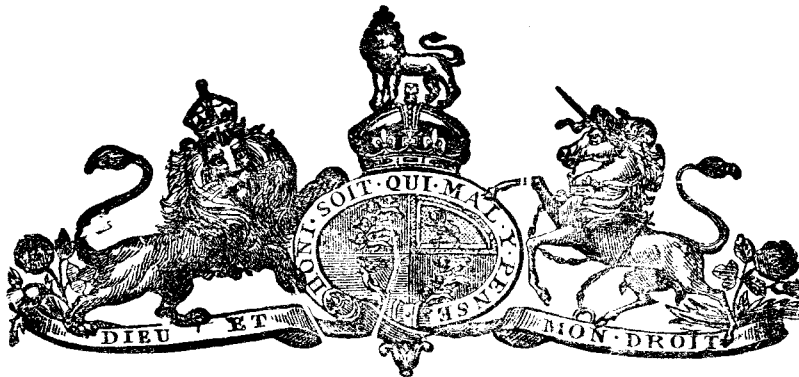


T A S M A N I A.



1926.

ANNO SEXTO DECIMO

GEORGII V. REGIS

No. 78.

ANALYSIS.

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9. Amount of compensation to be settled by arbitration.
10. Hobart City Council may lease certain building rights to Minister by private contract.

AN ACT to authorise the Minister for the time being administering the Hydro-Electric Department to exercise certain Powers in respect of a certain Roadway in the City of Hobart commonly known as "Arnold's Lane," and for other purposes.

A.D. 1926.

[31 March, 1926]

WHEREAS the strip of land or roadway, commonly known as Arnold's Lane, shown in the plan in the schedule to this Act, and therein surrounded by thick black boundary-lines, is, together with certain other land, vested in certain persons upon trust at all times to

PREAMBLE.

Arnold's Lane Enabling.

A.D. 1926.

permit and suffer the owners, tenants, and occupiers for the time being of certain lands adjoining or in the vicinity of the said roadway or such other land, and all others by their or any of their permission, to have full right and liberty of ingress, egress, and regress, passage and way, either with or without horses, carts, waggons, vehicles, and carriages, laden or unladen, over, along, through, and across the said roadway and such other land as aforesaid :

And whereas the owners of certain of the lands adjoining the said roadway have erected, and are occupying, a building or structure upon or over that portion of the said roadway which immediately abuts on the Hobart Rivulet, and a gate or fence upon or adjacent to the said roadway, in such a manner as to prevent or impede access from the said roadway to the said rivulet, at a site upon or over which the Minister proposes to erect a building, to be used by him as a substation in connection with the State Hydro-Electric Works :

And whereas such owners as last aforesaid have also erected, and are occupying or using, certain other buildings or structures over other portions of the said roadway, and have in addition excavated and made, and are occupying, certain cellars or compartments under certain portions of the said roadway :

And whereas it is necessary, for the beneficial occupation and enjoyment by him of the said substation, that the Minister should be authorised to exercise certain rights and powers over and in connection with the said roadway :

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 Arnold's Lane Enabling Act, 1926.”

Interpretation.

2 In this Act—

“ The Council ” means the Hobart City Council :

“ The Minister ” means the Minister for the time being administering the Hydro-Electric Department, and, where the context so requires or admits, includes the servants and agents of the Minister, and all other persons by his authority or with his permission :

“ The said roadway ” means the strip of land or roadway shown in the plan in the schedule to this Act and therein surrounded by thick black lines :

“ The said substation ” means the building referred to in the preamble to this Act, proposed to be erected by the Minister for use as a substation in connection with the State Hydro-Electric Works :

“ Section ” means section of this Act.

Minister to have right of way over roadway commonly known as “Arnold's Lane.”

3 The Minister shall at all times have full and free right and liberty, in common with all other persons having the like right and liberty, of ingress, egress, and regress, passage, and way, either with or without horses, carts, waggons, vehicles, and carriages, laden or unladen, over, along, through, and across the said roadway.

*Arnold's Lane Enabling.***4** It shall be lawful for the Minister—

- i. From time to time, whenever he shall deem it necessary or expedient so to do in the exercise of any of the powers conferred upon him by Section Three, to pull down or take up, and to temporarily remove, any structure, building, erection, or obstruction, being upon, in, over, or adjacent to the said roadway, and which shall prevent or impede such ingress, egress, regress, passage, and way as is mentioned in Section Three over the said roadway, and to and from the said substation: Provided, however, that when any structure, building, erection, or obstruction has been pulled down or taken up and removed by the Minister under the authority of this paragraph, the same shall, with all convenient despatch, be replaced and restored by the Minister when the purpose for which it was so pulled down or taken up and removed shall have been accomplished by him:
- ii. At any time at his discretion to pull down or take up, and to permanently remove, any such structure, building, erection, or obstruction as aforesaid.

