

LOCAL GOVERNMENT AMENDMENT (RATES AND CHARGES) ACT 1985

No. 28 of 1985

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SCHEDULE 1

AMENDMENTS OF PRINCIPAL ACT
CONSEQUENTIAL ON SUBSTITUTION OF PART XII OF THAT ACT



LOCAL GOVERNMENT AMENDMENT (RATES AND
CHARGES) ACT 1985

No. 28 of 1985

AN ACT to amend the Local Government Act 1962 and to validate certain acts of corporations of municipalities.

[Royal Assent 1 May 1985]

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* Short title.
(*Rates and Charges*) Act 1985.

2—(1) Except as provided in subsection (2), this Act shall Commence-
commence on the day on which it receives the royal assent. ment.

(2) Sections 4, 6, 7, 8, 9, and 10 and Schedule 1 shall commence on 1st July 1985.

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

Repeal of
section 216 of
Principal Act
(Service
charges).

4—Section 216 of the Principal Act is repealed.

Amendment of
section 219 of
Principal Act
(Councils to
prepare annual
estimates).

5—Section 219 of the Principal Act is amended by omitting subsections (1) and (2) and substituting the following subsections:—

(1) Every council shall, subject to this section, consider and adopt its estimates of revenue and expenditure for each financial year (in this Part called “the estimates”).

(2) The estimates shall be adopted by the council not earlier than 1st June in the financial year immediately preceding that to which they relate and not later than 31st August in the financial year to which they relate.

(2A) All rates and charges made or imposed by the corporation under Part XII in respect of a financial year shall be in conformity with the estimates adopted by the council for that financial year.

Substitution of
Part XII of
Principal Act.

6—Part XII of the Principal Act is repealed and the following Part is substituted:—

PART XII

RATES AND CHARGES

Division 1—General

Interpretation.

231—In this Part, unless the contrary intention appears—

“capital value”, in relation to land, means the capital value of the land determined pursuant to the *Land Valuation Act 1971* and as shown in the valuation list;

“charge” means a charge imposed under this Part;

“cleansing” means the provision of a service pursuant to section 532;

* No. 67 of 1962. For this Act, as amended to 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, Nos. 9, 35, 51, 56, 73, 76, 98, and 99 of 1982, Nos. 88 and 91 of 1983, and Nos. 29, 46, and 52 of 1984, and affected by No. 30 of 1981.

- “ land ” means a parcel of land shown as separately valued in the valuation list;
- “ land value ”, in relation to land, means the land value of the land determined pursuant to the *Land Valuation Act 1971* and as shown in the valuation list;
- “ municipal rate ” means the rate for a financial year made by the corporation pursuant to section 233;
- “ record of rates and charges ” means the documents kept by the corporation pursuant to section 256 (1) that comprise a record of the rates and charges made by the corporation for a financial year;
- “ sewerage ” means the provision of a service under a sewerage system or drainage system pursuant to the *Sewers and Drains Act 1954*, other than a land drainage system, urban land drainage system, or industrial drainage system;
- “ undertaking ” means a trading undertaking as defined by section 655.

232—Subject to this Act, the corporation may, for any of the purposes of this Act or any other Act, raise money by rates and charges in respect of lands within its municipality.

Power of corporation to raise money by rates and charges.

233—(1) The corporation shall, in respect of every financial year, make a municipal rate in respect of all lands within its municipality.

Municipal rate.

(2) A municipal rate made pursuant to this section—

- (a) shall be applied, in accordance with the provisions of this Act or any other Act, to pay the expenses incurred by the corporation in exercising and performing all or any of the powers and functions of local government; and
- (b) may be applied towards the payment of a subsidy or contribution provided for in this Act or any other Act.

(3) Where a municipal rate provides for a service not directly available, or not directly supplied, to some of the lands in the municipality, the corporation may grant a rebate in respect of those lands.

(4) The rate in the dollar of a rebate granted under subsection (3) shall be the same as the rate in the dollar that would have applied if a separate rate had been made based on the same value under section 235 (1) as the municipal rate in respect of the land for which the service is directly available or directly supplied.

(5) Where a municipal rate provides for a contribution payable under the *Fire Service Act* 1979, the corporation may grant a rebate in respect of some of the lands in the municipality if the contribution payable in respect of those lands is different from the contribution payable in respect of other lands in the municipality.

(6) The rate in the dollar of a rebate granted under subsection (5) shall be the same as the difference between the rate in the dollar that would have applied if separate rates had been made and based on the same value under section 235 (1) as the municipal rate in respect of the lands subject to the different contributions, and that rebate applies to those lands for which the separate rate would have been less than for other lands.

Separate
rates.

234—(1) Subject to this section, in addition to the municipal rate, the corporation may, in respect of a financial year, make separate rates in respect of all lands in parts of the municipality or lands of particular classes in, or in parts of, the municipality for any of the prescribed purposes that, if carried out by the corporation, may, in the opinion of the council, be of special benefit to those lands.

(2) In subsection (1), “prescribed purposes” means the following purposes:—

- (a) paying the cost of carrying out a work or undertaking or providing a service, including, without prejudice to the generality of the foregoing—
 - (i) the payment of interest on;

- (ii) the repayment of; and
- (iii) the payment of instalments into a sinking fund in respect of,
any money borrowed for or in respect of any such work, undertaking, or service;
- (b) maintaining any work, undertaking, or service;
- (c) raising the money to pay a subsidy or contribution provided for in this Act or any other Act;
- (d) paying the costs incurred by the corporation in, or in connection with, the abatement of such statutory nuisances as are referred to in paragraphs (l) (ii), (iii), and (iv), (m), and (o) of section 599 (1).

(3) The corporation may make a separate rate under this section subject to different minimum amounts or different maximum amounts or both according to different facts related to the land as determined by the corporation.

(4) Before making a separate rate under this section for lands in a part of the municipality, the corporation—

- (a) shall, by public notice, define the part of the municipality to which the rate is to apply; and
- (b) may include in that defined part lands that are not contiguous.

(5) Before making a separate rate under this section for lands of a particular class in, or in part of, the municipality, the corporation shall, by public notice, define the class of land to which the rate is to apply.

(6) Where a separate rate referred to in subsection (5) applies to lands in a part of the municipality, that part shall be defined by the public notice required by that subsection.

(7) Where a separate rate has been made by the corporation, in any year in accordance with this section, separate rates for the same prescribed purpose or purposes, as defined in subsection (2), may be made in subsequent years without a public notice under subsection (4) or (5) if there is no change in the lands to which the rate applies.

Basis of rates.

235—(1) A rate under this Part may be based on—

- (a) the assessed annual value of the land;
- (b) the land value of the land;
- (c) the capital value of the land; or
- (d) a differential value of the land as approved by the Minister.

