

LOCAL GOVERNMENT (No. 2).

No. 75 of 1972.

AN ACT to amend the *Local Government Act* 1962,
and the *Launceston Corporation Act* 1963.
[17 January 1973.]

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* (No. 2) 1972. Short title and citation.

(2) The *Local Government Act* 1962, as subsequently amended, is in this Act referred to as the Principal Act.

2—(1) Subject to subsection (2) of this section, sections three to eight have no effect until a date to be fixed by proclamation. Commencement.

(2) By-laws to give effect to the amendments to be made to sections three to eight may be made under the Principal Act as if subsection (1) of this section had not been enacted, but such by-laws have no effect until those sections have effect.

3 The heading of Division XIV of Part XV of the Principal Act is amended by omitting the words “*metal, and gravel*” and substituting therefor the words “*minerals, and earth*”. Divisional heading.

4 Section four hundred and twenty-one of the Principal Act is repealed and the following section is substituted therefor:—

“421—(1) The corporation may, by by-law, regulate the carriage of timber, fire-wood, and minerals over roads other than State highways within its district with power— Regulation of timber, &c., carting.

(a) to prohibit such carriage in respect of any particular road for any specified period, not exceeding three months, between the end of May in any one year and the beginning of November next following; and

(b) to discriminate in respect of—

- (i) timber, fire-wood, and minerals;
- (ii) specified classes of timber or fire-wood; and
- (iii) specified kinds of conveyance.

- “(2) For the purposes of this section, the corporation may—
- (a) prohibit such carriage at all times except with the corporation’s licence, and demand a fee for such licences in respect of the carriage of timber not exceeding six dollars per month for any one vehicle;
 - (b) impose and levy tolls in respect of the use of such roads for the carriage of timber (not being timber that is to be exported from the State) and minerals not exceeding—
 - (i) in respect of pulp-wood intended to be made into paper pulp, fifteen cents per cord;
 - (ii) in respect of any other timber carried by or on behalf of the same person within a prescribed period, fifty cents for every one thousand superficial feet; and
 - (iii) in respect of minerals, ten cents for each cubic yard;
 - (c) impose and levy tolls in respect of the use of such roads for the carriage of timber that is to be exported from the State at a rate not exceeding—
 - (i) in the case of roads sealed with bitumen, six cents; and
 - (ii) in the case of other roads, two cents, per ton of timber carried over a mile of road;
 - (d) require persons in charge of vehicles on such roads to stop when required by a person authorized by the corporation for that purpose, with power to erect and use a toll-gate or toll-bar to stop them;
 - (e) require persons in charge of vehicles in which timber, fire-wood, or minerals is or are being carried then and there to permit a person authorized by the corporation for the purpose to measure or determine the quantity of the timber, fire-wood, or minerals and give him information in respect thereof;
 - (f) require prescribed persons or classes of persons to furnish to a prescribed officer returns, verified to his satisfaction, showing the quantity by measurement, of the timber, fire-wood, or minerals carried over such roads by or on behalf of the person making the return, or his employer, and any other prescribed particulars;
 - (g) require the owner or person in charge of any saw-mill, or any stone crusher or other place to which minerals are carried, to produce for inspection by prescribed officers, and permit them to inspect as prescribed, all tally books and other records showing the quantity of timber or minerals dealt with at that mill, crusher, or place; and
 - (h) require the owner or person in charge of any stone quarry, gravel pit, or other place from which minerals are won to produce for inspection by prescribed officers, and permit them to inspect as prescribed, all tally books and other records showing the quantity of minerals taken away from the quarry, pit, or place.

“(3) In cases of emergency, the corporation may by order, and without making a by-law, prohibit the carriage of timber, fire-wood, or minerals in respect of any particular road for any specified period not exceeding three months.

“(4) Where the council resolves to make an order under subsection (3) the corporation may—

- (a) transmit a copy of the resolution to the Minister, who, if he is satisfied that the circumstances warrant the immediate application of the prohibition resolved upon, may confirm the resolution and thereupon the order, which shall recite the Minister’s confirmation, shall take effect when published in the *Gazette* or advertised in a newspaper; or
- (b) where the order is to prohibit the carriage of timber or fire-wood, either generally or of some specified class, for a period not exceeding one month, give public notice of the order in a daily newspaper, circulating in its municipal district, and thereupon the order shall take effect for the period specified therein.

