

THE HOBART CORPORATION TRAMWAY ACT, 1912.

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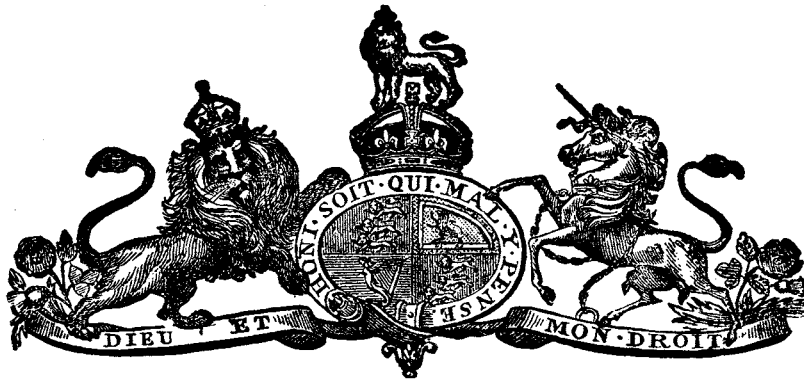
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T A S M A N I A

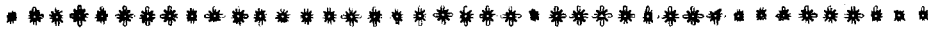


1912.

ANNO TERTIO

GEORGII V. REGIS.

No. 51.



AN ACT to authorise the Hobart Corporation to purchase from the Hobart Electric Tramway Company Limited the Company's Tramways and other Works, and to maintain and work the same, and to construct, maintain, and work other Tramways, and to borrow certain moneys, and for other purposes.

A.D.
1912.

[21 *December*, 1912.]

WHEREAS it is expedient that further powers should be given to the Hobart Corporation to enable the said Corporation to purchase, maintain, and work the tramways and other works constructed, acquired, or possessed by The Hobart Electric Tramway Company Limited in the City of Hobart and the suburbs thereof and to authorise the said Corporation to construct, maintain, and work other tramways, and to empower the said Corporation to borrow the moneys necessary to carry out such purchase and the provisions of this Act :

PREAMBLE.

Hobart Corporation Tramway.

A.D. 1912

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 for all purposes as “The Hobart Corporation Tramway Act, 1912.”

Interpretation.

2 In this Act, unless the context otherwise determines—

“Corporation” means the Corporation of the Mayor, aldermen, and citizens of the City of Hobart :

“Council” means the Municipal Council of the City of Hobart :

“The Company” means “The Hobart Electric Tramway Company Limited,” and any person or persons claiming by, through, or under the Company :

“The Company’s Acts” include the several Acts referred to in the Schedule (1) hereto :

“The Company’s tramways” means and includes—

- i. The tramways which the Company has constructed or acquired, or is now possessed of under the authority of the Company’s Acts : and
- ii. All works, buildings, and erections connected therewith : and
- iii. All land belonging to the Company upon which the same are respectively constructed, erected, or built, and all land used in connection therewith, and all interests of the Company in any leasehold lands in Tasmania :
- iv. All plant, permanent way, rolling stock, conductors, poles, cables, wires, machinery, appliances, apparatus, and engines used in connection with the said tramways :
- v. All furniture, books, tools, implements, meters, and appliances of every kind whatsoever, and all stores and tramway material :

“The Company’s other works” means and includes all electric lines, wires, cables, conductors, conduits, transformers, lamps, stock, appliances, apparatus, tools, implements, meters, machinery, engines, buildings, lands, and works of what kind soever, which are used or possessed by the Company for the purpose of or in connection with generating, conveying, transmitting, distributing, or supplying electricity or electric current for lighting or power purposes :

“The Company’s undertaking” means and includes the Company’s tramways and the Company’s other works, and all the rights, powers, privileges, authorities, and concessions whatsoever, which are conferred upon the Company by the Company’s Acts, or any of them, or which are vested in, held, enjoyed, or possessed by the Company in connection with, or appurtenant to, the Company’s tramways or the Company’s works.

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3 This Act is divided into parts, as follows :—

- Part I.—Acquisition of Tramways and Rights.
 Part II.—Additional Tramways.
 Part III.—Borrowing Powers.
 Part IV.—Accounts and Rates.
 Part V.—Miscellaneous.

A.D. 1912.

Division of Act
into parts.

