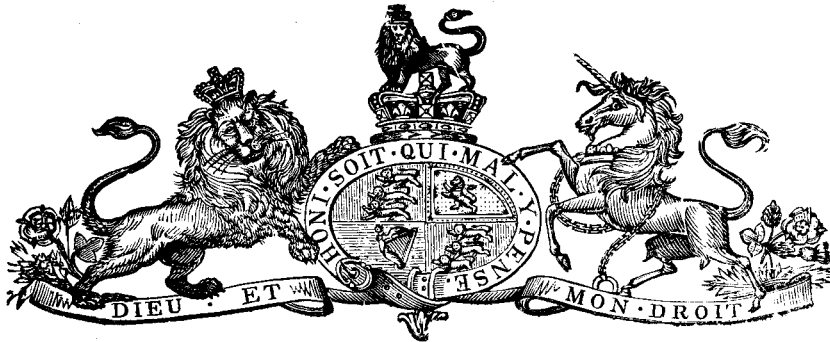


T A S M A N I A.



1903.

ANNO TERTIO.

EDWARDI VII. REGIS,

No. 32.



AN ACT to further amend “The *Hobart* A.D. 1903.
Corporation Act, 1893.”

[23 December, 1903.]

WHEREAS it is expedient to further amend “The *Hobart* Corpo- PREAMBLE.
ration Act, 1893”:

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 for all purposes as “The *Hobart* Corpo- Short title.
ration Act, 1903.”

2 In the interpretation and construction of the provisions of this Interpretation.
Act the following words and terms shall have the respective meanings
hereby assigned to them, unless inconsistent with or repugnant to the
context; that is to say :—

“The said Act” shall mean “The *Hobart* Corporation Act, 57 Vict. No. 11,
1893”:

8d.]

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Amendment of
Section 22 of
57 Vict. No. 11.Meaning of
"Quarterly day."Repeal of
Section 23 of
57 Vict. No. 11.Repeal of
Schedule (6.) of
57 Vict. No. 11.Additional powers
regarding the
Hobart Rivulet.

To build over.

To erect walls, &c.

To erect a super-
structure.To purchase walls,
&c.

"The Rivulet" shall mean so much of the *Hobart Rivulet* and the bed and soil thereof as is or shall be situate within the boundaries of the City of *Hobart*, together with the water flowing over and upon so much of the bed and soil of the said rivulet as aforesaid :

"Prescribed" and "Prescribe" shall mean prescribed by By-law to be made by the Council, or as the Council may prescribe by By-law :

"Street" shall extend to and include any public and common highway, road, square, court, passage, alley, thoroughfare, public way or place, and the footways within the City of *Hobart*, any place of public resort, and any avenue leading thereto.

3—(1.) The words "quarterly day immediately preceding the" are hereby inserted before the word "day" in the fifth line of the Twenty-second Section of the said Act.

(2.) In interpreting the said Twenty-second Section of the said Act as amended by this Act, the expression "the quarterly day" shall mean the Thirty-first day of *March*, the Thirtieth day of *June*, the Thirtieth day of *September*, or the Thirty-first day of *December*, as the case may be, immediately preceding the day of election, or if the Municipal Rates are payable half-yearly such expression shall mean the Thirtieth day of *June*, or the Thirty-first day of *December*, as the case may be, immediately preceding the day of election.

(3.) The Twenty-third Section of the said Act is hereby repealed.

(4.) The Sixth Schedule to the said Act is hereby repealed, and in lieu thereof the First Schedule of this Act shall be and be deemed to be and may be cited as the Sixth Schedule to the said Act.

4—(1.) Subject to all private rights and interests therein (if any) which shall have been acquired previously to the passing of this Act, the Council is hereby authorised and empowered—

(a) To build over and cover in the Rivulet or such part or parts thereof as the Council may deem desirable :

(b) To erect and maintain in the bed of the Rivulet or on any lands vested in or acquired by the Corporation, or partly in the bed and partly on such lands, such walls, piers, columns, pillars, buttresses, abutments, and other erections as may be necessary for the support of the superstructure, buildings, or other works hereinafter referred to or contemplated by this Section :

(c) To erect and maintain over and across the Rivulet such superstructure and other works as may be deemed necessary by the Council :

(d) To purchase and take compulsorily any land adjoining or abutting on the Rivulet upon which no wall or building is erected, and any land upon which any retaining wall may



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be erected and the retaining wall erected on such last-mentioned land : Provided that such retaining wall does not at the time of such purchase and taking form part of any building erected thereon : A.D. 1903.

