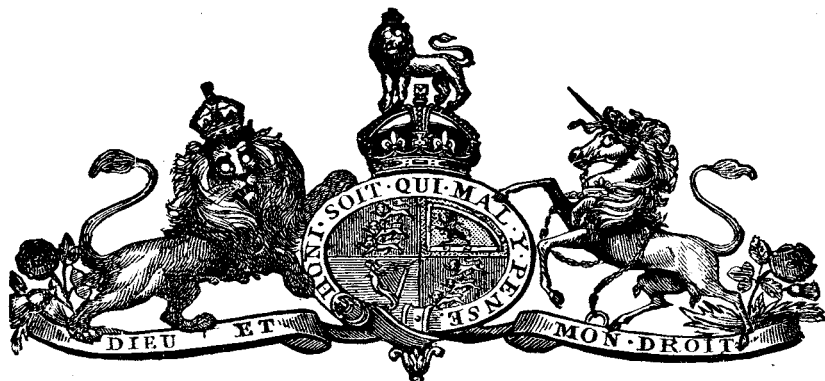


T A S M A N I A



1927.

ANNO OCTAVO DECIMO

GEORGII V. REGIS.

No. 46.

ANALYSIS.

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| <ul style="list-style-type: none"> <li>Preamble.</li> <li>1. Short title.</li> <li>2. Interpretation.</li> <li>3. Repeal of Section 120 of 58 Vict. No. 30, as substituted by 10 Geo. V. No 42, Section 3.</li> <li>4. Extension of soldiers' privileges.</li> </ul> | <ul style="list-style-type: none"> <li>5. Public and private streets in new areas of City.</li> <li>6. Special provisions with respect to certain area in City.</li> <li>7. Amendment of Section 6 of 10 Geo. V. No. 42.</li> </ul> |
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AN ACT to further amend the Launceston Corporation Act, 1894. [2 December, 1927] A.D. 1927.

**W**HEREAS it is expedient to further amend the Launceston Corporation Act, 1894: PREAMBLE.

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 as “The Launceston Corporation Act, Short title 1927.”

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Interpretation.

Cf. 4 Geo. V.  
No. 55, Sec. 7.Repeal of Sec.  
120 of 58 Vict.  
No. 30, as substituted  
by 10 Geo.  
V. No. 42, Sec. 3.**2** In this Act—

“The Principal Act” means the Launceston Corporation Act, 1894.

“The financial year” means the period of twelve months for or in respect of which the Council will be required to cause a statement and account to be drawn out.

**3** Section One hundred and twenty of the Principal Act is hereby repealed, and the following section is inserted in lieu thereof—

“**120** Whenever after the thirtieth day of June, one thousand nine hundred and twenty-six, any building or portion of a building separately assessed shall be unoccupied for a term of four weeks or upwards, whether continuously or not, in any one financial year, then—

- i. If all instalments of the rates payable in respect of such building or portion of a building have been paid (as the instalments payable after the thirtieth day of June and before the thirty-first day of December) before the thirty-first day of December and (as to instalments payable after the thirty-first day of December and before the thirtieth day of June) before the thirtieth day of June in such financial year :
- ii. And if during the financial year or within fourteen days thereafter an application is made in writing to the Treasurer or Collector of Rates for a refund :
- iii. And if such application is supported by a statutory declaration evidencing the dates on which such building or portion of a building was unoccupied as aforesaid, and the person is entitled to such refund—

the Treasurer or Collector of Rates, if satisfied that such person is entitled, may endorse such application accordingly, and thereupon such person shall be entitled, in respect of each week that such building or portion of a building was so unoccupied, to a refund equal to one one hundred and fourth part of the rates paid for that financial year in respect of such building or portion of a building.

In calculating the number of weeks in respect of which a refund is claimed, periods of less than seven days during which such building or portion of a building is unoccupied, whether occurring alone or at the same time as a period of seven (or any multiple of seven) days, shall not be taken into consideration.

For the purposes of this section such building or portion of a building shall not be considered to be unoccupied if—

- i. Any person is residing or sojourning in the same :
- ii. Any person is working in the same (except persons building, repairing, or renovating the same) :
- iii. It is furnished or partly so :
- iv. It is let or is occupied by a tenant at will :

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- v. It is used for business :
- vi. It is used for any purpose :
- vii. It is kept ready by the owner for occupation by the owner :
- viii. Rent or other benefit is received in respect of the same for that period :
- ix. Animals are kept in it :
- x. Goods, stock, or other chattels are stored or left in it (other than landlord's fittings or fixtures) :
- xi. Being a theatre or other place of amusement, it is used occasionally during the year :

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Provided that a building shall not be considered to be occupied by reason only that a paid caretaker resides on the premises, whether with or without his wife and family.

**4** Until such time as the Council shall determine that it is inadvisable to continue the practice for any further time, it shall be lawful for the Council to remit or excuse the payment of, or to refund the whole or an part or parts of, any rate or rates payable to the Corporation or to the Council during any year, or any part or parts thereof, in respect of any dwelling-house occupied in the manner referred to in Section Thirteen of the Launceston Corporation Act Amendment Act, 1921.

