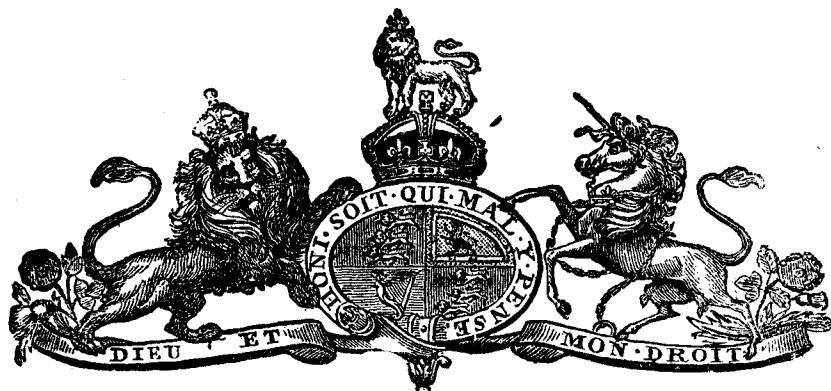


TASMANIA



1911.

ANNO SECUNDO

GEORGII V. REGIS.

No. 62.

ANALYSIS.

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AN ACT to further amend "The Hobart Corporation Act, 1893," and for other purposes. A.D. 1911.
[12 January, 1912.]

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:—

6d.]

Hobart Corporation Amendment.

A.D. 1911.

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

1—(1) This Act may be cited as “The Hobart Corporation Act, 1911,” and is hereby incorporated with, and shall be read as one with, “The Hobart Corporation Act, 1893” (in this Act referred to as “the Principal Act”), and every amendment thereof.

(2) The Principal Act and every amendment thereof, inclusive of this Act, may together be cited as “The Hobart Corporation Acts, 1893 to 1911.”

Repeal and re-
enactment of
Section 51 of 57
Vict. No. 11.

Elections
governed by suc-
ceeding sections.
Council's power
to supplement.

2 Section Fifty-one of the Principal Act is hereby repealed, and the following heading and section are hereby substituted therefor:—

“Election of Mayor.

“**51** The election of the Mayor shall be conducted in accordance with the provisions next following, but the Council may supplement the said provisions, and may by resolution make such provisions not inconsistent therewith as it may consider desirable to enable an election to be carried out.”

3 After Section Fifty-one of the Principal Act the following sections are hereby inserted:—

Presiding alder-
man and scruti-
neers to be
appointed.

“**51a** Before proceeding to the election of Mayor, the aldermen present shall, by a majority of their voices, appoint one of the aldermen present to preside at such election, and Two other aldermen to be scrutineers; and if practicable the presiding alderman and scrutineers shall be chosen from aldermen who are not candidates for the office of Mayor. In the case of an equality of voices as to the alderman to preside or as to the scrutineers, the appointment shall be determined by lot between those who have such equality of voices.

Nominations.

“**51b—**(1) No alderman shall be eligible for election as Mayor unless by writing under his hand, signifying his consent to act if elected, he nominates himself to the presiding alderman within Fifteen minutes from the appointment of the presiding alderman.

“(2) The presiding alderman shall at the expiration of Fifteen minutes from his appointment—or sooner, if all aldermen who are not nominated shall have, in writing, declared that they are not candidates—produce all nomination-papers received by him, and declare the names of all candidates nominated, and he shall then proceed to the election.

“The presiding alderman may vote as an alderman at every ballot.

If only One candi-
date, he shall be
Mayor.

“**51c—**(1) If only One candidate is nominated the presiding alderman shall declare him to be duly elected Mayor, and he shall be elected accordingly.

If Two candi-
dates, ballot to be
taken.

“(2) If only Two candidates are nominated a ballot shall be taken to decide which candidate shall be Mayor, and the presiding alderman shall declare the alderman who has the majority of votes to be duly elected Mayor, and he shall be elected accordingly.

Hobart Corporation Amendment.

"In the event of both candidates receiving the same number of votes it shall be decided by lot which candidate shall be Mayor. A.D. 1911.

"**51d** If more than Two candidates are nominated the following provisions shall be applied until the number of candidates is thereby reduced to Two, namely :—

- i. One ballot in the case of Three candidates, or successive ballots in the case of more than Three candidates, shall be taken for the purpose of reducing the number of candidates to Two by the following process, namely :—

Candidates (if any) receiving no votes, or if none such then the candidate receiving the fewest votes, at any such ballot shall be excluded as defeated :

- n. If at any such ballot the candidate receiving the fewest votes has to be excluded as aforesaid, and it happens that—

(a) Every candidate receives the same number of votes; or

(b) Two or more candidates receive the same and the smallest number of votes—

it shall be decided by lot forthwith which one of such candidates shall be excluded as defeated.

