



**LOCAL GOVERNMENT AMENDMENT (MUNICIPAL
CARAVAN PARKS AND CAMPING GROUNDS) ACT 1982**

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No. 76 of 1982
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AN ACT to amend the Local Government Act 1962 for the purpose of extending the trading undertakings that may be carried on by a municipal corporation to include caravan parks and camping grounds.

[Royal Assent 8 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 Amendment* Short title.
(*Municipal Caravan Parks and Camping Grounds*) Act 1982.

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

Amendment of section 203 of Principal Act (Power to dispose of corporate land). **3**—Section 203 (2) of the Principal Act is amended by inserting “ and (6)” after “ 655 (3)”.

Amendment of section 655 of Principal Act (Trading undertakings defined). **4**—(1) Section 655 (1) of the Principal Act is amended as follows:—

(a) by omitting from paragraph (k) “ subsection (3).” and substituting “ subsection (3);”;

(b) by inserting the following paragraph after paragraph (k):—

(l) subject to subsection (6), caravan parks and camping grounds on corporate land and on land leased to the corporation.

(2) Section 655 of the Principal Act is further amended by inserting the following subsection after subsection (5):—

(6) Notwithstanding anything in section 654, where a corporation establishes a caravan park or camping ground on its corporate land or on land leased to it—

(a) the corporation may, instead of conducting the caravan park or camping ground itself, cause it to be conducted by a person on behalf of the corporation on such terms and conditions as the corporation thinks fit; or

(b) the corporation may—

(i) in the case of its corporate land, lease that land; or

(ii) if, in the case of land leased to the corporation, it is not in breach of a covenant or other provision of the lease to which that land is subject, sub-lease that land or assign that lease,

for any term to a person on such terms, and subject to such covenants and conditions, as it thinks fit for the purpose of the conduct of the caravan park or camping ground by that person on behalf of the corporation.

* 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 and 35 of 1982.

5—(1) Part IV of Schedule 4 to the Principal Act is amended by omitting from paragraph 16 “reward.” and substituting “reward, other than caravan parks and camping grounds established by the corporation pursuant to Division 22 of Part XVI.”

Amendment of
Schedule 4 to
Principal Act
(Purposes of
by-laws).

(2) Part VI of Schedule 4 to the Principal Act is amended by omitting from paragraph 24 “therein.” and substituting “in those caravan parks and camping grounds, whether or not they are established by the corporation pursuant to Division 22 of Part XVI.”.

6—(1) Where, before the commencement of this Act, a caravan park or camping ground was established by the corporation of a municipality on its corporate land or on land leased by it and was conducted by the corporation, or on behalf of the corporation as mentioned in section 655 (6) of the Principal Act, as inserted by this Act, that caravan park or camping ground shall be deemed to have been—

Validations and
transitional
provision.

- (a) a trading undertaking within the meaning of Division 22 of Part XVI of the Principal Act when it was established;
- (b) a trading undertaking within the meaning of that Division conducted by the corporation; and
- (c) in the case of a caravan park or camping ground established by, and conducted by or on behalf of, the corporation of a municipality other than a city, a trading undertaking within the meaning of that Division established and conducted by the corporation with the consent of the Minister for the time being administering the *Local Government Act 1962*.

(2) Where, before the commencement of this Act, the corporation of a municipality expended any money out of its municipal fund towards the establishment or conduct, or the establishment and conduct, of a caravan park or camping ground on its corporate land or on land leased to the corporation, that money shall be deemed to have been as lawfully and properly expended under section 218 (1) of the Principal Act as if the establishment or conduct, or the establishment and conduct, as the case may be, of that caravan park or camping ground were the doing and performing of acts that the corporation was, at the relevant time, empowered to do and perform by the Principal Act.

(3) Where, before the commencement of this Act, the corporation of the city of Launceston, in the purported exercise of the power to borrow conferred on it by section 105 of the *Launceston Corporation Act 1963*, borrowed money for the purpose of the establishment or conduct, or the establishment and conduct, of a caravan park or camping ground, that money shall be deemed to have been as lawfully and properly borrowed under that section as if the establishment or conduct, or the establishment and conduct, as the case may be, of a caravan park or camping ground were the doing of a thing or things which, at the time when the money was so borrowed, the corporation had power to do that the Governor had prescribed as a purpose of municipal borrowing pursuant to section 282 (1) of the Principal Act.

(4) Where, before the commencement of this Act, the corporation of a municipality, in the purported exercise of the power to borrow conferred on it by subsection (1) of section 282 of the Principal Act, borrowed money for the purpose of the establishment or conduct, or the establishment and conduct, of a caravan park or camping ground, that money shall be deemed to have been as lawfully borrowed under that subsection as if the establishment or conduct, or the establishment and conduct, as the case may be, of a caravan park or camping ground were the doing of a thing or things which, at the time when the money was so borrowed, the corporation had power to do that the Governor had prescribed as a purpose of municipal borrowing pursuant to that subsection.

(5) The corporation of a municipality by or on behalf of which a caravan park or camping ground referred to in subsection (1) is conducted on and after the commencement of this Act shall, if that municipality is not a city, be deemed, on and after that commencement, to be conducting the caravan park or camping ground with the consent of the Minister for the time being administering the *Local Government Act 1962*.