

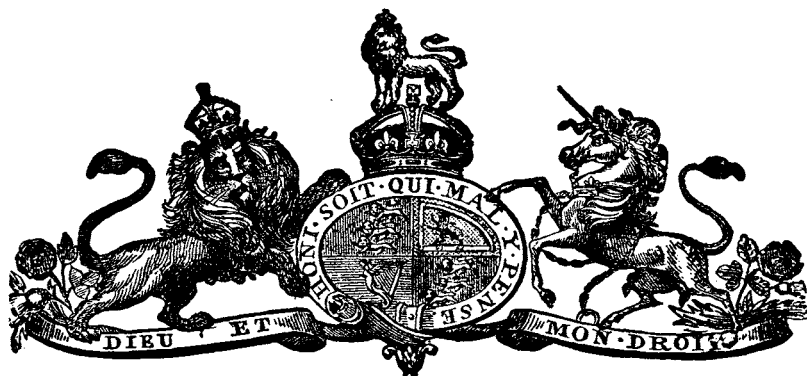
THE TAMAR IMPROVEMENT ACT, 1912.

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TASMANIA.



1912.

ANNO TERTIO

GEORGII V. REGIS.

No. 52.

AN ACT to provide for the Improvement of ^{A.D.} 1912.
the River Tamar. [21 December, 1912.] —

WHEREAS the Marine Board of Launceston obtained the services of Mr. *W. Henry Hunter*, M. Inst. C.E., M.A.M. Soc. C.E., of 42 Spring Gardens, Manchester, England, to report on the best method of improving the River Tamar: PREAMBLE.

And whereas the Marine Board of Launceston are desirous of carrying out the recommendations of the said *W. Henry Hunter*, and have prepared the necessary plans and specifications, and are calling for tenders, under the supervision of the said *W. Henry Hunter*, for the construction and delivery of the necessary dredging plant, rock-cutter, steam-hopper barge and other machinery, pontoons and vessels, to enable the work to be proceeded with:

And whereas it is desirable to give the Board power to borrow moneys and to carry out the said recommendations and to construct a dock or docks, and to otherwise improve the River Tamar and the port of Launceston:

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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:—

Short title.

1 This Act may be cited as “The Tamar Improvement Act, 1912.”

Interpretation.

2 In this Act, unless the context otherwise determines—

“The Board” means the Marine Board of Launceston :

“The Report” means the aforesaid report signed by the said *W. Henry Hunter* :

“The Tamar District” means the City of Launceston, the Municipality of Beaconsfield, the Municipality of George Town, the Municipality of Lilydale, and the Municipality of St. Leonards.

Power to construct and purchase machinery.

3 It shall be lawful for the Board from time to time to construct, pay for the construction of, or purchase such dredging plant, rock-cutters, steam-hopper barges and other machinery, pontoons, vessels, rails, trucks, engines, implements, tools, and contrivances as shall from time to time be considered by the Board necessary or advantageous—

- i. For carrying out the recommendations contained in the report :
- ii. For constructing and working a dock or docks of any description that the Board may decide upon :
- iii. For the improvement of the River Tamar and facilitating the navigation thereof :
- iv. For excavating :
- v. For facilitating the expeditious carrying of passengers ; and
- vi. For facilitating the berthing of vessels, the loading and unloading, delivery, and handling of cargo, including the installation of electric or other motive power for the working of cranes, capstans, winches, and other engines or contrivances.

Powers to do works.

Remove rocks.
Cf. 53 Vict. No. 34, ss. 84, 85, 86, 87, and 88.

Construct groynes, &c.
Cf. 62 Vict. No. 36, s. 27.

Divert river.

