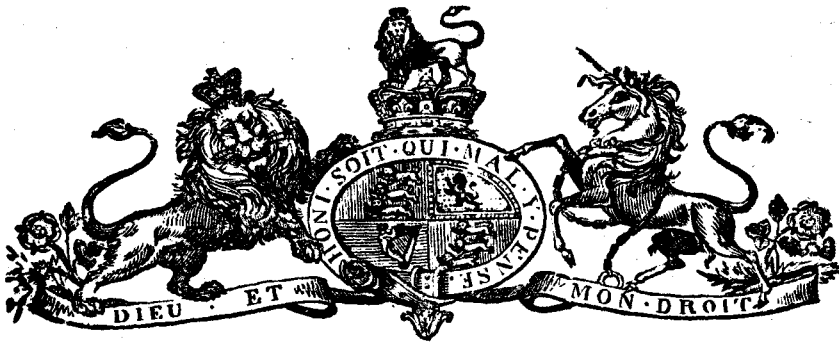


T A S M A N I A.



1873.

ANNO TRICESIMO-SEPTIMO

VICTORIÆ REGINÆ,

No. 21.

AN ACT to amend "The Local Public Works Act, 1872." A.D. 1873.
[31 October, 1873.]

WHEREAS it is necessary and desirable to amend "The Local Public Works Act, 1872 :—" PREAMBLE.
36 Vict. No. 18.

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1 Sections One, Two, and Three of "The Local Public Works Act, 1872," are hereby repealed, but this repeal shall not affect anything duly done before the commencement of this Act.

2 In the construction of the said Act and this Act—

Interpretation.

"Work" means and includes Railways, Tramways, Bridges, Irrigation and Drainage Works, Jetties, Breakwaters, Works for the supply of water to Towns, Electric Telegraphs, and other Works to be approved by the Governor in Council :

"Occupier" means a resident Leaseholder of any land situate within the District having at least Five years of his Lease unexpired, and any person occupying Crown land under a contract to purchase the same who has paid at least Fifty Pounds of the purchase-money of such land :

"Owner" includes the duly constituted Attorney of an owner absent from *Tasmania*, and the Guardian of a minor entitled to land within the District :

"District" means any District duly proclaimed under the said Act :

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“Voter” means an Owner or Occupier of property within the District entitled to vote as hereinafter provided.

“Assessment Roll” means and includes every Assessment Roll in force for the time being made under *The Rural Municipalities Act, 1865*, and every Valuation Roll in force for the time being made under *The Property Valuation Act*, in which any property situate within the District is comprised.

Proclamation of District.

3 It shall be lawful for the Governor in Council, upon the petition of Ten owners or occupiers of property of the aggregate annual value of not less than Five hundred Pounds, situate within the part of *Tasmania* described in such petition, praying that the same may be declared a District for the purposes of the said Act, and that assistance may be afforded to such District in the construction of any Work described therein on the terms mentioned in the said Act, to proclaim such part of *Tasmania* as is described in such petition a District for the purposes of the said Act.

Proclamation of District to name time and place for decision of owners, &c. of property.

4 When any portion of the Colony is proclaimed by the Governor in Council as and to be a District for the purposes of the said Act, the Governor shall in such Proclamation direct that at a time and place therein named the owners and occupiers of property situate within the District shall, by a poll to be taken in manner hereinafter provided, decide whether such Work shall be constructed under the said Act.

Governor to appoint Returning Officer.

5 The Governor shall appoint the person by whom the decision of the owners and occupiers aforesaid shall be ascertained; and such person is hereinafter referred to as the Returning Officer.

Returning Officer's Declaration.

6 The Returning Officer shall, before the day of Poll, make and subscribe before any Justice of the Peace a declaration in the form in the Schedule (1); and any Returning Officer who acts contrary to such declaration shall be liable to forfeit and pay a penalty not exceeding Fifty Pounds.

Scale of votes.

7 Every owner and occupier shall have a number of votes proportioned to the annual value, as ascertained by the Assessment Roll, of the property within the District owned or occupied by him according to the following scale:—

<i>Annual Value of Property.</i>	<i>Number of Votes.</i>
£5 and under £40 (in the case of an owner)	1
£10 and under £40 (in the case of an occupier) .	1
£40 and under £80	2
£80 and under £120	3
£120 and under £160	4
£160 and under £200	5
£200 and under £240	6
£240 and under £280	7
£280 and under £320	8
£320 and under £360	9
£360 and upwards	10

Mode of calculating votes.

