principal Act ” means the Launceston Corporation Act, 1894:

“ The City ” means the City of Launceston:

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

“ The Council ” means the Municipal Council of the City of Launceston:

“ Owner ” shall have the same meaning as in the Principal Act.

PART I.

LEGAL PROCEEDINGS.

Retainer of
solicitor, &c.,
need not be under
seal.**3** In any action or other proceeding taken by or against the Corporation, it shall not be necessary for the Corporation by writing under its corporate seal to retain any barrister, solicitor, proctor, or attorney to act for it in any capacity whatsoever, but the receipt of a letter of instruction under the hand of the Mayor or the Town Clerk, or of any other person from time to time authorised by the Corporation to that end, shall be sufficient evidence in all such actions or proceedings that the person or firm receiving the same is duly retained by the Corporation for all purposes connected with such action or proceeding.

PART II.

PAVING FOOTWAYS.

Repeal of
Section 236 of
Principal Act.**4** Section Two hundred and thirty-six of the Principal Act is hereby repealed, but such repeal shall not affect any liability incurred, or any arrangements made, or any proceedings taken or to be taken in respect of anything done before the passing of this Act.One-half of
expense of paving
to be repaid to
Council.**5—(1)** Whenever the Council shall cause the footways or any part thereof of any street or any public place within the City to be paved (whether or no the same has been previously made and formed, provided the same has not been previously paved), one-half of the expense of such paving shall be repaid to the Council by the owners of the lands abutting on such street or public place or portion thereof so paved in proportion to the frontage of such lands.

Launceston Corporation.

(2) Paving shall consist of making a hard, smooth surface with flagstones, bricks, concrete, asphalt, or other material determined by the Council, but the placing of gravel or other similar material painted or coated with tar on any footway or part thereof shall not be considered to be paving. A.D. 1929.

(3) If any such owner refuses or neglects to pay the amount payable to the Council as aforesaid within one month after the same has been demanded, the same shall be recovered in the same way as any municipal rate is now recoverable by law.

(4) When once such footway has been paved the same shall afterwards be repaired and kept in repair by the Council.

(5) The provisions of this section shall apply—

I. In the case of public streets, to all footways:

II. In the case of "existing private streets," to all footways, and, where the footway has not been made and formed, the expense of making and forming shall be added to the expense of paving and shall be considered part of the expense of paving and be payable and recoverable and charged on the adjoining lands accordingly:

III. In the case of "new private streets," to all footways; except where the same have already been paved. See 14 Geo. V. No. 62, ss. 15 and 8 VIII.

6 The one-half payable to the Council by the owner of any land of the expenses incurred by the Council causing any footway or any part thereof of any street or any public place to be paved (including making and forming in certain cases as aforesaid), shall be a charge upon such land in priority to all mortgages, charges, liens, and encumbrances whatsoever, and, notwithstanding such land may be sold and transferred or conveyed, may be recovered at any time from the then owner of such land, whether he may have been the owner at the time the same became payable or not, at the suit of the Council in any action in any court of competent jurisdiction as for a debt due by him. Paving expenses charged on property. Cf. 9 Geo. V. No. 11, s. 42, 15 Geo. V. No. 59, s. 11.

The amount of any such one-half of the expenses may be paid by any mortgagee, and may be added to the principal sum secured by his mortgage, and shall be recoverable with interest (at the rate chargeable under the mortgage upon the moneys thereby secured) as the same moneys are recoverable.

Such one-half of the expenses as aforesaid shall be known as "paving charges." Paving charges.

7 Section Forty-three of the Launceston Corporation Act Amendment Act, 1918, as amended by Section Twelve of the Further amendment of Section 43 of 9 Geo. V. No. 11; 15 Geo. V. No. 59.

Launceston Corporation.

A.D. 1929.

Launceston Corporation Act (No. 3), 1924, is hereby further amended, as follows:—

- I. The words “or paving charges” are hereby inserted after the word “expenses” in the third line and also in the eleventh line:
- II. The words “and paving charges” are hereby inserted after the word “expenses” in the eighth line.

Amendment of Subsection (1) of Section 44 of 9 Geo. V. No. 11, as inserted by Section 13 of 15 Geo. V. No. 59.

8 Subsection (1) of Section Forty-four of the Launceston Corporation Act Amendment Act, 1918, as inserted by Section Thirteen of the Launceston Corporation Act (No. 3), 1924, is hereby amended by repealing Paragraph III. at the end of such subsection and by inserting in lieu thereof—

- “III. ‘Drainage charges’ charged upon the property by Section Eleven of the Launceston Corporation Act (No. 3), 1924:
- IV. ‘Paving charges’ charged upon the property by Section Six of the Launceston Corporation Act, 1929.”

