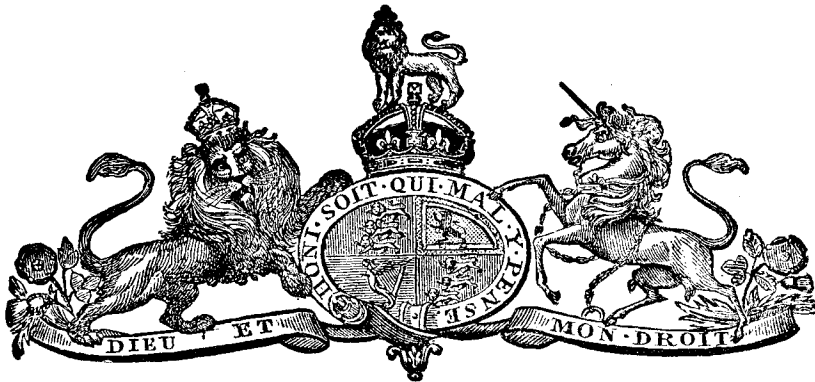


TASMANIA.



1926.

ANNO SEPTIMO DECIMO
 GEORGII V. REGIS.
 No. 32.

ANALYSIS.

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| <p>1. Short title.
Principal Act.</p> <p>2. Repeal of Sections 22 to 26 inclusive of the Principal Act, and substitution of new sections.
Number of wardens to form Board.
All wardens to retire.
Wardens to be elected for Launceston and for municipalities.
Retirement of wardens in the years 1927 to 1929 inclusive.
Case of equality of votes, or election without poll.
Wardens to hold office for three years.
Qualifications for and elections of wardens for the City of Launceston.
Nominations for election of wardens for Launceston in 1926.</p> | <p>Qualifications of electors for wardens for Launceston.
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AN ACT to amend the Marine Act, 1921.
 [1 December, 1926.]

A.D.
 1926.

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—(1) This Act may be cited as “The Marine Act (No. 2), 1926.”
 (2) The Marine Act, 1921, is herein called “the Principal Act.”

Short title.
 Principal Act.
 12 Geo. V. No.
 60.

Marine (No. 2).

A.D. 1926.

Repeal of Sections 22 to 26 inclusive of the Principal Act, and substitution of new sections.
Number of wardens to form Board.

All wardens to retire.

Wardens to be elected for Launceston and for municipalities.

Retirement of wardens in the years 1927 to 1929 inclusive.

Case of equality of votes, or election without poll.

Wardens to hold office for three years.

2 Sections **22** to **26** inclusive of the Principal Act are hereby repealed, and the following Sections **22** to **26** inclusive are hereby inserted in that Act in lieu thereof:—

“**22**—(1) After the second Thursday in the month of December, one thousand nine hundred and twenty-six, the Marine Board of Launceston shall consist of five wardens, three of whom shall form a quorum, provided that two of the three are wardens for the City of Launceston.

(2) Wardens shall be elected or appointed as hereinafter provided.

“**23** All the wardens of the Marine Board of Launceston who are in office on the day preceding the second Friday in the month of December, one thousand nine hundred and twenty-six, shall retire from office on the second Friday in the month of December in the year aforesaid.

“**24** After the second Thursday in the month of December, one thousand nine hundred and twenty-six, of the five wardens of which the Marine Board of Launceston is to consist—

Three shall be elected for the City of Launceston:

One shall be elected for the Municipality of Beaconsfield: and

One shall be elected for the Municipalities of George Town, Lilydale, and St. Leonards.

“**25** The three wardens for the City of Launceston who are elected or appointed to fill the vacancies in the Board caused by such retirement as aforesaid, shall retire from office in rotation in the manner hereinafter provided; that is to say—

The warden who receives the greatest number of votes shall retire from office on the second Friday in the month of December, one thousand nine hundred and twenty-nine:

The warden who receives the second greatest number of votes shall retire from office on the second Friday in the month of December, one thousand nine hundred and twenty-eight: and

The other warden shall retire from office on the second Friday in the month of December, one thousand nine hundred and twenty-seven.

