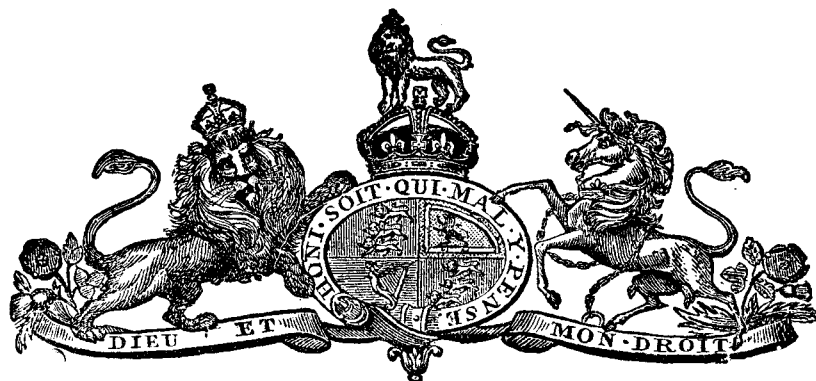


TASMANIA.



1931.

ANNO VICESIMO SECUNDO
 GEORGII V. REGIS.
 No. 47.

ANALYSIS.

1. Short title.
2. Amendment of 20 Geo. V. No. 44.
 - Section 12.
 - Section 15.
 - Deputy-Mayor.
 - Section 23.
 - Section 65.
 - Section 87.
 - Section 126.
 - New Section 158A.
 - Confirmation of expenditure.
 - Schedule (17).
3. Amendment of 21 Geo. V. No. 64.
 - Section 121.
 - Section 207.

AN ACT to amend the Hobart Corporation
 Acts, 1929-1930. [14 December, 1931.]

A.D.
 1931.
 —

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 This Act may be cited as "The Hobart Corporation Act, 1931." Short title.
 6d.]

Hobart Corporation Amendment.

A.D. 1931.

Amendment
of 20 Geo. V.
No. 44.Section 12.
Section 15.

Deputy-Mayor

Section 23.

2 The Hobart Corporation Act, 1929, is hereby amended as follows :—

- I. By expunging Subsection (4) of Section Twelve :
- II. By repealing Section Fifteen and substituting therefor the following new section :—

“**15**—(1) A Deputy-Mayor shall be elected or chosen in manner herein provided.

“(2) Only a person who is eligible to be elected as Mayor shall be eligible to be elected as Deputy-Mayor.

“(3) At every mayoral election, if more than one person is nominated for election as Mayor, an election shall be held to fill the office of Deputy-Mayor.

“(4) If at any mayoral election no person is elected as Deputy-Mayor, or if any person elected or appointed to the office of Deputy-Mayor shall resign such office or cease to be an alderman, then the aldermen shall choose one of their number to be Deputy-Mayor.

“(5) During the temporary absence or illness or incapacity of the Mayor, the Deputy-Mayor shall act and discharge the duties of Mayor until the Mayor resumes his duties.

“(6) If any extraordinary vacancy shall occur in the office of Mayor, the Deputy-Mayor shall forthwith become Mayor for the remainder of the period for which the Mayor was elected, and in such case the aldermen shall choose one of their number to be Deputy-Mayor.

“(7) If any extraordinary vacancy shall occur in the office of Mayor and if there should be no Deputy-Mayor to take his place, the aldermen shall choose one of their number to be Mayor for the remainder of the period for which the Mayor was elected.”

III. As to Section Twenty-three—

(a) By inserting after the word “election” in the third line of Subsection (2) the words “and not less than thirty days before the first day provided for the receipt of nominations for such election” ;

(b) By adding at the end thereof the following new subsections :—

“(3) An alderman who would not be one of those retiring by rotation at the next ordinary biennial election may, at any time not more than six months before the date fixed for the ordinary

Hobart Corporation Amendment.

biennial election and not less than thirty days before the first day provided for the receipt of nominations for such election, tender in writing addressed to the Town Clerk the resignation of his office of alderman and specify that such resignation shall take effect on the day fixed for such election.

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“(4) The alderman so tendering his resignation shall, unless in the meantime he becomes subject to any disqualification, continue in office as alderman until the lastmentioned day, and his resignation shall be deemed to be complete on that day, and the vacancy which will arise by reason of such resignation shall be filled up at such ordinary biennial election in the same manner as if the vacancy had actually occurred upon the day when the tender of the resignation was received by the Town Clerk. The tender of a resignation may be withdrawn at any time not less than thirty days before the first day provided for the receipt of nominations for the biennial election, but not after that date.

“(5) An alderman resigning in manner provided in the last two subsections shall not be liable to pay any fine or penalty in consequence of such resignation.” :

IV. As to Section Sixty-five by substituting for the word “may” Section 65. in the fourth line of Paragraph 1. the word “shall.” :

V. As to Section-Eighty-seven—

Section 87.