Amendment of Subsection (3) of Section 44 of 9 Geo. V. No. 11, as amended by Section 14 of 15 Geo. V. No. 59.

9 Subsection (3) of Section Forty-four of the Launceston Corporation Act Amendment Act, 1918, is hereby amended by inserting the words “and paving charges” after the word “expenses” at the end of the words inserted in the said Subsection (3) by Section Fourteen of the Launceston Corporation Act (No. 3), 1924.

PART III.

CEMETERY RESERVE FUND.

Power to form a cemetery reserve fund.

Cf. 62 Vict. No. 60; 2 Ed. VII. No. 9.

Cf. 59 Vict. No. 52, s. 4; 8 Ed. VII. No. 30, s. 6; 4 Geo. V. No. 58, s. 8. 29 Vict. No. 7.

10 It shall be lawful for the Corporation from time to time to set apart such sum or sums of money as the Council shall from time to time think fit. either out of moneys received by the Council as the trustees of any cemetery by way of fees and penalties or otherwise or out of any other moneys of the Corporation, for the purpose of forming and building up a reserve fund, and to invest the same from time to time, and to use the income from such investments and the moneys so invested or such part thereof as the Council shall from time to time think fit, either to augment such reserve fund or for carrying out any of the powers which the Council have as trustees of any cemetery by virtue of Section Ten of the Cemeteries Act, 1865.

Launceston Corporation.

PART IV.

A.D. 1929.

SEWERAGE RESERVE FUND.

11 It shall be lawful for the Corporation from time to time to set apart such sum or sums of money as the Council shall from time to time think fit, either out of moneys received by the Council by way of sewerage rates or otherwise or out of any other moneys of the Corporation, for the purpose of forming and building up a reserve fund and to invest the same from time to time, and to use the income from such investments and the moneys so invested or such part thereof as the Council shall from time to time think fit, either to augment such reserve fund or for meeting or carrying out any exceptional expenditure or any repairs, renewals, substitutions, extensions, or additions to, or any liability which may be incurred with respect to or in connection with, the draining and cleansing of the City (including sewerage and underground drains).

Power to form a sewerage reserve fund.

Cf. 59 Vict. No. 52, s. 4 ;
8 Ed. VII. No. 30, s. 6 ; 5 Geo. V. No. 33, s. 6.
Cf. 7 Geo. V. No. 10, s. 4.

PART V.

CLIFF GROUNDS.

12 Notwithstanding anything contained in Section Seventeen of the Launceston Corporation Act, 1898, it shall be lawful for the Mayor, at any time or times, by order signed by him or the Town Clerk, to permit any person or persons to enter and use the Cliff Grounds either once or for any number of times or for any period of time, without paying a toll or holding a season ticket, but such permission may at any time be withdrawn or cancelled by notice in writing signed by the Mayor or Town Clerk and posted to the person or persons to whom permission was given or given to the Caretaker of the Cliff Grounds.

Amendment of Section 17 of 62 Vict. No. 60.

PART VI.

ALDERMEN.

13 The words "thirty-seventh" in the first line and "thirtieth" in the second line of Subsection (2) of Section Twenty-seven of the Principal Act are hereby expunged, and the words "fourteenth" and "seventh" are hereby inserted in lieu thereof respectively.

Amendment of Section 27 of 58 Vict. No. 30, as re-enacted by Section 4 of 12 Geo. V. No. 20.

Launceston Corporation.

A.D. 1929.

Amendment of
Section 28 of 58
Vict. No. 30, as
re-enacted by
Section 4 of 12
Geo. V. No. 20.

Amendment of
Section 15 of
9 Geo. V. No. 11.

14 The words "twenty-nine" in the first line of Sub-section (1) of Section Twenty-eight of the Principal Act are hereby expunged and the word "six" is hereby inserted in lieu thereof.

Voting by Post.

15 The word "thereupon" in the twelfth line of Section Fifteen of the Launceston Corporation Act Amendment Act, 1918, is hereby expunged, and the words "as soon as possible thereafter" are hereby inserted in lieu thereof.

PART VII.

EXTRAORDINARY VACANCIES.

Amendment of
Section 70 of 58
Vict. No. 30, as
re-enacted by
Section 6 of 12
Geo. V. No. 20.

16 The words "thirty-seventh" in the seventh line and "thirtieth" in the eighth line of Section Seventy of the Principal Act are hereby expunged, and the words "fourteenth" and "seventh" are hereby inserted in lieu thereof respectively.