PART I.**ACQUISITION OF TRAMWAYS AND RIGHTS.**

- 4**—(1) It shall be lawful for the Corporation at any time to purchase and acquire the Company's undertaking. Corporation may purchase tramways and rights.
- (2) The amount to be paid by the Corporation to the Company upon such purchase shall be such sum as may be mutually agreed upon between the Corporation and the Company. How price ascertained.
- (3) The Company shall, until such purchase be completed, maintain the Company's undertaking in as good an order and condition as the same was in at the time of the passing of this Act. Company to maintain undertaking.
- (4) Before the Corporation shall proceed to purchase and acquire the Company's undertaking the Council shall cause a poll of the citizens of Hobart to be taken for the purpose of ascertaining whether the Corporation shall be permitted to proceed with such purchase and acquisition. Poll to be first taken.
- (5) When the Council shall have decided to take a poll as aforesaid, it shall cause a notice that the poll will be taken to be published not less than Fourteen days before the taking of the poll, not less than Three times in a daily newspaper circulating in the city, and in Two consecutive numbers of the "Gazette." Notice of poll.
- (6) The notice shall state the hours during which, and the place at which the poll will be taken, and the amount which it is proposed to pay for the Company's undertaking. Form of notice.
- (7) The voting-paper to be used at the taking of the poll shall be in the form in the Schedule (3) to this Act or to the like effect. Form of voting-paper.
- (8) The number of votes to which each citizen is entitled shall be the same as that to which he is entitled at an election of aldermen for the City of Hobart, and the proceedings at the taking of the poll shall, with any necessary changes, be the same as those prescribed by law, at an election of aldermen. Voting and proceedings same as at election of aldermen.

5 Upon the payment of the said purchase price by the Corporation to the Company, and the completion of the said purchase—

1. The Company's undertaking, and all the right, title, and interest of the Company, and of any person, or persons claiming by, through, or under the Company, in and to the same, and all the rights, privileges, powers, and advantages whatsoever, affecting or appurtenant to the Company's undertaking, which are vested in, held, enjoyed, The undertaking of the Company vested in the Corporation.

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- or possessed by or conferred on the Company, or such person or persons shall, without the necessity of any transfer or connecting title, other than this Act, be transferred to and become vested in, and be held, enjoyed, possessed, used, and exercised by the Corporation, freed and discharged from all claims and demands by or on the part of the shareholders in the Company, or any other persons whomsoever, in all respects in the same manner as the Company or such person or persons could have held, possessed, enjoyed, used, and exercised the same if this Act had not been passed :
- Powers of Company vested in Corporation.**
- No compensation to officers of the Company.**
- Notification of purchase.**
- Existing by-laws continued.**
- New by-laws, 57 Vict. No. 11.**
- Contracts continued.**
- ii. The Corporation shall, subject to this Act, have all the rights, powers, functions, immunities, and privileges, whether express or implied, including the power to make by-laws which the Company had prior to such purchase being effected, and shall be liable to all the obligations and liabilities imposed upon the Company by the Company's Acts :
 - iii. No sum of money shall be payable or paid by the Corporation to any officer or servant of the Company by way of compensation for any loss of office or employment suffered by such officer or servant by reason of the purchase of such tramways :
 - iv. The Mayor for the time being of the City of Hobart shall notify the completion of the said purchase by notice under his hand which notice shall be published in the "Gazette" and in One or more daily newspapers published in the said city :
 - v. All by-laws made by the Company in accordance with the provisions of the Company's Acts and which are of any force or effect on the day preceding the date when such purchase is completed shall be deemed to have been made by the Corporation, and all such by-laws shall continue until superseded by any by-law made by the Corporation under the authority of this Act to be of the same force and effect as if they had been made under the authority of this Act :
 - vi. The provisions of "The Hobart Corporation Act, 1893," relating to by-laws made under that Act, shall be applicable to the by-laws hereafter made by the Corporation under the Company's Acts :
 - vii. All contracts and agreements made or entered into, and then subsisting with and in favour of or by or for the Company, shall be as binding and of as full force and effect, and may be proceeded on and enforced by, against, and with reference to the Corporation as fully and effectually in all respects as they might have been enforced by or against and with reference to the Company if the said purchase had not been made :

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- viii. Wherever in the Company's Acts, or in any other Act, or in any by-law or regulation the Company is mentioned, the Corporation or the Municipal Council, as the case may require, shall be deemed to be intended : A.D. 1912.
- ix. The powers contained in "The Hobart Tramway Company's Amendment Act, 1902," shall be deemed to be in addition to the powers conferred upon the Corporation and the Council by "The Hobart Light Act, 1896." Substitution of Corporation or Council for Company. 2 Edw. VII. (Private). 59 Vict. No. 45.
- x. The powers and provisions contained in the sections of the Company's Acts mentioned in the Schedule (2) hereto, shall cease to be of any force and effect. Sections of Acts to become inoperative.