(2) Where in any Act a specified rate or a maximum rate, based on one of the values of land referred to in subsection (1), is prescribed, the rate so prescribed, if the council has determined that that rate shall be made on a different basis, shall be read and construed as meaning a rate that, on the basis so determined, will produce the equivalent, as nearly as may be, of the amount that the prescribed rate would produce.

(3) When a rate has been made on a basis mentioned in subsection (1), whether before or after the commencement of the *Local Government Amendment (Rates and Charges) Act 1985*, it shall continue to be made on that basis, unless the council by special resolution, passed not less than 6 months before the beginning of the financial year in which it is expressed to take effect, determines that it shall be made on a different basis.

Annual charges.

236—(1) Where the corporation provides water, sewerage, cleansing, or some other continuous service in respect of land, it may, instead of making a rate, impose an annual charge.

(2) A charge may be imposed under this section in relation to a service provided for, or available for the use of, a person residing in a moveable dwelling unit and an annual charge so imposed shall be deemed to be imposed in respect of the land on which the unit is erected.

(3) This section does not affect the right of the corporation to charge a person for a service that he receives personally.

Basis of charges.

237—A charge under this Part—

- (a) may, as determined by the corporation, be based on any one or more facts in respect of the land and the service for which the charge is imposed; and

- (b) may be made inapplicable, as determined by the corporation, to land not requiring, or unable to take advantage of, the service.

238—All rates and charges apply in relation to the financial year in respect of which they are made.

Period of rates and charges.

Division 2—Special provisions in respect of water and sewerage rates and charges

239—(1) The corporation may make a supply rate or charge for water supplied in a water district under the control of the corporation, which—

Special provisions for water rates and charges.

- (a) applies to all lands in that water district to which water is supplied by the corporation;
- (b) may, if the council so determines, apply to any land in that district not more than 30 metres at the nearest boundary from a pipe of the corporation, notwithstanding that no water is supplied to that land; and
- (c) may, if the council so determines, apply to lands outside that district to which water is supplied by the corporation.

(2) The corporation may make a construction rate or charge for water which may, if the corporation so determines, apply to all lands in the water district referred to in subsection (1) that are not subject to a supply rate or charge.

(3) Where, pursuant to subsection (2), the corporation makes a construction rate or charge for water in respect of lands in a water district—

- (a) that rate or charge, if it is in respect of the alteration or extension of, or the addition to, an existing supply of water, shall not exceed one-half of the supply rate or charge for water that would, apart from this paragraph, apply to those lands; or
- (b) that rate or charge, if it is in respect of the provision of a new supply of water, shall not exceed the amount approved for that purpose by the Minister.

(4) Rates and charges under this section shall be the same for all lands of a similar nature.

(5) Where, during the period of a supply rate or charge made by the corporation, it commences to supply water to any land, or a pipe of the corporation comes to within 30 metres of the nearest boundary of any land, the corporation may make that land subject to the rate or charge on and from the commencement of that period, subject to the following provisions:—

- (a) the corporation shall allow a proportional rebate of the supply rate or charge in respect of the land from the commencement of the period of the rate or charge to and including the day before the supply of water commenced or the pipe of the corporation came to within 30 metres of the nearest boundary of the land;
- (b) where land was subject to a construction rate or charge under this section when it became subject to a supply rate or charge under this section, the corporation shall allow a proportional rebate of the construction rate or charge in respect of the land from and including the day on which the supply of water commenced or the pipe of the corporation came to within 30 metres of the nearest boundary of the land to the end of the period of the construction rate or charge.

(6) In addition to water rates or charges under this section the corporation may charge for water by measure in accordance with section 666.

240—(1) The corporation may make a service rate or charge for sewerage provided in a sewerage or drainage district under the control of the corporation, which—

- (a) applies to all lands in that district that are connected to the system for that district; and
- (b) may, if the corporation so determines, apply to any land in that district that is not more than 30 metres at the nearest boundary from a common sewer or drain of the corporation, notwithstanding that the sewer or drain is not connected to that land.

(2) The corporation may make a construction rate or charge for sewerage which may, if the corporation so determines, apply to all lands in a sewerage or drainage district under the control of the corporation that are not subject to a service rate or charge.

(3) Where, pursuant to subsection (2), the corporation makes a construction rate or charge for sewerage in respect of lands in a sewerage or drainage district—

- (a) that rate or charge, if it is in respect of the alteration or extension of, or addition to, an existing system, shall not exceed one-half of the service rate or charge for sewerage that would, apart from this paragraph, apply to those lands; or
- (b) that rate or charge, if it is in respect of the provision of a new system of sewerage or drainage, shall not exceed the amount approved for that purpose by the Minister.

(4) Rates and charges under this section shall be the same for all lands of a similar nature.

(5) Where, during the period of a service rate or charge made by the corporation, any land becomes connected to a sewerage or drainage system for a sewerage or drainage district under the control of the corporation or a common sewer or drain of the corporation comes to within 30 metres at the nearest boundary of any land, the corporation may make that land subject to the rate or charge on and from the commencement of that period, subject to the following provisions:—

- (a) the corporation shall allow a proportional rebate of the service rate or charge in respect of the land from the commencement of the period of the rate or charge to and including the day before the land became connected or the common sewer or drain of the corporation came to within 30 metres of the nearest boundary of the land;

- (b) where land was subject to a construction rate or charge when it became subject to a service rate or charge under this section, the corporation shall allow a proportional rebate of the construction rate or charge in respect of the land from and including the day on which the land became connected or the common sewer or drain of the corporation came to within 30 metres of the nearest boundary of the land to the end of the period of the construction rate or charge.

(6) Where the corporation has, by notice under section 51 of the *Sewers and Drains Act 1954*, or by public notice or other notice under section 51A of that Act, required land to be connected to a common sewer or drain, that land shall, within one month after the giving of the notice if it has not been so connected, be rated or charged under this section by the corporation as if it were so connected.

Division 3—Liability for rates and charges

Persons liable
to pay rates
and charges.

241—(1) Except as otherwise provided by this Act, rates and charges payable in respect of land shall be paid in the first instance by the owner of the land.

(2) For the purposes of subsection (1), the owner of land is the person named as owner of that land in the relevant valuation list.

(3) Rates and charges payable in respect of land shall be paid by the occupier of the land and not by the owner of the land—

- (a) where the owner of the land cannot be found by, or is not known to, the corporation; or
- (b) where, in the case of land owned by the Crown that is subject to a contract of sale, lease, or licence under the *Crown Lands Act 1976*, it is occupied by a person, other than a person who is employed by the Crown and who occupies the land for purposes arising out of or in connection with his employment by the Crown.

242—Where there is a change of ownership or occupancy of land during the period of any rates or charges, the following provisions apply in respect of the liability for rates and charges in respect of that land:—

Liability for rates and charges on change of ownership or occupancy.

