

TASMANIA.

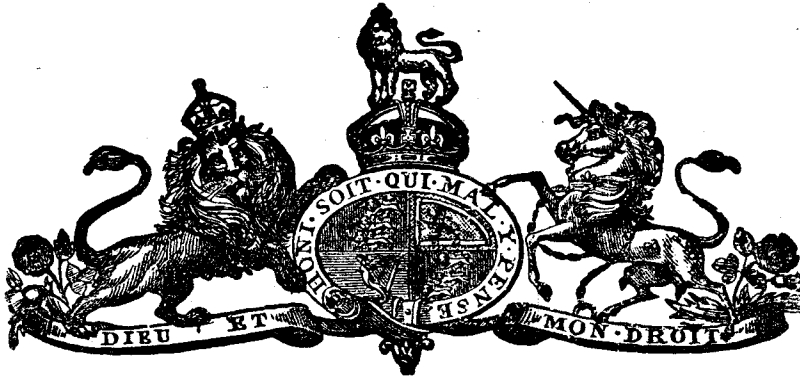
 THE HOBART CORPORATION ACT,
 1921.

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TASMANIA.



1921.

ANNO DUODECIMO

GEORGII V. REGIS.

No. 24.



AN ACT to further amend "The Hobart Corporation Acts, 1893-1920."

A.D. 1921.

[6 December, 1921.]

WHEREAS it is expedient to further amend "The Hobart Corporation Acts, 1893-1920," in the manner hereinafter appearing :

PREAMBLE.

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—(1) This Act may be cited for all purposes as "The Hobart Corporation Act, 1921," and is hereby incorporated with, and shall be read as one with, "The Hobart Corporation Act, 1893," and every amendment thereof.

Short title and incorporation with 57 Vict. No. 11.

(2) "The Hobart Corporation Act, 1893," and every Amendment thereof, inclusive of this Act, may together be cited as "The Hobart Corporation Acts, 1893-1921."

2 In this Act, unless the context otherwise determines —

Interpretation. 57 Vict. No. 11.

"The Principal Act " means "The Hobart Corporation Act, 1893 ":

"The Council " means the Hobart City Council :

"The Corporation " means the Corporation of the Mayor, aldermen, and citizens of the City of Hobart.

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Division of Act.

3 This Act is divided into parts as follows:—

Part I.—Amended Provisions Relating to Elections.

Part II.—Borrowing Powers.

Part III.—Miscellaneous.

PART I.

AMENDED PROVISIONS RELATING TO ELECTIONS.

Joint trustees,
&c.

57 Vict. No. 11.

4 After Section Fourteen of the Principal Act the following section is inserted:—

“**14a**—(1) Where the annual value of any property within the City in the joint ownership or occupation of more persons than One, as trustees, executors, or administrators, exceeds the sum of One hundred and fifty Pounds, such trustees, executors, or administrators shall not, amongst them, have in respect of such property a greater number of votes than Four, and it shall be lawful for such votes to be given by such One or more of themselves, in the case of individuals, as they may by writing under their hands appoint to be the persons or person to vote in respect of such property, and in the case of a corporation or company by its public officer.

“(2) No corporation or company, acting as trustee, executor, or administrator, and as such owning or occupying One or more properties in the City, shall have in respect of all such properties a greater number of votes than Four.

“(3) The vote of such corporation or company shall be given by the public officer thereof or by such person as the directors of such corporation or company shall appoint in writing for the purpose.

“(4) The officer or person so voting on behalf of the corporation or company may exercise 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 or company.”

Repeal and re-enactment of Section 22 of 57 Vict. No. 11, and Section 3 of 3 Ed VII. No. 32.

Persons entitled to vote at elections of aldermen.

5 Section Twenty-two of the Principal Act, as amended by Section Three of “The Hobart Corporation Act, 1903,” and Section Three of the lastmentioned Act are hereby repealed, and the following substituted therefor:—

“**22** Every citizen whose name is on the assessment roll in force in the said City on the Twentieth day before the day of holding any election of aldermen under this Act, as the owner or occupier of any property therein mentioned, and who has paid all rates payable by him to the Corporation up to the day of the month in the preceding year corresponding to the day of holding such election, and no other persons, shall be entitled to vote at such election.”

Hobart Corporation.

6 The First Schedule of "The Hobart Corporation Act, 1903," is hereby repealed, and the following shall be the form of declaration to be signed by each citizen before voting :—

A.D. 1921.

Amendment of
Schedule (1) of 3
Ed. VII. No. 32.*Citizen's Declaration.*

I, *A.B.*, do hereby solemnly declare that I am the person named in the Assessment Roll now in force for the City of Hobart; that I am not an alien; that I have not already voted at this election; and I further solemnly declare that no part of any City rate due and payable by me to the Corporation of Hobart, up to the day of the month in the preceding year corresponding to the day of holding this election, is in arrear.

