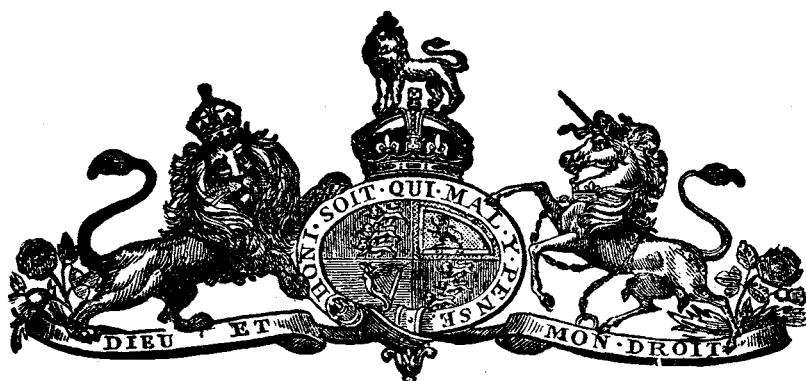


T A S M A N I A.



1912.

ANNO TERTIO

GEORGII V. REGIS.

No. 8.

ANALYSIS.

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| <ul style="list-style-type: none"> <li>1. Short title.</li> <li>2. Interpretation.</li> <li>3. Power to borrow.</li> <li>4. Power of Governor to lend.</li> <li>5. Burnie Institute.</li> <li>6. Power to trustees to convey and Corporation to accept conveyance.</li> <li>7. For what purposes Burnie Institute vested in Corporation.</li> <li>8. Council to have management and control, with power to delegate to committee of electors.</li> </ul> | <ul style="list-style-type: none"> <li>9. Restriction on sale of intoxicating liquors.</li> <li>10. Saving of powers conferred by "Local Government Act, 1906."</li> <li>11. Appropriation.</li> <li>12. Power to levy rate.</li> <li>13. Payment of principal and interest to be a first charge on the property.</li> <li>14. Loan to be subject to conditions imposed by Governor.</li> </ul> |
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AN ACT to authorise the Loan of Five thousand five hundred Pounds to the Warden, Councillors, and Electors of the Municipality of Emu Bay, in accordance with the provisions of "The Local Public Works Loans Act, 1890," and for other purposes.

A.D.  
**1912.**

[6 December, 1912.]

**W**HEREAS certain lands and hereditaments situate in the Town of Burnie, in the Municipality of Emu Bay, being lots One hundred and six and One hundred and seven on the plan of the Town of Burnie

PREAMBLE.

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as laid out by the Van Diemen's Land Company, together with the buildings thereon known as the Burnie Institute, are now vested in or held by *Thomas Wiseman, John Tryon Wilson, and Thomas James Crisp*, as trustees for the benefit of the residents of the said Municipality for public and other purposes :

And whereas it is proposed to erect upon the said lands a new town hall and also certain offices :

And whereas the said *Thomas Wiseman, John Tryon Wilson, and Thomas James Crisp* have been requested and directed by the subscribers of the said Burnie Institute to offer to the Warden councillors and electors of the said Municipality, hereinafter called the "Corporation," the said lands and all buildings erected and to be erected thereon, to the end and intent that the same may be the property of and become vested in the Corporation and under the control of the Municipal Council of the said Municipality, and the said Council have agreed to take over the same :

And whereas the said *Thomas Wiseman, John Tryon Wilson, and Thomas James Crisp* have arranged to borrow certain moneys, not to exceed Five thousand five hundred Pounds, on the security of the said lands and premises, for the purpose of paying off all liabilities on the said lands, and of erecting and furnishing the said town hall and offices :

And whereas a poll of the electors of the said Municipality was taken at Burnie on the Thirtieth day of August, One thousand nine hundred and twelve, to decide whether the Council of the said Municipality should borrow the sum of Five thousand five hundred Pounds to acquire the property of the Burnie Institute and the new town hall and offices proposed to be erected thereon, and the question was decided in the affirmative, the votes being recorded as follows—204 in favour, 25 against :

And whereas the poll so held is sufficient for the purposes of this Act, and it is not deemed necessary to hold another poll of the electors of the said Municipality :

And whereas the said Council is desirous of borrowing a sum of money, not exceeding Five thousand five hundred Pounds, under "The Local Public Works Loans Act, 1890," for the purpose of acquiring the said lands and the buildings erected and proposed to be erected thereon, and discharging any liabilities in connection therewith :

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 :—

Short title.

