



LOCAL GOVERNMENT (DEFERRED ELECTIONS) ACT 1990

No. 1 of 1990

TABLE OF PROVISIONS

Preamble

1. Short title
2. Commencement
3. Interpretation and application of this Act
4. Holding of deferred elections
5. Validation of certain actions, &c., taken by Cities of Hobart and Launceston
6. Mayor, deputy-mayor and aldermen of City of Hobart

AN ACT to validate certain elections under the *Hobart Corporation Act 1963* and the *Launceston Corporation Act 1963* and to remove doubts arising from certain elections under the *Local Government Act 1962* all of which were held on 7th April 1990 instead of 24th March 1990

[Royal Assent 12 April 1990]

Preamble

WHEREAS—

- (a) by virtue of section 24 (1) of the *Hobart Corporation Act 1963*, section 26 (1) of the *Launceston Corporation Act 1963* and section 64 of the *Local Government Act 1962* (which Acts are in this preamble referred to as “**the Municipal Acts**”), municipal elections are required to be held from time to time for—

- (i) a mayor, deputy-mayor and aldermen of the City of Hobart; and
 - (ii) aldermen of the City of Launceston; and
 - (iii) mayors, wardens, aldermen and councillors of the other cities and municipalities; and
- (b) certain municipal elections (in this preamble referred to as “**the 1990 municipal elections**”) were required to be held on 24th March 1990 under the Municipal Acts; and
- (c) elections for the Senate and the House of Representatives of the Parliament of the Commonwealth were held on 24th March 1990; and
- (d) section 394 (1) of the *Electoral Act 1918* of the Commonwealth provides that, without the authority of the Governor-General, no election by the electors of a State shall be held on a day appointed as polling day for an election of the Senate or a general election of the House of Representatives; and
- (e) by notice published in the *Gazette* on 28th February 1990 pursuant to section 54 of the *Local Government Act 1962*, the Minister for Environment and Planning appointed 7th April 1990 as the day for holding such of the 1990 municipal elections as were required under that Act; and
- (f) doubts have arisen as to—
- (i) whether the 1990 municipal elections were required to be held, or could validly have been held, on 24th March 1990 in view of section 394 (1) of the *Electoral Act 1918* of the Commonwealth; and
 - (ii) the validity of the notice referred to in paragraph (e); and
- (g) the Hobart City Council, by advertisements published in a newspaper on 24th and 28th February 1990, gave public notice that the election of the mayor, deputy-mayor and aldermen for the City of Hobart was to be held on 7th April 1990; and
- (h) the Launceston City Council, by advertisements published in a newspaper on 25th, 26th and 28th February 1990, gave public notice that the election of aldermen for the City of Launceston was to be held on 7th April 1990; and
- (i) it is expedient that any doubts arising from the 1990 municipal elections that were held on 7th April 1990 be removed and that, where appropriate, those elections be validated:

BE it therefore 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 (Deferred Elections) Act 1990*.

Commencement

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

Interpretation and application of this Act

3—(1) In this Act—

“the **Municipal Acts**” means the *Hobart Corporation Act 1963*, the *Launceston Corporation Act 1963* and the *Local Government Act 1962*;

“the **1990 municipal elections**” means certain municipal elections that were required to be held on 24th March 1990 under the *Municipal Acts*.

(2) This Act has effect notwithstanding anything to the contrary contained in the *Municipal Acts*.

Holding of deferred elections

4—(1) The 1990 municipal elections that were held on 7th April 1990 shall not be called in question on the ground that they were held on that day instead of 24th March 1990 and, in determining the validity of any such election—

(a) all the requirements contained in the *Municipal Acts* relating to those elections shall be taken to have been complied with; and

(b) except as provided in paragraph (c), all periods of time relating to the conduct of the 1990 municipal elections shall be taken to have been computed as if the references in the *Municipal Acts* to the day on which those elections were required to be held were read as references to 7th April 1990; and

No. 1 *Local Government (Deferred Elections)* 1990

- (c) in the case of the Cities of Hobart and Launceston, the electoral indexes shall be taken to have been closed on the day on which they were required to be closed under the *Hobart Corporation Act 1963* or the *Launceston Corporation Act 1963* as if the relevant municipal elections had been held on 24th March 1990; and
- (d) in the case of the 1990 municipal elections that were required to be held under the *Local Government Act 1962*—
- (i) the notice referred to in paragraph (e) of the preamble to this Act shall be taken to have been validly given under section 54 of the *Local Government Act 1962*; and
 - (ii) those elections shall be taken to have been held pursuant to that notice.

(2) Nothing in this section affects the operation of any provision in any of the Municipal Acts that requires the filling of an extraordinary vacancy in the office of an alderman or councillor.

Validation of certain actions, &c., taken by Cities of Hobart and Launceston

5—All resolutions and decisions of the Hobart City Council or the Launceston City Council and all orders, contracts, instruments and any other act, matter or thing passed, made or done by, or on behalf of, the Corporation of the City of Hobart or the Corporation of the City of Launceston after 24th March 1990 and before the commencement of this Act shall be as valid as they would have been if the 1990 municipal elections had been held on 24th March 1990.

Mayor, deputy-mayor and aldermen of City of Hobart

6—The persons who held office as mayor, deputy-mayor and aldermen of the City of Hobart and who were, pursuant to the *Hobart Corporation Act 1963*, due to retire as such on 30th March 1990 shall be deemed to continue in office until 12th April 1990 at noon and the persons elected to those offices shall be deemed to take their respective offices at that time.