8 Any owner or occupier of several properties within the District shall be entitled to a number of votes, according to the scale aforesaid, in proportion to the aggregate annual value of such properties as ascertained as aforesaid.

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9 Where any property is jointly owned or occupied by more persons than One, each of such joint Owners or Occupiers, if the annual value of such property is of an amount which, when divided by the number of such joint Owners or Occupiers, gives for each Owner or Occupier a sum not less than the sum which would entitle such person to vote if he owned or occupied separately, shall be entitled to vote in respect of the property so jointly owned or occupied; and if the value of such property is not of such an amount as to be so divisible as aforesaid, then only such One of such joint Owners or Occupiers shall be entitled to vote in respect of the property so jointly owned or occupied as is for that purpose deputed in writing by the other or others of such joint Owners or Occupiers.

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Provides for joint ownership or occupation.

10 At or before the time fixed by the Governor as aforesaid the Returning Officer shall cause rooms to be hired or otherwise obtained at the place named by the Governor as occasion requires; and the same shall be so divided and arranged as to the Returning Officer seems best adapted for carrying out the provisions of this Act, but so that there shall be as many inner rooms or compartments as may be necessary, opening only into the room in which the Ballot-box is kept, and sufficiently supplied with writing materials, in which the persons voting shall be enabled to fill up their Ballot-papers, as hereinafter provided, in perfect secrecy, and with perfect security from interruption; and the Returning Officer shall furnish a sufficient number of copies of the Assessment Roll; and shall also provide a sufficient number of Ballot-boxes with secure locks and with apertures through which the Ballot-papers are to be put into such Ballot-boxes.

Returning Officer to provide rooms;

writing materials;

copies of Assessment Roll; and Ballot-boxes.

11 The registration of votes shall be held before the Returning Officer, and shall commence at Nine o'clock in the forenoon and shall finally close at Four o'clock in the afternoon of the day appointed by the Governor as aforesaid.

Time of voting.

12 The Returning Officer shall appoint some one of the persons who signed the Petition hereinbefore mentioned to be Scrutineer on behalf of the petitioners, and any Owner or Occupier of property within the District not being a petitioner to be Scrutineer on behalf of all persons not being petitioners; and such Scrutineers shall be entitled to be present in the room in which the Ballot-papers are received as hereinafter provided.

Appointment of Scrutineers.

13 The Returning Officer shall provide a sufficient number of printed Ballot-papers containing the words "Ballot-paper" as a heading, with the number of votes to which each voter is entitled, and the words "yes" and "no" printed thereon; and such Ballot-papers shall be signed on the back by the Returning Officer.

Returning Officer to provide Ballot-papers.

14 Each and every voter shall enter unattended into the room provided for the purpose, and in presence of the Returning Officer sign his name on the Assessment Roll opposite to where his name, residence, and annual value of property appears, and shall receive from the Returning Officer a Ballot-paper, with the number of votes to which such voter is entitled printed thereon; and he shall then retire unattended into a private room, and shall there strike out the word "yes" or "no," and shall afterwards place the Ballot-paper in a Ballot-box provided for that purpose; and if the word "yes" remains on the said Ballot-paper, it shall be taken to signify that the person so voting is in favour of the

Mode of voting.

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construction of the work under the provisions of the said Act, and if the word "no" remains thereon, it shall be taken to signify that the person so voting is not in favour of the construction of the work under the provisions of the said Act; and if neither of the said words are struck out then such Ballot-paper shall be null and void, and shall not be taken into account in estimating the votes of the Owners and Occupiers aforesaid.

Votes may be objected to.

15 Any vote tendered to the Returning Officer may be objected to by any Scrutineer then present on the ground that the person tendering the same is not entitled to vote, and every such objection shall be decided by the Returning Officer.

No enquiry except as to identity of persons and whether already voted.

16 No enquiry shall be permitted as to the right of any person to vote, except only as follows; that is to say, the Returning Officer shall, if he thinks fit, or if required by any Scrutineer, take from any person tendering himself as a voter, before or at the time the Ballot-paper is delivered to him, and not afterwards, the declaration in the Schedule (2); and any person who wilfully makes any such declaration falsely shall be liable to a penalty not exceeding Twenty Pounds and not less than Five Pounds.

Leaseholder to make declaration if required.

