

LAUNCESTON CORPORATION ACT AMENDMENT ACT, 1908.

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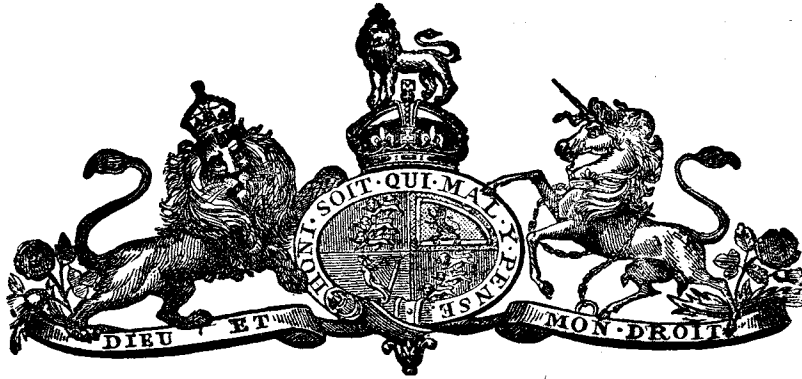
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TASMANIA.



1908.

ANNO OCTAVO

EDWARDI VII. REGIS,

No. 15.



AN ACT to further amend "The *Launceston* Corporation Act, 1894" [3 December, 1908.]

A.D. 1908.

WHEREAS it is expedient to further amend "The *Launceston* Corporation Act, 1894:"

PREAMBLE
58 Vict. No. 30.

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 Amendment Act, 1908."

Interpretation.

2 In this Act, unless the context otherwise indicates—

"The city" means the city of *Launceston*;

"The Corporation" means the Corporation and body politic of the Mayor, Aldermen, and citizens of the city of *Launceston*;

"The Council" means the Municipal Council of the city of *Launceston*;

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

“Street” extends to and includes any public and common highway, road, square, court, passage, alley, thoroughfare, public way, footway, any park, garden, reserve, place of public resort, and any avenue leading thereto

PART I.**HAWKERS.**

- 3** The Council may from time to time make by-laws—
- i. For regulating the selling, or offering, or carrying about for sale by hawkers or itinerant vendors by retail of goods, wares, merchandise, animals, birds, or things, within the city :
 - ii. For licensing such hawkers or vendors, and for regulating the granting and cancellation of the licences and the fees to be paid for or in respect of such licences :
 - iii. For compelling such hawkers or vendors to carry scales :
 - iv. For prohibiting or restricting such hawkers or vendors selling or offering, or carrying about, such goods, wares, merchandise, animals, birds, or things as the Council thinks fit :
 - v. For prohibiting or regulating such hawkers or vendors selling, or offering, or carrying about, any goods, wares, merchandise, animals, birds, or things in or upon any particular street or part thereof :
 - vi. For empowering constables and officers of the Council to detain and search such hawkers' or vendors' vehicles, carts, baskets, panniers, trays, and packs, or other thing wherein or whereon are deposited any goods, wares, merchandise, animals, birds, or things, upon reasonable suspicion that stolen or prohibited property is therein or thereon, and to seize any such property, and for imposing penalties upon any person molesting or obstructing any constable or officer in the making of any such search.
- Provido.** Provided that the provisions in this Act contained relating to such hawkers or vendors shall not extend or apply to any articles or things declared by the Governor to be exempt, nor to any person travelling to obtain orders for any merchant or shopkeeper, and not having with him any goods, wares, or merchandise, excepting samples.
- Ct. 58 Vict.
No. 20, s. 185. The power to make the above by-laws is in addition to all powers now vested in the Council, and such by-laws shall be subject to the provisions relating to general by-laws in the Principal Act contained

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ACCOUNTS.