4 It shall be lawful for the Board from time to time—

- i. To cut down, lower, remove, or otherwise alter the Bombay Rock, the Garrow Rock, the Porpoise Rock, Anchorage Shoal, Whirlpool Rock, and Barrett’s Point, and all other rocks, reefs, shoals, and obstructions which the Board shall from time to time think it desirable to treat :
- ii. To construct, maintain, alter, and remove any groynes, breakwaters, training walls, retaining walls, retaining banks, slope protections, and other works as the Board shall from time to time think desirable :
- iii. To divert the River Tamar and excavate, construct, and make an entirely new course and channel for the River Tamar between Home Reach and Haystack Point, as recommended in the report, and to fill up and reclaim the old bed of the river between the points of such diversion :

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- iv. To form deposit areas and prepare the same for the reception of material, to be pumped, deposited or placed thereon, and for that purpose to divert streams and water-courses, and the natural drainage of adjoining lands, and to form protective banks : A.D. 1912.
Form deposit areas.
- v. To pump, deposit, or place on any deposit area such water, mud, and other materials as the Board shall from time to time think desirable : Deposit mud.
- vi. To deposit the debris from rock-dredging and other of the more solid materials, such as clay, boulders, gravel, &c., in positions suggested by the report to assist in maintaining the lines of the improved channel : Deposit material in parts of river.
- vii. To raise the level of any land purchased or acquired by the Board to a level of Eight feet above high water of spring tides, or to such other levels (higher or lower) as the Board shall from time to time think desirable : Raise level of land.
- viii. To make and construct such new and additional wharves, docks, buildings, sheds, and works as may be required from time to time for the accommodation of shipping, or as the Board deems necessary or expedient in connection with the scheme recommended in the report on such lands, and in such places as the Board shall from time to time think desirable : Construct wharves, &c. Cf. 53 Vict. No. 34, s. 69.
- ix. To cut down, cut away, excavate, fill up, or otherwise level or terrace any land adjoining any wharf, and to make and provide a system of railways on any wharf and on the land adjoining any wharf, and to make and construct crane-roads, running-roads, sidings, and connections : Level land and provide railways. Cf. 55 Vict. No. 44, s. 3.
- x. To instal plant for generating electric or other motive power for the working of quay-cranes, capstans, winches, and other engines and contrivances for facilitating the berthing of vessels, the loading and unloading, delivery, and handling of mails and cargo, and to provide such cranes, capstans, winches, engines, and contrivances : Instal power, provide cranes, &c.
- xi. To provide cool storage on, at, or near any wharf, or to arrange with any other person or persons or company to provide cool storage as aforesaid. Cool storage.

5 When and as soon as the Board have constructed the rubble parts of the retaining banks, from Lovely Banks to Tamar Island and from Tamar Island to Haystack Point, for the First and Second levels of fillings, as shown in detail plan No. 4 for deposit area No. 1 referred to in the report, the whole of the land comprised in deposit area No. 1, and including Tamar Island, bounded as follows, that is to say—

Commencing at the Crown reservation which adjoins Three hundred acres granted to *H. Griffiths* and Three thousand two hundred acres granted to *Daniel Sutton*, and extending in a south-easterly and southerly direction along the top of the rubble banks and between those two banks by the average high-water mark on the north-eastern and eastern

Acquisition of deposit area No. 1.

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sides of Tamar Island to Two hundred acres granted to *Nathaniel Lucas* (Haystack Point aforesaid), thence on the southern and western sides in a general westerly and northerly direction along the said Two hundred acres, along One hundred acres granted to *Olivia Lucas*, along One hundred acres granted to *George Lawson*, along Two hundred acres granted to *James Lucas*, along Two hundred acres granted to *Charles Lucas*, along Five hundred acres granted to *Archibald Thomson*, and along the Crown reservation adjoining the Three thousand two hundred acres granted to *Daniel Sutton* and the Three hundred acres granted to *H. Griffiths* to the point of commencement—

shall, for the purpose of Subsection Seven of Section Four of this Act, be considered to be acquired by the Board.

Acquisition of
deposit area
No. 2.

