

T A S M A N I A.

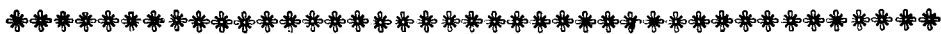


1888.

ANNO QUINQUAGESIMO-SECUNDO

VICTORIÆ REGINÆ,

No. 17.



AN ACT to provide for the Custody, Control, and Management of Public Recreation Grounds in *Tasmania*. [8 October, 1888.] A.D. 1888.

**W**HEREAS various sums of money have from time to time been appropriated by Parliament for the purchase of pieces of land to be used as Public Recreation Grounds: PREAMBLE.

And whereas no provision has hitherto been made for the custody and control of such land; and it is expedient to provide by Law for the custody and control of such land:

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 Public Recreation Grounds Act, 1888.” Short title.

**2** In this Act, unless the context otherwise determines— Interpretation.  
“Minister” means the Minister of Lands and Works for the time being:  
“Public Recreation Ground” shall mean any piece of land used or intended to be used by the public for recreation purposes, and to which the provisions of this Act are hereinafter declared to be applicable:  
“District” shall mean a District defined as hereinafter provided for the purposes of this Act:  
“Trustees” mean the Trustees for the time being of the Public Recreation Ground for which they have been elected or appointed:  
“Gazette” means *The Hobart Gazette*.

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Application of  
Act.**3** This Act shall apply—

- i. To all lands granted or reserved by the Governor under the authority of Parliament as Public Recreation Grounds.
- ii. To all lands already purchased out of moneys which have been provided by Parliament for the purchase of Public Recreation Grounds.
- iii. To all lands which may hereafter be purchased out of moneys which have already been provided, or which may hereafter be provided, by Parliament for the purchase of Public Recreation Grounds.
- iv. To all lands which have already been purchased, or which may hereafter be purchased, out of moneys bequeathed or otherwise given by any person or persons for the purchase of Public Recreation Grounds.
- v. To all lands which have already been purchased, or which may hereafter be purchased, out of moneys obtained from any two or more of the sources hereinbefore mentioned for Public Recreation Grounds.
- vi. To all lands which have already, or which may hereafter be granted, devised, or otherwise given by any person or persons for Public Recreation Grounds.

Provided, that nothing herein contained shall exempt any lands or moneys which have been, or may hereafter be devised or bequeathed or otherwise given to provide Public Recreation Grounds from any Trust attached to any such devise, bequest, or gift, or shall exempt such lands or moneys from the control and management of the Trustee or Trustees appointed by such testator or donor.

But it shall be lawful for the Governor in Council, upon the request of any such Trustee or Trustees as aforesaid, by Proclamation published in the *Gazette*, to declare that upon a date therein mentioned, not being less than Two months after the date of such Proclamation, the lands or moneys vested in or given to such Trustee or Trustees for such purposes as aforesaid shall become and thereafter shall remain subject to the provisions of this Act.

Provided also, that nothing in this Act contained shall apply to the piece of land in the suburbs of the City of *Hobart* containing 634 acres, or thereabouts, and commonly called *The Queen's Domain*, or to the piece of land in the suburbs of the Town of *Launceston* containing 72 acres and 1 rood, or thereabouts, and commonly called *The Launceston Swamp*, or to any Recreation Ground vested in or under the care and control of any Municipal Council, or which the Governor in Council shall exempt from the operation of this Act.

How Trustees  
may petition.

**4** Every request by any such Trustee or Trustees as last aforesaid shall be made by petition signed by such Trustee or Trustees and addressed to the Governor in Council; and every such petition shall be published in six consecutive numbers of the *Gazette* prior to the publication of any Proclamation as aforesaid affecting any land or money mentioned in such petition.

Three Trustees  
appointed and  
Four elected.

**5** Whenever any land has been granted or reserved by the Governor under the authority of Parliament for use as a Public Recreation Ground, or whenever any sum of money has been provided by Parliament for the purchase of any Public Recreation Ground, or whenever any land has been purchased for use as a Public Recreation

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Ground by or out of any money provided by Parliament for that purpose, or whenever any land or moneys devised or bequeathed, or otherwise given to provide a Public Recreation Ground have been made subject to the provisions of this Act, as hereinbefore provided, it shall be lawful for the Governor in Council, by notification in the *Gazette*, to appoint Three persons as and to be Trustees of such Public Recreation Ground; and there shall thereafter be elected, in the manner hereinafter provided, Four other persons as and to be additional Trustees of such Public Recreation Ground; and such Seven Trustees shall be the Trustees of such Public Recreation Ground for the purposes of this Act.

