

TASMANIA.

THE LAUNCESTON CORPORATION
ACT, 1924.

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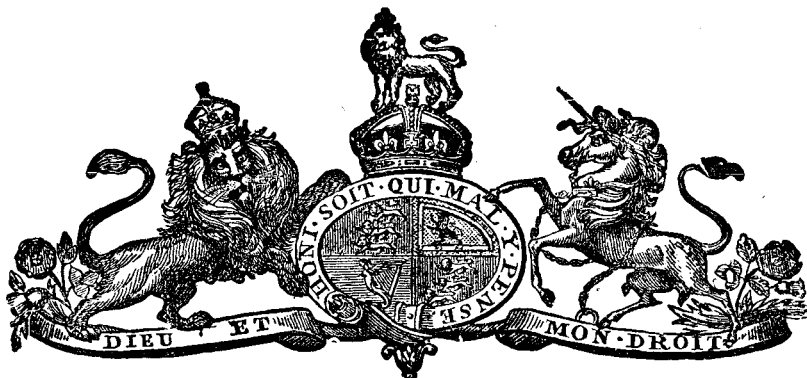
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T A S M A N I A



1924.

ANNO QUARTO DECIMO

GEORGII V. REGIS.

No. 60.

AN ACT to further amend "The Launceston Corporation Act, 1894." [31 March, 1924.] ^{A.D.} 1924.

WHEREAS it is expedient to further amend "The Launceston Corporation Act, 1894":
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 :—

PREAMBLE.
58 Vict. No. 30.

1 This Act may be cited as "The Launceston Corporation Act, 1924" Short title

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Interpretation.

1 Geo. V. No. 22,
s. 4.**2** In this Act, unless the context otherwise indicates—

“The City” means the City of Launceston :

“The Council” means the Municipal Council of the City of Launceston :

“The Principal Act” means “The Launceston Corporation Act, 1894”:

“Article,” “Drug,” “Food,” “Place,” and “Sale” shall, unless the context otherwise requires, include and have the meanings set out in “The Food and Drugs Act, 1910,” and any amendments thereof.

PART I.

ALDERMEN

Companies, &c.
See definition of
person, s. 4 of
58 Vict. No. 30.

3 Every corporation named in the assessment roll for the time being in force for the city as the owner or occupier of any land or building of the annual value of Eight Pounds or upwards, shall (in addition to being a person within the meaning of the Principal Act) be a citizen of the city notwithstanding that such corporation does not further comply with the provisions of Section Thirteen of the Principal Act : Provided that no corporation shall be a citizen unless such corporation has been registered in such manner as shall be required by law from time to time in force in Tasmania, or is a corporation by virtue of a Royal Charter or Act of Parliament. The vote of every such corporation shall be given by the Manager, Secretary, or Registered Agent of that corporation, whichever that corporation shall authorise to give such vote, either generally or in any specific instance; such authority to be under the seal of that corporation, and lodged with the Town Clerk on or previous to the Thirtieth day before the day of holding any election of aldermen.

Cf. 12 Geo. V.
No. 24, s. 4
(14a).

The Manager, Secretary, or Registered Agent of that corporation may give the votes or vote to which he may be entitled in his own right, in addition to the votes or vote he may give on behalf of the Corporation.

64 Vict. No. 72,
s. 10.

4 Section Ten of “The Launceston Corporation Amendment Act, 1900,” shall not apply to cases coming under the provisions of the last preceding section.

Registered firms.
63 Vict. No. 34.

5 Every firm and every person carrying on a business with a registered name under “The Registration of Firms Act, 1899” (hereinafter referred to as “a firm”), and named by the firm name in the assessment roll for the time being in force for the city as the owner or occupier of any land or building of the annual value of Eight Pounds or upwards, shall be considered and taken to be a citizen of the city distinct from the individual members of such firm, or the person carrying on such business: Provided that no such person, or any member

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of that firm, is an alien and not naturalised under "The Commonwealth Naturalisation Act, 1903," or any amendment thereof. The vote of every such firm shall be given by such person as the firm shall authorise to give such vote, either generally or in any specific instance, such authority to be signed by the firm and lodged with the Town Clerk on or previous to the Thirtieth day before the day of holding any election of aldermen.