- (a) the rates or charges shall be deemed to accrue from day to day during that period;
- (b) a person may be made liable in the first instance for the rates or charges notwithstanding that he ceased to be the owner or occupier of that land before the rates or charges were levied on the basis that his ownership or occupancy will continue until the end of that period;
- (c) where, after paying all or a part of the rates or charges, a person ceases to be the owner or occupier of that land before the end of the period or the part of the period in respect of which he has paid, he may recover from the new owner or occupier a sum paid by him in excess of his liability.

243—(1) Except as provided in section 244, the corporation shall not levy a rate or charge—

Exemptions from rates and charges.

- (a) in respect of land owned by the Commonwealth;
- (b) in respect of land owned by the Crown or the corporation which is unoccupied or occupied exclusively for public purposes; or
- (c) in respect of any land owned and occupied exclusively for public or charitable purposes.

(2) Land of the corporation that is occupied by a person who is employed by the corporation shall be deemed not to be occupied for public purposes.

(3) Land owned by the Crown that is occupied by a person who is employed by the Crown and who occupies the land for purposes arising out of or in connection with his employment by the Crown shall be deemed to be occupied for public purposes.

(4) Where any land is occupied, but not exclusively, for public purposes, the corporation may, by resolution made by the council, exempt that land totally or partially from rates and charges for as long as the land continues to be so occupied.

(5) For the purposes of this section—

(a) land owned or occupied by the Director of Housing or the Tasmanian Development Authority for the purposes of the *Homes Act* 1935 shall be deemed not to be land owned or occupied by the Crown or land owned or occupied for a public purpose;

(b) lands occupied by a marine board for the purposes of the *Marine Act* 1976, except those in the city of Launceston occupied by the Port of Launceston Authority, shall be deemed to be lands occupied for public purposes and lands of a marine board used by a lessee for an interstate ferry terminal shall be deemed to be lands so occupied by that marine board; and

(c) occupation merely as a caretaker shall be deemed not to be occupation of land.

(6) Nothing in this section affects lands belonging to or by a marine board in the city of Hobart which—

(a) if they are within the boundaries of a wharf as defined under section 19 of the *Marine Act* 1976, are subject to rates as if this subsection had not been enacted; and

(b) if they are not within those boundaries, are subject to rates as if they were occupied for private purposes.

244—(1) A rate or charge made by the corporation for the purpose of—

(a) providing water;

(b) providing sewerage;

(c) providing drainage;

(d) providing cleansing;

(e) the prevention of, or the protection from, fire; or

(f) providing any other service,

Lands otherwise exempt may be rated or charged for services.

may be levied by the corporation in respect of any land otherwise exempt from rates and charges under section 243 where the service is actually provided.

(2) Notwithstanding subsection (1), a rate or charge for the purpose of providing a service referred to in subsection (1) (e) shall not be levied in respect of any land of the Crown occupied exclusively for public purposes.

(3) Where a municipal rate provides for a service referred to in subsection (1), a part of the municipal rate, calculated in a manner similar to that for a rebate under section 233 (3), may be levied by the corporation in respect of any land otherwise exempt from rates and charges under section 243.

(4) The Crown, the Commonwealth, or another person may agree with the corporation to commute a liability of the Crown, the Commonwealth, or that other person under this section for a fixed payment or contribution.

(5) The corporation is authorized to enter into an agreement under subsection (4).

245—(1) The Crown or the Commonwealth, being the owner of land in respect of which the occupier is liable to pay rates and charges to the corporation, may, by agreement with the corporation, undertake that—

- (a) it will pay the rates and charges so payable; or
- (b) it will collect on behalf of the corporation the rates and charges so payable,

Payment or collection of rates and charges by the Crown and the Commonwealth: payment of rates and charges by the corporation.

subject to such terms and conditions as are specified in the agreement.

(2) The corporation is authorized to enter into an agreement under subsection (1).

(3) An agreement entered into under subsection (1) continues in force until it is terminated by notice given by either party to the other party or by a change of ownership of the land to which the agreement relates.

(4) The corporation, being the owner of land in respect of which the occupier is liable for rates and charges, may pay those rates and charges itself, in which case it shall take that payment into account in determining the amount of the rent payable in respect of that land.

Division 4—Farm rating relief

Interpretation.

246—(1) In this Division, unless the contrary intention appears—

“ farm land ” means land—

- (a) that is used for substantial agricultural, pastoral, forestry, horticultural, viticultural, apicultural, orcharding, dairy farming, poultry farming, or horse farming purposes or any 2 or more of those purposes; and
- (b) the use of which for that purpose or those purposes, under normal circumstances, provides the owner of the land with his principal means of livelihood;

“ urban farm land ” means land—

- (a) that is farm land; and
- (b) the value of which is substantially greater by reason of its close proximity to other land which has been, or is being, developed for residential, industrial, commercial, or other urban uses, or by reason of a substantial demand for the land as rural residential sites.

(2) For the purposes of subsection (1), “ forestry ” means the planting or tending of trees in a plantation or forest for commercial forestry purposes.

(3) The source of the principal means of livelihood of any owner, occupier, or lessee of farm land shall be taken to include income derived directly by him from other farm land.

247—(1) A person who is the owner of farm land may, in writing, apply to the corporation of the municipality within which the land is situated to declare that land to be urban farm land. Power of corporation to declare land to be urban farm land.

(2) An application under subsection (1) shall contain a description of the farm land to which the application relates.

(3) The corporation may require an applicant under subsection (1) to provide it with any further information that it considers necessary with respect to the application and is not obliged to consider the application unless that information is provided.

(4) Subject to subsection (3), the council shall, within 60 days after the corporation has received an application that complies with this section, consider the request and—

(a) may declare the land to which the application relates to be urban farm land for the purposes of this Division if the applicant satisfies it that that land is urban farm land; or

(b) if not so satisfied, may refuse to make such a declaration,

and in either event the corporation shall notify the applicant of the council's decision, with reasons for the decision if the council refuses to make the declaration.

248—(1) Where the council has declared land to be urban farm land for the purposes of this Division, the corporation shall immediately advise the Valuer-General who shall then proceed to make a valuation of the land as urban farm land. Revaluation of land.

(2) Subject to subsection (3), a valuation for the purposes of subsection (1)—

(a) shall be a valuation under section 47 of the *Land Valuation Act* 1971 of the assessed annual value, land value, and capital value of the land;

(b) shall be made on the basis that the land may not be used at any time otherwise than as farm land; and

(c) shall take effect on and from the date of the declaration under section 247 (4) (a).

(3) In making a valuation of land for the purposes of subsection (1), the Valuer-General shall have regard to the general level of valuations of farm land in the relevant municipality that are in force under section 21 (1) of the *Land Valuation Act 1971*.

(4) Notwithstanding subsection (2) (b), in making a valuation for the purposes of subsection (1), the Valuer-General shall not disregard the location of the land to which the valuation relates.

Sale or
conveyance
of urban
farm land.

