



DEFACEMENT OF PROPERTY

No. 19 of 1975

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AN ACT to amend the Defacement of Property Act 1898.

[15 May 1975]

BE it 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 *Defacement of Property Act* Short title and citation. 1975.

(2) The *Defacement of Property Act* 1898, as subsequently amended, is in this Act referred to as the Principal Act.

Interpretation.

2 Section 4 of the Principal Act is amended by omitting subsection (2).

3 The Principal Act is amended by inserting, after section 4, the following section:—

Employment of officers of Department of Tourism and Immigration.

“4A For the purposes of the enforcement of this Act the Authority, with the consent of the Director-General of Tourism and Immigration appointed under the *Tourism Development Act* 1970, may employ the services of any employee or officer of the Public Service of Tasmania who is employed in the execution of that Act.”.

Hoardings not to be erected, &c., nor advertisements exhibited without the permission of the Board (Authority).

4 Section 8 of the Principal Act is amended by omitting, from subsection (5), the words “of this section”.

5 The Principal Act is amended by inserting, after section 8, the following section:—

Appeal against notice of order or intention of Authority.

“8AA—(1) Where, on an application being made under section 8 (2), the Authority refuses the permission sought or grants the permission sought but attaches conditions as provided by section 8 (3), the applicant may appeal against the refusal of permission or the attaching of any conditions to a permission so given, as the case may be.

“(2) Where the Authority gives notice of an order as provided by section 8 (4) (a) or of its intention as provided by section 8 (4) (b) to the owner of a hoarding or other structure or advertisement on the ground that the Authority is satisfied that the hoarding or other structure or the advertisement is objectionable or unsightly, or constitutes an obstruction to persons using a highway, street or road, or is in a dangerous state of disrepair, or disfigures the landscape, the owner of the hoarding or the structure or the advertisement receiving the notice may appeal against it.

“(3) An appeal under this section shall be instituted in the prescribed manner, within the prescribed time, setting out the grounds on which it is brought, and shall be heard and determined by the Interim Planning Appeal Board constituted by the *Local Government Act* 1962.

“(4) At an appeal under this section—

- (a) the Board may inform itself on the matter in dispute in such manner as it thinks fit; and
- (b) the procedure shall be as prescribed or, in the absence of regulations for the purpose, as the Board may direct.

“(5) The decision of the Board on the hearing and determination of an appeal under this section is final.”.

6 Section 8A of the Principal Act is amended—

Exemptions.

- (a) by omitting the word “ eight ” and substituting therefor the numeral “ 8 ”;
- (b) by omitting from paragraph (e) (i) the words “ or Launceston ” and substituting therefor the words “, Launceston or Glenorchy ”; and
- (c) by omitting from paragraph (e) (ii) the word “ four ” and substituting therefor the numeral “ 4 ”.

7 Section 8B of the Principal Act is amended by omitting the words “ eight and eight A ” and substituting therefor the numerals and word “ 8 and 8A ”.

Application to the Crown.