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Provided that no person so authorised shall be entitled, in any case whatever, to a greater number of votes than Five, notwithstanding he may have a plurality of qualifications, excepting in a case provided for by Section Three of this Act.

6 Section Four of "The Launceston Corporation Act, 1895," is hereby repealed, and the word "Six" in the Seventh line of Section Thirty-one of "The Launceston Corporation Act, 1894" (as inserted by "The Launceston Corporation Act Amendment Act, 1921") is hereby expunged, and the word "Seven" inserted in lieu thereof.

Hours of polling.
Repeal of s. 4 of
59 Vict. No. 49,
and amendment
of s. 31 of 58
Vict. No. 30, as
inserted by s. 4 of
12 Geo. V. No. 20.

7 The interpretation of "authorised witness," occurring in Section Two of "The Launceston Corporation Act Amendment Act, 1918," is hereby amended by inserting at the end thereof the following words:—

Amendment of s.
2 of 9 Geo. V.
No. 11 :
" Authorised
witness."

" in Tasmania, or a postmaster or postmistress, or person in charge of a post office, a Commonwealth Electoral Registrar, a Commissioner of the Supreme Court of Tasmania, or a notary public outside Tasmania."

And the form of application for a postal vote and the statement on the wrapper referred to in the said section shall be altered accordingly.

Schedule A.

8 The words "One week," occurring in the Seventh line of Section Fifteen of "The Launceston Corporation Act Amendment Act, 1918," are hereby expunged, and the words "Three weeks" are hereby inserted in lieu thereof.

Amendment of 9
Geo. V. No. 11,
s. 15.

PART II.

RATES.

9 Section Fifty-three of "The Launceston Corporation Act Amendment Act, 1918," is hereby amended as follows:—

Amendment of
s. 53 of 9 Geo.
V. No. 11.

The words "which consists of land without buildings thereon," occurring in the Third line thereof, are hereby expunged, and the words "or unless the capital value may reasonably be considered to be more than the valuation shown in that valuation roll" are hereby inserted at the end thereof.

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Method of assessing annual value of lands upon which buildings are erected at a cost of £25,000 or upwards.
9 Geo. V. No. 11, s. 53.

10 The annual value of land upon which buildings used for industrial purposes are erected at a cost of Twenty-five thousand Pounds or upwards shall for a period of Six years from the date when such annual value is first shown in the assessment roll for the city be deemed to be an amount equal to Three per centum upon the capital value of such land and buildings, and shall not be computed as of an annual value of Five per centum until after the expiration of that time.

Health rate to be a municipal rate.
5 Ed. VII. No. 29.

11 Notwithstanding anything contained in "The Health Rate Act, 1905," every rate made by the Council under the authority of that Act, or any Act amending the same, or any other Act authorising the making of a rate by the Council as a local authority under "The Public Health Act, 1903," or any amendment thereof, or any Act in substitution therefor, shall be a municipal rate and payable by the same persons and in the same manner in all respects as other municipal rates, and all remedies, powers, and provisions with regard to municipal rates shall apply thereto. But any charge made under Section Six of "The Health Rate Act, 1905," or any amendment thereof, or any Act in substitution therefor, shall be made and levied, payable, and paid as provided in such Act.

3 Ed. VII. No. 37.

PART III.

ACCOUNTS.

Appropriation in certain cases.

12 From and after the Thirtieth day of June, One thousand nine hundred and twenty-three :—

8 Ed. VII. No. 30.

i. The practice of appropriating out of or to "The Launceston Water Account" the amount required to make up the annual deficit or surplus in the Victoria Baths Maintenance Account as authorised by Section Ten of "The Launceston Water and Light Act, No. 5," shall cease and the Council shall, as from that date, appropriate such sums as shall annually appear as a deficit or surplus in the Victoria Baths Maintenance Account from or to the General Account :

ii. The cost of lighting the streets of the city, including the supply of electricity, shall be charged to the General Account instead of to the Launceston Electric Light Account and Section Seven of "The Launceston Water and Light Act, No. 2," shall be construed accordingly, and the words "The streets of the city and" occurring in the first line of Subsection ii. of Section Fifty-seven of "The Launceston Water and Light Act, 1895," are hereby expunged.

59 Vict. No. 2.
Section 7 as re-enacted by 8 Ed. VII. No. 30, s. 6.

58 Vict. No. 31.
Section 57 as re-enacted by 8 Ed. VII. No. 30, s. 5.

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PART IV.