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Power of Minister to remove obstructions from the said roadway.

5 It shall also be lawful for the Minister, at all reasonable times in the day-time, to enter into and upon any of the lands adjoining or adjacent to the said roadway, and any buildings erected on such lands, and into any cellars or compartments excavated, made, or being under the said roadway, or any portion or portions thereof, and to examine and make surveys and measurements of any such lands, buildings, cellars, or compartments.

Power of Minister to enter and make surveys of lands adjoining the said roadway.

6 It shall be lawful for the Minister, at any time or times when he deems it necessary or expedient so to do, for the purpose of rendering safe the passage of any heavy loads or vehicles over the said roadway—

Power of Minister to do certain acts in connection with the said roadway.

- i. To temporarily shore up or place supports under any portion or portions of the said roadway which passes or pass over any such cellars, compartments, or excavations as aforesaid, and for that purpose to enter into and upon any such cellars, compartments, or excavations with all such materials and implements as the Minister shall think necessary for the purpose aforesaid, and for the purpose of such entry to pass and repass over or through any lands or buildings through which access may be obtained to any such cellars, compartments, or excavations as aforesaid:
- ii. To temporarily lay down or place upon the said roadway, or any portion or portions thereof, any timber or other material to carry or assist in carrying the weight of any such heavy loads or vehicles as aforesaid.

7 Before the Minister shall proceed to exercise any of the powers conferred upon him by Sections Four, Five, and Six, he shall (except in any case of emergency, of the existence of which emergency the Minister shall be the sole judge) give to the owners or occupiers of the

Notice to be given to owners or occupiers of lands over which certain powers of the Minister are exercised.

Arnold's Lane Enabling.

A.D. 1926.

lands or buildings in respect of which such powers are intended to be exercised not less than twenty-four hours' notice of his intention to so proceed.

Compensation to be paid to persons injuriously affected by operation of Act.

8—(1) In any case in which the interests of any person are injuriously affected by the operation of Section Three of this Act, or by the exercise by the Minister of any of the powers conferred upon him by this Act, compensation shall be paid by the Minister to such person.

Proviso.—
Notice of claim.

Provided, however, that—

- i. Any person claiming compensation in respect of any diminution of, or derogation from, his rights-of-way over the said roadway by the operation of Section Three, shall prefer his claim by notice, in writing, to the Minister within six months after the commencement of this Act : and
- ii. Any person claiming compensation in respect of any other matter than as last aforesaid shall prefer his claim by notice, in writing, to the Minister, in which notice shall be specified the particular act of the Minister in respect of the doing of which compensation is claimed, the nature and amount of the damage sustained from the doing of such act, and the nature of the title or interest of the claimant in or to the property in respect of which the claim is preferred, and such claim shall be so preferred within three months of the doing of the act whereby such damage was sustained.

Effect of failure to give notice as prescribed.

(2) Any person who fails to give notice of his claim within the period in that behalf prescribed therefor shall not be entitled to any compensation for any damage alleged to have been suffered by him in consequence of anything contained in this Act, or anything done by the Minister under the powers conferred upon him by this Act.

Amount of compensation to be settled by arbitration

56 Vict. No. 8.

9 The amount of compensation to be paid by the Minister to any person under the provisions of this Act shall, in the absence of agreement, be settled by arbitration in the manner prescribed by and subject to the provisions of the Arbitration Act, 1892, and, for the purposes of such arbitration and of any award made therein, this Act shall be deemed to be a submission to arbitration : Provided, however, that the costs of any such arbitration shall be borne by the Minister, unless the arbitrator awards the same or a lesser sum than has been offered by the Minister, in which case each party shall bear his own costs incident to the arbitration, and the remuneration and costs of the arbitrator shall be borne by the parties in equal proportions.

Hobart City Council may lease certain building rights to Minister private tract.
Act. VII. No. 45.

10 Notwithstanding anything contained in any Act to the contrary, it shall be lawful for the Council to let or demise to the Minister by private contract, for any purpose in connection with the State Hydro-Electric Works, any such rights as are referred to in Section Three of the Hobart Corporation Act, 1905, without having previously offered such rights for letting or demising by public auction or public tender.

CITY OF HOBART

Scale 20 feet to an inch.

SCHEDULE.

SECTION . N.