6 When and as soon as the Board have constructed the rubble parts of the retaining banks across each end of the old bed of the River Tamar so diverted as aforesaid for the First and Second levels of fillings, as shown in detail plan No. 4 for deposit area No. 2 referred to in the report, the whole of the land comprised in deposit area No. 2, bounded as follows, that is to say—

Commencing at Four hundred acres of land granted to *Nathaniel Lucas*, and extending in a north-westerly direction along the top of One of such rubble banks to the land alienated by the Crown on the eastern bank of the River Tamar, thence in a south-easterly direction along the south-western boundaries of various lands alienated by the Crown on the eastern bank of the former course of the River Tamar to the esplanade on Stephenson's Bend, thence by that esplanade in a southerly and south-westerly direction to the top of the other rubble bank, thence along the lastmentioned rubble bank in a north-westerly direction to Three hundred acres of land granted to *Robert Wales*, and thence along that Three hundred acres and along the said Four hundred acres granted to the said *Nathaniel Lucas* to the point of commencement—

shall, for the purpose of Subsection Seven of Section Four of this Act, be considered to be acquired by the Board.

Grants for deposit
areas.

7 Whenever any land has been acquired by the Board, as in the last Two preceding sections, the Board shall be entitled from time to time to apply for grants for the same or any part or parts thereof as the Board may from time to time require, and thereupon the same or such part or parts thereof as aforesaid shall be granted by the Crown to the Board, their successors and assigns, in fee simple, free from all encumbrances, charges, claims, and demands whatsoever; but the Board shall not be considered to be the owner of any such land until the same has been actually granted to the Board,

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8 The Board is hereby authorised and empowered to purchase and take any lands which may be required, or which it may seem desirable to acquire, for enabling the Board to carry the purposes of this Act into due execution and effect; and for the purpose of facilitating the purchase and taking of such lands "The Lands Clauses Act," except as hereby expressly varied, shall be incorporated with and form part of this Act; but—

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Authority to
purchase land.
Cf. 53 Vict. No.
24, s. 75.
21 Vict. No. 11.

- i. There shall not be incorporated with this Act the sections and provisions of the said Act hereinafter mentioned, that is to say—

Section Eight, whereby it is provided that the capital is to be subscribed before the compulsory powers are to be put in force;

Section Nine, whereby it is provided that the certificate of the justices shall be evidence that the capital had been subscribed;

Sections Seventy-eight, Seventy-nine, Eighty, Eighty-one, Eighty-two, and Eighty-three, whereby provision is made for the sale of superfluous lands:

- ii. In the construction of this Act and the said incorporated Act this Act shall be deemed to be the special Act, and the Board shall be deemed to be the promoters of the undertaking.

9 All lands purchased by or granted to the Board under the provisions of this Act may be used or occupied by the Board, or be dealt with or disposed of by the Board, either by lease, mortgage, charge, or absolute sale, or any other mode of dealing or disposition whatsoever, as the Board shall from time to time determine.

Power to sell, &c.
Cf. 4 Ed. VII.
No. 2, s. 4.

10 The Board shall be exempt from all, and shall not be called upon or liable to pay any, rates or taxes of any description in respect of any land purchased or acquired under the provisions of this Act, or under the provisions of "The Land Reclamation Act, 1904," except such parts thereof as the Board shall from time to time let to any person.

Rates and taxes.

4 Ed. VII. No. 2.

11 The Board may from time to time cause any part or parts of the lands purchased by or granted to the Board under the provisions of this Act to be appropriated for or laid out as roads, streets, paths, squares, gardens, or other open spaces for the use gratuitously or on payment of the public or of individuals; and the Board may from time to time erect, make, form, and construct such buildings, wharves, docks, streets, roads, paths, squares, gardens, sewers, drains, water-courses, fencing, paving, and other works which the Board shall determine or shall deem necessary or proper on, about, or in connection with such lands, and may apply to, and for such purposes and objects, any funds at the disposal of the Board to and for the purposes and objects of "The Marine Boards Act, 1889," or any amendment thereof.

Power to lay out
roads.
Cf. 4 Ed. VII.
No. 2, s. 5.

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Moneys received
to be funds at
Board's disposal.

12 All moneys received by the Board under or in consequence of any lease, mortgage, charge, or sale, or any other mode of dealing or disposition whatever of, or in any manner whatever in connection with or relation to the land so purchased by or granted to the Board, or any parts or part thereof, shall be funds at the disposal of the Board to and for the purposes and objects of "The Marine Boards Act, 1889," or any amendment thereof.

