



TASMANIA.



1945.

ANNO NONO

GEORGII VI. REGIS.

No. 12.

ANALYSIS.

1. Short title and citation.
2. Rates may be levied.
3. Separate local rate.

AN ACT to amend the *Local Government Act* 1906. A.D. 1945.
[28 November, 1945.]

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* 1945. Short title and citation.

(2) The *Local Government Act* 1906*, as subsequently amended, is in this Act referred to as the Principal Act.

2 Section one hundred and fifty-nine of the Principal Act is amended by omitting subsection (5) thereof. Rates may be levied.

* 6 Edw. VII. No. 31. For this Act, as amended to 31st January, 1936, see Reprint of Statutes, Vol. V., p. 15. Subsequently amended by 2 Geo. VI. No. 8, 2 Geo. VI. No. 33, 4 Geo. VI. No. 46, 5 Geo. VI. No. 20, 5 Geo. VI. No. 42, 6 Geo. VI. No. 26, 6 Geo. VI. No. 62, 7 & 8 Geo. VI. No. 88, and 8 Geo. VI. No. 17.

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3 Section one hundred and seventy-two of the Principal Act is amended by omitting subsections (3) to (7) and substituting therefor the following subsections:—

“(3) Before making and levying any separate local rate under the authority of this section, the council shall pass a special resolution, which shall—

- I. Define the boundaries of the portion of the municipality within which the rate is proposed to be levied:
- II. Specify the purposes for which the proceeds of the rate are proposed to be applied: and
- III. Declare the amount in the pound which is proposed to be levied by the rate,

and the advertisement of the resolution shall set forth full particulars of those matters.

(4) If a requisition in writing signed by not less than fifteen electors within the portion of the municipality defined in the special resolution under subsection (3) is presented to the warden within fourteen days after the resolution is advertised requiring that a poll be taken of the electors within that portion of the municipality for the purpose of determining whether the council shall make and levy a separate local rate as provided by this section, the warden shall, as soon as practicable after the receipt by him of such requisition, cause a poll of the electors within such portion of the municipality to be taken, as provided by this section, for the purpose of determining whether the separate local rate shall be so made and levied.

(5) The warden shall be the returning officer at any poll taken under this section, and shall make all such arrangements and provisions as are necessary to carry out the poll, or as may be prescribed.

(6) The proceedings at any poll taken under this section shall, as far as is practicable, be the same as those provided or prescribed in the case of an election of councillors, and every elector qualified to vote at the poll shall have such a number of votes as is provided in the scale contained in section forty-five.

(7) If at the taking of a poll under this section a majority of the valid votes recorded is in favour of the making and levying of the proposed rate the council may proceed to make and levy such rate; but otherwise the council shall not proceed to make and levy such rate.

(8) Where a separate local rate has been made and levied as provided in this section in respect of any year the council may, in any subsequent year, without passing a special resolution for that purpose, re-impose a rate not exceeding the rate first made and levied, if such rate is required for the purpose for which the rate first made and levied was applied.

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(9) The council may, by special resolution, at any time reduce the portion of the municipality defined in accordance with subsection (3), and, upon a copy of such resolution being published in the *Gazette*, the portion of the municipality as so reduced shall be the area within which the separate local rate may be levied. A.D. 1945.

(10) The making and levying of a separate local rate under the authority of this section shall not in any way affect any other rate which may be made and levied upon property in the defined portion of the municipality, and no such separate local rate shall be deemed to be a special rate within the meaning of the *Local Bodies Loans Act 1881**.”

* 45 Vict. No. 16. For this Act, as amended to 1936, see Reprint of Statutes, Vol. V., p. 211.

