

**LOCAL GOVERNMENT (CONSEQUENTIAL AMENDMENTS)
ACT 1982**

No. 51 of 1982

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**LOCAL GOVERNMENT (CONSEQUENTIAL AMENDMENTS)
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AN ACT to amend the Local Government Act 1962, the Police Offences Act 1935, the Roads and Jetties Act 1935, the Justices Act 1959, and the Land Titles Act 1980 for the purpose of making amendments to those Acts that are consequential to the Local Government (Highways) Act 1982.

[Royal Assent 23 December 1982]

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 *Local Government (Consequential Amendments) Act 1982*. Short title.

2—(1) This section and section 1 shall commence on the day on which this Act receives the royal assent. Commencement.

(2) Except as provided in subsection (1), the several provisions of this Act shall commence on the day fixed by proclamation under section 2 (2) of the *Local Government (Highways) Act 1982*.

Principal Act.

3—In this Act, the *Local Government Act 1962** is referred to as the Principal Act.

Amendment of section 362 of Principal Act (Enforcement of building estate owner's duty).

4—(1) Section 362 of the Principal Act is amended by omitting subsections (1), (2), and (3) and substituting the following subsection:—

(1) The owner of a building estate shall not without leave of the corporation sell or offer for sale a lot in the estate unless, in respect of the highways opened or to be opened on the building estate, either—

(a) a certificate of completion has been issued under section 10 (5) of the *Local Government (Highways) Act 1982*; or

(b) security has been given under section 11 (6) of that Act or section 467 of this Act for the costs of carrying out the works necessary for such a certificate to be granted.

(2) Section 362 (4) of the Principal Act is amended by omitting “subsection (2)” and substituting “subsection (1)”.

(3) Section 362 of the Principal Act is further amended by omitting subsection (5).

Amendment of section 467 of Principal Act (General requirements).

5—Section 467 (3) of the Principal Act is amended by omitting paragraph (*bab*) and substituting the following paragraph:—

(*bab*) the works required for the discharge of the owner's obligations under section 10 of the *Local Government (Highways) Act 1982* in respect of highways opened or to be opened on the building estate;

Amendment of section 694 of Principal Act (The municipal map).

6—Section 694 (1) of the Principal Act is amended as follows:—

(a) by omitting paragraph (*a*) and substituting the following paragraph:—

(a) all local highways maintainable by it;

(b) by omitting from paragraph (*d*) “Division 11 of Part XV” and substituting “Part V of the *Local Government (Highways) Act 1982*”;

(c) by omitting from paragraph (*e*) “section 378” and substituting “section 63 (2) of the *Local Government (Highways) Act 1982*”.

* No. 62 of 1962. For this Act, as amended up to and including 1st July 1980, see the continuing Reprint of Statutes. Subsequently amended by Nos. 19, 44, and 59 of 1980 and Nos. 48, 77, and 89 of 1981.

7—Section 697 (1) of the Principal Act is amended as follows:— Amendment of section 697 of Principal Act (Special urban powers).

(a) by omitting paragraph (b);

(b) by omitting from paragraph (ba) “ with the pavement of or anything in a highway or ”.

8—Section 15B (2) of the *Police Offences Act 1935** is amended by omitting “ section 380 of the *Local Government Act 1962* ” and substituting “ section 41 of the *Local Government (Highways) Act 1982* ”. Amendment of section 15B of Police Offences Act 1935 (Injuring public utilities).

9—Section 5 (1) of the *Roads and Jetties Act 1935†* is amended as follows:— Amendment of section 5 of Roads and Jetties Act 1935 (Application of Fund).

(a) by omitting from paragraph (b) “ section 341 of the *Local Government Act 1962* ” and substituting “ section 22 of the *Local Government (Highways) Act 1982* ”;

(b) by omitting from paragraph (f) “ sections 418 and 419 of the *Local Government Act 1962* ” and substituting “ section 23 of the *Local Government (Highways) Act 1982* ”.

10—Section 46 (1) of the *Roads and Jetties Act 1935‡* is amended as follows:— Amendment of section 46 of Roads and Jetties Act 1935 (Damage caused by overweight vehicles).

(a) by inserting “ or in any other way,” after “ traffic thereon,”;

(b) by inserting “ or otherwise causing the damage ” after “ the same ”;

(c) by inserting “ or in any other way ” after “ as aforesaid ”.

11—Section 143 (1) of the *Justices Act 1959§* is amended by inserting “, and except as otherwise provided by section 123 of the *Local Government (Highways) Act 1982* ” before “, all fines ”. Amendment of section 143 of Justices Act 1959 (Appropriation of penalties and fees).

12—Section 143 of the *Land Titles Act 1980¶* is amended by omitting “ section 342, section 355, section 481, or section 651 ” and substituting “ section 481 or 651 ”. Amendment of section 143 of Land Titles Act 1980 (Effect of certain corrections).

13—The Principal Act is, to the extent specified in Schedule 1, repealed. Repeals of Principal Act.

* 26 Geo. V No. 44. For this Act, as amended up to and including 1st October 1977, see the continuing Reprint of Statutes. Subsequently amended by No. 117 of 1976 and Nos. 86 and 87 of 1981.

† 26 Geo. V No. 82. For this Act, as amended up to and including 1st March 1979, see the continuing Reprint of Statutes. Subsequently amended by No. 19 of 1980 and No. 67 of 1981.

‡ No. 77 of 1939. For this Act, as amended up to and including 1st May 1982 see the continuing Reprint of Statutes.

§ No. 19 of 1980. Subsequently amended by No. 46 of 1981.

SCHEDULE 1

Section 13

REPEALS OF PRINCIPAL ACT

Provision of Principal Act	Extent of repeal
Part IX	Sections 196A and 200
Part X	Section 205
Part XI	Section 213
Part XV	(a) Divisions 1, 2, 3, 5, and 6;
	(b) Division 7 (except section 362);
	(c) Divisions 8, 9, 10, 11, 12, 13, and 14
Part XVI	Divisions 8, 14, and 18
Part XVII	Sections 699 and 701 and Division 2
Part XIX	Sections 778 and 779
Part XXI	Sections 806 and 815
Part XXII	Section 845
Schedule 4	(a) Paragraphs 4 and 8 of Part VII;
	(b) Part VIII