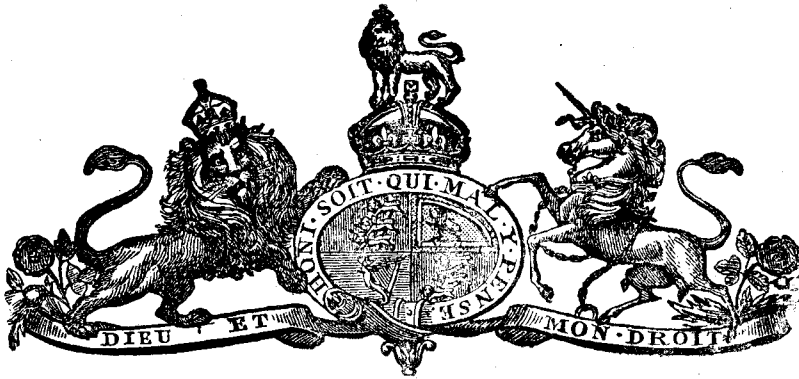


T A S M A N I A.

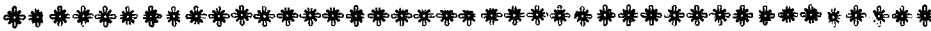


1906.

ANNO SEXTO

EDWARDI VII. REGIS,

No. 11.



AN ACT to provide for the Improvement, Control, and Management of the Eastern Slope of *Mount Wellington* as a Public Park, and for other purposes. [25 October, 1906.]

A.D.
1906.

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 *Mountain Park* Act, 1906.”

Short title.

2—(1.) The land described in the Schedule hereto is hereby—

Mountain Park constituted.

i. Constituted and set apart as a Public Park, to be called “The *Mountain Park*” (hereinafter referred to as “the Park”):

ii. Vested in the Mayor, Aldermen, and Citizens of the City of *Hobart* (hereinafter referred to as “the Corporation”), and their successors, to be held upon trust as a Public Park for the pleasure, recreation, and amusement of His Majesty’s subjects and people, and to be so held subject to the right

Vested in *Hobart* Corporation as a Public Park.

Mountain Park.

- A.D. 1906. — of the public to pass and repass along the road upon the Park known as "*Pillinger's Drive*," but under By-laws regulating traffic to be prescribed by the Council.
- Restriction upon alienation. (2.) It shall not be lawful to alienate, charge, or in any way dispose of the Park or any part thereof, except by way of lease or licence, pursuant to the provisions of this Act.
- Hobart Municipal Council to manage Park.* 3 The Park shall be controlled, managed, administered, and improved by the Municipal Council of the City of *Hobart* (hereinafter referred to as "*the Council*").
- Maximum annual expenditure authorised, £200. It shall be lawful for the Council to expend annually out of the Municipal Fund of the Corporation upon the Park and in managing and improving the same, and generally for the purposes of this Act, a sum of money not exceeding Two hundred Pounds.
- Minimum expenditure required, £100. The Council is hereby required to expend annually at least One hundred Pounds upon the Park itself (exclusive of the "*Pillinger Drive*"), and in improving the same: Provided, that if the Council prove to the satisfaction of the Chief Secretary of *Tasmania* that the full amount of such minimum expenditure is unnecessary in respect of any year, then the Governor may, on the recommendation of the Chief Secretary, reduce such amount for that year to such sum as he thinks fit.
- Council may manage and administer Park. Lay out Park. 4 The Council shall manage and administer the Park, and may exercise all or any of the powers following:—
- I. Lay out, enclose, and plant the same, and build any lodge or other ornamental building therein, and in such manner as the Council may think fit:
 - II. From time to time set apart and dedicate any part of the Park for any specific purpose of public amusement or recreation, and permit the use thereof upon such terms and conditions as the Council may think fit, and may annul any such setting apart and dedication:
 - III. Appropriate any part of the Park for squares, gardens, or open places:
 - IV. Cause such parts of the Park to be laid out for carriageways, and such parts for footways, as the Council may think proper:
 - V. Do any other thing which may be requisite for the improvement, proper management, and administration of the Park, or any part thereof.
- Dedicate Park for specific purposes.
- Set apart land for squares, &c.
- Lay out foot and carriage ways.
- General powers.
- Power to issue certain licences. 5 The Council may from time to time issue licences for all or any of the purposes following; that is to say:—
- I. To cut and remove dead timber only:
 - II. To win and remove stone or gravel for ballast or for metal-ling roads:
 - III. To construct and use tramways for the removal of any such timber, ballast, or road materials.

Mountain Park.

6 The Council may from time to time make By-laws not inconsistent with this Act, for—

A.D. 1906.