**1** This Act may be cited as "The Emu Bay Municipality Loan Act, 1912."

Interpretation.

**2** In this Act—

"The Corporation" means the Warden, councillors, and electors of the Municipality of Emu Bay:

"The Council" means the Council of the said Municipality.

*Emu Bay Municipality Loan.*

**3** It shall be lawful for the Council on behalf of the Corporation to borrow, under the provisions of "The Local Public Works Loans Act, 1890," and its amendments, any sum or sums of money, not exceeding in the whole Five thousand five hundred Pounds, for the purpose of defraying the costs and expenses of and incidental to acquiring the unencumbered fee simple of Lots One hundred and six and One hundred and seven on the plan of the Town of Burnie in Tasmania, together with all buildings erected thereon, and also all buildings proposed to be erected thereon for use as a town hall, offices, and otherwise, and the furniture and fittings thereof; and for the purpose of furnishing and fitting up such buildings, or any of them, and for the purpose of discharging any liabilities in respect of the said lands, buildings, and property aforesaid, or any part thereof, and for defraying the expenses of the preparation and passing of this Act; and the Council may do everything necessary to give effect to any such purpose.

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Power to borrow.

**4** It shall be lawful for the Governor to grant, in accordance with the provisions of "The Local Public Works Loans Act, 1890," and its amendments, any sum or sums of money, not exceeding in the whole Five thousand five hundred Pounds, as a loan to the Council upon the security of all its revenue for the purposes mentioned in the last preceding section; and any such sum shall be defrayed out of moneys to be provided by Parliament for that purpose: Provided that it shall not be necessary to lay before either House of Parliament plans and specifications of the proposed work, nor the report of the Engineer-in-Chief thereon, as provided in Section Two of the said Act; but before any part of the said loan shall be advanced to the said Council the certificate of the Crown Solicitor shall be placed before the Governor, certifying that the said lands and premises have been duly conveyed to the Corporation, and that the title is satisfactory; and furthermore a plan of the said land, and plans and specifications of the said buildings erected and proposed to be erected thereon, and an inventory with the estimated value and cost of the furniture and fittings thereof, together with a report of the Engineer-in-Chief upon the suitability of the said buildings and the site thereof, the sufficiency of the said plans and specifications, and upon such other matters connected with the works as the Engineer-in-Chief may deem it to be advisable to refer to in his report, shall be submitted to and be subject to approval by the Governor.

Power of  
Governor to lend.

**5** The said land, together with all buildings now or hereafter erected thereon, shall be known as and is hereinafter referred to as "The Burnie Institute."

Burnie Institute.

**6** It shall be lawful for the trustees of the Burnie Institute to convey to the Corporation, and for the Corporation to acquire and accept, a conveyance of the said lands, buildings, and property, free from encumbrances.

Power to trustees  
to convey and  
Corporation to  
accept convey-  
ance.

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It shall be lawful for the Corporation, out of the loan authorised by this Act, to carry out any building contracts or other contracts now let by the trustees, or which may be let by them prior to the conveyance to the Corporation.

For what purposes  
Burnie Institute  
vested in  
Corporation.

**7** Upon registration of the said conveyance to the Corporation, the fee simple of the said lands, together with all buildings thereon, shall, subject to all leases and tenancies existing at the date of the said conveyance, vest in the Corporation freed and discharged from all prior trusts affecting the same, but to the intent that the said land and the halls, rooms, offices, and buildings thereon, or to be erected thereon, shall, in the discretion of the Council, be used and enjoyed for the same purposes as heretofore, or for such purposes, whether in addition to or in lieu of the existing purposes or any of them, as the Council in its discretion, having regard to the interests of the electors, may consider appropriate and desirable.