PART VIII.

RATES.

Amendment of
Section 122 of
58 Vict. No. 30.

17 The words—

"Any hospital, benevolent asylum, or other building used solely for charitable purposes" comprising the present fifth and sixth lines of Section One hundred and twenty-two of the Principal Act are hereby expunged, and the words—

"The Launceston General Hospital; the Home for Invalids, Mulgrave-street; the Men's Home, City Mission, Wellington-street; the Girls' Home, Wellington-street; the Salvation Army Retreat, Connaught Crescent; Launceston Benevolent Society's Office, King's Way; Queen Victoria Hospital for Women; and the Homœopathic Hospital"—

are hereby inserted in lieu thereof.

Assessment of
public schools.

9 Geo. V. No. 11.

18 As from the thirtieth day of June, one thousand nine hundred and twenty-nine, the annual value of ratable land and buildings in the City of Launceston belonging to and used for any of the purposes or activities of any public school shall be deemed to be an amount equal to three per centum upon the capital value of such land and buildings instead of the five per centum mentioned in Section Fifty-three of the Launceston Corporation Act Amendment Act, 1918.

Launceston Corporation.

For the purposes of this section a public school is a school which is—

- I. Registered under the Registration of Teachers and Schools' Act, 1906, as a secondary school (*i.e.*, one which offers to its pupils a graduated course of general education of a kind and amount suitable for pupils of an age range of from twelve years to eighteen years, such as will enable an adequate proportion of them to pass the Leaving Examination of the University of Tasmania); and
- II. Vested in trustees; and
- III. Has an average attendance of not less than fifty scholars.

19 The word "five" in the third line of Subsection (1) of Section Forty-four of the Launceston Corporation Act Amendment Act, 1918, is hereby expunged, and the word "three" is hereby inserted in lieu thereof.

A.D. 1929.
6 Ed. VII. No. 15.

Amendment of
Section 44 of
9 Geo. V. No. 11,
as amended by
Section 13 of
15 Geo. V. No. 59.

20 The word "five" in the fourth line of Section One hundred and thirty-five of the Principal Act is hereby expunged, and the word "three" is hereby inserted in lieu thereof.

Amendment of
Section 135 of 58
Vict. No. 30, as
re-enacted by
Section 47 of
9 Geo. V. No. 11.

PART IX.

MORTGAGES AND DEBENTURES.

21 Whenever the principal sum secured by any mortgage (other than an instalment mortgage) or by any debenture (other than an instalment debenture) has become payable and has not been paid, the Corporation may pay to the person or persons entitled to the payment of such principal, if the Council shall think fit, interest thereon at such rate, at such times, and for such periods and either in any particular case or in any particular class of cases or generally as the Council shall from time to time decide.

Interest may be
paid on overdue
principal.

But the payment of such interest shall not entitle the Corporation to retain such principal sum if the person or persons entitled require payment of such principal.

All payments of interest heretofore made by the Corporation in respect of principal sums which have not been paid when they became payable are hereby admitted and allowed to have been properly paid.

Launceston Corporation.

A.D. 1929.

PART X.

ADVERTISEMENTS REGULATIONS.

Council may order
removal of
hoardings.See 7 Ed. VII.,
Section 46, Part 1.Council may order
removal of all
hoardings.

Compensation.

22 The Council may, by resolution, order the owner of any land on which any hoarding or similar structure may be to remove the same by a certain date, not less than six months after such order, and, if such order is, within one week of the making thereof, posted by registered letter addressed to such owner at the last known place of business or residence of such owner or left on the said land, such owner shall be taken to have received such order and shall be bound thereby, and no owner shall neglect or refuse to obey such order, and, in case any owner shall, for fourteen days, neglect or refuse to obey such order, the Council may remove such hoarding or similar structure and may destroy the same or take the material of the same for the use of the Corporation, and the cost of such removal may be added to the amount of the penalty hereinafter mentioned.

Penalty: Twenty Pounds.

23 The Council may, by a resolution, order that all hoardings and similar structures within the boundaries of the City shall be removed by a certain date not less than six months after such order.

Or may from time to time, by a resolution, order that all hoardings and similar structures within any particular part or parts of the City shall be removed by a certain date not less than six months after such order.

And may advertise any such order within one week from the making thereof in a newspaper published in the City.

And thereupon every owner of any land within the City or within the particular part of the City (as the case may be) on which land any hoarding or similar structure may be, shall be taken to have received an order under Section 22 and shall be bound thereby, and the provisions of that section shall apply.