17 No person being a leaseholder of any land situate within the District shall be entitled to vote as hereinbefore provided unless and until he makes before the Returning Officer, if required by any Scrutineer, the declaration in the form in the Schedule (3); and any person who wilfully makes any such declaration falsely shall be liable to a penalty not exceeding Twenty Pounds and not less than Five Pounds.

Provision in case of blind persons, &c.

18 In event of any voter who is blind or cannot write desiring to vote, such Returning Officer shall write his name in the proper place on the Assessment Roll as aforesaid, and attest the same under his hand; and shall strike out the word "yes" or "no" as such voter shall direct; and such registration shall be binding on such voter.

Returning Officer to make Return.

19 The Returning Officer shall, as soon as possible after the close of the poll, make an abstract of the total result of the said poll, and shall sign the same, and immediately transmit such abstract to the Governor; and the said abstract shall be published within Ten days after the receipt thereof in the *Gazette*.

Expenses of taking poll.

20 No District shall be proclaimed by the Governor as aforesaid unless and until a reasonable sum of money for the necessary expenses of taking the poll hereinbefore mentioned has been deposited with the Colonial Treasurer, and such sum of money shall be of such an amount as the Governor may determine, and shall be appropriated by the Colonial Treasurer in discharging all claims which may arise in taking the poll and all expenses connected therewith; and the residue of such sum of money, if any, shall be repaid to the person depositing the same with the Colonial Treasurer.

If the District decides in favour of the work being constructed, then the amount paid by the Colonial Treasurer in discharging claims arising in taking the poll and all expenses connected therewith shall be repaid to the person or persons depositing the sum of money hereinbefore mentioned with the said Treasurer out of the moneys provided by Parliament for the purposes of the said work, in the same manner as expenses incurred by promoters in preparing plans and estimates of works are paid under the Sixth Section of the said Act.

Local Public Works Amendment Act, 1873.

21 If the District decides in favour of the work being constructed, **A.D. 1873.**
 then the Governor may, if he sees fit, require the plans and specifications of such work, with the report of a competent Engineer thereon, or without such report, to be furnished; and upon the Governor in Council being satisfied that such work is one of public benefit and utility, and that the same can be constructed for a specified amount not exceeding Ten thousand Pounds, and that a rate of not more than One Shilling in the Pound on the annual value of the property within the District will be sufficient to comply with the terms of the said Act, he may, if he sees fit, by notice in the *Gazette*, declare that the proposed work shall be constructed under the provisions of the said Act.

Plans and specifications, &c. being furnished, Governor in Council may declare that work shall be constructed.

22 If in any year the promoters fail to pay to the Colonial Treasurer any moneys payable by the promoters in respect of any work, then it shall be lawful for the Governor in Council, if he shall think fit, in place of exercising the powers conferred on him by the Thirteenth Section of the said Act, to put in force and exercise all or any of the powers which are conferred upon the promoters by the Twentieth Section of the said Act; and all things done by the Governor in Council under that section shall be deemed to have been done by the promoters, and all the provisions of the said Act shall be applicable thereto.

Governor in Council to have power to make Regulations.

23 This Act and the said Act shall, save so far as altered by this Act, be read and construed together as one Act.

Acts to be read together.

24 This Act may be cited as "The Local Public Works Amendment Act, 1873,"

Short title.

SCHEDULE.**(1.)**

I, *A.B.*, do hereby solemnly and sincerely declare that I will faithfully perform the duties devolving upon me in ascertaining the decision of the owners and occupiers of property within the Local Public Works District of _____ as to the construction of the work mentioned in the Proclamation of the Governor dated the _____ day of _____ 187____, that I will not in any manner interfere with any voter when filling up his Ballot paper, or attempt to ascertain the manner in which he votes; and in case I should become acquainted with the manner in which any voter has voted, then that I will not disclose to any person whomsoever the fact so coming to my knowledge, nor by any word or action, directly or indirectly, aid in discovering the same.

(2.)

I, *A.B.*, do hereby solemnly declare that I am the person named in the Assessment Roll [or Valuation Roll] now in force for the District of _____, and that I have not already voted at this poll.

(3.)

I, *A.B.*, do hereby solemnly declare that there is now Five years unexpired of the lease under which I occupy the land mentioned in the Assessment Roll [or Valuation Roll] now in force for the District of _____

Dated this _____ day of _____ 187____.

JAMES BARNARD,
GOVERNMENT PRINTER, TASMANIA.