

# THE MARINE BOARDS AMENDMENT ACT, 1914.

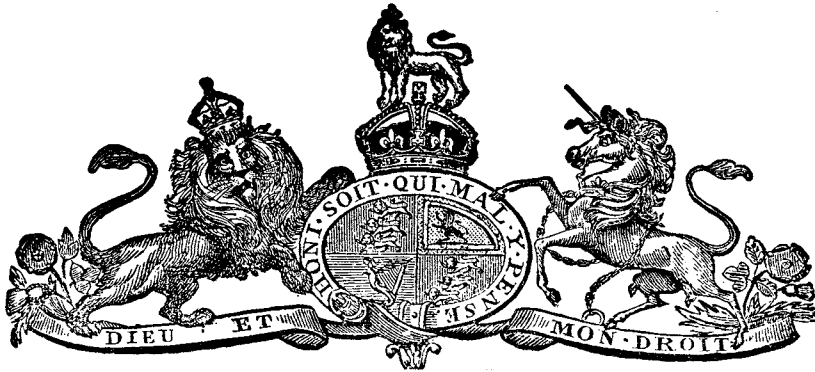
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10d.]



TASMANIA.



1914.

ANNO QUINTO

GEORGII V. REGIS.

No. 16.

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AN ACT to further amend "The Marine Boards Act, 1889." [8 January, 1915.] A.D. 1914.

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 This Act may be cited as "The Marine Boards Act Amendment Act, 1914." and shall be construed as one with "The Marine Boards Act, 1889," (hereinafter called the Principal Act), and every amendment thereof, and shall come into operation on the First day of January, One thousand nine hundred and fifteen, which date is hereinafter referred to as the commencement of this Act. Short title and incorporation. 53 Vict. No. 34.

Marine Board of Launceston.

2 In this Act, unless the context otherwise determines— Interpretation. "Citizen" means a citizen of the City of Launceston, in accordance with Sections Thirteen and Fourteen of "The Launceston Corporation Act, 1894," as amended by Section Three of "The Launceston Corporation Amendment Act, 1900"; 58 Vict. No. 30. 64 Vict. No. 72.

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6 Ed. VII. No. 31.  
3 Geo. V. No. 52.
- “Elector” means an elector of any municipality in accordance with the provisions of “The Local Government Act, 1906”:  
“Master Warden” includes Acting Master Warden:  
“Tamar rate” means a Tamar rate as authorised to be made by virtue of “The Tamar Improvement Act, 1912.”
- Repeal of Section 42 of 1 Geo. V. No. 24.
- 3** Section Forty-two of “The Marine Boards Act Amendment Act, 1910,” is hereby repealed.
- Number of wardens to form Board.
- 4** Notwithstanding anything contained in Section Fifteen of the Principal Act, from and after the First election of wardens for each of the Four municipalities of Beaconsfield, George Town, Lilydale, and St. Leonards, in accordance with the provisions hereinafter contained, the Marine Board of Launceston shall consist of Thirteen wardens, Seven of whom shall form a quorum, and such wardens shall be elected or appointed as hereinafter provided, and shall, subject to the provisions of this Act, respectively hold office for a period of Three years.
- Certain sections of Principal Act not to apply.
- 5** Sections Twenty-three, Twenty-four, Twenty-five, Twenty-six, and Twenty-seven of the Principal Act shall not apply to the Marine Board of Launceston or the wardens thereof, or to the retirement or the election of such wardens or to the vacancies in the Board.
- Existing wardens.
- 6** The wardens of the Marine Board of Launceston who are in office at the commencement of this Act shall continue in office until One week before such time as they would respectively cease to be in office under the provisions of the Principal Act and the Amendments thereof now existing, if the usual elections of wardens were duly held, and such wardens shall retire from office One week before such times as they would respectively have retired from office if this Act had not been passed.
- Wardens to be elected for Launceston and for other municipalities.
- 7** Of the Thirteen wardens of which the Marine Board of Launceston is to consist, Nine shall be elected for the City of Launceston, and One shall be elected for the municipality of Beaconsfield, One for the municipality of George Town, One for the municipality of Lilydale, and One for the municipality of St. Leonards.
- Citizens to elect wardens for Launceston.
- 8** The wardens for the City of Launceston shall be elected by the citizens, and at every such election each citizen 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 according to the scale and provisions relating to voting in force at the time of such election.
- See 64 Vict. No. 72.
- Retirement of wardens for Launceston.
- 9** On the Second Thursday in the month of December in each year Three of the wardens elected for the City of Launceston shall retire from office and the vacancies caused by such retirement of wardens from the said board shall be filled in manner herein provided.

