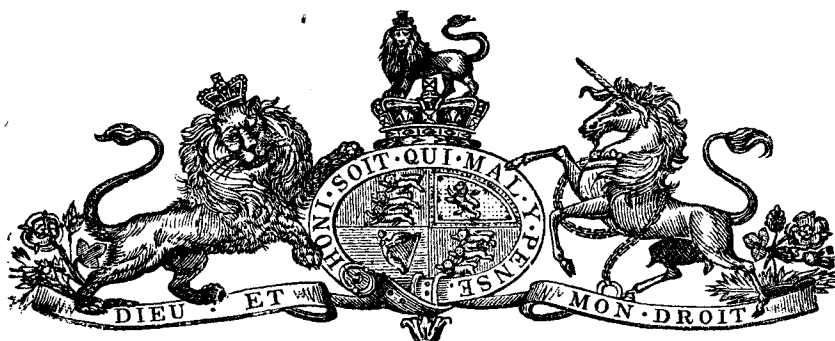


T A S M A N I A.



1898.

ANNO SEXAGESIMO-SECUNDO

VICTORIÆ REGINÆ,

No. 5.

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AN ACT to prohibit the Defacement of A.D. 1898.  
Property. [8 July, 1898.] —

WHEREAS it is expedient to prohibit defacements of property by PREAMBLE.  
advertisement and otherwise :

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 for all purposes be cited as “The Defacement of Short title,  
Property Act, 1898.”

2 No person shall affix, inscribe, print, paint, carve, engrave, or otherwise delineate, so as to be visible to any person passing along any highway, road, footpath, bridle-path, railroad, river, or other place open to the public, or authorise or allow to be so affixed, inscribed, printed, painted, carved, engraved, or otherwise delineated to or on any rock, wall, pillar, post, gate, fence, fence-wall, hoarding-board, tree, or any other thing whatsoever, being property vested in the Crown or any Municipal Corporation or Town Board or other public body, or, being private property, without the consent of the owner or occupier thereof, any picture or printed or written matter, or any advertisements or signs of any sort whatever. Defacement of property prohibited.

*Defacement of Property.*

A.D. 1898.

Use of person's  
name *prima facie*  
evidence.

**3** The insertion of the name of any person in any picture, sign, advertisement, or other written or printed matter which is affixed, inscribed, printed, painted, carved, engraved, or otherwise delineated in contravention of this Act, shall be *prima facie* evidence that such person has authorised or allowed such picture, sign, advertisement, or other written or printed matter to be affixed, or inscribed, or printed, painted, or carved, or engraved, or otherwise delineated in contravention of this Act; and the onus of proof shall be on every such person that he did not authorise or allow such picture, sign, advertisement, or other written or printed matter to be affixed, or inscribed, or printed, or painted, carved, or engraved, or otherwise delineated as aforesaid.

Interpretation.

**4** In the construction of this Act, unless the context otherwise determines—

“Pleasure resort” means—

54 Vict. No. 8.

i. Any portion of Crown Land which has already been reserved under the provisions of Section Twenty-four of “The Crown Lands Act, 1890”: or

ii. With the consent of the owner any alienated land: or

52 Vict. No. 17.

iii. With the consent of the Trustees any Recreation Ground proclaimed as such under the provisions of “The Public Recreation Grounds Act, 1888”:

which may be made subject, as hereinafter provided, to the provisions of this Act.

“Tourist road” means any road giving access to a pleasure resort, and which may be made subject, as hereinafter provided, to the provisions of this Act:

“Gazette” means *The Hobart Gazette*:

“The Minister” means the Minister of Lands and Works or other responsible Minister for the time being administering this Act.

Power to pro-  
claim pleasure  
resorts and tourist  
roads.

**5** The Governor in Council may by Proclamation in the *Gazette* define any road, or any portion thereof, as a tourist road, or define the boundaries of any tract of land as a pleasure resort, and may by any subsequent Proclamation in the *Gazette* revoke or alter any previous definition: Provided that no Proclamation shall be issued in respect to any alienated land except upon the written request of the owner thereof, or in respect of any recreation ground, except at the request of a majority of the trustees thereof, nor in respect of any road under the care, control, and management of the trustees of any Road District or of any Town Board, without the consent of such trustees or Town Board respectively.

Certain acts  
offences.

**6** Any person who shall do or commit any of the following acts, except by consent of the Minister in the case of Crown land, or the owner in the case of alienated land, shall be guilty of an offence against this Act:—

i. Paint or mark with paint or any other substance in any manner whatsoever any tree, fence, rock, or stone in any pleasure resort, or on any tourist road:

ii. Disfigure, cut down, pull up, remove, set fire to, or destroy in any manner, any grass, tree, or fern, shrub or plant in any pleasure resort or immediately adjacent to any tourist road.

*Defacement of Property.*

**7** Subject to the provisions of this Act, the Governor in Council is hereby empowered from time to time to make and issue Regulations for the following purposes, and any such Regulation to alter or repeal:—

A.D. 1898.  
Regulations.

- i. For the care, protection, and management of all pleasure resorts and tourist roads, and for the preservation of good order therein :
- ii. For the control of fires, and the collection of litter and rubbish at pleasure resorts, and for the restriction of the use of tourist roads to certain vehicles, except as may be provided.

**8** Any person who shall offend against this Act, or against any Regulation made under the preceding Section, shall be liable to a penalty not exceeding Five Pounds for each such offence, to be recovered summarily in accordance with the provisions of *The Magistrates Summary Procedure Act*; and any person who shall continue to offend against this Act, or any such Regulation, after he shall have been warned by any bailiff of Crown Lands or any constable, may be forthwith apprehended by such bailiff or constable and taken before some Justice of the Peace, and shall, on conviction, forfeit and pay a penalty not exceeding Ten Pounds.

Penalties and  
recovery thereof.  
19 Vict. No. 8.

Every such Regulation shall be posted in every place to which the same is applicable.

**9**—(1.) All Regulations made by the Governor in Council under the authority of this Act shall be published in the *Gazette*, and shall take effect from the date of such publication, unless otherwise provided in such Regulations ; and in all legal proceedings the production of the *Gazette* containing any Proclamation or Regulation issued under this Act shall alone be sufficient *prima facie* evidence that such Proclamation or Regulation has been duly issued, and the onus of proving the contrary shall in every case lie on the person disputing the validity thereof.

Regulations to  
be published.  
Legal pro-  
ceedings.

(2.) All such Regulations shall be laid before both Houses of Parliament within Fourteen days from the making thereof, if Parliament is then in Session, and, if not, then within Fourteen days after the commencement of the next Session.

**10** Any person aggrieved by any summary conviction may appeal therefrom in the mode prescribed in *The Appeals Regulation Act*.

Appeal.  
19 Vict. No. 10.