- Upon such purchase and taking the obligation to maintain, repair, and re-erect such retaining wall or walls imposed upon the owner thereof by the said Act shall cease :
- (e) To acquire compulsorily any easement or right of any description now enjoyed or hereafter to be acquired by any person in, over, or in connection with the Rivulet, or now enjoyed or hereafter to be acquired by any person in respect to any lands, tenements, or hereditaments which front or abut upon the Rivulet : Power to acquire easements.
 - (f) To acquire, by agreement with the owner thereof, any wall which is erected or abuts on the Rivulet, and which at the time of such acquisition forms part of any building, or the right to use any such wall for the purposes of this Act : To acquire rights.
 - (g) To open, construct, and make over and upon the said superstructure or any part thereof such streets as the Council may deem desirable, and to permit the same to be used, either generally or upon such terms and conditions as may be prescribed : To make streets and roads.
 - (h) To permit the said superstructure or any part thereof to be used by any person as a right-of-way, or as a means of ingress or egress, upon such terms and conditions as may be agreed upon between the Council and such person, or as may be prescribed : To permit rights of way.
 - (i) To erect and maintain upon the said superstructure such buildings as may be determined upon by the Council : To erect buildings.
 - (j) To demise or let any part or parts of the superstructure or any buildings erected thereon to any person, in the same manner and under the same conditions as the Council is by the said Act authorised and empowered to demise and let lands, tenements, and hereditaments vested in the Corporation : To demise or let.
 - (k) To do all such other acts, matters, and things which the Council may deem necessary or desirable for more fully effectuating and carrying out the purposes and objects of this Section. Further powers.

(2.) Any land, or any easement or right which the Council is hereby authorised to purchase, take, or acquire compulsorily may be purchased, taken, or acquired in the same manner and subject to the same terms and conditions as the Council is authorised to purchase, take, and acquire compulsorily any land or easements over land for any of the purposes in the said Act mentioned.

(3.) Any land purchased or taken under this Section, and any walls or erections thereon shall be deemed thenceforth part of the Rivulet. Land, &c. to form part of rivulet.

(4.) The Rivulet shall be deemed to be and shall be hereby vested in the Corporation for the purposes of this Act. Rivulet vested in Corporation for certain purposes.

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(5.) Whenever the Council, in the exercise of any of the powers conferred upon it by the said Act or by this Act, erects, re-erects, constructs or repairs any retaining wall or work to or in the said Rivulet, it shall be lawful for the Council to attach, in such manner as it in its discretion thinks proper, and without making any compensation for so doing, such retaining wall or work to any wall or building erected or being upon any lands abutting on the said Rivulet, or to such lands.

Powers to be additional.

(6.) The powers and authorities conferred upon the Council by this Section and the provisions herein contained shall be in addition to any powers and authorities conferred by the said Act, and to the provisions therein contained.

Interpretation.

5—(1.) In interpreting this Section the word "structure" shall mean a wall or fence, or wall and fence or other similar structure, and and shall include any gate or gates or other opening.

Walls or fences to be erected on streets.

(2.) Where any private land abuts on any street within the City of *Hobart*, and such land is not enclosed along the front boundary line or lines thereof, it shall be lawful for the Council from time to time and at all times to compel the owner of such land to erect and maintain at his own expense such structure as may be prescribed in manner hereinafter mentioned.

Height, &c. of walls and fences to be prescribed.

(3.) The structure to be erected and maintained as aforesaid shall be of such height, description, dimensions, and materials, as may be prescribed; and any by-laws for prescribing any such matters may, in order to secure uniformity, be made to apply to the whole City, or to such portion or portions thereof as may be specified in such by-laws.

Renewal of existing walls and fences.

(4.) If any wall or fence or other structure now erected upon any boundary line abutting on any street is taken down, removed, or destroyed, it shall be lawful for the Council to compel the owner thereof to erect upon such boundary line a structure of the same height, description, dimensions, and material, as may be for the time being prescribed for the City, or for the portion thereof in which such boundary line exists.

Council may act in case of owner's default.

(5.) If after four weeks' notice in writing, signed by the Town Clerk, requiring him so to do, the owner—

(a) Shall neglect or refuse to commence erecting any such structure; or

(b) When commenced, shall neglect or refuse to complete the same; or

(c) When completed, shall neglect or refuse to repair and maintain the same; or

(d) When necessary, shall neglect or refuse to re-erect the same; then and in any such case the Council is hereby authorised to erect and put up all such structures, and from time to time to repair and re-erect the same as occasion shall require at the cost and expense of the owner, by whom the same ought to have been done.

Expenses recoverable from owners.

(6.) All costs and expenses incurred by the Council in erecting or repairing or re-erecting any such structure as aforesaid shall be

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recoverable in a summary manner before any Justice of the Peace, in accordance with the provisions of *The Magistrates Summary Procedure Act*.