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**10** The wardens of the Marine Board of Launceston who are in office at the commencement of this Act shall be considered to be wardens elected for the City of Launceston, and shall retire from office as provided by Section Six of this Act, and the vacancies created by their retirement and the vacancies created by the retirement of wardens elected or appointed for the City of Launceston at the expiration of the periods for which such wardens were elected or appointed respectively, shall be filled up by the election in the manner herein provided of fit and proper persons to fill such vacancies and the persons so elected to fill such vacancies shall hold office subject to the provisions of this Act and the principal Act until the Second Thursday in the month of December in the Third year after their election, and shall then retire from office, and every retiring warden shall be eligible to be re-elected.

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How wardens for Launceston to hold office.

**11** The annual election of persons to fill the vacancies created by the annual retirement of wardens for the City of Launceston for the Marine Board of Launceston shall take place on the Second Thursday in the month of December in every year.

Time for elections of wardens for Launceston.

**12** The manner of conducting the election of wardens for the City of Launceston shall be as nearly as may be the same as upon an election of aldermen as the case may require. Election includes the nomination, poll, and all proceedings to the completion of the declaration of poll, but—

Manner of conducting elections for Launceston.

i. The declaration usually made by a citizen shall be altered : and—

See Sections 26 to 42 of 58 Vict. No. 30.

(a) In case no Tamar rate has been made, shall be in the form in the schedule hereto :

(b) And in case of a Tamar rate having been made, shall be in the form in the schedule hereto with the following clause added before the date "5, That no part of any Tamar rate payable by me is in arrear," and in such case it shall be necessary to have paid the Tamar rate or rates previously gazetted, but not any Municipal rates before voting—

and every person making such declaration falsely, shall be liable to a penalty not exceeding Ten Pounds :

ii. All references to aldermen shall be construed to be references to wardens :

iii. All references to the Mayor shall be construed to be references to the Master Warden :

All references to the Town Hall shall be construed to be references to the Port Office :

All references to the Council shall be construed to be references to the Board :

Except that in cases where the Municipal Council of the City of Launceston holds and conducts an election for the Marine Board of Launceston as hereinafter allowed the provisions of this Third subsection shall not apply.

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Municipal Council of City of Launceston may conduct election.

**13** It shall be lawful for the Marine Board of Launceston to arrange with the Municipal Council of the City of Launceston to hold the elections of wardens for the City of Launceston at the same time as the election of aldermen for the City of Launceston and thereupon the returning officer for the election of aldermen shall be the returning officer for the election of wardens and shall conduct the election. Provided that notice of such arrangement shall be published in Two papers circulating in the City of Launceston at least Fourteen days before the date of such election and the Marine Board of Launceston shall pay to the Municipal Council of the City of Launceston such reasonable amount as shall be agreed upon to recoup the said Council for additional expenses incurred in conducting the election of wardens.

Electors to elect wardens for other municipalities.

**14** The Warden for each of the Four municipalities of Beaconsfield, George Town, Lilydale, and St. Leonards hereinbefore mentioned shall be elected by the electors of such municipality, and at every such election each elector 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 such municipality to be entitled to exercise at an election of councillors for such municipality according to the scale and provisions relating to voting in force at the time of such election.

First election and retirement of wardens for other municipalities.

**15** The First election of a warden for each of the Four municipalities shall be held on the Second Thursday in the month of February in the year One thousand nine hundred and fifteen, and the warden so elected for such municipality shall hold office, subject to the provisions of this Act and the Principal Act, until the Second Thursday in the month of December in the year One thousand nine hundred and seventeen, and on the Second Thursday in the month of December in each Third year after the year One thousand nine hundred and fourteen the warden for that municipality shall retire from office, and the vacancies caused by such retirement of wardens from the said Board shall be filled in the manner herein provided.

How wardens for other municipalities to hold office.