Power to borrow.

13 It shall be lawful for the Board from time to time to borrow, on security of the revenues, rates, funds, and property at the disposal of the Board, any sum or sums of money not exceeding in the whole Four hundred thousand Pounds—

- i. For the purpose of recouping the Board for the expenses incurred in obtaining the report of the said *W. Henry Hunter* :
- ii. For the purpose of constructing, paying for the construction of, or purchasing the said dredging plant, rock-cutter, steam-hopper barge, and other machinery, pontoons, vessels, rails, trucks, engines, implements, tools, and contrivances :
- iii. For the purpose of carrying out the recommendations of the said *W. Henry Hunter* as contained in the said report :
- iv. For the purpose of constructing and working any dock or docks as the Board may decide :
- v. For the purpose of purchasing any land which it may be found necessary or advisable to purchase in the carrying out of such recommendations.

And for any other purpose or purposes for which the Board is now empowered to borrow money, or for any purpose for which the Board shall obtain the approval of the Governor in Council.

And if after having borrowed the said sum of Four hundred thousand Pounds or any part thereof, the Board pays off any money borrowed under or by the authority of this section, it shall be lawful for the Board, with the approval of the Governor in Council, again to borrow the amount so paid off or any part thereof, and so from time to time to borrow again and again as the Board may require or desire.

Cf. 8 Ed. VII.
No. 31, s. 2, re-
enacting s. 135 of
53 Vict. No. 34.

The sum of Four hundred thousand Pounds which the Board is authorised by this Act to borrow shall be in addition to any money which the Board is authorised to borrow under the provisions of any former Act.

Moneys may be
raised by
debentures.

4 Ed. VII. No. 2.

14 Every sum borrowed under the provisions of this Act may be raised by the sale of debentures, and such debentures shall be charged upon the revenues of the Board, and all the provisions of Sections Eight to Thirty-four inclusive of "The Land Reclamation Act, 1904," and the schedule thereto, shall, *mutatis mutandis*, apply to debentures issued and money raised by the sale of debentures under the provisions of this section.

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15 It shall be lawful for the Board to receive deposits repayable Three days after demand or at any time fixed, not exceeding Two years, and carrying interest at such rate as shall be from time to time decided by the Board, and the Board shall issue a receipt for every such deposit, signed by the Master-Warden and Secretary of the Board; and every such receipt—

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Board may receive deposits.

- i. Shall state the amount deposited, the rate of interest payable thereon, the time and place for payment of such amount and interest, and the person to whom such amount and interest are payable :
- ii. Shall be evidence of a simple contract between the Board and the person named therein for the payment of such amount and interest :
- iii. Shall be produced to the Board before any interest is paid thereunder, in order that the payment of such interest may be noted thereon, and shall be surrendered to the Board when the amount is deposited and the interest is duly paid :
- iv. Shall not be liable to the payment of any stamp duty under any Act imposing stamp duties in this State :
- v. Shall be numbered consecutively ; and
- vi. Shall be registered before issue, in a book to be kept by the Board for that purpose, by the entry in such book of the consecutive number of such receipt and the particulars mentioned in Subsection i. of this section.

And no interest shall be paid on any deposit unless the same remains with the Board for One calendar month.

16 Any person or persons, society, or association holding funds or moneys in trust may, unless forbidden by the instrument, if any, creating the trust invest any trust funds or moneys by lending the same to the Board upon security of debentures issued under the provisions of this Act or under the provisions of "The Land Reclamation Act, 1904," or by depositing the same with the Board in the manner provided in Section Fifteen of this Act.

Trustees, &c.