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**6** One of the Trustees appointed by the Governor in Council for any Public Recreation Ground under this Act shall go out of office on the same day on which Two of the elected Trustees shall retire from office as hereinafter provided, and the Governor in Council shall thereupon appoint a person as and to be a Trustee of such Public Recreation Ground to fill the vacancy made by the retirement of the appointed Trustee retiring as aforesaid; and the order in which the Three Trustees appointed by the Governor in Council as hereinbefore provided shall retire from office shall be fixed by the Governor in Council at the time at which such Trustees are appointed; and every Trustee thereafter appointed by the Governor in Council shall hold office for a term of Three years from the date of his appointment: Provided, that any appointed Trustee retiring from office as aforesaid may be re-appointed by the Governor in Council.

Retirement of appointed Trustees.

**7** The Governor in Council may at any time remove from office any one or more of the Trustees appointed by him under this Act, and may appoint another person or other persons to fill the vacancy or vacancies caused by such removal from office of any such Trustee or Trustees as aforesaid.

Governor in Council may remove Trustees.

**8** Any Trustee appointed by the Governor in Council may resign his office of Trustee; and in the event of any such Trustee resigning his office, or dying, the Governor in Council may appoint another person as and to be a Trustee in the place of such Trustee resigning or dying as aforesaid; and every Trustee appointed to fill a vacancy caused by the resignation, death, or removal from office of any appointed Trustee shall hold office for the unexpired term for which his predecessor was appointed.

Extraordinary vacancies.

**9** It shall be lawful for the Governor in Council, from time to time by Proclamation in the *Gazette*, to declare or to define the whole or any portion or portions of any Electoral District or Districts for the House of Assembly in or in the vicinity of which any land granted or reserved by the Governor under the authority of Parliament as a Public Recreation Ground is situate, or in or in the vicinity of which any money voted by Parliament for the purchase of any Public Recreation Ground is to be expended in such purchase, or in or in the vicinity of which any Recreation Ground purchased by such moneys as aforesaid is situated, as and to be a District for the purpose of the election of Trustees under this Act.

Districts may be proclaimed.

**10** In every Proclamation declaring or defining any such District for the purposes of this Act, the Governor in Council shall, by and in such Proclamation, direct that, at a time and place therein to be named, there

Time and place of first election.

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shall be held within the District a meeting of such Electors of the House of Assembly as reside within such District for the purpose of electing from amongst such Electors four persons as and to be Trustees under this Act of the Public Recreation Ground of such District; and such election shall be held in manner hereinafter provided.

Chairman of Meeting.

**11** At every such Meeting of Electors a Chairman shall be chosen to preside and to act as Returning Officer at the election then to be held, and the voting at all such elections shall be by ballot, and shall be conducted in all matters of detail as the meeting shall determine; and Seven Electors shall constitute a meeting for the purpose of holding such election.

Nomination and election of Trustees.

**12** The Chairman of every such Meeting for the election of Trustees shall appoint a time, not being less than half an hour nor more than One hour, for receiving nominations, which shall be made orally, of candidates for election; and shall also fix a time at the close of the period appointed for receiving nominations for commencing and closing the poll, if any, for such election; and every such poll shall remain open for Two hours at least.

Mode of proceeding if no more persons nominated than Trustees to be elected.

**13** If no greater number of persons are nominated for election than the number of Trustees then to be elected, the Chairman shall, at the expiration of the time appointed for receiving nominations, without any poll being had, declare the persons so nominated to be elected as Trustees; and the persons so declared to be elected shall thenceforth be Trustees for the purposes of this Act.

Chairman to notify to Minister names of Trustees elected.

**14**—(1.) Forthwith after any election of Trustees the Chairman presiding at the meeting at which such election took place shall notify to the Minister in writing, signed by such Chairman, the names and places of residence respectively of every Trustee elected.

Minister to publish names of Trustees.