249—(1) If land or part of land which has been declared to be urban farm land for the purposes of this Division is sold or conveyed, except by way of gift or bequest to a member of the owner's family, the vendor shall pay to the corporation the difference, or a proportion of the difference, between the rates and charges that would have been levied if the land had not been declared to be urban farm land and the rates and charges levied on the land as urban farm land over the period of 5 years immediately before the date of the sale or conveyance.

(2) For the purposes of subsection (1)—

“ member of an owner's family ” means—

(a) the parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant, adopted child or step-child of the owner or of his spouse or putative spouse;
or

(b) the spouse or putative spouse of the owner or of any other person specified in paragraph (a);

“ putative spouse ”, in relation to an owner or other person, means a person who, being of the opposite sex to the owner or other person, cohabits on a permanent basis with him or her and whose cohabitation with him or her has been for a period of at least 3 years immediately preceding the date of sale or conveyance of the land referred to in subsection (1) to the person so cohabiting.

(3) Where part of any land referred to in subsection (1) is sold or conveyed, the proportion of the difference payable under that subsection shall be the ratio that the value of that part bears to the total value of the land.

(4) The value of part of any land for the purposes of subsection (3) is the new value determined by the Valuer-General following the sale of part of that land.

(5) The amount of rates and charges payable under this section becomes a charge on the land or part of the land concerned as provided in section 765 on the date of its sale or conveyance.

250—(1) The owner of land declared to be urban farm land shall, within 14 days of the land ceasing to be farm land, give the corporation notice in writing to that effect, on receipt of which the council shall revoke the declaration of the land as urban farm land.

Revocation of
declaration of
land as urban
farm land.

(2) Where the council—

(a) is of the opinion that land declared to be urban farm land has ceased to be farm land; and

(b) a notice under subsection (1) has not been received in respect of that land,

the corporation may, by notice served on the owner, require him to show cause, within such reasonable time as is specified in the notice, why the council should not revoke the declaration of the land as urban farm land.

(3) Where an owner of land on whom a notice has been served under subsection (2) fails to satisfy the council within the time specified in the notice, that the land to which the notice relates is still farm land, the council may revoke the declaration of the land as urban farm land.

(4) Where the council revokes a declaration of land as urban farm land under subsection (3)—

(a) the corporation shall give the owner of the land notice in writing to that effect;

- (b) the land ceases to be urban farm land 2 months after the date of the notification if an appeal to a magistrate under section 251 is not brought within that period; and
- (c) where such an appeal is brought and the magistrate dismisses the appeal, the land ceases to be urban farm land as from the date on which the magistrate dismisses the appeal, but it remains urban farm land pending the determination of the appeal by the magistrate.

(5) If—

- (a) the declaration of land as urban farm land is revoked under this section, then, after the period for appealing to a magistrate has expired and an appeal is not brought, the corporation shall immediately advise the Valuer-General who shall then re-value the land under the *Land Valuation Act 1971* without regard to the provisions of this Division; or
- (b) an appeal to a magistrate is dismissed, the corporation shall immediately advise the Valuer-General who shall then re-value the land as provided in paragraph (a).

Appeals.

251—(1) A person who is aggrieved by a decision of a council—

- (a) not to declare land to be urban farm land for the purposes of this Division; or
 - (b) to revoke, pursuant to section 250 (3), the declaration of land as urban farm land,
- may appeal to a magistrate.

(2) An appeal under this section may be brought within 2 months of the notification to the appellant of the decision to which the appeal relates.

(3) Where an appeal is brought under this section against a decision of the council, the magistrate, unless he dismisses the appeal, may quash the decision and direct the council to take such action as he considers it should have taken in the matter to which the appeal relates.

(4) A council shall comply with any directions given to it under subsection (3).

(5) The decision of a magistrate on the hearing of an appeal under this section is final.

Division 5—Making rates and charges

252—(1) The corporation shall make all rates and charges for a financial year not earlier than 1st June in the financial year immediately preceding that to which they relate and not later than 31st August in the financial year to which they relate. Time for making rates and charges.

(2) The Minister may, in writing, extend the time for making rates and charges under subsection (1) before or after that time has expired.

253—(1) All rates and charges shall be made by resolution of the council specifying the following matters in respect of those rates and charges:— Making rates and charges.

- (a) the period of the rates and charges;
 - (b) whether they are payable in one sum or by 2 or more instalments, and, if they are payable by instalments, the date by which, or the period within which following the first instalment, each successive instalment is to be paid;
 - (c) if a minimum amount is to apply pursuant to section 263, particulars of that amount;
 - (d) if penalties or interest or both are to be applied pursuant to section 262;
 - (e) if a rebate is to be allowed under section 261, particulars of that rebate.
- (2) The resolution referred to in subsection (1) shall—
- (a) in the case of the municipal rate, specify the following matters:—
 - (i) the number of cents in the dollar of the rate;
 - (ii) if a rebate is to be allowed, the details of that rebate;

- (iii) if a part of the municipal rate is payable under section 244 (3) in respect of lands otherwise exempt from rates and charges under section 243, the details of that part of the municipal rate; and
- (b) in the case of a separate rate or charge, specify the following matters:—
 - (i) its name or purpose;
 - (ii) in the case of a rate, the number of cents in the dollar of the rate and if any minimum or maximum amount is to apply, particulars of that amount;
 - (iii) in the case of a charge, the amount of the charge;
 - (iv) if it is payable under section 244 (1) in respect of lands otherwise exempt from rates and charges under section 243.

(3) For the purposes of subsection (2) (a) (i) and (b) (ii), a number of cents may be expressed as whole cents or whole cents and part of a whole cent.

When rates and charges to be a charge on land.

254—A rate or charge shall be deemed to become a charge on land as provided in section 765 on 1st July in the financial year to which it relates.

Gazetted notice of rates and charges.

255—(1) The corporation shall, as soon as practicable after making a rate or charge, publish in the *Gazette* a notice setting out the matters specified in section 253 (1).

(2) Non-compliance with subsection (1) does not invalidate any proceedings to levy a rate or charge.

Record of rates and charges.

256—(1) The corporation shall cause documents to be kept comprising a record of the rates and charges made by it for each financial year which shall include particulars of the determination under this Part of the liability for rates and charges in respect of all lands rated and charged by the corporation.

(2) The corporation shall, in relation to a rate or charge made by it, produce—

(a) a copy of its resolution under section 253 making the rate or charge; and

(b) the particulars in the record kept by it under subsection (1) in respect of land for which a ratepayer is liable to pay the rate or charge,

for inspection at any reasonable time during office hours by that ratepayer without payment of a fee.

(3) The clerk or, except where the treasurer is a member of the council, the treasurer, may at any time cause to be made such amendments in the record of rates and charges as appear necessary to him to make that record conform with the provisions of this Part and any other enactment applicable to rates and charges made by the corporation.