- 4** On and from the Thirtieth day of *June*, One thousand nine hundred and nine—
- i. In Section One hundred and sixty-six of the Principal Act—
- (a) The word "*January*" in the first line thereof shall be and is hereby expunged, and the word "*August*" shall be and is inserted in lieu thereof;
- (b) The word "*December*" in the third line thereof shall be and is hereby expunged, and the word "*July*" shall be and is inserted in lieu thereof;
- (c) And the word "year" in the seventh line thereof shall be and is hereby expunged, and the words "Twelve months up to and including the said Thirty-first day of *July*" shall be and are inserted in lieu thereof:
- ii. In Section Six of "The Launceston Corporation Act, 1895," the word "*March*" in the first line thereof shall be and is hereby expunged, and the word "*October*" shall be and is inserted in lieu thereof.

Amendments of Section 166 of 58 Vict. No. 30.

And Section 6 of 59 Vict. No. 49.

5 As in the year One thousand nine hundred and nine the Council will be required to cause Two statements of accounts to be drawn out, it is hereby enacted that the Second statement and account drawn out in that year shall be for the period of Seven months only from and including the First day of *January*, One thousand nine hundred and nine, up to and including the Thirty-first day of *July*, One thousand nine hundred and nine; but all the provisions of the Principal Act and the Amendments thereto relating to the annual statements and accounts shall apply to such Second statement and account.

Provision as to fraction of year in 1909.

6 It shall be lawful for the Council from time to time to make such a rebatement as the Council shall think fit upon all moneys (except rates and charges other than charges made or levied in accordance with Section Six of "The Health Rate Act, 1905") due and owing to the Corporation, and which shall be paid to the Council not later than Fourteen days after demand has been made for payment thereof.

Discount may be allowed.

PART III.

TRAFFIC.

7 Whenever and so often as in the opinion of the Mayor it is expedient so to do, the Mayor may temporarily prohibit, prevent, or divert, or cause to be temporarily prohibited, prevented, or diverted, all or any part of the traffic upon or from any street in the city, or may

Temporary diversion of traffic. Cf. 5 Ed. VII. No. 30, s. 145.

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Temporary
closing of streets.
Ibid., s. 146.Street may be
opened up.
Ibid., s. 156.

close any street in the city to traffic during any temporary obstruction with danger to traffic, or for any temporary purpose, or may cause to be dug up, opened, and excavated any street in the city, and may stop the thoroughfare thereof.

Provided that he shall whenever it is practicable give public notice in some newspaper or newspapers generally circulating in the city of his intention so to do.

No person shall disobey or fail to comply with any direction given for prohibiting, preventing, or diverting all or any part of the traffic, whether by stopping the thoroughfare, closing the street, or otherwise in pursuance of this section.

Penalty : Five Pounds.

Person to give
name and address.

8 Any person committing any offence against the preceding section shall, when required by the Mayor or any person authorised by the Mayor to demand the same, or any officer of the Corporation, or any constable, state his true name and place of abode.

Penalty : Five Pounds.

PART IV.**BUTCHER'S LICENCE.**Amendment of
Section 201 of
58 Vict. No. 30.

9 In Section Two hundred and one of the Principal Act the words "by any by-law made under this Act" are hereby expunged.

PART V.**SANITARY CHARGES RECOVERABLE AS RATES.**Sanitary charges
recoverable as
rates.
5 Ed. VII.
No. 29, s. 6, and
Cf. *ibid.*,
s. 11 (2).

10 The payment to the Council of every charge heretofore made or levied by the Council, or by the Board of the town of *Invermay*, or by the Board of the town of *Trevallyn*, and still unpaid, or hereafter made or levied by the Council in accordance with Section Six of "The Health Rate Act, 1905," or any previous Act relating to sanitary rates, may be enforced and such charges recovered by the Council in the same manner as city rates.

PART VI.**SEWERS, DRAINS, AND MISCELLANEOUS.**Power to make
common sewers.
Cf. 29 Vict.
No. 10, s. 239.
5 Ed. VII.
No. 30, s. 157.