A.B.

7 The Sixth, Seventh, and Eight lines of Section Twenty-seven of the Principal Act are hereby expunged.

Amendment of
Section 27 of
Principal Act.

8 Section Twenty-five of the "Hobart Corporation Act, 1914," is hereby amended by inserting at the end thereof the following subclause :

Amendment of
Section 25 of 5
Geo V. No. 21.

"vii. Provided, nevertheless, that a ballot paper shall not be rejected as informal merely on the ground of any irregularity in the marking thereof, if, in the opinion of the Returning Officer (whose decision shall be final), the intention of the voter is clearly expressed therein, and if, in all other respects, the provisions of the said Acts are complied with."

Ballot Papers.

9 After Section Twenty-five or the lastmentioned Act the following section is inserted :—

Powers of
returning officer
and presiding
officers.

"**25a**—(1) The returning officer and the presiding officer at each polling-place shall have power and authority—

- i. To maintain and enforce order and keep the peace at each election of aldermen :
- ii. Without any other warrant than this Act to cause to be arrested, and taken before a justice of the peace, any person reasonably suspected of—
 - (a) Wilfully contravening any of the provisions of Section Thirty-seven of the Principal Act, as amended by Section Four of 'The Hobart Corporation Act, 1908' :
 - (b) Wilfully making a false declaration before voting :
 - (c) Offending against Section Forty-five of the Principal Act :
 - (d) Causing a disturbance at any election :
- iii. Without any other warrant than this Act to cause any person to be removed who obstructs the approaches to any polling-place, or conducts himself in a disorderly manner.

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“(2) All constables and members of the police force are hereby required to aid and assist such returning officer or presiding officer in the performance of his duty, and to arrest and take and remove such persons as aforesaid.”

Amendment of
Section 58 of
Principal Act.
Extraordinary
vacancies.

10 Section Fifty-eight of the Principal Act is hereby amended by inserting the word “Thirty” in lieu of the word “Fourteen” in the Second line thereof, and by inserting at the end thereof the following proviso :—

“Provided that if any extraordinary vacancy occurs through the death, resignation, removal, or disqualification of any alderman at any time not more than Three months before the annual election in December, the place of such alderman shall not be filled up until such annual election.”

Deputy-Mayor.

11 In the event of the temporary absence of the Mayor, through illness or being away from the city, the senior alderman, and in his absence, the next alderman in seniority shall act and discharge the duties of the Mayor under the title of Deputy-Mayor.

PART II.

BORROWING POWERS.

Power to borrow
£6500 for certain
purposes.

12 It shall be lawful for the Corporation to borrow and take up at interest, on the security of the whole of the revenues of the Corporation, such further sum or sums of money as the Council deems necessary, for the respective purposes hereinafter in this section set forth, not exceeding in each case the sum of money herein mentioned in respect of each such purpose :—

	£	s.	d.
i. For the purpose of completing the construction of a refuse destructor and other works in connection therewith	4000	0	0
ii. For the improvement of the reserves and recreation grounds under the control of the Council, and for the purchase and acquisition of land, premises, and equipment for reserves and recreation grounds.....	2500	0	0
	<u>£6500</u>	<u>0</u>	<u>0</u>

Sums borrowed
to be additional.

13 The sum or sums which the Corporation may borrow under the authority of this Act shall be in addition to any sum or sums of money previously borrowed, or authorised to be borrowed by, or on behalf of, the Corporation under the authority of any former Act.

Hobart Corporation.

14 The provisions of "The Hobart Corporation Loan Act, 1918," shall apply to any sum or sums of money borrowed under the authority of this Act.

A.D. 1921.

Provisions of 9
Geo. V. No. 25
applicable.

15 It shall be lawful for the Council from time to time to obtain advances from its bankers by overdraft of its current account upon the credit of the Corporation, but no such overdraft shall at any time exceed an amount equal to One-half of the prior year's revenue of the Corporation, and such advances, with interest thereon at current bank overdraft rate, shall stand charged on the whole of the revenues of the Corporation, but subject to any then existing charges thereon given pursuant to any statutory authority.

Power to borrow
on overdraft
from banks.

PART III.

MISCELLANEOUS.

16 Section Sixty of "The Hobart Water Act, 1893," is hereby amended by inserting the word "and" in lieu of the word "or" where the latter occurs before the word "occupied" in the Second line thereof, and by expunging the words "or of any building or premises used solely for any public purpose" in the Third and Fourth lines, and inserting in lieu thereof the words "or any buildings or premises the property of, and occupied on behalf of, the University of Tasmania."

Amendment of
Section 60 of 57
Vict. No. 25.

