



LAUNCESTON CORPORATION

No. 27 of 1977

ANALYSIS

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AN ACT to amend the Launceston Corporation Act 1963.

[19 May 1977]

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 *Launceston Corporation Act 1977*.

Short title,
citation, and
commence-
ment.

(2) The *Launceston Corporation Act 1963**, as subsequently amended, is in this Act referred to as the Principal Act.

(3) This Act (other than this section and sections 3, 9, and 10) shall commence on the same day as sections 3 to 14, 45, 48, and 50 of the *Local Government Act 1977* commence.

(4) This section and section 9 shall commence on the day on which the Governor gives his assent to this Act.

(5) Sections 3 and 10 shall commence on the same day as the day on which the Governor gives his assent to the *Local Government Act 1977*.

Qualifications
of citizens.

2 Section 8 of the Principal Act is repealed and the following section is substituted:—

“ 8 The citizens of the city are those persons—

(a) who have the qualifications specified in section 65 (1) of the *Local Government Act 1962*; and

(b) whose names appear in the electoral index of the city.”

Other extra-
ordinary
vacancies.

3 Section 23 of the Principal Act is amended by omitting paragraph (b) of subsection (1) and substituting the following paragraph:—

“(b) if any rate or charge for which he is primarily liable to the corporation remains due and unpaid—

(i) for 6 months after it is demanded, if the rate or charge is payable otherwise than by instalments;
or

(ii) at the end of the financial year in respect of which it is made, if the rate or charge is payable by instalments,

pursuant to section 249 of the *Local Government Act 1962*.”

Application of
the *Local
Government
Act 1962*.

4 Section 28 of the Principal Act is amended by omitting from subsection (2) the words “ paragraph (b) of subsection (1) ” and substituting the words “ subsection (2) (a) (ii) ”.

* No. 82 of 1963. Subsequently amended by No. 15 of 1964, Nos. 21, 55, and 64 of 1965, Nos. 55 and 62 of 1967, No. 35 of 1969, No. 75 of 1972, Nos. 21 and 75 of 1973, and No. 28 of 1976.

5 Section 32 of the Principal Act is amended by omitting from subsection (3) all the words after the numeral “(2)”. Duties of returning officer.

6 Section 37 of the Principal Act is amended by omitting paragraph (b) and substituting the following paragraph:— Method of voting.

“(b) If he satisfies the poll-clerk or presiding officer that he is entitled to vote, the poll-clerk or presiding officer shall check or mark off his name upon a certified copy of the list of voters as having voted and hand a ballot-paper to that person;”.

7 Section 39 of the Principal Act is amended by omitting subsection (4). Case where person not on list of voters may vote.

8 Section 44 of the Principal Act is amended by omitting from subsection (4) (c) the words “and for the number of votes that would be delivered” and substituting the words “that would be handed”. Application for a postal ballot-paper.

9 Section 55 of the Principal Act is amended by omitting from subsection (1) the words “two hundred dollars” and substituting the amount “\$400”. Limit of expenses allowed.

10—(1) Section 102 of the Principal Act is amended by omitting from subsection (1) (b) the word “five” and substituting the numeral “10”. Interest on overdue rates.

(2) This section does not apply to any interest charged on any rate, or any part or instalment of a rate, payable on or before 30th June 1977.

11 The third Schedule to the Principal Act is amended— Amendments of the third Schedule.

(a) by omitting paragraph (2) of form 2 and the instructions relating to that paragraph and substituting the following paragraph:—

“(2) My name appears in the electoral index of the city.”;

(b) by omitting paragraph (2) of form 3 and the instructions relating to that paragraph and substituting the following paragraph:—

“(2) His name appears in the electoral index of the city.”;

(c) by omitting from form 4 the words beginning with the words “ONE VOTE” and ending with the words “may be].”;

- (d) by omitting from form 7 the words “one vote [*or two votes*]” and substituting the word “vote”;
- (e) by omitting sub-paragraph (ii) of paragraph (c) of that form and substituting the following sub-paragraph:—
 - “(ii) a residence elector’s claim card;”;and
- (f) by omitting paragraph (e) of that form.

Transitional provisions.

12—(1) Nothing contained in this Act prejudices or affects the incorporation of the city or its continuity as the same corporate body that was in existence immediately before the commencement of the prescribed provisions of this Act.

(2) A person who holds the office of mayor, deputy-mayor, or alderman immediately before the commencement of the prescribed provisions of this Act continues to hold that office under and subject to the Principal Act as amended by this Act and shall not be deemed to have ceased to be qualified for that office by reason of the alteration in the qualifications for that office made by this Act.

(3) In this section, “the prescribed provisions of this Act” means those provisions that commence as provided in section 1 (3).