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BY-LAWS AND REGISTRATION OF FOOD STORES.

13 The following paragraph is inserted after Paragraph xxxi. in Section Two hundred and seventy-two of the Principal Act:—

xxxia. For regulating and controlling the keeping of horses, cows, and other animals, fowls, ducks, geese, and other poultry and birds within the city, the prevention of the keeping of the same in any portion or portions of the city, and the prevention of the keeping of the same within any specified distance of any habitation or building specified in the by-law.

Amendment of Section 272 of 58 Vict. No. 30. Cf. 3 Ed. VII. No. 37, s. 87.

PART V.

POWER TO TAKE LAND FOR WORKS AND UNDERTAKINGS.

14 The following sub-clause and paragraph are hereby inserted at the end of Section Two hundred and sixty-nine of the Principal Act:—

“xi. The providing of privies, ashpits, and conveniences for public accommodation.

“The above purposes shall not, however, limit the powers of the Corporation which shall be entitled to purchase and take land compulsorily under the provisions of this Act for the purpose of executing any of the works and undertakings which the Corporation or Council are now, or may at any time be, authorised, expressly or impliedly, to execute.”

Compulsory purchase.

Amendment of Section 269 of 58 Vict. No. 30.

PART VI.

RIGHTS OF WAY.

15 The Council may require the owner or owners of any property having a legal right of way from their property to any street, or any of such owners to do all or any of the following things— Powers as to rights-of-way.

- i. To erect gates on the street, completely closing such right of way from the street :
- ii. To fence such right of way or any part thereof :
- iii. To properly gravel or otherwise form such right of way in such manner as the Council may think fit :
- iv. To keep such right of way clean and free from rubbish, dirt, weeds, or other obnoxious matters or things :
- v. To properly drain such right of way by means of surface or underground pipe drains, or both, with all necessary or reasonable inlet gullies, traps, and other conveniences :
- vi. To erect such lights as the Council shall think reasonably sufficient to adequately light such right of way, and to keep such lights burning during such hours as the Council shall, from time to time, think fit :

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vii. From time to time when required by the Council so to do, to renew or repair any such gates, fences, drains and lights, and to keep such rights of way in good repair, order, and condition —

and if, after Fourteen days notice in writing, signed by the Mayor or Town Clerk, requiring any such owner to do anything which the Council may require to be done as aforesaid, such owner neglects or refuses to well and sufficiently comply with such notice, then and in every such case he shall be guilty of an offence, and shall for every such offence forfeit and pay a penalty not exceeding Five Pounds, and whether proceedings shall be taken on account of such offence or not it shall be lawful for the Council, and the Council is hereby authorised, to do the matters specified in such notice, or any of them, and all costs and expenses incurred by the Council shall be recoverable from such owner in a summary manner before any justice of the peace, in accordance with the provisions of "The Justices Procedure Act, 1919."

10 Geo. V. No. 55.

Where there is more than One property, the owner or owners of which have a legal right-of-way as hereinbefore mentioned, the Council shall, instead of giving the notice abovementioned, cause such specifications, plans, sections, and elevations (if any) as the Council shall deem necessary or expedient to be prepared of the things required to be done, together with an estimate of the cost and expenses to be incurred in doing the same, and a scheme of distribution setting forth approximately the properties, the names of the owner or owners thereof, and the approximate share of the cost and expenses chargeable in respect of each property, taking into consideration the advantages that such property receives or is likely to receive from such right-of-way and any other particulars which the Council may consider expedient, and the same shall be kept at the office of the Council and shall be open for inspection by each such owner or owners respectively, and the Council shall give notice in writing to the owner or owners or any one or more of the owners of each such property signed by the Mayor or Town Clerk that such estimate has been prepared, and of the approximate share of the costs and expenses chargeable in respect of that property, and of the parties to whom notice is being given and thereupon—

i. The parties to whom notice has been given may agree among themselves to do the things required to be done in accordance with such specifications, plans, sections, and elevations (if any), and notify the Council of such agreement and undertake to do such things accordingly to the satisfaction of the Council within One calendar month from such notification ; or

ii. Any of such parties may by notice in writing to the Council object to the approximate share of the costs and expenses chargeable in respect of the property of which that party is an owner, and the Council shall consider such objection and may make such amendments, if any, in the scheme of distribution as the Council shall deem just or expedient, and may include any other property or leave out any property from such scheme, and thereupon the Council

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shall give at least Three days notice to the owner or owners or any one or more of the owners of each property included in such scheme after such amendments, if any, to attend at a meeting of the Council, and the Council shall after hearing such of the said parties as attend the meeting adopt the scheme with such alterations, if any, as the Council shall think fit, and the scheme so adopted shall be final and the approximate share of the costs and expenses in respect of each property shall be fixed accordingly. A.D. 1924.