(4) Without limiting the generality of subsection (3), the clerk or the treasurer, as the case may be, may, pursuant to that subsection—

(a) correct a clerical or arithmetical error in the record of rates and charges;

(b) correct an omission, misdescription, or erroneous insertion in that record; and

(c) make such additions, corrections, or changes in that record that are necessary because—

(i) any land has a new owner;

(ii) any land in respect of which the occupier is liable to pay rates and charges has begun or ceased to be occupied, or has a new occupier;

(iii) any land has become rateable in separate parcels;

(iv) any altered or fresh valuation has taken effect as provided in section 45 of the *Land Valuation Act 1971*;

(v) an interim assessment has taken effect as provided in section 46 of that Act; or

- (vi) a service has commenced or ceased to be supplied or has become, or ceased to be, available to any land.

Division 6—Levying rates and charges

Notice of rates and charges to be issued.

257—(1) The corporation shall levy all rates and charges in respect of land for a financial year by causing a notice to be issued to the person who is liable to pay those rates and charges, requiring him to pay them.

(2) A notice under subsection (1) shall—

- (a) be in writing;
- (b) specify the date of its issue;
- (c) have signed or printed on it the name of the clerk or of some other officer appointed by the council or, except where the treasurer is a member of the council, the name of the treasurer;
- (d) where the rates and charges to which the notice relates are payable in one sum, specify the date by which that sum is to be paid;
- (e) where those rates and charges are payable by 2 or more instalments, specify the date by which, or the period within which, each instalment is to be paid and the amount of that instalment;
- (f) specify the total amount to be paid; and
- (g) specify such other matters as the corporation determines.

(3) A notice under subsection (1) with respect to the payment of rates and charges may be issued by—

- (a) posting it as a pre-paid letter to the person liable to pay those rates and charges at that person's address as shown on the valuation list;
- (b) leaving it at that person's address as shown on the valuation list; or
- (c) delivering it to that person personally.

258—(1) Where any correction, addition, or change made pursuant to section 256 (3) results in a variation in the amount of the liability for rates or charges in respect of any land, the corporation shall issue a notice in a similar form and in a similar manner to the notice under section 257 (1).

Notice on variation in liability for rates and charges resulting from action under section 256 (3).

(2) Subject to subsection (3), where the amount of any rates or charges is varied as mentioned in subsection (1), that amount is payable as provided in the notice under section 257 (1) in relation to the amount before it was so varied.

(3) Where the date specified in a notice under section 257 (1) as the date on which there is payable the amount of any rates or charges or an instalment of any rates or charges has expired at the date of the issue of a notice under subsection (1) in relation to a variation of that amount or instalment, the varied amount or instalment is required to be paid within 30 days after the date of the issue of the notice under subsection (1).

Division 7—Provisions relating to payment of rates and charges

259—(1) Rates and charges for a financial year in respect of any land in a municipality are payable—

Payment by one sum or instalments.

(a) in one sum; or

(b) by 2 or more instalments.

(2) The date by which the amount of rates and charges in respect of any land referred to in subsection (1) or the date by which the first instalment of those rates and charges is to be paid shall be not later than 31st October in the financial year to which the rates and charges relate.

(3) The date by which, or the period within which, instalments of rates and charges subsequent to the first instalment in respect of any land referred to in subsection (1) are to be paid shall be at intervals of not less than 30 days from the date on which the immediately preceding instalment is to be paid.

(4) The date on which the last instalment of rates and charges in respect of any land referred to in subsection (1) is to be paid shall be not later than 31st May in the financial year to which the rates and charges relate.

(5) The Minister may, in writing, extend the date on which the amount of any rates and charges, or the first instalment of any rates and charges, is to be paid under subsection (2) before or after that date has expired.

(6) The amount of rates and charges, or any instalment of rates and charges, in respect of different lands may be required to be paid on different dates.

(7) Notwithstanding the provisions of this section, where the amount of an instalment of rates and charges remains unpaid for 30 days after the date on which it was to be paid, the corporation may require the total amount of rates and charges unpaid in respect of the relevant land to be paid.

(8) Notwithstanding the provisions of this section, the clerk, or, except where the treasurer is a member of the council, the treasurer, may accept payment of rates and charges from a person subject to such terms and conditions as he deems appropriate in the particular circumstances.

Time for
payment of
rates and
charges.

260—(1) The period within which—

(a) the amount of rates and charges, or the first instalment of rates and charges, is required to be paid in respect of any land shall be 30 days after the date of the issue of the notice under section 257 (1) requiring payment of the rates and charges; and

(b) a subsequent instalment of rates and charges is required to be paid in respect of any land shall be by the date, or within the period, specified in that notice.

(2) Notwithstanding subsection (1), payment of rates or charges may be deferred as provided in section 775 (2).

Power of
corporation to
allow rebates
on rates
and charges.

261—The corporation may determine that a rebate, not exceeding 10 per cent, shall be allowed on the rates and charges payable in respect of land if those rates and charges are paid within 30 days after the notice has been issued under section 257 (1) requiring payment of the rates and charges.

262—(1) Subject to this section, where a person fails to pay any rates or charges for which he is liable, the corporation may determine that there is payable by that person—

Payment of penalties, interest, or both.

- (a) in respect of the period of 3 months after the date on which the amount unpaid by him should have been paid, a penalty not exceeding 10 per cent of that amount;
- (b) in respect of the period of one month after that date, interest on that amount at a rate not exceeding 10 per cent a year; or
- (c) in respect of the period of one month after that date, a penalty not exceeding 3 per cent and, after that period, interest on that amount at a rate not exceeding the rate fixed for the purposes of section 767.

(2) Interest payable pursuant to subsection (1) (c) shall be calculated at monthly intervals on the minimum amount unpaid (including interest but not the penalty) in the previous month.

(3) The rate of interest payable under subsection (1) (c) is that operative on 1st July of the financial year in respect of which the interest is payable.

(4) Any penalty or interest or both payable under this section by a person shall—

- (a) be added to the amount of the rates or charges payable by him;
- (b) for all purposes, be deemed to be part of those rates or charges;
- (c) be recoverable from that person in such manner as if it or they were part of those rates or charges; and
- (d) become a charge on the land as mentioned in section 254.

(5) All money received by the corporation pursuant to this section shall be treated by the corporation as proceeds of the municipal rate.

Minimum
amount of
rates and
charges.

263—(1) The corporation may, for the purposes of this section, fix an amount, in this section referred to as “the minimum amount”.

(2) The minimum amount fixed by the corporation under this section shall not exceed \$100.

(3) Where the total amount of rates and charges which would otherwise be payable under this Part in respect of land for a financial year is less than the minimum amount, the minimum amount is payable in lieu of, and shall be levied as, those rates and charges.

(4) All money received by the corporation under this section in excess of the amounts that would otherwise be payable under this Part shall be treated by the corporation as proceeds of the municipal rate.