"**51e** When the number of candidates is reduced to Two a ballot shall be taken to decide which candidate shall be Mayor, and the presiding alderman shall declare the alderman who has the majority of votes to be duly elected Mayor, and he shall be elected accordingly. When number reduced to Two, ballot to be taken for Mayor.

"In the event of both candidates receiving the same number of votes it shall be decided by lot which candidate shall be Mayor. If votes equal, to be decided by lot.

"**51f**—(1) For every ballot the Town Clerk shall forthwith cause to be typed or written a sufficient number of ballot-papers, each of which he shall initial or stamp with his signature. Ballot-papers to be provided.

"(2) Every ballot-paper shall contain the names of the duly nominated candidates to be balloted for, arranged alphabetically, in the order of their surnames, and shall have a square opposite the name of each candidate.

"A candidate, until defeated, may vote for himself.

"**51g**—(1) At every ballot each alderman (including the presiding alderman), having received from the Town Clerk a ballot-paper containing the names of the candidates to be balloted for, shall mark his ballot-paper by making a cross in the square opposite the name of the candidate for whom he votes, and shall fold up the paper and deposit it in the ballot-box to be provided for that purpose, in the presence of the presiding alderman. Voting.

"(2) If the voter inadvertently spoils a ballot-paper, and has not deposited it in the box, he may return it to the presiding alderman, who may, if satisfied of such inadvertence, give him another ballot-paper. Spoilt paper.

Hobart Corporation Amendment.

A. D. 1911.

Informal paper.

Examination of
ballot-papers.

“(3) A ballot-paper shall be rejected as informal if it has no cross in a square opposite the name of a candidate, or has crosses in squares opposite the names of more than One candidate.

“(4) At the expiration of Fifteen minutes from the time when the presiding alderman so deposits his ballot-paper, or sooner if all the aldermen have sooner so deposited their ballot-papers, the presiding alderman and scrutineers shall examine the ballot-papers, and a record shall be kept by the Town Clerk of the voting and of every decision by lot, and such record shall be signed by the presiding alderman and Town Clerk, and shall not be questioned save that the presiding alderman may on the day of the election and in the presence of the aldermen correct any manifest error.”

Spoilt ballot-
papers.

4 After Section Thirty-nine of the Principal Act the following section is hereby inserted:—

“39a If any citizen satisfies the Mayor or some presiding officer, before his ballot-paper is deposited in the ballot-box, that he has spoilt it by mistake or accident, he may on giving it up receive a new ballot-paper from the Mayor or presiding officer, who shall there and then cancel and preserve the spoilt ballot-paper.”

Gratuity to officer.
Vict. L.G.A.,
s. 165.
6 Ed. VII. No.
31, s. 119, s.s.
(7).

Repeal of Section
10 of 62 Vict.
No. 14.

5—(1) On the resignation or death of any officer appointed or employed by the Council, or on the cessation or abolition of the office of any such officer, the Council may by resolution grant and cause to be paid to such officer, or to such of his surviving relations as the Council may think fit, any gratuity which to the Council may seem fit.

(2) Section Ten of “The Hobart Corporation Act, 1898,” is hereby repealed.

Council may
grant annual
subsidy not
exceeding £100
to Tasmanian
Tourist Associa-
tion.

6 The Council may from time to time in its discretion, out of its municipal fund, grant and pay to the Tasmanian Tourist Association any sum or sums of money by way of subsidy or contribution to the funds of that association; but such subsidy or contribution shall not in any year exceed the sum of One hundred Pounds.

Amendment of
Section 239 of
Principal Act.

7 Section Two hundred and thirty-nine of the Principal Act is hereby amended by omitting the first Six lines thereof, and substituting therefor the following, namely:—

“239 If and whenever any lands which adjoin or abut upon any street, way, or public place within the city of Hobart are not fenced in or enclosed to the satisfaction of the Council, or the fence or enclosure thereof is certified by the City Surveyor to be—

(a) Insufficient; or

(b) Out of repair; or

(c) Quite unsuitable or highly objectionable, having regard to the neighbourhood—

it shall be lawful for the Council to compel, and by notice in writing under the hand of the Town Clerk to require, the owners of any such

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lands, at their own expense, to fence or enclose such lands, so far as the same adjoin or abut upon any such street, way, or public place, with a substantial fence of such kind, description, and materials, and in such manner as the Council may think proper and shall specify in writing, and to maintain the same, or, as the case may be, to effect such fencing repairs and amendments as the Council may think proper and shall specify in writing ; and." A.D. 1911.