



TASMANIA

LOCAL GOVERNMENT AMENDMENT (ELECTIONS) ACT 1992

No. 56 of 1992

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**LOCAL GOVERNMENT AMENDMENT (ELECTIONS)
ACT 1992**

No. 56 of 1992

AN ACT to amend the *Local Government Act 1962*

[Royal Assent 21 December 1992]

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:—

Short title

1—This Act may be cited as the *Local Government Amendment (Elections) Act 1992*.

Commencement

2—This Act commences on the day on which it receives the Royal Assent.

Principal Act

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

Part IIIA inserted

4—After Part III of the Principal Act, the following Part is inserted:—

PART IIIA**SPECIAL ELECTIONS****Postponement of certain elections**

58A—(1) Notwithstanding any other provision of this Act, the Governor, by proclamation and on the recommendation of the Minister, may take any one or more of the following actions in respect of ordinary elections to be held in March 1993, March 1994 and March 1995:—

- (a) postpone any of those elections;
- (b) fix a new date for any of those elections;
- (c) extend the term of office of the councillors or aldermen of a council in respect of which an election is postponed under paragraph (a) until the day fixed for the election under paragraph (b);
- (d) extend the term of office of a mayor or deputy mayor of a council in respect of which an election is postponed under paragraph (a) until the day fixed for the election under paragraph (b).

(2) Notwithstanding any other provision of this or any other Act, this section—

- (a) applies to the city of Launceston; and
- (b) does not apply to the city of Hobart.

* No. 67 of 1962. For this Act, as amended to 1 February 1989, see the continuing Reprint of Statutes. Subsequently amended by Nos. 3, 5, 36, 40, 44, 46 (expired), 48, 50 and 51 of 1990 and Nos. 8 and 32 of 1991.

Number and term of office of councillors

58B—(1) The Governor, by proclamation and on the recommendation of the Minister, may amend a provision of a proclamation made under Part IIA relating to the number of councillors or aldermen for a council by altering that number.

(2) The Governor, by proclamation and on the recommendation of the Minister, may—

- (a) determine the number of councillors or aldermen to be appointed from a municipal district or part of a municipal district; and
- (b) determine the term of office for a councillor or alderman to be appointed for a council.

(3) Notwithstanding any other provision of this Act—

- (a) the number of councillors or aldermen for a council is as altered by a proclamation made under subsection (1); and
- (b) the number of councillors or aldermen to be appointed from a municipal district or part of a municipal district is the number determined by a proclamation under subsection (2) (a); and
- (c) the term of office for a councillor or alderman to be appointed for a council is the term determined by a proclamation made under subsection (2) (b).

(4) The Minister must not make a recommendation under this section unless any council affected or likely to be affected by that recommendation agrees.

Ordinary elections

58C—Notwithstanding any other provision of this Act or a proclamation made under Part IIA, the first ordinary election to be held for any council in respect of which all the councillors or aldermen are appointed by a proclamation made under Part IIA is to be held in March 1996.

Proclamation prevails

58D—A proclamation made under this Part prevails over any other proclamation made under this Act or any other provision of this Act.

Section 235 amended (Basis of rates)

5—Section 235 of the Principal Act is amended by omitting subsection (3).

Section 235A inserted

6—After section 235 of the Principal Act, the following section is inserted:—

Variation in rates

235A—(1) Subject to the approval of the Minister, the corporation may determine that the rate applying within different parts of the municipal district varies according to the locality of the land.

(2) If the corporation varies a rate in respect of any land in the municipal district, it must notify the varied rate to the person liable to pay the rate.

Section 864A inserted

7—After section 864 of the Principal Act, the following section is inserted:—

Trust Accounts

864A—(1) The Association may establish trust accounts to receive money for or on behalf of a municipal corporation.

(2) The Association may only expend money received under subsection (1) in a manner agreed upon by the Association and the municipal corporation for which or on whose behalf the money was received.