(2.) The Minister, upon receipt of such notice, shall cause to be published in the *Gazette* the names of such Trustees so elected, and shall also cause notice in writing of his election to be served personally on, or left at the usual place of abode of, or transmitted by post to every person so elected.

When Trustees retire.

**15** On the first *Thursday* in the month of *February* next after the first election of Trustees in any District, Two of the Trustees elected at such election shall retire from office, and on the first *Thursday* in the month of *February* in the following year the other two Trustees elected at such election shall retire; and the Trustees elected at such election shall decide by lot amongst themselves which two of such Trustees shall retire on the first *Thursday* in the month of *February* next after such election. And a meeting of Electors shall be held in each District on the first *Thursday* in the month of *February* next after the first election of Trustees in such District, and thereafter on the first *Thursday* in the month of *February* in every year, for the purpose of electing Two Trustees of the Public Recreation Ground of such District, and every such Trustee so elected shall hold office for Two years, and shall retire from office on the first *Thursday* in the month of *February* in the Second year after his election.

Provided, that if the first election of Trustees in any District shall be held subsequent to the month of *September* in any year, no retirement or election of Trustees shall take place in such District until the

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first *Thursday* in the month of *February* in the second year after such first election of Trustees. A.D. 1888.

Provided also, that any Trustee retiring from office as aforesaid shall be eligible for re-election if still qualified to act as a Trustee under the provisions of this Act.

**16** The proceedings at all subsequent elections of Trustees in any District shall be the same as those herein prescribed for the conduct of the first election of Trustees in any District. Proceedings at subsequent elections the same as first.

**17** If at any time before the expiration of his term of office any elected Trustee dies, or resigns, or refuses, or from any cause whatsoever becomes incapable or unfit to act as a Trustee, or if he shall absent himself from three consecutive Meetings of the Trustees without leave of absence having been granted to him by the Trustees, his office shall thereupon become vacant, and it shall be lawful for the surviving or continuing Trustees, and they are hereby required, to appoint some fit and proper person, being an Elector of the District, to act in conjunction with such surviving or continuing Trustees in the place and stead of such first-mentioned Trustee during the remainder of the term for which such first-mentioned Trustee was elected. Provides for death, &c. of Trustees during period of office.

**18**—(1.) The Trustees shall annually elect one of themselves to act as Chairman at all Meetings of the Trustees, and shall also annually appoint two of themselves to act respectively as Treasurer and Secretary. At any Meeting of Trustees three Trustees shall form a quorum for the transaction of business thereat. Trustees to annually elect Chairman.

(2.) In case the Chairman shall die, or, by writing under his hand delivered by him to the Trustees at any Meeting of Trustees, or to the Secretary to the Trustees, resign his office, or cease to be a Trustee, the Trustees present at the Meeting next after the occurrence of such vacancy shall choose one of their body to be Chairman, and the Chairman so chosen shall continue in office until the next Annual Meeting for the election of Trustees.

**19** Four Trustees shall constitute a quorum for the transaction of business; and at all Meetings of Trustees all the Trustees present shall vote, save where it is herein otherwise provided, and the questions there considered shall be decided by open voting and by the majority present; and if there is an equal division of votes upon any question, it shall be considered lost. Equal division of votes.

**20** No Trustee shall vote upon any matter in which such Trustee directly, by himself or his partners, has any pecuniary interest; and any Trustee who knowingly offends against this Section shall, on conviction, forfeit and pay for every such offence a sum not exceeding Fifty Pounds. Trustee not to vote where he is pecuniarily interested.

**21** All proceedings at any Meeting of the Trustees, together with the names of the Trustees present at every such Meeting, shall be entered in a Book to be kept by the Trustees for that purpose, and be signed by the Chairman of the Meeting at which such proceedings are, from time to time, confirmed; and all entries of any such proceedings so confirmed and signed by the Chairman of such Meeting shall be received in all Courts as evidence of the matters therein recorded until the contrary be proved. Orders and proceedings of Trustees to be recorded.

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Moneys received  
to be paid into  
Bank.

**22** All moneys received by the Trustees shall be paid into a Bank to the credit of the "Trustees of the Recreation Ground," and all moneys disbursed by the Trustees shall be paid by cheque signed by the Treasurer and Secretary, and countersigned by the Chairman.

Trustees may  
receive donations  
towards Recrea-  
tion Grounds.