“(5) Where the corporation proceeds under paragraph (b) of subsection (4), it shall forthwith transmit to the Minister—

- (a) a copy of the resolution; and
- (b) a copy of the order.

“(6) The Minister may, if he thinks fit, make an order quashing an order in force under paragraph (b) of subsection (4).

“(7) On receipt of an order of the Minister made under subsection (6)—

- (a) the corporation shall give notice to the public, as provided in paragraph (b) of subsection (4) of the order quashing its order; and
- (b) the order so quashed shall be deemed to be null and void from its commencement.

“(8) Proceedings may be taken under both paragraphs of subsection (4) simultaneously in respect of different but overlapping periods.

“(9) The Minister shall not confirm a by-law for the purposes of paragraph (c) of subsection (2) imposing a toll at a rate exceeding one and four tenths cents unless he has, before the by-law was made, approved in writing any higher rate intended to be thereby prescribed.

“(10) In this section—

- ‘minerals’ includes any valuable materials extracted from the earth but does not include lime being carried for use in agriculture;
- ‘timber that is to be exported from the State’ means timber that is to be so exported as wood chips or logs for chipping.”.

Roads
through
several
municipalities.

5 Section four hundred and twenty-two of the Principal Act is amended by omitting subsection (2) and substituting therefor the following subsection:—

“(2) Where a toll is imposed by more municipalities than one in respect of the same road under section four hundred and twenty-one, the municipality agreed on by all those concerned, or, in default of such agreement, the first of them through whose district the timber or minerals subject to the toll is or are carried shall levy on behalf of itself and all other municipalities concerned all the tolls to which it or they is or are subject in respect of that road, and pay to each of the other municipalities concerned a proportion of the total amount levied, determined according to the distance over which the timber or minerals is or are carried in the several municipalities concerned respectively.”

Supplementary
provisions
for inter-
municipal
tolls.

6 Section four hundred and twenty-three of the Principal Act is amended by omitting from paragraphs (a) and (b) the words “, metal, or gravel” (five times occurring) and substituting therefor in each case the words “or minerals”.

7 After section four hundred and twenty-three of the Principal Act the following sections are inserted:—

Payment of
tolls on
timber for
export.

“423AAA—(1) The corporation may agree with a person carrying timber that is to be exported from the State within the meaning of section four hundred and twenty-one (in this section called the ‘carrier’) for the payment in accordance with this section of tolls for the carriage of such timber that have been imposed under that section.

“(2) An agreement for the purposes of this section shall contain provisions for—

(a) the carrier to submit to the corporation a monthly return showing—

(i) every route over roads (other than State highways) in the municipality used by him with its beginning and end; and

(ii) the weight of such timber carried by him over each of those routes during that month,

or such other information as the Minister may approve in substitution, before the end of the next following month;

(b) the corporation to submit to the carrier an account for the tolls shown by each such return to be due to it; and

(c) the carrier to pay the amount due within fourteen days of receiving the account therefor.

“(3) Where an agreement is made for the purposes of this section—

(a) the carrier shall submit true returns as provided in the agreement; and

(b) tolls to which the agreement applies are not to be demanded or payable except in accordance with the agreement.

“423AA—(1) All tolls levied under paragraph (c) of subsection (2) of section four hundred and twenty-one shall, unless the Minister has approved some other use in writing, be expended only on the maintenance of roads in respect of which such tolls are levied. Expenditure of tolls on timber for export.

“(2) For the purposes of this section all such tolls shall be treated as one fund to be applied generally in respect of all such roads.”.

8 Section one hundred and forty-two of the *Launceston Corporation Act 1963* is amended by inserting after the words “Divisions II to X” the words “and Division XIV”. Amendment of Launceston Corporation Act 1963.

9 This Act shall expire on the 31st day of December 1974.

Expiry of Act.

APPLE AND PEAR CROP (PRICE GUARANTEE).

No. 76 of 1972.

AN ACT to provide for the making of grants in respect of apples and pears produced in the 1973 season and exported to the British Isles and all other parts of Europe in the event of inadequate prices being obtained therefor.

[17 January 1973.]

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 *Apple and Pear Crop (Price Guarantee) Act 1972*. Short title.

2 In this Act, unless the contrary intention appears—

Interpretation.

“Board” means the Board of Management of the Agricultural Bank of Tasmania;

“deficiency grant” means a deficiency grant made under section three;