



**LOCAL GOVERNMENT AMENDMENT (PLANNING FEES) ACT
1990**

No. 36 of 1990

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AN ACT to amend the *Local Government Act 1962*

[Royal Assent 7 December 1990]

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 (Planning Fees) Act 1990*.

Commencement

2—This Act commences on 1 January 1991 but if this Act does not receive the Royal Assent on or before that date it is deemed to have commenced on that date.

Principal Act

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

Section 761 amended (Regulations)

4—Section 761 of the Principal Act is amended as follows:—

- (a) by inserting “(1)” before “The Governor”;
- (b) by adding the following subsection as subsection (2) of that section:—

(2) Without limiting the generality of subsection (1), regulations made under that subsection may—

- (a) make provision for or with respect to—
 - (i) the payment and collection of fees by any person (including a municipality) in relation to any act, matter or thing done or arising under this Part or Part XVI; and
 - (ii) the remission of, or exemption from liability for, any such fees; and
- (b) be of general or specially limited application; and
- (c) authorize any act, matter or thing in relation to which they may be made to be from time to time determined, applied or regulated by such person as is there specified for the purpose, being the Minister, the Commissioner or another person performing duties under this Part or Part XVI.

Sections 761A and 761B inserted

5—After section 761 of the Principal Act, the following sections are inserted in Part XVIII:—

* No. 67 of 1962. For this Act as amended to 1 February 1989, see the continuing Reprint of Statutes. Subsequently amended by Nos. 3 and 5 of 1990.

Recovery of fees by municipalities

761A—The power under this Act of a municipality to make by-laws includes the power to make by-laws for or with respect to the recovery of fees paid by the municipality in relation to applications for the alteration of a planning scheme made to it under this Part.

Requirement to pay fees

761B—The Commissioner, the Planning Appeal Board or a municipality is not required to take any action under this Part or Part XVI unless any requirements imposed by regulations made under section 761, or by-laws made under section 761A, as to the payment of fees in respect of the taking of that action have been complied with.