24 In any case where any owner of any land is to be taken to have received an order for the removal of any hoarding or similar structure (which has been erected, put up, or placed with the consent of the Council), and to be bound thereby as aforesaid, and such owner—

- I. Removes such hoarding or similar structure by the date mentioned by such order: and
- II. Gives notice in writing to the Council claiming compensation as hereinafter provided—

the Council shall pay a reasonable sum to such owner, as and by way of compensation.

Launceston Corporation.

The claim for compensation abovementioned shall be made within two months after the owner is to be taken to have received the order, and one month before the owner commences to remove the hoarding or similar structure, and shall contain the name of the arbitrator to be appointed by the owner should the compensation not be agreed upon between the Council and the owner, so that such arbitrator, together with the arbitrator to be appointed by the Council, may view such hoarding or similar structure before it is removed. A.D. 1929.

In default of agreement the compensation shall be determined in manner provided by the Arbitration Act, 1892.

25 The operation of this part of this Act and also Part I. of the second Launceston Corporation Act Amendment Act, 1907, shall extend to hoardings and similar structures on Crown land, except those hoardings and similar structures which shall be used exclusively for the purpose of advertising the railways, the Hydro-Electric, the Tourist Bureaux, or other departments of the Government, and service of such order shall be sufficient if attached to, or left upon, the said land. Application to
Crown land.

26 When the name of the owner of any land is unknown to the Council it shall be sufficient to address the order "To the owner of" the land on which the hoarding or similar structure is. Addressing
notice.

PART XI.

PETROL PUMPS.

27 It shall be lawful for the Council from time to time to issue a permit to the owner or occupier of any land within the City, to use and occupy such portion of the street and footway on which such land has a frontage, as may be required, for the purposes hereinafter in this Part mentioned. Power of Council
to grant permits
to use portion of
street for instal-
lation of petrol
pump.

28 The permit, while in force, shall authorise the holder, subject to the provisions of the Inflammable Liquids Act, 1929, and subject to such conditions as the Council may impose— Effect of permit.
20 Geo. V. No. 7.

- I. To erect and maintain a petrol pump for the supply of inflammable liquid in and upon such street and footway, or either of them, as the Council may determine, and to sell and supply such liquid therefrom:
- II. To make excavations, and to lay down and maintain such apparatus, appliances, pipes, and conduits as may be necessary for the purposes aforesaid.

Launceston Corporation.

A.D. 1929.

Conditions on
which permit may
be granted.

29—(1) Every such petrol pump shall be erected and maintained in such position only as the Council may approve, and no such approval shall be given where, in the opinion of the Council, the petrol pump would unduly obstruct the street or footway or the traffic therein.

(2) The Council may make such charges in respect of such permits as may be prescribed.

(3) The Council may refuse to issue a permit in any case where, in the opinion of the Council, it is desirable so to do.

(4) Any permit may be transferred, renewed, or cancelled in such cases and upon such conditions as may be prescribed.

Power to remove
pumps, &c.

30—(1) If at any time any petrol pump is unused or, in the opinion of the Council, is or is likely to become a danger or obstruction to traffic, the Council may require the owner thereof to remove the same and all apparatus, appliances, pipes, and conduits appertaining thereto or used in connection therewith.

(2) If such owner as aforesaid fails to remove any such petrol pump or thing as aforesaid as and when required by the Council, it shall be lawful for the Council to remove the same at the expense of such owner, and the Council may recover the cost of such removal from such owner in any court of competent jurisdiction as a debt due to the Corporation.

(3) For the purposes of this section, the term "owner" shall include the holder of the permit in respect of any petrol pump so required to be removed, or, if no such permit is in force, then the person who last held a permit in respect thereof.

(4) Where any petrol pump is removed as provided by this section, the Council shall pay or allow to the holder of such permit as aforesaid, a proportionate part of the fee paid for such permit in respect of the unexpired portion, if any, of the term for which the same was granted or issued.

Duty of holder
of permit.

31—(1) The holder of any permit under this Part shall make good and repair, to the satisfaction of the Council, all damage to the surface of any street or footway, and to any pipes, gutters, channels, or other property of the Corporation.

Penalty: Ten Pounds.

(2) If such holder as aforesaid fails to make good any such damage as aforesaid the Council may make good and repair the same at the expense of such holder, and may recover the cost of so doing from him in any court of competent jurisdiction as a debt due to the Corporation.

Council not to
incur any
liability.

32 The Council shall not incur any liability by reason of the grant of any permit, or in respect of anything done or omitted to be done by the holder thereof, or of any injury, damage, or loss occasioned to any person in consequence of the grant of the permit.