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19 Vict. No. 8.

(7.) If any dispute, doubt, or difference should arise between the Council and the owner of any such land as to the true position of the boundary of such land upon such street or public place, such dispute, doubt, or difference shall be referred to the arbitration of the Surveyor-General for the time being of *Tasmania*, or to some authorised surveyor to be nominated by him for the purpose.

Differences, how settled.

(8.) The Surveyor-General, or such authorised surveyor as aforesaid, shall have all the powers conferred on arbitrators by "The Arbitration Act, 1892," or any statutory modification thereof, and any reference made under this Section shall be in accordance with and subject to the provisions of such Act.

References under Arbitration Act, 56 Vict. No. 8.

(9.) The powers and authorities conferred upon the Council by this Section and the provisions herein contained shall be in addition to the powers and authorities conferred by the said Act, and by *The Police Act*, 1865, and of every other Act, and to the provisions therein contained.

Powers to be additional.

29 Vict. No. 10.

6 The lands, tenements, and hereditaments described in Schedule (2.) to this Act having been reserved for, transferred to, or vested in the Corporation for purposes other than the general purposes of the said Act, are hereby reserved for and vested in the Corporation for the general purposes of the said Act; and the Council may from time to time demise or let such lands, tenements, and hereditaments in the manner provided in the Two hundred and seventy-first Section of the said Act as if the same were lands, tenements, and hereditaments mentioned or referred to in such Section.

Certain lands may be leased.

7—(1.) If any company has under any Act, whether public or private, the right, power, or authority to open, break up, or interfere with any street or the soil thereof for the purpose of placing and maintaining any rails, works, main pipes, posts, columns, electric wires, conductors, or other apparatus, such company shall before commencing to open, break up, or interfere with such street or soil thereof, give to the Council a notice in writing of their intention to break up the same not less than seven clear days before beginning the work, except in cases of emergency or defects in any rails, works, main pipes, posts, columns, electric wires, conductors, or other apparatus whatsoever, of any such company, and then so soon as it is possible after the beginning of the work, or after the necessity for the same shall have arisen.

Before private company interfere with street plan to be deposited.

(2.) The Council may within five days after such notice has been deposited with it as aforesaid, require a plan showing the works proposed to be executed, and also showing the street or place proposed to be affected and the proposed method of dealing with any street or place.

(3.) The Company shall execute the works in accordance with the plan (if any) so required by the Council as aforesaid with such modifications to the plans or works, as to the position thereof (if any) as the

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Council may have required to be made, and the execution of such works shall be under the superintendence of the Council, or of its surveyor, or other officer.

(4.) If any Company shall in any respect fail to comply with the provisions of this section, it shall for every such offence (without prejudice to any other remedy against it), be liable to a penalty not exceeding Twenty Pounds, and to a further penalty not exceeding Ten Pounds for each day during which the offence shall continue.

Provisions to be additional.

(5.) The provisions of this Section shall be in addition to the provisions of any other Act now in force, whether public or private.

Establishment of new Slaughter-house.

8- (1.) It shall be lawful for the Council to appoint, establish, and maintain a Public Slaughter-house for the City of *Hobart* at any place outside the boundary of the said city within a distance of Ten miles from any part of such boundary: Provided that the site of such Public Slaughter-house shall be first approved by the Governor.

(2.) When such Public Slaughter-house is appointed and established it shall be lawful for the Council, by notice in writing under the hand of the Mayor, and published in the *Gazette*, and at least once in a newspaper published in *Hobart*, to declare that it shall, on and after a day to be named in such Notice, be the Public Slaughter-house for the City.

(3.) Upon the day named in such notice all the provisions of the said Act, and of every Act amending the same, relating to the Public Slaughter-house therein mentioned, or to the land upon which it is erected, shall apply to the Public Slaughter-house appointed and established under this Act or to the land upon which it is erected.

(4.) It shall be lawful for the Corporation from time to time to borrow and take up at interest such sum or sums of money as shall by the Council be deemed requisite and sufficient, and to do all such things as the Council shall think necessary and proper for the purpose of—

- (a) Erecting and constructing any building to be appointed a Public Slaughter-house as herein provided:
- (b) Purchasing, or acquiring any land deemed necessary or convenient for the purposes hereof;
- (c) Fitting up the Public Slaughter-house and providing all necessary and proper materials and things required for the same;
- (d) Making such roads, tramways, jetties, and approaches as may be necessary and convenient;
- (e) And generally for more fully carrying out the purposes and objects hereof, and for making the said Public Slaughter-house suitable for the purposes for which it is established, and convenient for those who may use the same.