“**26** In case, at the election of wardens for the City of Launceston to fill the vacancies in the Board caused by the retirement mentioned in Section Twenty-three hereof—

i. Any two or more wardens are elected by an equality of votes: or

ii. The election is held without a poll—

the order of retirement shall, in so far as not otherwise determined, be determined by lot within one week after the election.

“**26a** Subject as otherwise expressly provided in this Act, each warden shall respectively hold office for a period of three years.

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“**26b**—(1) Each warden for the City of Launceston shall be a male citizen of the said City qualified to vote at an election of aldermen for the said City.

(2) In the year one thousand nine hundred and twenty-six, and in every succeeding year, an election of wardens or a warden for the said City as the case may require, shall be held by the Municipal Council of the said City in December, at the same time as, and in conjunction with, the election of aldermen, and the provisions of the Launceston Corporation Act, 1894, so far as the same are applicable, shall, *mutatis mutandis*, apply to the election of such wardens.

“**26c** The public notification heretofore given by the returning officer of an election to be held on the second Thursday in the month of December, one thousand nine hundred and twenty-six, of a warden for the said City, and of the time for nomination for such election, shall be a sufficient notice of the election, to be held on such lastmentioned date, of three wardens for the said City, and any nomination received by the returning officer of such lastmentioned election shall, if valid in other respects, and if received by the returning officer by noon on the fourth day of December in the year last aforesaid, be valid and sufficient for the purpose of such election as last aforesaid, and it shall not be necessary to publish any such notification of a nomination for such election as is required by Section Twenty-eight of the Launceston Corporation Act, 1894, on any day previous to the fifth day of December, one thousand nine hundred and twenty-six.

“**26d**—(1) The electors of the wardens for the City of Launceston shall be the citizens qualified to vote at an election of aldermen for the said City.

(2) Each elector shall have the same number of votes as he has at elections of aldermen for the said City.

(3) No person who acts as a returning officer or presiding officer at any election of a warden or wardens for the said City, or at any election under the Launceston Corporation Act, 1894, shall be capable of being elected as a warden at any such election as first aforesaid on the day on which he so acts.

“**26e** The warden for the Municipality of Beaconsfield shall be a male elector of that municipality, or a male citizen of the City of Launceston qualified as mentioned in Section **26b** of this Act, and shall be elected by the electors of such municipality at the same time as, and in conjunction with, the annual election of councillors for that municipality.

“**26f** The warden for the Municipalities of George Town, Lilydale, and St. Leonards shall be a male elector of one of those municipalities, or a male citizen of the city of Launceston qualified as aforesaid, and shall be elected by the electors of the three municipalities last aforesaid, which for the purpose of the election shall be combined for each election, and twenty-one days before each election the wardens under the Local Government Act, 1906, of such three municipalities

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Qualifications for and elections of wardens for the City of Launceston.

58 Vict. No. 30 as amended by 12 Geo. V. No. 20.

Nominations for election of wardens for Launceston in 1926.

58 Vict. No. 30 as amended by 12 Geo. V. No. 20.

Qualification of electors for wardens for Launceston.

58 Vict. No. 30 as amended by 12 Geo. V. No. 20.

Warden for Beaconsfield.

Warden for other three municipalities.

Marine (No. 2).

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shall agree, or, if they cannot or do not agree, the master-warden shall determine, which of them shall, for the purposes of the election next to be held, be considered to be the warden under the Local Government Act, 1906, of the combined municipalities and the returning officer.

The municipal council clerk and all officers and servants of each municipality shall give to the returning officer conducting such election all assistance and information to enable such returning officer to carry out such election

Qualification of
electors for
wardens of
municipalities.

“**26g**—(1) The electors of the warden for the Municipality of Beaconsfield shall be the electors qualified to vote at an election of councillors for the said municipality, and the electors of the warden for the three municipalities of George Town, Lilydale, and St. Leonards shall be the electors qualified to vote at an election of councillors for any of the said three municipalities.

Number of votes.

(2) Each elector shall have the same number of votes as he has as a municipal elector in respect of all his properties in the municipality or municipalities, as the case may be.