And the Council is authorised to do the things required to be done in accordance with such specifications, plans, sections, and elevations (if any)—

- I. If within Fourteen days from the original notices the parties have not undertaken to do the things required to be done as aforesaid, and no notice of objection has been made as aforesaid ; or
- II. If an undertaking having been given the things required to be done are not done to the satisfaction of the Council within One calendar month as aforesaid ; or
- III. If notice of objection having been given the Council has adopted the scheme, altered or not, as aforesaid.

And all costs and expenses incurred by the Council shall be recoverable from the owners of the properties in a summary manner before any justice of the peace in accordance with the provisions of "The Justices' Procedure Act, 1919," the owner or owners and every owner of each property being liable for a share of the actual cost and expenses in the same proportion as the approximate share chargeable in respect of such property in the scheme of distribution bears to the estimated cost and expenses.

PART VII.

OVERDRAFTS AND MORTGAGES.

16 It shall be lawful for the Council from time to time to obtain or have advances from any bank by overdraft of current account upon the credit of the Corporation, but no such overdraft shall at any time, under any circumstances, exceed an amount equal to One-half of the prior year's revenues of the Corporation. Overdraft with bankers.

17 It shall be lawful for the Corporation to raise any sum of money which the Corporation or the Council is authorised to borrow by virtue of any Act, or which the Corporation or Council shall at any time hereafter be authorised to borrow by virtue of any Act, by mortgages repayable by equal half-yearly or yearly instalments, covering principal and interest, the First instalment being payable Six months or Twelve months, as the case may be, from the issue of such mortgages (and such mortgages are hereinafter referred to as "instalment mortgages"). Instalment mortgages.

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Provisions as to instalment mortgages.

See Section 143 of 58 Vict. No. 30.

18 All the provisions, except as hereinafter mentioned of the Principal Act and its amendments, with regard to mortgages of rates shall apply to instalment mortgages as if the money raised was money raised under Part XII. of the Principal Act, provided that:—

I. The form of the deed shall be altered as follows—

The words “with interest at _____ per centum per annum for the same is fully paid and satisfied the principal sum to be repaid at the end of _____ years from the date hereof” are hereby expunged, and in lieu thereof either of the following alternatives shall be inserted—

“(a) With interest for the same is fully paid and satisfied, the principal sum and interest to be repaid by equal instalments (covering principal and interest) of _____ Pounds on the Thirtieth day of June and the Thirty-first day of December (or One of such days) in each year for a period of _____ years, commencing from, and being inclusive of, the _____ day of _____, One thousand nine hundred and _____” : or

(b) With interest for the same is fully paid and satisfied, the principal sum and interest to be repaid by the instalments, and at the times endorsed hereon” :

II. Such instalment mortgages shall be entitled to their respective portions of the rates comprised in such mortgages according to the respective principal sums secured by such mortgages and from time to time unpaid :

III. A separate register shall be kept of instalment mortgages :

IV. On the registration of the transfer of any instalment mortgage, an entry shall be made on such transfer showing what instalments have been paid, and the transferee, his executors, administrators, and assigns shall be entitled to the benefit of the original mortgage so far as the same relates to the instalments unpaid :

v. If default is made in payment of any instalment, the mortgagee or transferee may exercise the powers conferred by Section One hundred and fifty-two of the Principal Act as in the case of principal money owing on any mortgage becoming payable, and upon such mortgagee or transferee, his executors, administrators, or assigns entering into possession of the rates (or any other mortgagee or transferee in security of such rates being in possession of the rates), all principal money secured by all the instalment mortgages of such rates shall be considered to have become payable at the time of such default, and the amount of principal remaining unpaid (included in all instalments unpaid, and in future instalments) shall be calculated for this purpose, and shall bear interest from the time of such default at the rate which was used for the calculation of the amount of the instalments :

See Section 144.

