

PENGUIN WATER.

11 GEO. VI. No. 4.

AN ACT to amend the *Penguin Water Act* 1908.
[27 March, 1947.]

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—(1) This Act may be cited as the *Penguin Water Act* Short title and citation.
1947.

(2) The *Penguin Water Act* 1908*, as subsequently amended, is in this Act referred to as the Principal Act.

2 Section thirteen of the Principal Act is amended by omitting the word “Two” and substituting therefor the word “Three”. Power to levy water rates.

* 8 Edw. VII. No. 13, as amended by 9 Edw. VII. No. 12 and 4 Geo. VI. No. 23.

LOCAL GOVERNMENT.

11 GEO. VI. No. 5.

AN ACT to amend the *Local Government Act* 1906.
[27 March, 1947.]

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—(1) This Act may be cited as the *Local Government Act* 1947. Short title and citation.

(2) The *Local Government Act* 1906*, as subsequently amended, is in this Act referred to as the Principal Act.

2 Section forty-seven of the Principal Act is amended by omitting subsection (5) and substituting therefor the following subsection:— Voters' roll.

“(5) A voters’ roll shall be completed and closed on the fourteenth day immediately preceding the election for the purposes of which it is prepared.”

* 6 Edw. VII. No. 31. For this Act, as amended to 1936, see Reprint of Statutes, Vol. V., p. 15. Subsequently amended by 2 Geo. VI. Nos. 8 and 33, 4 Geo. VI. No. 46, 5 Geo. VI. Nos. 20 and 42, 6 Geo. VI. Nos. 26 and 62, 7 & 8 Geo. VI. No. 88, 8 Geo. VI. No. 17, and 9 Geo. VI. No. 12.

Provision for joint ownership or occupation.

3 Section forty-eight of the Principal Act is amended by inserting before the words "in writing" in subsection (4) the words "by instrument".

Joint trustees, &c.

4 Section forty-nine of the Principal Act is amended by inserting before the word "writing" the words "instrument in".

Voting by corporations.

5 Section forty-nine A of the Principal Act is amended by inserting before the word "writing" the words "instrument in".

Authority to vote on behalf of other persons, &c.

6 After section forty-nine A of the Principal Act the following section is inserted:—

"49B An instrument deputing or appointing any person to vote at any election on behalf of any other person or of any corporation or company in pursuance of any of the last three preceding sections shall specify the election in respect of which that person is so deputed or appointed and shall have effect in respect of that election only."

Date of annual election.

7—(1) Section fifty-four of the Principal Act is amended by omitting the word "Thursday" and substituting therefor the word "Saturday" and by omitting the word "Wednesday".

Operation of Act.

(2) Subsection (1) of this section shall come into operation on the first day of May, 1947.

8 Section sixty-six of the Principal Act is amended by adding at the end thereof the following subsection:—

Appointment of polling-places.

"(5) Where no suitable building is available at any place appointed by a council as a polling-place, the council may provide a suitable vehicle and use the same as a polling booth at such places and at such times as the council may direct."

9 Section seventy-nine of the Principal Act is repealed and the following section is substituted therefor:—

Provision for electors unable to vote without assistance.

"79—(1) If any elector satisfies the presiding officer that his sight is so impaired, or that he is so physically incapacitated, that he is unable to vote without assistance, the presiding officer shall permit a person appointed by the elector to enter an unoccupied compartment in the polling-place with the elector and mark, fold, and deposit the elector's ballot-paper for him.

(2) If any such elector fails to appoint a person in pursuance of subsection (1), or if any elector satisfies the presiding officer that he is so illiterate that he is unable to vote without assistance, the presiding officer, in the presence of such scrutineers as are present, or, if no scrutineers are present, then in the presence of—

I. The poll clerk; or

II. If the elector so desires, a person appointed by the elector instead of the poll clerk,

shall mark, fold, and deposit the elector's ballot-paper for him."

10 Section eighty-two of the Principal Act is repealed and the following section is substituted therefor:—

"82—(1) A ballot-paper shall be informal if—

Informal
ballot-paper.

- I. It is not authenticated by the initials or signature stamp of the presiding officer (or, in the case of a postal ballot-paper, of the returning officer) :
- II. It has no vote indicated upon it:
- III. It has upon it any mark or writing not authorised to be put upon it which, in the opinion of the returning officer, would enable any person to identify the voter :
- IV. It has the same number opposite the names of more than one candidate: or
- V. In any case where more than one member is to be elected, the number of candidates marked in the order of the elector's preference is less than the total number of candidates required to be elected.

(2) A ballot-paper shall not be informal for any reason other than the reasons enumerated in this section, but shall be given effect to according to the elector's intention, so far as his intention is clear."

11 Section one hundred and five of the Principal Act is amended by omitting from paragraph II. the word "six" and substituting therefor the word "nine".

Special
resolution.

12 Section one hundred and seventy-two of the Principal Act is amended by omitting subsection (2) and substituting therefor the following subsection:—

Separate
local rate.

"(2) Every separate local rate shall be made and shall be recoverable in the same manner, and shall be payable by the same persons within the defined portion of the municipality, as any other rate under this Act; but a separate local rate shall not exceed an amount equal to the sum of—

- I. In the case of a sewerage rate, five shillings:
- II. In the case of a water rate, four shillings and sixpence: and
- III. In any other case, one shilling and sixpence,

in the pound in any one year upon the annual value of ratable property within the defined portion of the municipality."

13 Section two hundred and five of the Principal Act is amended—

Purposes for
which by-laws
may be
made.

(a) by inserting after paragraph II. of division (1) the following paragraph:—

- "III. Prohibiting or regulating the keeping of horses and cattle in defined areas in towns"; and

(b) by inserting after division (6) the following division:—

“(7) *Control of Trees*—

- I. Prescribing classes or species of trees which shall not be planted within prescribed distances of the boundary of any adjoining land within any defined part of the municipality except in prescribed cases or circumstances; and prohibiting such planting:
 - II. Prescribing the maximum height and minimum spacing which shall be allowed or required in the case of trees within prescribed distances of the boundary of any adjoining land within any defined part of the municipality, with power to discriminate between different species of trees according to habit, density of foliage, or other circumstances:
 - III. Prescribing the cases and the manner in which, and the conditions under which, trees within prescribed distances of any dwelling-house on or near the boundary of adjoining land within any defined part of the municipality shall be removed, lopped, or cut back:
 - IV. Prescribing the cases and the manner in which, and the conditions under which, the owner of any land within any defined part of the municipality shall be compelled to remove any trees, the roots of which, in the opinion of the council, are causing, or threaten to cause, damage to the property of any person other than such owner.”.
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