Election of
wardens for
municipalities.

“**26h**—(1) The first election of wardens in respect of the municipalities shall be held on the fourth Thursday in the month of April in the year one thousand nine hundred and twenty-seven, and the warden so elected for a municipality or municipalities shall hold office, subject to the provisions of this Act, until the fourth Thursday in the month of April, one thousand nine hundred and thirty, and on the fourth Thursday in the month of April in each third year after the year one thousand nine hundred and thirty the warden for the municipality or municipalities, as the case may be, shall retire from office, and the vacancies caused by such retirement of wardens shall be filled in the manner next hereinafter provided.

The election of a warden for the Municipality of Beaconsfield shall be held by the municipal council of that municipality.

The election of a warden for the Municipalities of George Town, Lilydale, and St. Leonards shall be held by the municipal council of that municipality of which the warden under the Local Government Act, 1906, is considered the returning officer as provided in Section **26f** of this Act.

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The elections aforesaid shall be held at the same time as, and in conjunction with, the annual election of councillors under the Local Government Act, 1906

The provisions of the Local Government Act, 1906, so far as the same are applicable shall, *mutatis mutandis*, apply to the election of each warden for the municipalities.

(2) No person who acts as a returning officer at any election under this section or the Local Government Act, 1906, shall be capable of being elected as a warden at an election held under this section on the day on which he so acts.

Wardens for
municipalities
until April, 1927.

“**26i** The wardens under the Local Government Act, 1906, of the three Municipalities of George Town, Lilydale, and St. Leonards may in writing appoint a male elector of one of those municipalities, or a

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male citizen of the City of Launceston, qualified as aforesaid, to be the warden for those municipalities until the fourth Thursday in the month of April, one thousand nine hundred and twenty-seven, and thereupon the Municipal Council of the Municipality of Beaconsfield may in writing appoint a male elector of that municipality, or a male citizen of the said City qualified as aforesaid, to be the warden for the Municipality of Beaconsfield until the fourth Thursday in the month of April, one thousand nine hundred and twenty-seven: Provided, however, that until such appointments are made and forwarded to the Board, the wardens for the City of Launceston shall constitute the Board, and two of such wardens shall form a quorum.

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“**26j** The Board shall pay to the Municipal Council of the City of Launceston, and to the municipal council of any municipality holding an election under this Act, such sum as shall be necessary to recoup the council for extra expense incurred by reason of the holding of the election under this Act at the same time as the election of aldermen or councillors, as the case may be, and in case of dispute as to the amount to be so paid the matter shall be referred to the Auditor-General whose decision shall be final and conclusive.

Costs of election.

“**26k** For the purposes of Section Twenty-four, and Sections **26e** to **26j** inclusive, of this Act, the word ‘municipality’ shall have the meaning assigned to it by Section Five of the Local Government Act, 1906, and the word ‘elector,’ when used with reference to a municipality, shall have the meaning assigned to it by the section last aforesaid.

Interpretation of certain terms.
6 Ed. VII. No. 31.

“**26l**—(1) The Board, with the approval of the Governor, may make by-laws:—

By-laws as to elections.

- i. Securing that any elector liable to pay a Tamar Rate may vote: and
- ii. Generally regulating the conduct of the elections where, or in matters, not otherwise provided for.

(2) Any such by-law may afterwards be rescinded by the Governor, and upon notification thereof in the Gazette shall cease to have effect.”

3 Nothing in this Act shall operate so as to effect any break in the continuity of the existence of the Marine Board of Launceston, constituted under the Marine Board Act, 1889, and continued under the Principal Act, and the said Board shall, after the commencement of this Act, continue as one and the same Board with the Board constituted under the first-mentioned Act.

Continued existence of Marine Board of Launceston.
53 Vict. No. 54.

4 All by-laws and regulations made by the Marine Board of Launceston, and in force at the time when this Act comes into operation, shall, in so far as they are not inconsistent with the provisions of the Principal Act, as amended by this Act, remain in force until repealed, rescinded, or altered under the provisions of the Principal Act.

By-laws, &c., to remain in force.

