



LOCAL GOVERNMENT AMENDMENT (RATES) ACT 1982

No. 98 of 1982

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AN ACT to amend the Local Government Act 1962 for the purpose of making further provision with respect to the powers of the corporation of a municipality to raise money by rates on the occupiers of land within its municipal district and to validate certain acts of corporations and councils of municipalities.

[Royal Assent 18 January 1983]

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 Amendment (Rates) Act 1982.

Principal Act. **2**—In this Act, the *Local Government Act 1962** is referred to as the Principal Act.

Amendment of section 236 of Principal Act (Rate books). **3**—Section 236 of the Principal Act is amended by omitting subsections (2) and (3) and substituting the following subsections:—

- (2) A rate book may be kept—
 - (a) by means of a series of cards or loose leaves kept in such manner as the Auditor-General directs;
 - (b) by means of storage in a computer which is capable of producing a print-out; or
 - (c) by such other means as the Auditor-General directs.

(3) A separate portion of an entry in a rate book kept as provided in subsection (2) shall not be received as evidence of the making of a rate, unless it appears from a statutory declaration or an affidavit made by the city treasurer or council clerk that the card, loose leaf, or other document containing the portion is part of a series or a number of documents which together comply with subsection (1).

Validation of certain acts of corporations and councils of municipalities.

4—(1) Where, before the commencement of this Act, the corporation of a municipality that purported to make and levy a rate under the Principal Act did not comply with all the provisions of that Act with respect to the making and levying of that rate—

- (a) that corporation shall be deemed to have made and levied that rate as validly and properly; and
- (b) that rate shall be deemed to have been recoverable or be recoverable, as the case requires,

as if that corporation had complied with all the provisions of that Act with respect to the making and levying of that rate.

(2) Where, before the commencement of this Act, the council of a municipality purported to make a resolution under subsection (1) of section 249 of the Principal Act that the rates made under that Act by the corporation of that municipality for the financial year specified in the resolution should be payable in a number of instalments other than a number prescribed by that subsection, that resolution shall be deemed to have been as validly and properly made under that subsection as if—

* No. 67 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, Nos. 48, 77, and 89 of 1981, and Nos. 9, 35, 51, 56, 57, 73, 76, 99 and 100 of 1982.

- (a) the number of instalments specified in it had been a number prescribed by that subsection; and
- (b) in the case of a resolution fixing the days on which the relevant instalments of rates became payable, that section had provided for those days to be so fixed.

(3) Where a resolution referred to in subsection (2) did not fix the days on which the relevant instalments of rates became payable, the first of those instalments became due on 31st August in the year in which the resolution was made and one each of the remaining instalments became or becomes payable not later than the end of each successive period of 2 months following the end of that month.

(4) A demand purported to have been made under section 249 (4) of the Principal Act by the council of a municipality after it had made a resolution referred to in subsection (2) of this section shall be deemed to have been validly and properly made under section 249 (4) of that Act.

