



1929.

1929 ANNO VICESIMO
GEORGII V. REGIS.
No. 63.

ANALYSIS.

- 1. Short title.
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AN ACT to amend the Local Government Act, 1906. [24 December, 1929.]

A.D.
1929.

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 Local Government Act, 1929.”

Short title.

4d.]

Local Government.

A.D. 1929.

Amendment of
6 Ed. VII.
No. 31.

Section 37.

Section 94.

Deputy
Warden.

Section 134.

Section 137

New Part
IXB.
14 Geo. V.
No. 61.Power of
Council to
grant per-
mits to use
portion of
street for
installation
of petrol
pump.
Effect of
permit.
20 Geo. V.
No. 7.

2 The Local Government Act, 1906, is amended as follows:—

I. By inserting after the word "rate" in the first line of Paragraph II. of Section Thirty-seven the words "or charge":

II. By expunging the proviso to Subsection (2) of Section Ninety-four and by inserting after that subsection the following new subsection:—

"(2A) The Council at the meeting referred to in Subsection (1) of this section shall elect one of the Councillors to be Deputy Warden for the ensuing year, and the Deputy Warden so elected, during the illness or absence of the Warden, shall have and may exercise all the powers and functions of the Warden, and, while so acting as Warden, shall be entitled to receive one-half of the allowance which would, but for his illness or absence, be payable to the Warden."

III. By deleting the word "Five" in the fifteenth line of Section One hundred and thirty-four and substituting therefor the word "Ten":

IV. By deleting the word "Twenty" in the third line of Section One hundred and thirty-seven and substituting therefor the word "Fifty":

V. By inserting after Part IXA. (inserted by the Local Government Act, 1924), the following new Part IXB.:—

"PART IXB.

"TITLE—INSTALLATION AND SUPERVISION OF
PETROL PUMPS.

"**141n** It shall be lawful for any Council from time to time to issue a permit to the owner or occupier of any land within the Municipality, to use and occupy such portion of the street and footway on which such land has a frontage, as may be required, for the purposes hereinafter in this Part mentioned.

"**141p** The permit, while in force, shall authorise the holder, subject to the provisions of the Inflammable Liquids Act, 1929, and subject to such conditions as the Council may impose—

I. To erect and maintain a petrol pump for the supply of inflammable liquid in and upon such street and footway, or either of them, as the Council may determine, and to sell and supply such liquid therefrom:

II. To make excavations, and to lay down and maintain such apparatus, appliances, pipes, and conduits as may be necessary for the purposes aforesaid.

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“ **141q**—(1) Every such petrol pump shall be erected and maintained in such position only as the Council may approve, and no such approval shall be given where, in the opinion of the Council, the petrol pump would unduly obstruct the street or footway or the traffic therein.

Conditions A.D. 1929.
on which
permit may
be granted.

(2) The Council may make such charges in respect of such permits as may be prescribed.

(3) The Council may refuse to issue a permit in any case where, in the opinion of the Council, it is desirable so to do.

(4) Any permit may be transferred, renewed, or cancelled in such cases and upon such conditions as may be prescribed.

“ **141r**—(1) If at any time any petrol pump is unused or, in the opinion of the Council, is or is likely to become a danger or obstruction to traffic, the Council may require the owner thereof to remove the same and all apparatus, appliances, pipes, and conduits appertaining thereto or used in connection therewith.

Power to
remove
pumps, &c.

(2) If such owner as aforesaid fails to remove any such petrol pump or thing as aforesaid as and when required by the Council, it shall be lawful for the Council to remove the same at the expense of such owner, and the Council may recover the cost of such removal from such owner in any court of competent jurisdiction as a debt due to the Corporation.

(3) For the purposes of this section, the term ‘owner’ shall include the holder of the permit in respect of any petrol pump so required to be removed, or, if no such permit is in force, then the person who last held a permit in respect thereof.

(4) Where any petrol pump is removed as provided by this section, the Council shall pay or allow to the holder of such permit as aforesaid, a proportionate part of the fee paid for such permit in respect of the unexpired portion, if any, of the term for which the same was granted or issued.

“ **141s**—(1) The holder of any permit under this Part shall make good and repair, to the satisfaction of the Council, all damage to the surface of any street or footway, and to any pipes, gutters, channels, or other property of the Corporation.

Duty of
holder of
permit.

Penalty: Ten Pounds.

(2) If such holder as aforesaid fails to make good any such damage as aforesaid the Council may make good and repair the same at the expense of

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Council not
to incur any
liability.

such holder, and may recover the cost of so doing from him in any court of competent jurisdiction as a debt due to the Corporation.

“ **141t** The Council shall not incur any liability by reason of the grant of any permit, or in respect of anything done or omitted to be done by the holder thereof, or of any injury, damage, or loss occasioned to any person in consequence of the grant of the permit.”

Amend-
ment of
2 Geo. V.
No. 65,
s. 40.

3 The Local Government Amendment Act, 1911, is hereby amended by expunging Subsection (3) of Section Forty, and substituting therefor the following new subsections:—

“(3) Upon any such notice being so published—

I. The charge therein mentioned shall be payable and paid at the times specified in such notice by the owners of the properties in respect of which the service is rendered:

II. The owner of every property within the area described in such notice, in respect of which no such service as aforesaid is rendered, shall pay a prescribed proportion of the charge in respect of such number of removals as the Council, in each case, may determine to be the number that may be reasonably presumed would have been required by him if such service as aforesaid had been rendered in respect of such property—

to the person from time to time appointed by the Council to collect and receive the same, and any such charge may be recovered from such owner in the same way as rates in arrear are recoverable.

(4) It shall not be necessary in any such notice to set forth the names of the persons liable to pay the charge or the sums which they are liable to pay, or any other particulars than hereinbefore in that behalf mentioned, nor to make or issue the demand in writing required in the case of a rate.”

Amend-
ment of
12 Geo. V.
No. 27, s. 2a
(inserted by
15 Geo. V.
No. 39).

4 The Local Government Amendment Act, 1921, is hereby amended by expunging Subsection (4) of Section **2a** thereof and substituting therefor the following new subsection:—

“(4) For the purposes of this section ‘timber’ includes firewood.”

Amend-
ment of
17 Geo. V.
No. 65,
s. 8.19 Geo. V.
No. 37.

5 The Local Government Act (No. 2), 1926, is hereby amended by deleting the word “twenty-nine” (inserted by the Local Government Act, 1928) in the second line of Section Eight thereof and substituting therefor the word “thirty.”