(a) By deleting the word “person” in the third line of Subsection (3) and substituting therefor the word “persons” and by adding at the end of the same subsection the words “and Deputy-Mayor respectively.” ;

(b) By expunging Subsection (4) and substituting therefor the following new subsection : —

“(4) If no candidate at a mayoral election should be either a continuing alderman or a person declared elected as an alderman at the aldermanic election which has been conducted simultaneously with the mayoral election, or, if no person qualified to be elected as Mayor is nominated for election as Mayor, then the aldermen shall choose one of their number to be Mayor and another to be Deputy-Mayor respectively.” :

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A.D. 1931. Section 126.

VI. By expunging Subsection (1) of Section One hundred and twenty-six and substituting therefor the following new subsection :—

“(1)—

i. In this section the expression “half-yearly period” means the period between the first day of January and the thirtieth day of June or the period between the first day of July and the thirty-first day of December in any year :

ii Whenever any rates have become due and payable to the Corporation or Council during any half-yearly period, and such rates are not paid before the end of the next half-yearly period, there shall be added, on the first day of the succeeding half-yearly period, to the amount unpaid, a sum equal to Four Pounds per centum thereon, and an additional sum equal to Four Pounds per centum shall be added on the first day of each subsequent half-yearly period until such rates shall be paid :

iii. Whenever any fee, charge, or licence or any sum of money, including any sum of money made recoverable in the manner provided for the recovery by law of any rate has become due and payable to the Corporation or Council, and such fee, charge, licence, or sum of money has remained unpaid for a period of six months from the date on which the same became due and payable, there shall be added to the amount unpaid a sum equal to Four Pounds per centum thereon for every completed period of six months during which such fee, charge, licence, or sum of money shall remain unpaid.” :

New Section
158a.

VII. By inserting after Section One hundred and fifty-eight the following new section :—

Confirmation
of expenditure.

“**158a** The expenditure by the Council during the year one thousand nine hundred and thirty of the sum of Five hundred and fifty Pounds upon the purchase, on behalf of certain employees of the Council, of Commonwealth bonds bearing interest at the rate of Six Pounds per centum per annum, such employees having contracted to repay the said sum to the Council by instalments, is hereby authorised and declared legal.” :

Schedule (17).

VIII. By repealing Schedule (17) and substituting the following new schedule :—

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“ (17)

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—

“SCRUTINY AT MAYORAL ELECTION.

“ (1) In this schedule—

(a) An “eligible candidate” means a person eligible to be elected to fill the office of Mayor:

(b) An “ineligible candidate” means a candidate who is neither a continuing alderman nor a person declared elected as an alderman at the aldermanic election which has been conducted simultaneously with the mayoral election.

“ (2) The number of first choices recorded for each candidate shall be counted and all informal ballot-papers shall be rejected.

“ (3) In any count made hereunder all ballot-papers on which the first or any subsequent choice is recorded for an ineligible candidate shall be counted in the order of the voter's preference as though the ineligible candidate or candidates had not been a candidate or candidates at such election.

“ (4) If there is only one eligible candidate he shall be elected as Mayor.

“ (5) If there are two candidates, and both are eligible candidates, the candidate obtaining the larger number of votes shall be elected as Mayor, and the other candidate shall be elected as Deputy-Mayor.

“ (6) If there are more than two candidates, and they are all eligible, the candidate who has the fewest votes shall be excluded, and each vote counted to him shall be counted to the unexcluded candidate next in the order of the voter's preference.

“ (7) The process of excluding the candidate who has the fewest votes, and counting each of his votes to the unexcluded candidate next in the order of the voter's preference, shall be repeated until only two of the candidates are left.

“ (8) When only two of the candidates are left, the candidate then having the larger number of votes shall be elected as Mayor, and the other candidate shall be elected as Deputy-Mayor.

“ (9) If on any count before the final count two or more candidates have an equal number of votes, and one of them has to be excluded, it shall be decided by lot which has to be excluded.

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A.D. 1931.

“(10) When there are only two candidates or when by the process of exclusion only two candidates are left, and both of them have an equal number of votes, it shall be decided by lot which of the two shall be Mayor and which shall be Deputy-Mayor respectively.”

Amendment
of 21 Geo. V.
No. 64.

3 The Hobart Corporation Act, 1930, is hereby amended as follows :—

Section 121.

I. By adding at the end of Paragraph II. of Subsection (1) of Section One hundred and twenty-one the words “and regulating, controlling, or prohibiting the use of the roads and pathways thereon and therein or of any portion of such roads and pathways.” :

Section 207.

II. As to Section Two hundred and seven, by inserting the figure “(1)” immediately before the word “It” in the first line.