4 Ed. VII. No. 2,
cf. s. 34.

17 It shall be lawful for the Governor to grant, in accordance with the provisions of "The Local Public Works Loans Act, 1890," any sum or sums of money, not exceeding in the whole four hundred thousand Pounds, as a loan to the Board upon the security of all its rates, funds, and property, for any of the purposes mentioned in Section Thirteen of this Act ; and any such sum shall be defrayed out of moneys to be provided by Parliament for that purpose : Provided that it shall not be necessary to lay before either House of Parliament plans and specifications of any proposed work, nor the report of the Engineer-in-Chief thereon, as provided in Section Two of the last-mentioned Act, if such proposed work is the constructing, paying for the construction of, or purchasing the said dredging plant, rock-cutter, steam-hopper barge, and other machinery, pontoons, vessels, rails, trucks, engines, implements, tools, and contrivances, the carrying out

Power for Governor to lend.
54 Vict. No. 30.

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of the recommendations of the said *W. Henry Hunter*, the construction and working of any dock or docks, or the purchasing of such land as aforesaid.

Power to rate.
Cf. 63 Vict. No.
16.

18 It shall be lawful for the Board from time to time to make a loan rate, hereinafter called the "Tamar Rate," for the purpose of raising money for and towards the payment of the interest and sinking fund payable upon any money or moneys borrowed under the provisions of this Act (whether raised by the issue of debentures, by deposit in the manner provided by Section Fifteen of this Act, or in accordance with the provisions of "The Local Public Works Loans Act, 1890.")

Provided that the amount of the Tamar rate shall not in any year exceed the sum of Ninepence in the Pound upon the annual value of the property in the Tamar district assessed as shown in the several assessment rolls in force which include property in the Tamar district.

Rate, how made.

19 The Board shall in the month of January in every year determine what shall be the amount of the Tamar rate (if any) for that year, and thereupon shall cause a notice, signed by the Master-Warden and not less than Three wardens, specifying the amount of the rate and the period for which the same is made, to be gazetted.

Rate, how payable
and recoverable.

20 Upon such notice being gazetted as aforesaid, the Tamar rate shall be deemed to have been duly made and levied, and thereupon shall be payable and recoverable, *mutatis mutandis*, as follows:—

- i. In respect of property situated in the city of Launceston, by and to and from and by the same persons, at the same time, and in the same manner in all respects, as the general rate made and levied by the Municipal Council of the City of Launceston for that year :
- ii. In respect of property situated in each of the other municipalities within the Tamar district, by and to and from and by the same persons, at the same time and in the same manner in all respects, as the general road rate made and levied by the municipal council of such municipality.

Duty of municipal
councils.

21 It shall be the duty of the Municipal Council of the City of Launceston and the municipal council of each of the municipalities within the Tamar district:—

To collect rate.
Cf. Metropolitan
Drainage.

- i. To diligently collect and recover the Tamar rate :
- ii. To give to the officers of the Board access at all reasonable times to view and examine and take copies of or extracts from all books and documents in connection with the same :
- iii. On or before the Fourteenth day of July and the Fourteenth day of January in each year to make up a statement of all moneys received by such municipality in respect of the

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Tamar rate up to and inclusive of the last day of the preceding month, and to pay all such moneys to the Board : A.D. 1912

- iv. To credit to the Tamar rate and pay over to the Board, in any case where a ratepayer has paid a part only of the rates payable by him in any year, so much of the amount so paid as shall bear the same proportion to the amount so paid as the Tamar rate bears to the total amount of rates payable by such ratepayer to such municipality in that year.

22 The Board shall, within Fourteen days after payment to the Board by any municipal council of any moneys in the manner and within the time allowed for payment of the same as aforesaid, repay to such municipal council, as and by way of commission to recoup such municipal council for the trouble and expenses incurred in the collection thereof, a sum equal to Two Pounds Ten Shillings per centum of the amount so paid to the Board. Board to allow municipal councils commission.

23 The Board shall not proceed to borrow under the provisions of this Act until the persons entitled to vote have, by a majority of the votes in each of Three of the municipalities in the Tamar District, and a majority of all the votes at a poll to be taken for that purpose as hereinafter provided, consented to the Board undertaking the scheme outlined by the said *W. Henry Hunter*; and at the taking of such poll every person who desires to vote shall be entitled to as many votes as the number of votes to which such person appears by the assessment roll in force for the time being for the city of Launceston to be entitled to exercise at an election of aldermen for the city of Launceston, and also to as many votes as the number of votes to which such person appears by the assessment rolls in force for the time being for each of the other municipalities in the Tamar District to be entitled to exercise at an election of councillors for such municipality. Poll to be taken.