Division 8—Remedies

264—Rates and charges are recoverable by action.

Rates and
charges
recoverable
by action.

265—In any proceedings for the recovery of an amount of rates or charges—

Evidentiary
provisions.

- (a) an extract from the record of rates and charges shall not be received as evidence of the matters contained in the extract unless the clerk, or, except where the treasurer is a member of the council, the treasurer, in an affidavit or a statutory declaration states that the extract is part of a series that together comply with section 256 (1);
- (b) a copy of the *Gazette* containing the notice required under section 255 (1) is, on its production, sufficient evidence of the facts contained in that notice until the contrary is proved; and
- (c) a statutory declaration given by an officer of the corporation stating the manner in which the issuing of notices was effected under section 257 or 258 is admissible in evidence in any legal proceedings and is evidence of the matters stated in the statutory declaration and does not require the support of duplicates or copies of those notices.

266—An unsatisfied judgment or unsatisfied order of a court for the recovery of an amount of rates or charges from a person is not a bar to the recovery of that amount from any other person who is liable to pay those rates or charges under this Part.

Persons liable may be resorted to successively.

267—(1) Where an amount of rates or charges is not paid on the date on which it should have been paid, the corporation may serve on the occupier of the land in respect of which that amount is payable, a notice requiring the occupier to pay to the corporation all rent accruing due from the occupier in respect of the premises occupied by him until there are paid to the corporation that amount, penalties and interest on that amount, and any amount of rates and charges accruing due while the notice is in force.

Power of corporation to collect rent in certain cases.

(2) A notice under this section—

(a) shall contain particulars of the amount of—

(i) the rates and charges then due to the corporation in respect of the premises to which the notice relates; and

(ii) any rates and charges accruing due as referred to in subsection (1); and

(b) shall require the occupier to pay to the corporation all rent accruing due from the occupier in respect of those premises as and when it becomes payable.

(3) On receipt of a notice under this section, an occupier shall pay to the corporation all rent payable by that occupier in respect of the relevant premises while the notice is in force.

(4) Payment of rent by an occupier in accordance with a notice under this section discharges the occupier from the occupier's liability in respect of the rent so paid and the occupier is not bound to inquire whether any balance remains due to the corporation.

(5) The corporation shall, if required by the owner of any premises, account to the owner for the rents received by it under this section in respect of those premises.

(6) As soon as the corporation has received the amount of all money payable to it in respect of the premises to which a notice under this section relates, it shall revoke the notice and pay over in accordance with subsection (5) any balance of the money received by it under the notice after deducting from that money the amount owing to the corporation.

Division 9—Miscellaneous

Power of
corporation
to levy rates
for other
rating
authorities.

268—(1) An authority that, under this Act or any other Act, has power to make and levy rates based on the valuation list of one or more municipalities may agree with the corporation that the corporation shall levy rates on behalf of the authority on payment by the authority to the corporation of commission on the amount so levied.

(2) Where an agreement has been made under subsection (1), the authority other than the corporation (in this section called “the precepting authority”) shall, during the currency of the agreement, cause precepts to be issued to the corporation requiring it to levy rates.

(3) A precept under this section—

- (a) shall require the corporation to levy a sum of money specified in the precept, being the sum that, according to the valuation list, would be leviable by a rate of an amount in the dollar;
- (b) shall state the date on or before which payment is required by the precepting authority from the corporation;
- (c) shall be in accordance with such form as the Minister directs; and
- (d) shall be given to the corporation before 1st June in the financial year immediately before that in which the rate is to be levied.

(4) The amount in the dollar referred to in subsection (3) (a)—

- (a) shall be specified in the relevant precept;
- (b) shall be within the competence of the precepting authority; and

(c) shall be the same for all municipalities rateable by the precepting authority.

(5) On receiving a precept under this section, the corporation is not required to have regard to any restriction on the total amount of rates payable under this Part or on the making of separate rates, but may make and levy such a rate as the precepting authority might have made and levied.

(6) A rate made by the corporation under subsection (5) may, if leviable generally on its municipal district, be incorporated in the municipal rate, and shall, if the corporation does not base its rates wholly on the assessed annual value, be such that, if levied in full, it will equal the sum required by the precept.

(7) Where the corporation is required by a precept under this section to pay an amount to the precepting authority and the Minister, on application as provided by subsection (8), is satisfied that the corporation—

- (a) has refused, or has failed through wilful neglect or wilful default, to raise that money by a rate; or
- (b) having raised that amount by a rate, has refused, or has failed through wilful neglect or wilful default, to pay the amount due under the precept,

the Minister may issue a certificate to that effect and thereupon the precepting authority may apply under subsection (1) of section 320 for a receiver as if it were the holder of a security referred to in that subsection.

(8) An application for the purposes of subsection (7) shall be made by the precepting authority after it has given 21 days' notice to the corporation of its intention to make the application.

(9) A receiver appointed on the application of the precepting authority made under subsection (7) has the same power as if—

- (a) the precepting authority were a secured creditor of the corporation for the amount due under the precept with interest on that amount at the rate of 6 per cent a year on and from the date when the amount became payable under the precept;

(b) that amount and the interest on it were due under a security issued under Part XIII charging them on the revenues of the corporation; and

(c) the conditions under which a receiver may in such a case be appointed under section 320 were complied with,

and that section applies accordingly.

(10) If the Minister thinks fit, an application under subsection (7) for a receiver may be made by the Minister instead of by the precepting authority.

Judicial
review.

269—(1) The Supreme Court may issue a writ of prohibition against the issuing of a notice under section 257 or 258 in respect of a rate or charge purporting to be duly made under this Part or under any Act other than this Act if it appears that the rate or charge—

(a) in the case of a rate other than a municipal rate, or in the case of any charge, is for a purpose for which a municipality is not authorized under this Part or that other Act to make such a rate or charge;

(b) is for an amount in the dollar in excess of the amount, if any, in excess of which the municipality is authorized to make the rate or charge;

(c) is not based on the valuation list that ought to have been used; or

(d) does not substantially comply with the resolution of the council under which it is made.

(2) The Supreme Court may issue a writ of mandamus to compel the corporation—

(a) to issue a notice requiring the payment of a rate or charge under this Part to a person who appears to the Court liable to pay the rate or charge and to whom such a notice has not been issued; or

(b) to vary an amount of a rate or charge under this Part where it appears to the Court that the amount of the rate or charge was incorrect.

270—(1) Subject to subsection (2), a person who is aggrieved by an entry in the record of rates and charges affecting his liability to pay a rate or charge may give to the clerk notice of objection to that rate or charge on the ground that—

Objection to
rates and
charges.

