

TASMANIA.

THE LOCAL AUTHORITIES PUBLIC WORKS
SUBSIDIES ACT 1936.

ANALYSIS.

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1936.

ANNO PRIMO

EDWARDI VIII. REGIS.

No. 36.



AN ACT to provide for the Application of certain ^{A.D.} **1936.**
 Moneys granted by the Commonwealth, and of
 certain other Moneys to be appropriated by the
 Treasurer out of the Consolidated Revenue, for
 the purpose of assisting Local Authorities to meet
 the Annual Interest and Sinking Fund Charges
 on Loans raised for the construction of approved
 Public Works. [9 December, 1936.]

WHEREAS by the *State Grants (Local Public Works)* ^{Preamble.}
Act 1936 of the Commonwealth it is provided that there
 shall be payable to this State in respect of each financial
 year during the period commencing on the first day of July,
 one thousand nine hundred and thirty-five, and ending on
 the thirtieth day of June, one thousand nine hundred and
 forty-five, the sum of three thousand four hundred pounds
 towards assisting, subject to certain conditions set forth in

Local Authorities Public Works Subsidies.

A.D. 1936. that Act, local authorities and bodies controlling public works, in meeting the annual interest and sinking fund charges on loans raised for the construction of such works :

And whereas, in order to enable the State to comply with such conditions, it is expedient to make provision for the appropriation out of the Consolidated Revenue of a like amount of three thousand four hundred pounds in respect of each of the financial years aforesaid :

And whereas it is desirable to make provision in respect of each of the financial years aforesaid for the appropriation in manner aforesaid of other moneys for assisting local authorities in manner aforesaid :

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 :—

PART I.

PRELIMINARY.

Short title.

1 This Act may be cited as the *Local Authorities Public Works Subsidies Act 1936*.

Interpretation.

2 In this Act unless the contrary intention appears—

“ Instalment debentures ” when used in respect of any loan means debentures for securing repayment of such loan and payment of the interest thereon by instalments of principal and interest combined :

“ Interest and sinking fund charges, ” when used in respect of any loan, means amounts secured by instalment debentures issued in respect of such loan :

“ Local authority ” means the council of a municipality or any other elective governing body of any statutory authority having power by law to borrow money upon the security of the revenues of such authority :

“ The Commonwealth Act ” means the *State Grants (Local Public Works) Act 1936* of the Commonwealth.

PART II.

A.D. 1936.

LOCAL PUBLIC WORKS.

3—(1) Any local authority which proposes to construct any work to be controlled by it when so constructed may present a petition to the Governor praying that such work be declared by the Governor to be a public work for the purposes of this Act.

Proclamation
of public
work.

(2) The petition shall be in the prescribed form and shall be accompanied by plans, specifications, and estimates of the proposed work.

(3) The Governor may, by proclamation, declare the proposed work, as so proposed, or with such modifications as he shall think fit, to be a public work for the purposes either of Part III. or Part IV. as he may, in the particular case, determine.

(4) In selecting works as the subject of proclamations for the purposes of Part III. the Governor shall, as a general rule, give preference as far as practicable to works in districts outside the City of Hobart, and, as between works in different districts, to those affording the greatest opportunity for the employment of labour.

(5) Where any work proposed to be constructed by a local authority has been declared by proclamation to be a public work for the purposes of Part IV., the Governor shall by the same proclamation, or by a subsequent order-in-council, determine the proportion, being not greater than two third parts thereof, of the interest and sinking fund charges which shall be payable under section twelve by the Treasurer to the local authority in respect of any loan to be borrowed for the purposes of such construction.

PART III.

COMMONWEALTH AND STATE SUBSIDIES.

4 There shall be kept in the books of the Treasury for the purposes of this Part the following accounts to be called respectively :—

1. The Local Public Works (Commonwealth) Subsidies Suspense Account : and

Common-
wealth
Suspense
Account and
State
Suspense
Account
(No. 1).

Local Authorities Public Works Subsidies.

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II. The Local Public Works (State) Subsidies Suspense Account (No. 1) —

hereinafter respectively referred to as “the Commonwealth Suspense Account” and “the State Suspense Account (No. 1).”

Transfers to
and payments
into
accounts.

5—(1) The transfer under the authority of the Governor, on the thirtieth day of June, one thousand nine hundred and thirty-six, of the sum of three thousand four hundred pounds (being moneys theretofore received by this State under the provisions of the Commonwealth Act) to the credit of an account in the books of the Treasury called the Commonwealth and States Local Public Works Suspense Account, is hereby ratified and confirmed, and it shall be lawful for the Treasurer to transfer the said sum from the lastmentioned account to the credit of the Commonwealth Suspense Account.

(2) All other moneys received or to be received by this State under the provisions of the Commonwealth Act, shall be paid into and credited to the lastmentioned account.

(3) The transfer under the authority of the Governor, on the thirtieth day of June, one thousand nine hundred and thirty-six, of the sum of three thousand four hundred pounds, portion of the sum of seven thousand pounds appearing as Item 14 of Division 52 of the second schedule to the *Appropriation Act* 1935-36, to the credit of an account in the books of the Treasury called the Commonwealth and States Local Public Works Suspense Account, is hereby ratified and confirmed, and it shall be lawful for the Treasurer to transfer the said sum from the lastmentioned account to the credit of the State Suspense Account (No. 1).