**16** The vacancies created by the retirement of wardens elected or appointed for any of the Four municipalities at the expiration of the period for which such wardens were elected or appointed respectively shall be filled up by the election in the manner herein provided of fit and proper persons to fill such vacancies, and the person so elected to fill each such vacancy shall hold office subject to the provisions of this Act and the Principal Act, until the Second Thursday in the month of December in the Third year after his election, and shall then retire from office, and every retiring warden shall be eligible to be re-elected.

Time for elections of wardens for other municipalities.

**17** The triennial election of a person to fill the vacancy created by the triennial retirement of the warden for each municipality shall take place in the Second Thursday in the month of December in every Third year following the year One thousand nine hundred and fourteen.

*Marine Boards Amendment.*

**18** The manner of conducting the election of wardens for each municipality shall be as nearly as may be the same as upon an election of councillors, as the case may require. Election includes the nomination, poll, and all proceedings to the completion of the declaration of poll, but—

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Manner of conducting elections for other municipalities.

See 67 to 84 of 6Ed. VII. No. 31.

i. The declaration usually made by an elector shall be altered :  
and

(a) In case no Tamar rate has been made, shall be in the form in the schedule hereto ;

(b) And, in case of a Tamar rate having been made, shall be in the form in the schedule hereto with the following clause added before the date :—  
“5 That no part of any Tamar rate payable by me is in arrear,” and in such case it shall be necessary to have paid the Tamar rate or rates previously gazetted, but not any municipal rates, before voting,

and every person making such declaration falsely shall be liable to a penalty not exceeding Ten Pounds :

ii. All reference to councillors shall be construed to be references to a warden of the Marine Board of Launceston :

iii. The municipality shall be treated as an unsubdivided municipality.

**19** The municipal council of each of the Four municipalities shall conduct all elections of wardens for such municipality, and the Marine Board of Launceston shall pay to such municipal council the whole reasonable expenses of such election, but the Marine Board of Launceston shall determine the fees payable to the returning officer and all presiding officers and poll clerks.

Other municipalities to conduct elections.

**20** Section Forty-three of “The Marine Boards Act Amendment Act, 1910,” is hereby amended by expunging the words “One month” in the Seventh line of such section, and by inserting the words “Two weeks” in lieu thereof, by expunging the word “Third” in the Eighth, Tenth, and Fifteenth lines of such section, and inserting the word “Second” in lieu thereof in each of those lines, by expunging the words “annual elections” in the Twelfth line of such section, and by inserting the words “Second Thursday in the month of December” in lieu thereof.

Amendment of Section 43 of 1 Geo. V. No. 24.

**21** If the Board appoints a warden for any of the Four municipalities, under Section Forty-three of “The Marine Boards Act Amendment Act, 1910,” as hereby amended, the Board shall cause immediate notice in writing of such appointment to be given to the municipal council of such municipality, and thereupon such municipal council shall not proceed with the election until the election on the ensuing Second Thursday in the month of December, and the board shall pay to such municipal council the reasonable expenses incurred prior to such notice.

Notice to municipal council if election not to proceed.

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Disqualification.  
See also Section  
32 of 53 Vict.  
No. 34.

**22** Any male citizen may be elected a warden for Launceston, but no person shall be a warden for Launceston unless he is a male citizen, and if he ceases to be a citizen he shall be disqualified and his seat shall thereupon become vacant, and any male elector of any One of the Four municipalities and any male citizen may be elected a warden for any of the Four municipalities, but no person shall be a warden for any of the Four municipalities unless he is a male elector of any One of the municipalities or a male citizen, and if at any time he is not an elector of One of the municipalities or a citizen he shall be disqualified and his seat shall thereupon become vacant.

Section 24 of 62  
Vict. No. 36 not  
to apply.

**23** Section Twenty-four of "The Marine Boards Amendment Act, 1898," shall not apply to the Marine Board of Launceston or the wardens thereof.

Wardens to act  
until successors  
elected or  
appointed.

**24** In the event of any delay occurring in the election or appointment of the successor of any warden who retires from office in consequence of the expiration of the period for which he was elected or appointed such warden shall act as a warden and shall have all the powers of and be considered to be a warden until his successor has been duly elected or appointed under the provisions of this Act.

Master Warden  
being a candidate  
or returning  
officer incapable  
to act.