By-laws.

- i. The management, preservation, and disposition of the Park or any part thereof :
- ii. Providing for the control and management of roads within the Park, including the *Pillinger Drive*, and regulating traffic thereon :
- iii. The government and control of all persons, horses, carriages, and vehicles using or frequenting the Park :
- iv. Regulating the time of their admission and exclusion :
 - v. The depasturing of cattle :
- vi. The preservation or protection of shrubs, trees, and herbage growing or planted in the Park, and of animals therein :
- vii. The exclusion of dogs or any other animals from the Park, and their destruction if intruding therein :
- viii. The removal of trespassers and other persons causing annoyance or inconvenience upon the Park :
- ix. The prevention of any nuisance :
 - x. Prescribing the form of licences issued under the last preceding Section :
 - xi. Prescribing the conditions under which such licences shall be issued :
- xii. Prescribing the fees payable on any such licence : and
- xiii. Generally for regulating the use and enjoyment of the Park.

7—(1.) No By-laws made by the Council shall come into operation until they have been submitted to and approved by the Governor and have been gazetted.

By-laws to be approved.

(2.) Every person who commits any breach of any By-law under this Act is liable on summary conviction before a Police Magistrate or any Two or more Justices of the Peace to a fine not exceeding Five Pounds.

Penalty for breach of By-law.

(3.) The publication in the *Hobart Gazette* of any By-laws purporting to be made by the Council under this Act, and to be approved by the Governor, shall, until the contrary is shown, be sufficient evidence that the same have been duly made and approved in accordance with this Act.

Evidence of By-laws.

8 With the consent of the Governor the Council may set apart for leasing, areas of the Park, and may, with the like consent, from time to time—

Leasing powers.

- i. Demise and lease any such area or any part thereof for such consideration in money or otherwise, to such persons, for such period not exceeding Fifty years, subject to such rents or conditions, and in such manner and form, as the Council shall from time to time recommend and the

Mountain Park.

A.D. 1906.

Governor approve of: Provided that no such lease shall be granted except for residential purposes or for accommodation-houses, and the area comprised in any such lease shall not exceed Two acres :

- ii. Accept any surrender of any lease granted :
- iii. Grant grazing or other temporary licences to occupy or use any portion of the Park for such purposes, on such terms, and subject to such conditions as the Council may from time to time recommend and the Governor approve of.

Procedure against trespassers.

9 When any person without right, title, or licence, is in occupation of any part of the Park, the Council, or any person appointed by the Council, may make a complaint to a Police Magistrate or any Two or more Justices of the Peace in Petty Sessions assembled to recover possession thereof.

If on the hearing the defendant does not appear, or appears but fails to establish in himself an absolute right and title to the possession, the Magistrate or Justices may order him to give up possession and to pay costs. If possession be not given pursuant to such order, the Magistrate or Justices may issue a warrant, addressed to all constables, commanding them to give possession to the Council; and such warrant may and shall be enforced in like manner, and with the like protection, as a warrant issued under "The Recovery of Possession of Tenements Act, 1901," and the form of warrant set forth in the Schedule to that Act may be altered for the purposes of this Section.

1 Ed. VII, No. 20.

No licence to be granted for sale of liquor within the Park.

10 No licence or permit under "The Licensing Act, 1902," shall be granted to any person for the sale of liquor within the boundaries of the Park.

Matters for which penalties imposed.

11—(1.) Every person is liable, on summary conviction before a Police Magistrate or any Two or more Justices, to a fine not exceeding Twenty Pounds, in addition to the damage actually done (the amount of such damage to be assessed by the convicting Magistrate or Justices), who does any of the following things upon or within the boundaries of the Park ; that is to say :—

- i. Lights any fire, except where and as permitted by the Council: or
- ii. Wilfully breaks or injures any fence, building, or erection: or
- iii. Wilfully breaks, cuts, injures, or removes any or any part of any wood, tree, shrub, fern, plant, stone, mineral, furniture, utensil, tool, or thing of any kind: or
- iv. Wilfully digs, cuts, or injures the sod: or
- v. Shoots at any bird or animal with any gun or other instrument: or
- vi. Takes or destroys any fish: or
- vii. Takes, destroys, or injures any bird or animal, or the nest or egg of any bird,

Mountain Park.

(2.) In every case where under the last preceding Sub-section hereof wilful intent must be shown, such intent shall be presumed until the contrary is proved.

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Intent presumed.

(3.) If within the Park, or on any road in its vicinity, any person is found in possession of any or any part of any wood, tree, shrub, fern, or plant, and, upon being thereunto required by any ranger or constable, fails or refuses to give a satisfactory account of the manner in which he became possessed of the same, he shall be deemed to have wilfully removed the same in breach of this Section, unless he satisfies the Magistrate or Justices to the contrary.