PART II.**ADDITIONAL TRAMWAYS.**

6—(1) It shall be lawful for the Corporation to construct, maintain, and work, subject to the provisions of this Act and of the Company's Acts, within the city of Hobart and the suburbs thereof, and the districts adjacent thereto, such extensions of the tramways heretofore constructed by the Company, and such alterations in the routes thereof, and such branch tramways, and such additional tramways in addition to the tramways authorised by the said Acts as the Council may think proper. Extensions and additional tramways.

(2) All the powers and privileges, obligations and liabilities conferred or imposed upon the Company by the Company's Acts with reference to the construction or maintenance or renewing or working of any tramway authorised by the Company's Acts are hereby conferred or imposed upon the Corporation with regard to any such extension, alteration of route, branch tramway, or additional tramways as aforesaid.

(3) Before any of the powers conferred by this section shall be exercised, the Council shall pass a resolution authorising such exercise at a meeting of which every alderman shall have had notice specifying the time and place at which such meeting is to be held and of the business to be brought before the same, and every such resolution shall be approved by at least Two-thirds of the total number of the aldermen, and shall be confirmed by a majority of the aldermen present at a subsequent meeting held not sooner than the day on which a period of Four weeks computed from the date of such first meeting expires, and not later than the expiration of Eight weeks from such first meeting.

(4) Before any extension, alteration of route, branch tramway, or additional tramway shall be undertaken within any municipality outside the boundaries of the City of Hobart the Council shall obtain the consent of the municipal council of such municipality, and such consent

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6 Edw. VII.
No. 31, s.s. 104
and 105.Railless and
other forms of
tramways.

shall be given by a special resolution of such municipal council to be passed and confirmed in the manner provided by "The Local Government Act, 1906."

(5) The word tramway used in the Company's Acts or in this Act shall be deemed to include a railless tramway or any other description of tramway or mechanically driven vehicle that the Council may from time to time see fit to adopt.

PART III.**BORROWING POWERS.**Power to borrow
£300,000.

7 It shall be lawful for the Corporation to borrow, on the security of the revenues of the Corporation other than the water rates levied under the authority of "The Hobart Water Act, 1893," and any Act amending the same, such sum or sums of money, not exceeding Three hundred thousand Pounds, as the Council deems necessary for the purpose of effectuating the objects authorised by this Act.

Sums to be addi-
tional to sums
already borrowed.

8 The sum or sums which the Corporation may borrow under the authority of this Act shall be in addition to any sum or sums of money previously borrowed or authorised to be borrowed by or on behalf of the Corporation under the authority of any former Act.

Provisions of
Part XII. of 57
Vict. No. 11 or of
43 Vict. No. 22
to be applicable.

9 The provisions of Part XII. of "The Hobart Corporation Act, 1893," shall be applicable to any sum or sums of money borrowed under this Act, or in the alternative, 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 the lastmentioned Act.

Corporation
empowered to
pay off and
reborrow.

10 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.

Government
may guarantee
interest.

11 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 entire revenues of the Council; and the Treasurer for the time being of Tasmania shall have, and may exercise in that event, all or any of the powers given to the holders of debentures by "The City of Hobart Town Loans Consolidation Act, 1880," and any Act amending the same.

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12 It shall be lawful for the trustees for the time being for 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 Vict. No. 1 to the contrary notwithstanding.

A.D. 1912.
Savings banks may invest in such loans.

13 It shall be lawful for the Corporation to borrow, and the Governor is hereby authorised from time to time, 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 on the security of the entire revenues of the Corporation, other than the water rates hereinbefore mentioned, 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 any Act amending the same: 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.

Governor may lend under "The Local Public Works Loans Act, 1890."

54 Vict. No. 30.

14 The Council shall, for the purpose of creating a sinking fund to be applied as hereinafter mentioned, annually set apart out of the moneys carried to the credit of "The Hobart Tramway Account" hereinafter referred to, a sum not less than One Pound per centum per annum on the amount of all moneys raised and borrowed under the authority of this Act; and such sinking fund shall be from time to time applicable to the redemption of the moneys hereby authorised to be borrowed, and to no other purpose whatsoever.

Sinking fund to be established.

PART IV.**ACCOUNTS AND RATES.**

15—(1) The Treasurer of the Corporation shall keep a separate and distinct account, to be called "The Hobart Tramway Account," of the proceeds of all moneys received and paid in respect of the working of the tramways and other works transferred or acquired or constructed as aforesaid, and of any tram rate levied under the provisions of this Act.

Tramway account to be kept.

(2) All moneys and rates received by the Council or the Treasurer under the powers and provisions of the Company's Acts and of this Act, shall be carried to the credit of the said account.

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(3) The interest from time to time accruing due upon any moneys borrowed under the authority of this Act, and the contributions to the sinking fund to be made as hereinbefore mentioned, shall be charged to the said account.