11 It shall be lawful for the Council to cause such and so many public sewers and drains as the Council may think fit or necessary to be made in any street in the city, and also to cause all such sewers and drains, and all other sewers and drains which have now been and may hereafter be adopted by the Council to be enlarged, repaired, cleansed, or altered, as the Council may deem proper.

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12 It shall be lawful for the Council or the City Surveyor, or any person authorised by the Council in that behalf, with all necessary labourers, and assistants, and implements, when and so often as it may be deemed necessary, to enter upon any private lands within the city, and to make, enlarge, repair, cleanse, alter, or continue upon any of such lands all or any such sewers and drains as may be deemed necessary. Provided that Fourteen days' notice in writing, signed by the Mayor, of the intention so to enter upon any such lands shall be first given to the owner or occupier thereof, or affixed in some conspicuous place on the same.

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Sewers through
private property.
Ibid., s. 240.

13 When any entry is made upon any private lands under the powers in the last preceding section contained, the Council shall pay to each owner and occupier thereof such equitable compensation for any damage or inconvenience suffered by such owner and occupier respectively as is agreed upon between such owner or occupier respectively and the Council; and in case of dispute, such compensation shall be determined and recovered from the Council in a summary way, by and before any Two or more justices, in the mode prescribed in "The Magistrates Summary Procedure Act."

Compensation.

19 Vict. No. 8.

14 All sewers and drains within the city shall be provided with proper traps or other coverings, and means of ventilation, so as to prevent stench; the public sewers and drains by the Council, and those belonging to or used by other persons by those persons.

All sewers, &c.,
to be covered
with traps.
Ibid., s. 241.

15 In all cases whenever any allotment of land within the city which abuts on any street or any other land through which a common sewer runs, or which allotment is within One hundred feet of a common sewer, is at any time found not to be drained by a sufficient drain communicating with such common sewer and emptying itself into the same to the satisfaction of the Council or the City Surveyor, it shall be lawful for the Council, by notice in writing under the hand of the Town Clerk, to require the owner of such allotment of land forthwith, or within such reasonable time as shall be appointed by the Council, to construct and make from such allotment of land into such common sewer a covered drain, of such materials, of such size, at such level, and with such fall as shall in the opinion of the Council or the City Surveyor be adequate for the drainage of such land and all buildings and premises thereon into the said sewer; and such owner shall thereupon make and construct such covered drain accordingly, and provide a fit and proper trap and affix same to the mouth thereof; and if the owner of such land neglects or refuses during Thirty days after the service of such notice, either by post (addressed to the usual or last known place of abode in *Tasmania* of such owner) or personally, on such owner, to begin to construct such drain, or thereafter fails to carry it on and complete it with all reasonable despatch, it shall be lawful for the Council and the Council is hereby empowered to cause the same to be constructed and made with such trap as aforesaid, and to recover the

Council may
compel owners to
construct drains
into common
sewers.Penalty on owner
for neglect.

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expenses to be incurred thereby from the owner in the manner hereinafter provided.

Moneys expended by Council to be recovered in summary way. *Ibid.*, s. 243.
19 Vict. No. 8.

16 The expenses to be incurred by the Council in executing and completing any such work as hereinbefore is mentioned, or in causing the same to be done, shall be determined and recovered from the owner of any such allotment of land as aforesaid in a summary way, by and before any Two or more justices, in the mode prescribed by "The Magistrates Summary Procedure Act."

Interpretation. "Owner." *Ibid.*, s. 244.

17 The agent or attorney of an owner who may be absent from the State of *Tasmania* shall be deemed to be the owner for the purposes of the Five foregoing sections relating to sewers.

Miscellaneous.

Liability of owners, &c., for animals, &c., trespassing.

18 No person shall at any time permit or suffer any animals or birds belonging to him, or of which he has the care or control, to go or be upon or in any park, garden, reserve, or property owned, occupied, or under the care, charge, or control of the Corporation or the Council without the consent of the Council.

Penalty: Two Pounds, together with a sum equal to the damage done to or in such park, garden, reserve, or property by any such animals or birds.