Extension of soldiers' privileges.

**5** In all cases where since the twentieth day of November, one thousand nine hundred and five, any new area has been or shall hereafter be included within the boundaries of the City then in that area—

Public and private streets in new areas of City.

- i. Those streets only shall be considered to be public streets which in the Act or proclamation (by which the area is included in the City) are mentioned as being taken over as public streets :

See 5 Edw. 7 No. 46.

- ii. Every other thoroughfare, lane, or passage not less than twenty feet in width whether on private property or not unless opened, acknowledged, and used as a public thoroughfare before the date of the Police Act, 1865, shall be included in the term "private street" for the purposes of the Principal Act and its amendments, and shall be considered as an "existing private street" subject as hereinafter mentioned :

Cf. 58 Vict. No. 30, Sec. 4.

Cf. 5 Edw. 7 No. 46, Sec. 6.

- iii. If any such private street has not been surveyed, pegged off, laid out, opened and used as a street for at least ten years before the area is included in the City, every person who caused such street to be surveyed, pegged off, shown upon a subdivision, laid out, opened or used or who subdivided or disposed of any land adjoining such new private street shall be considered to have done so within the City, and shall be liable to submit a sketch, deposit his survey and specifications, and in so far as he has not already done so construct the street or pay or give security for the payment of the sum quoted or deemed sufficient for the construction

Section 7.

Section 4.

Section 7.

Section 15.

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of such street as if the same were a new private street, and shall be liable to all provisions of the Launceston Corporation Act (No. 2), 1924, as amended and the penalties provided thereby as if the said area had always been included in the City, and if the same street were a new private street, and the unsold land (if any) on such street shall be charged with the cost of construction until payment is made or security given :

- iv. The Council may permit any private street to be constructed as a third-class street in accordance with Section Seven of the Launceston Corporation Act (No. 3), 1924 :
- v. Subject as aforesaid the provisions as to private streets contained in the Principal Act and the amendment of the same shall apply.

15 Geo. V. No.  
59.Special provisions  
with respect to  
certain area in  
City.

**6** With regard to the area included in the City by the proclamation gazetted on the eighteenth day of November, one thousand nine hundred and twenty-four, notwithstanding anything hereinbefore contained—

- I. The streets and roads mentioned in the First Schedule hereto shall be considered and taken to be public streets :
- II. For and during the first ten years from the date of the said proclamation, eighty per centum of the whole of the general rate levied and collected upon the assessed annual value of the lands and buildings in such area shall be expended on the streets mentioned in the said First Schedule or any other streets which may be taken over by the Council :
- III. Except as herein provided the rates shall for the time being be the same as in the centre of the City including the sewerage rate ; but the cost of the construction and maintaining of a sewerage system in such area shall be a separate charge on that area, and, as the same sewerage system is proceeded with, a special rate shall in each year be made and levied in that area, and every such special rate shall be of an amount sufficient to cover in each year the interest on and the sum required for the sinking fund for and in respect of the sum or sums borrowed for the sewerage system in that area, and to cover the maintenance of the same, and every such special rate shall be deemed to be a municipal rate, and shall be made, gazetted, levied, and recovered in the same manner as any other municipal rate :
- IV. The streets and roads mentioned in the Second Schedule which are private streets shall be constructed as provided in Section Five, but it shall be sufficient if they are constructed as third-class streets, provided the person liable for such construction shall construct the same forthwith.

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**7** In Section Six of the Launceston Corporation Act Amendment Act, 1919— A.D. 1927.

- I. The word "who" occurring in the fifth line is hereby expunged, and the words "every corporation and every firm considered a citizen by virtue of Part I. of the Launceston Corporation Act, 1924, who or which" are hereby inserted in lieu thereof:
- II. The words "or its" are hereby inserted after the word "his" occurring in the eighth line:
- III. The words "corporation or firm" are hereby inserted after the word "person" occurring in the tenth line:
- IV. The words "corporation and firms" are hereby inserted after the word "person" occurring in the eleventh line.

Amendment of  
Section 6 of 10  
Geo. V. No. 42.

**THE FIRST SCHEDULE.**

George Town Road  
Kinross Road from Eddington Crescent  
to Lot 79  
Eddington Crescent from George Town  
Road to Lot 116  
Mowbray Street  
Hope Street  
McKenzie Street  
Jackson Street

Button Street  
Joffre Street  
Haig Street  
Pleasant Street  
Ravenswood Road (Vermont Street)  
Sadler Street  
Conway Street  
Park Road  
Derby Street  
Lanont Street

**THE SECOND SCHEDULE.**

Cadorna Street  
Jellicoe Street  
Verdun Street  
Mons Street  
Calais Street  
Brussels Street  
Dover Street  
Rheims Street  
Jutland Street  
Beatty Street  
Foch Street  
Mangin Street

Allenby Street  
Pershing Street  
Birdwood Street  
Monash Street  
Plumer Street  
Esprey Street  
Luck Street  
Dineen Street  
Valentine Street from Button Street to  
Lot 85  
Roslyn Road  
Burnett Place