17 The Eighth, Ninth, and Tenth lines of Section Three of "The Hobart Water Act, 1907," are hereby expunged.

Amendment of
Section 3 of
7 Ed. VII.
No. 41.

18 The Sixth and Seventh lines of Section One hundred and sixteen of the Principal Act are hereby expunged, and the following inserted in lieu thereof:—"Any lands or buildings the property of, and occupied on behalf of, the University of Tasmania."

Amendment of
Section 116 of
the Principal
Act.

Hob. C.R. 305

19 The words "Fourteen days" are hereby expunged from the Eighth and Ninth lines of Section Two hundred and fifty-two of the Principal Act, and the words "One calender month" inserted in lieu thereof.

Amendment of
Section 252 of the
Principal Act.

20 Section Six of "The Hobart Corporation Act, 1916," is hereby amended by inserting at the end of Subsection One thereof the following proviso:—

Amendment of
Section 6 of 7
Geo. V. No. 37.

"Provided that it shall be lawful for the Council from time to time to lay out and construct through such land any roadway or roadways that it may deem advisable, but so that such roadway or roadways shall not interfere with any right of burial granted to or acquired by any person in respect of any portion of the said land."

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Amendment of
Section 6 of 11
Geo. V. No. 68.Amendment of
Section 36 in-
serted in 10
Geo. V. No. 64
by s. 5 of 11
Geo. V. No. 68.

43 Vict. No. 22.

Mortgages and
debentures not
liable to stamp
duty.Corporation
exempted from
provisions of 1
Geo. V. No. 12.Amendment of
Section 33 of
4 Geo. V. No. 24.Power to lease
City recreation
grounds.

21 Section Six of "The Hobart Corporation Act, 1920," shall be construed as if it had been enacted on the Thirtieth day of June, One thousand nine hundred and nineteen.

22 Section Thirty-six of "The Hobart Corporation Act, 1919, No. 2," as re-enacted by Section Seven of "The Hobart Corporation Act, 1920," is hereby amended by inserting at the end thereof the following proviso:—

"Provided that nothing contained in this section shall be deemed to deprive the Corporation of the power to levy a special rate of One Shilling in the Pound upon all rateable property in the city for the purposes mentioned in Section Eighteen of "The City of Hobart Town Loans Consolidation Act, 1880."

23 Mortgages of rates given by the Corporation, and transfers and discharges of such mortgages, and also debentures issued by the Corporation, and coupons annexed thereto, shall not be liable to the payment of any stamp duty under any Act imposing stamp duties in this State, whether such mortgages or debentures are given or issued under the provisions of the Principal Act or any other Act authorising the Corporation to borrow money or to give or issue mortgages or debentures.

24 The provisions of "The Public Recreation Grounds Act, 1910," shall not apply to City recreation grounds under the control of the Corporation.

25 Section Thirty-three of "The Hobart Corporation Act, 1913," is hereby amended by omitting the proviso contained in lines Four, Five, Six, Seven, and Eight of the said section.

26—(1) Notwithstanding anything contained in the Principal Act, or any Act amending the same, it shall be lawful for the Council in its uncontrolled discretion to grant a lease or leases for any purpose of recreation or amusement, of any portion or portions of any City recreation ground not exceeding in the whole One-third of the total area thereof for any term not exceeding Twenty-one years.

(2) Every such lease shall be granted to Two or more persons, for such purpose, upon such terms, and subject to such rents, conditions, covenants, provisions, and reservations as the Council may think fit.

(3) Any lease shall not be made for, or in consideration of, or accompanied with any premium or foregift, nor shall it contain any covenant, condition, or agreement for renewal of lease or for purchase of the leased lands, provided that nothing contained in this section shall be deemed to empower the Council to demise or let any portion of the Queen's Domain for any term whatever exceeding One year, and then only with the consent of the Minister for Lands.

Hobart Corporation.

27 The words "Six hundred" are hereby substituted for the words "Four hundred and fifty" in lines Seven and Eight of Section Nine of "The Hobart Building Act, 1918."

28 The Acts mentioned in the schedule to this Act are hereby repealed to the extent therein mentioned.

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Amendment of
Section 9 of "The
Hobart Building
Act, 1918."
9 Geo. V. No. 75.
Acts repealed.

SCHEDULE.

Title of Act.	Date and Number of Act.	Extent of Repeal.
"The Hobart Corporation Act, 1893"	57 Vict. No. 11	All words after the word "city" in the Third line of Section 240, and the whole of Section 273
"The Hobart Tramway Company's Act, 1884"	48 Vict. (Private)	Sections 35, 37, and 38
"The Hobart Tramway Company's Act Amendment Act, 1889"	53 Vict. (Private)	Section 8 and Schedule 2
"The Hobart Tramway Company's Amendment Act, 1902"	2 Ed. VII. (Private)	Sections 45, 46, and 47