Wilful removal of tree, shrub, &c.

12 In any case where any actual or attempted breach of this Act, or of any By-law thereunder, is or may be attended with danger, hindrance, or annoyance to the public or to any person lawfully in the Park, then, without affecting the liability of the person committing or about to commit such breach, any ranger or constable may, without further warrant or authority than this Act, summarily interfere to prevent such breach or to prevent or remove such danger, hindrance, or annoyance.

Ranger may prevent breach of Act or By-law.

13 Any ranger or constable may, without warrant, apprehend any person whom he finds actually committing within the Park any breach of this Act or of any By-law thereunder, and the person so apprehended shall be detained in custody or held to bail until he can be proceeded against for such breach.

Ranger may apprehend person committing offence.

14 No building shall be erected upon the Park unless the same and the site for the same are previously approved of by the Chief Secretary of *Tasmania*, nor unless the conditions (if any) imposed by him as to sanitation or otherwise are complied with.

Chief Secretary's approval of buildings, &c., required.

15 Except with the consent of the Council, it shall not be lawful for any local governing body, association, or person, to make roads or tracks over or through the Park.

No roads to be made except with consent of Council.

16 The expenses incurred by the Council in managing and improving the Park, and generally in administering this Act, shall be paid out of the Municipal Fund of the Corporation.

Expenses payable out of Municipal Fund.

17—(1.) It shall be lawful for any local governing body or association, from time to time, to contribute out of its general funds such sums of money as it thinks fit, to be expended by the Council upon the Park, and in improving the same.

Power for Local Bodies, &c., to contribute.

(2.) Any moneys so contributed, and any donation by any person for a like purpose, shall be expended or applied by the Council upon or for the purposes of the Park, or in improving the same.

(3.) The Council shall keep a separate and distinct account of all such contributions and donations received, and of all expenditure defrayed out of the same; but any such expenditure shall not be taken into account as expenditure by the Council under Section Three of this Act.

Mountain Park.

A.D. 1906.

Annual statement
of accounts.

18 Within Ten days after the close of each financial year ending the Thirtieth day of *June*, the Council shall cause to be prepared and submitted to the Audit Office for audit a statement of accounts showing the receipts and disbursements of the Council in connection with the Park for the year.

This Act not to
impede
exercise of powers
under The *Mount
Wellington Aerial
Railway Act.*

19 The provisions of this Act shall not in any way affect or impede the exercise of the powers contained in "The *Mount Wellington Aerial Railway Act.*"

SCHEDULE.

DESCRIPTION OF LAND KNOWN AS THE EASTERN FACE OF MOUNT WELLINGTON TO BE RESERVED AS A PUBLIC PARK, AND BEING PORTION OF 3750 ACRES ORIGINALLY RESERVED IN CONNECTION WITH THE WATER-SUPPLY OF THE CITY OF HOBART, BY THE GOVERNOR IN COUNCIL ON THE 25TH SEPTEMBER, 1871.

Commencing at the north-west angle of Lot 488, two hundred and fifty acres, purchased by Alfred Hall; thence along the northern boundary of the said lot to its intersection with the Huon Road; thence in a north-easterly direction along the Huon Road to the intersection of the western boundary of forty-seven acres three roods ten perches, purchased by E. J. Baynton; thence in a northerly direction along the western boundary of the said land to its intersection with the Sandy Bay Rivulet; thence in a north-westerly direction along the Sandy Bay Rivulet to the south-west corner of two thousand acres granted to Peter Degraes; thence in a north-westerly direction along the south-western boundary of the said two thousand acres to its intersection with the boundary of two thousand six hundred and sixty acres, granted to Joseph Allport and Thomas Young; thence in a south-westerly direction along the said boundary of the said two thousand six hundred and sixty acres to the angle formed by the two boundary-lines adjacent to the Mount Wellington Trigonometrical Station; thence in a south-westerly direction along the south-eastern boundary of the said two thousand six hundred and sixty acres for a distance of twenty-seven chains; thence by a straight line in a south-easterly direction to the "Rocking Stone"; thence by a straight line in a south-easterly direction to the southern side of the Shelter Shed at the "Springs"; thence by a straight line in a south-easterly direction to a point intersecting the prolongation of the western boundary of Lot 488, two hundred and fifty acres, purchased by Alfred Hall, such point on the prolongation being ten chains from the north-west corner of the said lot; thence by a straight line in a southerly direction along this prolongation to the north-west corner of the said lot, being the point of commencement.