(5.) The sum or sums which the Corporation may borrow for the purposes of this Section shall not exceed Twenty thousand Pounds in the whole, and may be borrowed in addition to any sum or sums of

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money previously borrowed by or on behalf of the Corporation under the authority of any former Act. A.D. 1903.

(6.) The interest payable upon any money borrowed under the authority of this Act shall not exceed Five Pounds per centum per annum on the amount thereof.

(7.) All the provisions of Part XII. of the said Act shall be applicable to any sum or sums of money borrowed under this Act; and any sum or sums of money borrowed under the authority of this Act shall be subject to the provisions of "The City of *Hobart Town* Loans Consolidation Act, 1880," and any Act amending such last-mentioned Act. 43 Vict. No. 22.

(8.) If, after having borrowed any sum or sums of money under the authority of this Act, the Corporation shall repay the same or any part thereof, it shall be lawful for the Corporation again to borrow the sum or sums so paid off, and so from time to time.

(9.) In order to facilitate the borrowing by the Corporation of the said sum or sums of money it shall be lawful for the Government of *Tasmania* to guarantee the payment of interest for the same or any part thereof to the lenders: Provided that in every such case, and so far as the Government of *Tasmania* in consequence of such guarantee advances and pays any sum or sums of money to any lender, all moneys so paid shall be and the same are hereby declared to be a first or primary charge upon the rates and charges to be received by the said Corporation under the authority of "The City of *Hobart Town* Loans Consolidation Act, 1880," and any Act amending such last-mentioned Act.

(10.) It shall be lawful for the Trustees for the time being of any Bank for Savings in *Tasmania* now established or hereafter to be established, to advance and lend to the Corporation upon the security aforesaid, the whole or any part of the said sum or sums of money which the Corporation is authorised to borrow under this Act, anything in the Act of Council of 12 *Victoria* No. 1 to the contrary notwithstanding.

(11.) The Government is hereby authorised out of the moneys of the Crown in *Tasmania*, or out of such sums as may be provided for the purpose, to lend to the Corporation the whole or any part of the said sum or sums of money which the Corporation is authorised to borrow under this Act. Such loan shall be made under the provisions of "The Local Public Works Loans Act, 1890," and "The Local Public Works Loans Act, 1899:" Provided that it shall not be necessary to lay before either House of Parliament plans and specifications of any proposed works, nor the report of the Engineer-in-Chief thereon, as provided in Section Two of "The Local Public Works Loans Act, 1890." The said sum or sums shall be paid to the Corporation at such times and in such manner as the Governor shall determine. 54 Vict. No. 30.
63 Vict. No. 16.

(12.) When any Public Slaughter-house shall be appointed and established as herein mentioned for the City of *Hobart*, every such Public Slaughter-house and the materials thereof, and all implements of what nature and kind soever, books, stationery, office furniture, offices, and the land whereon the said Slaughter-house shall be erected

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and the appurtenances thereunto belonging shall for the purposes hereof be deemed and taken to be and shall be the property of the Corporation.

1 Ed. VII. No. 56.

(13.) The words "One mile" in the fourth line of Section Twelve of "The *Hobart Corporation Act, 1901*," are hereby expunged, and the words "Ten miles," are inserted in lieu thereof.

Power to make By-laws.

9 It shall be lawful for the Council to make such By-laws as to the Council seems meet for regulating all matters which by this Act are required or permitted to be prescribed, or in reference to which the word "prescribed" or "prescribe" is used in this Act, or as may be necessary or convenient to be prescribed for giving effect to this Act.

All the provisions of the said Act relating to By-laws made under the said Act, including the provisions relating to the appointment, imposition, and recovery of penalties, shall apply to By-laws made under this Act ; and such last-mentioned By-laws shall be deemed to be made under the said Act.

Acts to be read together, and short title of Acts.

10 This Act and the said Act, and every Act amending the said Act shall, save as altered or amended by this Act, be read and construed together as one and the same Act ; and the said Act, and every Act amending the same, and this Act, may be referred to and may be cited for all purposes as "The *Hobart Corporation Acts, 1893 to 1903*."

SCHEDULE.

(1.)

CITIZEN'S DECLARATION.

I, *A.B.*, do hereby solemnly declare that I am the person named in the Assessment Roll now in force for the City of Hobart ; that I am not an alien ; and that I have not already voted at this Election. And I further solemnly declare that no part of any Municipal Rate due and payable by me up to the last quarterly day, as defined by "The *Hobart Corporation Acts, 1893 to 1903*," is in arrear.

A.B.

(2.)

36 perches, corner of Letitia-street and "The Quadrant," Upper Campbell-street, Municipal Reserve.

Piece of land at corner of Market Place and Collins-street.