(4) Subject thereto, any moneys standing to the credit of the said account shall be appropriated and applied to all or any of the purposes hereinafter mentioned, that is to say—

- i. In defraying the cost, charges, and expenses of constructing, maintaining, and working tramways and any electric lighting and power undertaking in accordance with the provisions of the Company's Acts or "The Hobart Light Act, 1896," or this Act :
- ii. The payment of the whole or such portions of the salaries, wages, and other expenses of the officers and servants employed by the Council for the purposes of the Acts lastly hereinbefore mentioned, as the Council thinks equitable and fair to charge such account :
- iii. The purchase of any land for the purposes of and the payment of any compensation payable under the provisions of such Acts :
- iv. The provisions of such reserve, renewals, and depreciation funds and accounts for such purposes and to such extent as the Council may think proper :
- v. The payment of any principal money due to any person from whom the Corporation may have borrowed, his executors, administrators, and assigns if the Council thinks fit so to do.

(5) Any surplus from time to time standing to the credit of the said account shall, at the discretion and by a resolution of the Council, be transferred from the said account to the credit of the municipal fund.

(6) Any deficiency in the said account may be provided in the manner hereinafter appearing.

Council may fix rate.

16 The Council may, once in every year, make and levy a tram rate to be paid by the respective owners or occupiers of all lands, houses, buildings, or other premises within the city of Hobart, for the purpose of making good any deficiency in the Hobart tramway account, and every such tram rate as aforesaid, shall be deemed to be a municipal rate, and shall be of the amount fixed by the Council in each year for which such rate is made for every pound of the assessed annual value of every piece of land, house, building, or other premises within the city according to the assessment roll in force for the time being.

Upon making rate, notice of same to be given.

17 Upon the making of any tram rate under this Act, a notice signed by the Mayor, and not less than Five aldermen, specifying the amount in the pound of the rate, the period for which the same is made, and at what times the same is payable, shall be published in the "Gazette" ; and upon any such notice being so published, the rate therein mentioned shall be payable and paid at the times specified in such notice by the persons liable to pay the same, according to the annual value of such property as ascertained and determined by the

Hobart Corporation Tramway.

assessment roll then in force for the city ; and it shall not be necessary in any such notice to set forth the names of the persons liable to the payment of the rate, or the sums which according to such rate such persons are liable to pay, or any other particulars than hereinbefore in that behalf mentioned. A.D. 1912.

18 If any person liable as herein provided to pay any amount of tram rate neglects to pay the same within due time after the same has been lawfully demanded, the amount of such tram rate due from such person may be recovered in the same manner as any municipal rate is recoverable. Rate recoverable as municipal rate.

PART V.

MISCELLANEOUS.

19 The Council is hereby empowered on behalf of the Corporation and the Corporation is hereby empowered through the Council to carry the provisions of the Company's Acts and of this Act into execution, and to exercise the several rights and powers hereby conferred upon or transferred to the Corporation. Council may exercise powers conferred upon Corporation.

20 Notwithstanding anything contained in this Act or in the Company's Acts the Parliament of Tasmania shall have the right to grant to the Crown, or to any company, corporation, or person, running powers over, along, and upon any tramway for the time being the property of the Corporation, and upon such right being given the terms and conditions, including the fixing of reasonable tolls and compensation of and for such running powers, shall, if not settled by agreement between the parties concerned, be settled by a Judge of the Supreme Court to be appointed by the Governor for that purpose, who shall have all the powers of a sole arbitrator under the Arbitration Act, and whose decision shall be final. Parliament may grant running powers upon any tramway of the Corporation.

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SCHEDULES.

(1.)

Date and Number of Act.	Title of Act.
48 Vict. Private	"The Hobart Tramway Company's Act, 1884"
53 Vict. Private	"The Hobart Tramway Company's Act Amendment Act"
55 Vict. No. 66	"An Act to confirm an Agreement made between "The Hobart Tramway Company Limited and the Mayor, Aldermen, and Citizens of the City of Hobart"
2 Edw. VII. Private	"The Hobart Tramway Company's Amendment Act, 1902"
3 Edw. VII. Private	"The Hobart Tramway Company's Amendment Act, 1903"

(2.)

Date and Number of Act.	Title of Act.	Sections to become Inoperative
48 Vict. Private	"The Hobart Tramway Company's Act, 1884"	Sections 77 to 98
2 Edw. VII. Private	"The Hobart Tramway Company's Amendment Act, 1902"	Sections 34, 35, 51, and 52
3 Edw. VII. Private	"The Hobart Tramway Company's Amendment Act, 1903"	Section 4

(3.)

VOTING-PAPER.

FOR.

AGAINST.

If you are in favour of the Corporation of Hobart purchasing the Hobart Tramways at the price of £ you are to put a cross opposite to the word "For."
If you are opposed to such action you are to put a cross opposite to the word "Against."