- (a) the rate or charge being duly made, he is, nevertheless, not liable to pay it in respect of the land or the period for which it is levied;
- (b) the land in respect of which he is rated or charged does not appear in the relevant valuation list;
- (c) the value of the land in respect of which he is rated or charged is not the relevant value in the relevant valuation list; or
- (d) the amount for which he is rated or charged is not correctly calculated, having regard to the relevant value in the valuation list and other relevant facts, on the rate or charge made by the resolution of the council under section 253 (1).

(2) A notice of objection by a person under subsection (1) shall be given not later than 14 days after he has received a notice requiring the payment of the rate or charge to which the notice of objection relates.

(3) Where a notice of objection under subsection (1) is received by the clerk and the council does not, at its next meeting held more than 14 days after receipt of the notice by the clerk, cause the record of rates and charges to be amended to remove the ground of objection, the clerk shall lodge the notice in the office of the clerk of petty sessions for the municipality.

(4) On the lodging of a notice by the clerk as provided in subsection (3), there shall be deemed to be a cause between the person giving the relevant notice of objection as appellant and the corporation as respondent pending before a magistrate on a day to be notified to the parties by the clerk of petty sessions.

(5) At the hearing of a cause under subsection (4)—

- (a) it is for the appellant to show that the corporation should be ordered to strike the name of the appellant off the record of rates and charges or to correct the amount for which he is rated or charged on the ground set out in his notice of objection;
- (b) evidence that the appellant was, at some time before the levying of the rate or charge, liable to be rated or charged in the same capacity in respect of the same land is, until the contrary is established, evidence that he was still so liable when the rate or charge was levied, and is rebuttable only by evidence showing who succeeded the appellant in that capacity or that the appellant cannot reasonably be expected to know who succeeded him in that capacity; and
- (c) the magistrate may make an order—
 - (i) ordering the corporation to strike the name of the appellant off the record of rates and charges or to correct the amount for which he is rated or charged, as the case may require, and providing for the costs of the appeal; or
 - (ii) dismissing the appeal and providing for those costs.

(6) Neither the giving of a notice of objection under subsection (1) nor any subsequent proceedings with respect to the objection, other than an order under subsection (5) (c) (i), affects the liability to pay a rate or charge appearing to have been duly made under this Part, and the corporation may issue a notice accordingly, but if it issues a notice for an amount in excess of that which is later determined under subsection (5) to be payable by the appellant, the difference may be recovered from the corporation by the person who paid it.

(7) A person who is liable to pay rates and charges under this Part in the place of a person liable in the first instance has the same rights within the time mentioned in subsection (2) as the person liable in the first instance and subsections (3), (4), (5), and (6) apply, with the necessary modifications, in respect of a notice of objection by the first-mentioned person.

271—(1) In the absence of special agreement to the contrary—

Mutual rights
between
owner and
occupier.

- (a) an owner who has paid an amount of rates or charges for which he is not liable in the first instance may recover from the occupier that amount, as money paid to his use, or if not paid on demand, by distress and sale as if it were rent in arrears; and
- (b) an occupier who has paid an amount of rates or charges for which he is not liable in the first instance may recover that amount from the owner.

(2) A receipt by the corporation for an amount of rates or charges paid as mentioned in subsection (1) (b) is a discharge to that extent for any rent due from the occupier to the owner.

(3) Where the owner from whom recovery is made under subsection (1) (b) is not the tenant in chief, there may be similar recovery along the chain of mesne tenants up to the tenant in chief.

(4) Nothing is recoverable under this section from the Crown or the Commonwealth.

272—(1) The owner of any land that is sold or otherwise disposed of, or a person acting as the agent for that owner, shall, within 30 days after the completion by him and delivery to the purchaser of the relevant instrument of transfer of that land, give to the corporation written notice of that disposal.

Notice of
change of
ownership.

(2) The person by whom any land is compulsorily acquired under the authority or for the purposes of any Act shall, within 30 days after the date of the acquisition of that land, give to the corporation written notice of that acquisition.

(3) Where there is a change of ownership of land otherwise than—

- (a) pursuant to or by a transaction of which notice has been given under subsection (1); or
- (b) as mentioned in subsection (2),

the new owner shall give to the corporation written notice of the change within 30 days after the date of the change.

(4) A notice under subsection (1), (2), or (3) shall be in the form prescribed for the purposes of section 51 of the *Land Valuation Act* 1971 and shall contain the particulars prescribed for those purposes.

(5) A person who—

(a) fails to give to the corporation a notice that he is required to give to it by a foregoing provision of this section;

(b) fails to give to the corporation such a notice within the time prescribed by that provision; or

(c) makes a statement in such a notice that, to his knowledge, is false or misleading in a material respect, is guilty of an offence and is liable on summary conviction to a penalty not exceeding \$500.

(6) If it appears to the clerk that a person has become the owner of land in the municipality, and no notice relating to his ownership has been given under this section, the clerk may, by written notice, require that person to state his interest in the land by means of a statutory declaration to be lodged with the clerk.

(7) A notice under subsection (6) shall inform the person to whom it is given that he is said to be the owner of the land and of the effect of subsection (8).

(8) If a person to whom a notice has been given under subsection (6) does not lodge the required statutory declaration with the clerk within 14 days after receiving the notice or within such further time as is mentioned in the notice for the purpose, that person is estopped against the corporation from denying that he is the owner as alleged in the notice, until such time as he does lodge the required declaration with the clerk.

(9) This section binds the Crown and the Commonwealth and a reference to new ownership in this section includes the equivalent right of the Crown.

273—(1) Where there is a change of occupancy of any land in respect of which the occupier is liable for rates and charges—

Notice of change of occupancy.

- (a) the owner, if the new occupier is his tenant or enters with his leave or consent;
- (b) the new occupier's landlord, if he has one who is not the owner; or
- (c) the new occupier, in any other case,

shall give to the corporation written notice of the change within 30 days after the date of the change.

(2) A person who—

- (a) fails to give to the corporation a notice that he is required to give to it by subsection (1);
- (b) fails to give to the corporation such a notice within the time prescribed by that subsection; or
- (c) makes a statement in such a notice that to his knowledge is false or misleading in a material respect,

is guilty of an offence and is liable on summary conviction to a penalty not exceeding \$500.

7—Section 539 of the Principal Act is repealed.

Repeal of section 539 of Principal Act (Special provision for sewerage rates and charges).

8—Section 666 of the Principal Act is repealed and the following section is substituted:—

Substitution of section 666 of Principal Act.

666—(1) The corporation may charge for water supplied by measure in accordance with a scale of charges as determined by the council.

Power of corporation to charge for water supplied by measure.

(2) Where the corporation makes a supply rate or charge for water in accordance with section 239, it may allow a free supply of such quantity of water as is determined by the council.

(3) Charges made under this section in respect of land shall be payable by the person by whom rates and charges made under Part XII in respect of that land are payable as provided in section 241.

(4) Charges made under this section shall be enforceable in the same manner as rates and charges made under Part XII.