Council to have  
management  
and control, with  
power to delegate  
to committee of  
electors.

**8** After the Burnie Institute is vested in the Corporation the following provisions shall take effect:—

**i.** The management and control of the Burnie Institute, and every part thereof, shall devolve upon and be vested in the Council. The Council may, by ordinary resolution, from time to time appoint such committee or committees of electors (whether councillors or not) as the Council may think proper, and may by the same or any subsequent ordinary resolution delegate to such committee or committees the full or partial management and control of the Burnie Institute, or any part thereof, or the execution of any of the powers and duties of the Council:

Specific powers.

**ii** Without prejudice to, or restricting the generality of, the powers conferred by Subsection **i** of this section the Council may—

(a) Receive, expend, and manage the funds of the Burnie Institute, and shall keep a separate and distinct account thereof;

(b) Let any part of the Burnie Institute for any period less than a year (and in the case of offices, also from year to year, or for any term of years), and at such rent, and generally upon such terms, and subject to such covenants and conditions as the Council may think proper;

(c) Make or impose such charges or fees, either by way of periodical subscriptions or otherwise, for the use of any room or part of the Burnie Institute, or any contents thereof, or for any privilege in respect of any room or part of the Institute, or any contents thereof, or otherwise, as the Council may think proper;

*Emu Bay Municipality Loan.*

- (d) Engage any employees required for the purposes of the Burnie Institute, and may dismiss them ; A.D. 1912.
- (e) Make by-laws for the care, protection, letting, control, and management of the Institute or any part thereof, and for the general regulation of the affairs of the Institute or any part thereof, and the good conduct thereof ;  
 Any such by-law may impose a penalty not exceeding Five Pounds, recoverable in a summary way, for the breach of that or any other by-law.  
 The provisions of Part XIV. of "The Local Government Act, 1906," shall apply to all by-laws made under this Act.
- (f) The by-laws, rules, or regulations in force, or observed in relation to the Burnie Institute shall, in so far as they are not inconsistent with this Act, be deemed to be made under this Act, and may be altered or revoked accordingly.

**9** No licence or club certificate authorising the sale of any intoxicating liquor shall be granted in respect to any part of the Burnie Institute. Restriction on sale of intoxicating liquors.

**10** Nothing herein contained shall be deemed to be in restriction of the powers conferred on the Council by "The Local Government Act, 1906," or by any amendment thereof. Saving of powers conferred by "Local Government Act, 1906."

**11** When the said lands, buildings, and property shall have been conveyed to the Corporation as aforesaid, the Council shall thereafter from time to time (after providing for such expenditure in connection with the Burnie Institute as the Council may deem necessary or reasonable) appropriate and apply all the surplus revenue from the Burnie Institute in or towards repayment of the said loan or payment of any interest or other moneys payable in respect of the said loan. Appropriation.

**12** It shall be lawful for the Council Once in every year to make and levy a special rate of not exceeding Twopence in the pound upon the annual value of all properties in the said Municipality, as shown by the assessment roll in force for the time being, for the purpose of providing for the payment of interest and any moneys required for a sinking fund in respect of the said loan. Power to levy rate.

Any such rate shall be payable by the persons liable to be rated under "The Local Government Act, 1906," and shall be made and recoverable under that Act.

Provided always that if and whenever the Council thinks fit so to do in any year, the Council may, instead of levying a rate for the purpose aforesaid, pay any such moneys as aforesaid or any part thereof to the State Treasurer out of the municipal fund of the said Municipality.

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*Emu Bay Municipality Loan.*

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A D. 1912.

Payment of principal and interest to be a first charge on the property.

Loan to be subject to conditions imposed by Governor

**13** In addition to any other remedy for the recovery thereof, all moneys paid to the Council on account of the loan authorised by this Act shall until repayment, and all interest from time to time due in respect thereof shall until payment thereof to the State Treasurer, be and remain a first charge upon the land authorised to be acquired under this Act in priority to all liabilities of the Council.

**14** The loan authorised by this act shall be made on and subject to such terms and conditions as to insurance of buildings as the Governor may impose or approve in all respects.