**23** It shall be lawful for the Trustees of any Public Recreation Ground from time to time to receive from any person or persons donations and subscriptions to be applied in and towards the improvement of such Public Recreation Ground; and all such donations and subscriptions shall be paid into such Banking account as aforesaid.

Trustees to keep  
accounts.

**24** The Trustees shall keep a full and correct account of all moneys received and expended by them, and shall, in the month of *January* in every year, furnish to the Minister a full and correct statement of all such receipts and expenditure for the preceding year.

Minister may  
receive money to  
assist in payment  
of Ground.

**25** It shall be lawful for the Minister to receive from the Trustees of any Public Recreation Ground any sum of money raised by public subscriptions or donations or otherwise for the purpose of increasing the amount of any sum of money provided by Parliament for the purchase of such Public Recreation Ground, and to apply and appropriate the same, together with the sum of money provided by Parliament, for the purchase of such Public Recreation Ground, or for the purchase of any piece of land adjoining such Public Recreation Ground for the purpose of enlarging the same, as hereinafter provided.

Trustees to have  
care and control  
of Grounds.

**26** The Trustees of every Public Recreation Ground shall have the care, control, and management thereof; and it shall be lawful for such Trustees, with the approval of the Minister, from time to time to make, alter, and rescind Regulations for the use and occupation of the Public Recreation Ground under their control.

Regulations to be  
published.

**27** All Regulations made by the Trustees of any Public Recreation Ground shall be signed by a majority of the Trustees and published in the *Gazette*, accompanied by a notification of the approval of the Minister thereto; and no such Regulations shall be of any force until such Regulations are signed, approved, and published as aforesaid; and a copy of the *Gazette* containing any such Regulations as aforesaid shall be received and taken as sufficient *prima facie* evidence in all proceedings in any Court of Law or before any Justice or Justices of the Peace that all the provisions of this Act relating to the making and validity of such Regulations have been duly complied with.

Trustees may  
make Regulations  
as to charges, &c.

**28** It shall be lawful for the Trustees of any Public Recreation Ground, by any such Regulations as aforesaid, to fix a scale of charges for the use of such Public Recreation Ground for the purposes of any lawful game or exhibition of goods or public entertainment, or for any other purpose approved of by the Governor in Council, and to charge or permit to be charged for admission to such Recreation Ground during the performance of any such game or the holding of any such exhibition or entertainment such sum of money as shall be fixed by any such Regulation as aforesaid.

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**29** Every person who shall commit any breach of any Regulation duly made and published by the Trustees of any Public Recreation Ground in accordance with the provisions of this Act shall, upon conviction thereof, be liable to a penalty not exceeding Ten Pounds; and every such penalty shall be recoverable in a summary way by and before any Two Justices of the Peace in the mode prescribed by *The Magistrates Summary Procedure Act*.

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Penalty for  
breach of  
Regulations.

19 Vict. No. 8.

**30** All sums of money received by the Trustees for the use and occupation of any Public Recreation Ground, or for admission thereto, shall be used and applied by them in and towards the necessary and reasonable expenses attending the management, and towards the maintenance and improvement of such Recreation Ground; and it shall be lawful for the Trustees, with the sanction of the Minister, from time to time to lease or purchase any piece of land adjoining such Public Recreation Ground for the purpose of enlarging the same, and to apply in payment of the rent or purchase money of any such piece of land as last aforesaid so much of any moneys as aforesaid as may be required for that purpose: Provided always, that any land purchased by the Trustees under the authority of this Section shall be purchased in the name of the Minister, and shall be vested in him for the purposes of this Act.

Appropriation of  
moneys.

**31** The Governor in Council may at any time and from time to time, by Proclamation published in the *Gazette*, alter and redefine the boundaries of any District under this Act by including therein or excluding therefrom any portion or portions of the same Electoral District or Districts within or in the vicinity of which the District the boundaries of which are to be altered, is contained or situate; and whenever the boundaries of any such District are altered as aforesaid such altered boundaries shall be deemed to be substituted for the previous boundaries of the District; and the Trustees of the Public Recreation Ground situate in such District and in office at the time such alteration is made shall continue in office under the provisions of this Act as the Trustees of the Public Recreation Ground of the District so altered.

Governor in  
Council may alter  
boundaries of  
Districts.Trustees to  
continue in office.