See Sections 145 and 146.

See Section 152.

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vi. Notwithstanding anything contained in any Act which now authorises or shall hereafter authorise the Corporation or the Council to borrow money, no sum need be set apart as a contribution to a sinking fund for the liquidation of such sum or any part thereof which is secured to be paid by any instalment mortgages, nor shall the provisions for re-borrowing apply to amounts secured by instalment mortgages.

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No sinking fund for instalment mortgages and no re-borrowing.

19 It shall be lawful for any person, society, or association holding funds or money in trust (including banks for savings or the trustees thereof, and trustees of any certified friendly society under "The Friendly Societies Act, 1888," or any branch thereof), to advance and lend to the Corporation or the Council upon the security of any mortgage or debenture which the Corporation or the Council are now or shall at any time hereafter be authorised to issue, any sum of money which the Corporation is now or shall at any time hereafter be authorised to borrow, anything in any Act or law to the contrary notwithstanding.

Corporation mortgages. Trustee investments.

PART VIII.

MISCELLANEOUS.

20 Where, at any time hereafter, a fence, or any part of a fence, on or near or approximating to the front boundary line of any land abutting on any street or public place within the City of Launceston, shall in any part thereof project beyond or be behind the regular line of the street or public place on which the said land abuts, it shall be lawful for the Council to compel the owner of such land, at his own expense, whether or not the fence projecting beyond or being behind is or is not a nuisance or annoyance, or does or does not endanger or render less commodious the passage along such street or public place, to remove such fence, and to re-erect such fence on the regular line of the street or public place.

Council to compel owners to remove projecting fences.

Cf. 58 Vict. No. 30, s. 233 as re-enacted by 7 Ed. VII. No. 46, s. 13.

58 Vict. No. 32, s. 26.

And if, after Fourteen days' notice in writing, signed by the Town Clerk, requiring him so to remove such fence and to re-erect the same on such regular line, has been given to the owner, such owner neglects or refuses to remove such fence, or to well and sufficiently re-erect such fence, within such time as the Council shall, by such notice or in any other manner, appoint, then and in every such case shall he be guilty of an offence against this Act.

Penalty : Not exceeding Five Pounds.

And whether proceedings shall be taken on account of such offence or not, it shall be lawful for the Council, and the Council is hereby authorised, to remove such fence and to re-erect such fence, or to do so much of such removal and re-erection as the Council shall think fit, and all cost and expense incurred by the Council in removing such fence and re-erecting the same, or so much thereof as they shall think fit to do, shall be recoverable in a summary manner, before any Two justices of the peace, in accordance with the provisions of "The Justices' Procedure Act, 1919."

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Owner to give notice of change of occupancy or ownership.

- 21** Every owner shall notify the Corporation in writing—
- Of every change in the occupancy of his property within Fourteen days of such change;
 - Of every lease of same within Fourteen days of the completion of a binding lease or agreement for a lease;
 - Of every sale within Fourteen days of a binding contract for sale, or where no contract is made within Fourteen days of the execution of the conveyance or transfer of the property—

and in such notice shall give the name and address of the new occupier, tenant, lessee, or purchaser, and in the case of sale shall also give the amount of the purchase money.

Any owner failing to comply with any of the provisions of this section shall, for every such offence, forfeit and pay a penalty not exceeding Five Pounds.

Amendment of Section 41 of 9 Geo. V. No. 11 as re-enacted by 12 Geo. V. No. 20.

- 22** The words “per annum” occurring in the Sixth line of Section Forty-one of “The Launceston Corporation Act Amendment Act, 1918,” as amended by “The Launceston Corporation Act Amendment Act, 1921,” Section Sixteen, are hereby expunged, and the said section shall for all purposes be considered never to have contained the words “per annum.”

Amendment of Section 291 of the Principal Act.

- 23** The words—

“Unless the Council shall direct that such submission is unnecessary either with regard to any particular act or acts or with regard to the whole of the purposes of their appointment, but in cases where such submission is unnecessary the committee shall nevertheless report to the Council immediately after every such act or acts or where no particular act or acts are specified then at regular intervals as shall be directed,”

are hereby inserted at the end of Section Two hundred and ninety-one of the Principal Act.