Repeal of
section 839
of Principal
Act
(Obstruction
of removal
of timber
sold for
rates).

9—Section 839 of the Principal Act is repealed.

Amendments
of Principal
Act
consequential
on substitution
of Part XII
of that Act.

10—Each provision of the Principal Act specified in column 1 of Schedule 1 is amended in the manner specified opposite the reference to that provision in column 2 of that Schedule.

Validation of
certain acts of
corporations of
municipalities.

11—Where, during the period commencing on 1st February 1983 and ending on 30th June 1985, 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.

Transitional
and savings
provisions.

12—(1) The estimates of revenue and expenditure of the council of a municipality for the financial year commencing on 1st July 1985 shall be adopted in accordance with the provisions of subsection (2) of section 219 of the Principal Act, as substituted by section 5 of this Act, notwithstanding that that subsection does not commence until that day.

(2) The provisions with respect to rates and charges contained in the estimates of revenue and expenditure considered and adopted by the council of a municipality for the financial year commencing on 1st July 1985 shall be in accordance with the provisions of Part XII of the Principal Act, as substituted by section 6 of this Act, notwithstanding that that Part does not commence until that day.

(3) The corporation of a municipality shall make and levy all rates and charges in respect of lands in its municipal district for the financial year commencing on 1st July 1985 in accordance with the provisions of Part XII of the Principal Act, as substituted by section 6 of this Act, notwithstanding that that Part does not commence until that day.

(4) On and after 1st July 1985, the rights conferred on an occupier or owner of land by section 270 of the Principal Act, as in force immediately before that day, continue to apply to and in relation to a rate payable in respect of the financial year ended on 30th June 1985 or a preceding financial year as if section 6 of this Act had not commenced on that first-mentioned day.

(5) On and after 1st July 1985, section 271 of the Principal Act, as in force immediately before that day, continues to apply to the owner of land who is liable to pay any portion of rates under that section, being rates payable in respect of the financial year ended on 30th June 1985, as if section 6 of this Act had not commenced on that first-mentioned day.

(6) Where, before 1st July 1985, the corporation of a municipality has commenced proceedings for distress under Division 5 of Part XII of the Principal Act and those proceedings are not concluded before that day, those proceedings may, on and after that day, be continued and concluded in all respects as if section 6 of this Act had not commenced on that day.

(7) Any money borrowed by the corporation of a municipality before 1st July 1985 and charged on a special rate made by the corporation shall, if that money is not repaid before that day, be deemed, on and after that day, to be money charged on a separate rate made by the corporation.

SCHEDULE 1

Section 10

AMENDMENTS OF PRINCIPAL ACT CONSEQUENTIAL ON SUBSTITUTION
OF PART XII OF THAT ACT

COLUMN 1 Provision of Principal Act amended	COLUMN 2 Amendment
Section 4 (1)	Omit definition of "annual value", substitute the following definition:— "assessed annual value", in relation to land, means the assessed annual value of the land determined pursuant to the <i>Land Valuation Act</i> 1971 and as shown in the valuation list;
Section 68 (2) (a)	Omit "rate book for the current general rate", substitute "record of rates and charges in respect of the current municipal rate kept under section 256".
Section 72 (1)	Insert "assessed" before "annual".
Section 72 (2)	(a) Insert "assessed" in paragraph (a) before "annual", where twice occurring; (b) Insert "assessed" in paragraphs (b) and (c) before "annual", wherever occurring.
Section 174	Omit "254", substitute "268".
Section 186 (1)	(a) Omit from paragraph (b) "234", substitute "235"; (b) Omit paragraph (d); (c) Omit from paragraph (e) "local".
Section 186 (4)	Omit "234 (2)", substitute "235 (3)".
Section 186 (5)	(a) Omit from paragraph (b) "(", (d),";" (b) Omit from that paragraph "Act;"; substitute "Act; or"; (c) Omit paragraph (c).
Section 186 (7)	Omit "(d) and".
Section 208	Omit "section 214 and section 216", substitute "sections 212 and 214".
Section 212	Insert the following subsection after subsection (4):— (5) This section applies to the cities of Hobart and Launceston.
Section 222 (1) (a)	Omit "special", substitute "separate".

COLUMN 1 Provision of Principal Act amended	COLUMN 2 Amendment
Section 284 (1) (c) (vi)	Omit "special", substitute "separate".
Section 285 (1)	Omit "special", substitute "separate".
Section 285 (2)	Omit "special", substitute "separate".
Section 294 (1)	Omit "special", substitute "separate".
Section 294 (2)	Omit "special", where twice occurring, substitute "separate".
Section 320 (1)	Omit "special", substitute "separate".
Section 321 (1) (b)	Omit "special", where twice occurring, substitute "separate".
Section 321 (2)	(a) Omit "special", substitute "separate";
	(b) Insert "assessed" before "annual".
Section 531B (3)	Omit "special", substitute "separate".
Section 536 (1)	(a) Omit "cleansing", where secondly occurring;
	(b) Omit "216" from paragraph (a), substitute "236".
Section 672 (2) (b)	(a) Insert the following subparagraph after "Act—":—
	(i) section 239;
	(b) Renumber the subparagraphs following that subparagraph as subparagraphs (ii), (iii), and (iv) respectively.
Section 765 (1)	Omit "cases of rates payable only by the occupier, rates leviable by virtue only of section 246,", substitute "case of rates leviable by virtue only of section 244".
Section 765 (2)	Omit "246", substitute "244".
Section 769 (1)	Omit paragraph (a), substitute the following paragraph:—
	(a) against the owner or occupier of the land for the time being by action in a court of competent jurisdiction; or
Section 785 (2)	Omit "254", substitute "268".
Section 792 (10)	Omit "254", substitute "268".
Section 792 (15)	Omit "local rate for the purposes of Division 4 of Part XII", substitute "rate for the purposes of section 234".

COLUMN 1 Provision of Principal Act amended	COLUMN 2 Amendment
Section 811A (1)	<p>Omit subsection (1), substitute the following subsection:—</p> <p>(1) In determining the person to be named in any resolution, order, or notice as, or because he is, the owner of any land—</p> <p>(a) in a case where the clerk has, not less than 7 days before the resolution, order, or notice containing such a determination is made or given, received a notice under section 272 of the change of ownership of the land, the corporation and its officers are entitled to assume that the owner of the land is the person shown as the new owner in that last-mentioned notice;</p> <p>(b) in a case where default has been made in complying with a notice under section 272 (6) in relation to the land, the corporation and its officers are, subject to section 272 (8), entitled to assume that the person to whom that notice was given is the owner of that land; or</p> <p>(c) in any other case, the corporation and its officers are entitled to assume that the person who is named as the owner of that land in the relevant valuation list is its owner,</p> <p>and the resolution, order, or notice shall be as valid as if he were that owner.</p> <p>Omit Part III.</p>