26 Geo. V.
No. 49.

(4) In each financial year during the period commencing on the first day of July, one thousand nine hundred and thirty-six, and ending on the thirtieth day of June, one thousand nine hundred and forty-five, there shall be paid out of the Consolidated Revenue, which is hereby appropriated accordingly, to the credit of the State Suspense Account (No. 1) the sum of three thousand four hundred pounds.

Power of
local author-
ity to borrow
for construc-
tion of public
work
approved by
Common-
wealth
Treasurer.

6 Where any work proposed to be constructed by a local authority has been declared by proclamation to be a public work for the purposes of this Part, and has been approved by the Treasurer of the Commonwealth, the local authority may, for the purposes of such construction, raise by way of loan

Local Authorities Public Works Subsidies.

such sum as the Governor may by order-in-council approve, to be secured on the revenues of such local authority by the issue of instalment debentures in such terms as the Governor may by such order approve. A.D. 1936.

7—(1) When any such loan as is referred to in section six has been raised by a local authority under that section, the Treasurer shall on each day thereafter in every financial year, not being later than the financial year ending on the thirtieth day of June, one thousand nine hundred and forty-five, on which any interest and sinking fund charges shall fall due in respect of such loan, pay to the local authority an amount equal to two third parts of such interest and sinking fund charges.

Commonwealth and State contributions towards interest and sinking fund charges.

(2) Of each such amount to be so paid by the Treasurer one half part thereof shall be paid by him out of, and debited to, the Commonwealth Suspense Account and the other half part thereof shall be paid by the Treasurer out of, and debited to, the State Suspense Account (No. 1).

8 Forthwith after the close of each financial year the Treasurer, on behalf of the Governor, shall furnish to the Treasurer of the Commonwealth a statement certified by the Auditor-General setting out in respect of that financial year—

Statements to be furnished to Commonwealth Treasurer.

- I. The amount, if any, to the credit of the Commonwealth Suspense Account at the beginning of the financial year :
- II. The amount received from the Commonwealth under the Commonwealth Act during the financial year :
- III. The amounts paid or applied by the Treasurer out of the Commonwealth Suspense Account during the financial year, specifying the loans in respect of the interest and sinking fund charges on which the amounts were paid or applied : and
- IV. The amount, if any, to the credit of the Commonwealth Suspense Account at the close of the financial year.

Local Authorities Public Works Subsidies.

A.D. 1936.

PART IV.

STATE SUBSIDIES.

State
Suspense
Account
(No. 2).

9 There shall be kept in the books of the Treasury for the purposes of this Part a suspense account, to be called "The Local Public Works (State) Subsidies Account (No. 2)," hereinafter referred to as "The State Suspense Account (No. 2)."

Transfer to
and payments
into
account.

10—(1) The transfer, under the authority of the Governor, on the thirtieth day of June, one thousand nine hundred and thirty-six, of the sum of three thousand six hundred pounds, balance of the sum of seven thousand pounds, referred to in subsection (3) of section five, to the credit of an account in the books of the Treasury, called the Local Authorities Subsidies Suspense Account, is hereby ratified and confirmed, and it shall be lawful for the Treasurer to transfer the said sum from the lastmentioned account to the credit of the State Suspense Account (No. 2).

(2) In each financial year during the period commencing on the first day of July, one thousand nine hundred and thirty-six, and ending on the thirtieth day of June, one thousand nine hundred and forty-five, there shall be paid out of the Consolidated Revenue, which is hereby appropriated accordingly, to the credit of the lastmentioned account the sum of three thousand six hundred pounds.

(3) All other moneys at any time appropriated by Parliament for the purposes of this Part shall be paid into and credited to the said account.

Power of
local author-
ity to borrow
for construc-
tion of public
work.

11 When any work proposed to be constructed by a local authority has been declared by proclamation to be a public work for the purposes of this Part, the local authority may, for the purposes of such construction, raise by way of loan such sum as the Governor may by order-in-council approve, to be secured on the revenues of such local authority by the issue of instalment debentures on such terms as the Governor may by such order approve.

State contri-
butions
towards
interest and
sinking fund
charges.

12 When any such loan, as is referred to in section eleven, as been raised by a local authority under that section, the Treasurer shall, on each day thereafter in every financial year, not being later than the financial year ending on the

Local Authorities Public Works Subsidies.

thirtieth day of June, one thousand nine hundred and forty-five, on which any interest and sinking fund charges shall fall due in respect of such loan, pay to such local authority out of the State Suspense Account (No. 2) an amount equal to such proportion of such interest and sinking fund charges as shall have been determined by the Governor under subsection (5) of section three to be payable by the Treasurer in respect of such loan.

A.D. 1936.

PART V.

GENERAL.

13 A separate local rate levied in respect of a defined portion of a municipality for the purpose of or towards defraying the cost, or the interest upon the cost, of any work for the construction of which a loan has been raised under the authority of this Act, may, with the approval of the Governor and to the extent of such approval, exceed one shilling in the pound upon the annual value of the property within such defined portion.

Separate
local rates
in muni-
cipalities.

14 Every local authority shall, forthwith after the issue by it of any instalment debentures in pursuance of this Act, deliver to the Treasurer—

Particulars
of debentures
to be delivered
to Treasurer.

- i. Full particulars of the debentures so issued : or
- ii. If such particulars are contained in or endorsed on each such debenture, a copy of one of the debentures.

15 The provisions of the *Local Bodies Loans Act 1881* shall not apply to the borrowing of any money under the authority of this Act.

Exclusion of
operation of
45 Vict.
No. 16.

16 The Governor may make regulations for the purposes of this Act.

Regulations.