**25** In case at any election the Master Warden is one of the wardens retiring or going out of office and a candidate for re-election as a warden for Launceston, the Board may appoint another warden to hold such election, who shall for such purpose have and perform all the powers and duties conferred upon the Master Warden for the purpose of carrying out such election, and in any case in which the Master Warden or the warden appointed as aforesaid, or the Mayor of Launceston or the alderman appointed in his place to hold such election, or the warden of another municipality, or the person appointed as returning officer shall be at any time unable in consequence of illness, absence, or other incapacity to perform the duties of returning officer at any such election, it shall be lawful for the secretary, the town clerk, or the council clerk respectively, and the secretary, town clerk, or council clerk respectively is hereby authorised and empowered in any such case to perform such duties, and to act as returning officer at any such election during such illness, absence, or other incapacity of the Master Warden, or warden, the Mayor of Launceston, or alderman, or the warden, or other person.

Ballot-papers to  
be deposited.

**26** All ballot-papers taken at each election together with the ballot-papers not used, the copies of the polling list, and declarations shall be sealed up by the presiding officer, and marked as the papers in connection with the election to which they relate, and shall be deposited with the records of the Marine Board of Launceston, and the same shall be kept for Six months and then destroyed in the presence of Two wardens; and in case any question arises touching the election, such papers or any of them upon production thereof and proof either



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by evidence or by a certificate thereon under the hand of the secretary of the Board that the same came to and then were in his custody as such secretary shall be received in evidence. A.D. 1914.

**27** Every person who shall vote more than Once or offer to vote more than Once at any election held under this Act, or who shall depart or attempt to depart from any polling-booth after having received a ballot-paper without having deposited the same in the ballot-box, or who shall personate any other person for the purpose of voting at such election, or attempt to vote by means of a ballot-paper which has been delivered to another person shall be guilty of a misdemeanour, and shall on conviction thereof, be liable to be imprisoned for any period not exceeding One year with or without hard labour. False answer : polling twice.

**28** All the provisions of Sections Forty-six to Sixty-one, both inclusive, of "The Launceston Corporation Act, 1894," which apply to the election of aldermen, shall *mutatis mutandis* apply to every election of wardens for the City of Launceston under the provisions of this Act, the references to the Municipal Council and Corporation being construed as references to the Board. Offences relating to elections.

**29** All the provisions of Sections Eighty-nine to Ninety-one, both inclusive, of "The Local Government Act, 1906," which apply to the election of councillors, shall *mutatis mutandis* apply to every election of a warden for any of the Four municipalities aforesaid under the provisions of this Act. Offences relating to elections.

**30** If at any election of wardens for the City of Launceston which is conducted by the Municipal Council of the City of Launceston, the mayor or alderman appointed in accordance with Section Forty-four of "The Launceston Corporation Act, 1894," is a candidate for election, the said Council shall appoint another alderman who is neither a candidate for election as a warden nor a candidate for re-election as an alderman to hold such election and also the election of aldermen, and the alderman so appointed shall for such purposes have and perform all the powers and duties by that Act and this Act conferred and imposed on the mayor. And if at any election of a warden for any of the Four municipalities the warden or person appointed in accordance with Section Fifty-nine of "The Local Government Act, 1906," is a candidate for election the municipal council of such municipality shall appoint another person who is neither a candidate for election as a warden nor a candidate for election as a councillor to be and he shall be the returning officer for the election of such warden, and also if an election of councillors is to be held concurrently for the said election of councillors. Candidates not to be returning officers. 58 Vict. No. 30. 6 Ed. VII. No. 31

**31** The Board may pay and allow out of the funds at the disposal of the Board to each of the wardens of the Board who resides out of the City of Launceston on each occasion of such warden attending a Travelling expenses of wardens.

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meeting of the Board or a meeting of a committee appointed by the Board such sum of money not exceeding the expenses incurred by such warden in attending such meeting as the Board may think fit.

Repeal of  
regulations.  
2 Ed. VII. No. 16.

**32** All regulations made under the authority of Section Eight of "The Marine Boards Amendment Act, 1902," are hereby repealed.

**SCHEDULE.****DECLARATION BY CITIZEN OR ELECTOR.**

I, A.B. do hereby solemnly declare as follows :—

1. That I am the person named in the assesment roll for Launceston (or other municipality).
2. That I am Twenty-one years of age.
3. That I am not an alien.
4. That I have not already voted at this election.\*

A.B.

Witness—

\* See Sections 12 and 18 if a Tamar Rate has been made.