24 Whenever the Board shall decide to take a poll of the persons entitled to vote as aforesaid, the Board shall cause a notice of such poll to be inserted not less than Three times in the newspapers published daily in the city of Launceston and Once in the "Gazette" Ten days at least before the taking of such poll; and such notice shall contain the following particulars:— Notice of poll to be published.

- i. The time of such poll :
- ii. The polling-places for taking such poll :
- iii. That the question put to the voters at such poll will be in the following form:—

" Do you consent to the Marine Board of Launceston undertaking the scheme outlined by the said *W. Henry Hunter* ?

YES.
No.

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If you consent place a cross opposite the word 'Yes.'
If you do not consent place a cross opposite the word
'No.'"

iv. That if a majority of the votes are "Yes," the Board will be empowered to borrow Four hundred thousand Pounds.

No other notice shall be necessary before taking such poll.

Municipalities to conduct poll.

25 When the Board have caused such notice to be inserted in the newspapers and in the "Gazette" as provided in Section Twenty-four of this Act, it shall be the duty of the Municipal Council of the City of Launceston to conduct the poll for the purpose of taking the votes which correspond to the votes at an election of aldermen for the city of Launceston. And it shall be the duty of the municipal council of each of the other municipalities in the Tamar District to conduct the poll for the purpose of taking the votes which correspond to the votes at an election of councillors for that municipality.

And the Board shall repay to each municipal council the reasonable expenses incurred by that municipal council in the conducting of such poll.

Time for taking poll.

26 The time for taking the poll shall be from Eight o'clock in the forenoon till Six o'clock in the afternoon.

Scrutineers.

27 The Board may appoint One person as scrutineer at each booth or polling-place.

Declaration by voter.

28 The declaration usually made by an elector shall be altered to meet the case of a poll instead of an election, and any clause to the effect that the rates have been paid shall be omitted, and it shall not be necessary to pay rates before voting, and every person making such declaration falsely shall be liable to a penalty not exceeding Fifty Pounds.

Proceedings to be had as upon election of aldermen and councillors.

29 Subject as aforesaid the manner of conducting the poll required by this Act shall be—

i. As regards the Municipal Council of the City of Launceston, as nearly as may be the same as upon an election of aldermen, as the case may require :

ii. And as regards the municipal councils of each of the other municipalities in the Tamar District, as nearly as may be the same as upon an election of councillors as the case may require, treating each such municipality as an unsubdivided municipality ; but—

(a) No municipal council or returning officer need give notice of the polling-places, or of the poll to be taken, or of the day or hour of the poll :

(b) The returning officer in each case shall forward the result of the poll in his municipality to the Master-Warden at the office of the Marine

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Board, and when and as soon as all such results shall be received at the said office, the Master-Warden, or such other of the wardens as the Board shall nominate for that purpose, shall openly declare the final result of the poll as ascertained from the results forwarded by the Five returning officers.

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30 The Board may arrange with any bank or banks with which the Board has an account, to overdraw such account: Provided that the total amount overdrawn from time to time shall not exceed the sum of Twenty thousand Pounds.

Overdraft with
bankers.

31 The Corporation of the Mayor, aldermen, and citizens of the City of Launceston may, at the request of the Board, supply to the Board at any place or places electricity for power and light, or for either of such purposes, and in order to enable the said Corporation so to do the Corporation are hereby authorised to erect all necessary machinery and apparatus and other things included in the term "works" by the interpretation clause of the "The Launceston Water and Light Act, 1895," and the same works shall be considered to be authorised by such lastmentioned Act.

Electricity.

58 Vict. No. 31.

32 The powers conferred by this Act shall be in addition to and concurrent with, and shall not in any way limit or derogate from, any powers already vested in the Board.

Powers to be
additional.