



SPRINGFIELD IMPROVEMENT

No. 80 of 1974

ANALYSIS

1. Short title and incorporation.
2. Advances made to council; removal of doubts.
3. Works carried out; removal of doubts.
4. Payment by owners on account of works.
5. Deferment of payment in cases of hardship.
6. Bad debts may be written off.
7. Refunds of excess payments on account of work.
8. Grant to council.



AN ACT to remove doubts as to the making of grants to the Glenorchy City Council and the carrying out of certain street and stormwater drainage works by the council and to fix the liability of persons who are required to make payments to the council on account of those works.

[5 December 1974]

WHEREAS by an agreement made the 27th April 1959 entered Preamble. into by the Minister for Lands and Works at that time with the Warden Councillors and Electors of the Municipality of Glenorchy in pursuance of and subject to the *Springfield Improvement Act*

1958 whereby it was agreed that the Minister would make advances to the Council of amounts to a maximum total of \$800 000 for the purpose of carrying out the works referred to in that Act:

AND whereas advances have been made in pursuance or purportedly in pursuance of the agreement:

AND whereas the council has carried out works in pursuance or purportedly in pursuance of the agreement:

AND whereas doubts have arisen as to whether those advances or some of them and as to whether those works carried out or some of them have been in accordance with the agreement or the Act:

AND whereas it is expedient to remove those doubts to enable the completion of financial arrangements in relation to the costs of the works so carried out:

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 and incorporation.

1—(1) This Act may be cited as the *Springfield Improvement Act 1974*.

(2) This Act is incorporated, and shall be read as one, with the *Springfield Improvement Act 1958* (in this Act referred to as the Principal Act).

Advances made to council; removal of doubts.

2 To any extent to which the validity of any advances made to the council in pursuance or purportedly in pursuance of any agreement entered into as provided by section 5 of the Principal Act is or may be in doubt, those advances shall be deemed to have been made in all respects for the purposes specified in, and in accordance with, the agreement.

Works carried out; removal of doubts.

3 To any extent to which the validity of any of the works carried out by the council in pursuance of or purportedly in pursuance of any agreement entered into as provided by section 5 of the Principal Act is or may be in doubt, those works shall be deemed to be works referred to in, and carried out in accordance with, the agreement.

Payment by owners on account of works.

4—(1) Notwithstanding anything contained in section 8 of the Principal Act, the amount to be paid to the council by each owner who is required by that section to contribute to the costs and

expenses incurred by the council in or in connection with the works carried out by the council in pursuance or purportedly in pursuance of any agreement made under section 5 of the Principal Act is \$643 on account of each allotment.

(2) An owner who is liable as provided by subsection (1) to pay the whole of the amount of \$643 or such sum as is necessary, regard being had to payments already made by or on behalf of the owner, to constitute payment of that amount shall discharge his liability as provided by section 8 (5) of the Principal Act, the first of the quarterly instalments being payable on such quarter day as the council shall determine in that behalf.

(3) Notwithstanding any rate of interest fixed and declared or that may be fixed and declared by the council as provided by section 8 (6) of the Principal Act, interest shall be payable by the owners liable as provided by this section to pay the amount of \$643 or, if one or more payments has been made in reduction or deemed to be in reduction of that amount, so much thereof as remains unpaid, at the rate of 3 per cent per annum calculated as at each quarter day.

5 Notwithstanding section 4 (2), if, in any case, the council is satisfied that the enforcement of payment of an amount payable as provided by this Act and the Principal Act together with interest would cause undue hardship, regard being had to the circumstances of any particular owner, it may, in the case of that owner, either reduce the sum of all or any of the instalments payable quarterly or it may defer for such time as it considers appropriate the payment of one or more of the quarterly instalments, but action by the council under this section shall not in any case extinguish the liability of the owner under this Act and the Principal Act.

Deferment of payment in cases of hardship.

6 In any case of an owner failing wholly or in part to discharge his liability under this Act and the Principal Act, the council may, if so doing would be in accordance with normal business practice, write off the debt so owing by the owner whereupon the liability to pay the debt shall be extinguished.

Bad debts may be written off.

7—(1) Where, as provided by the Principal Act, an owner has paid to the council a sum (exclusive of interest) in excess of \$643, subject to this section, the council shall repay to the owner the difference between the sum so paid and \$643.

Refunds of excess payments on account of work.

(2) Notwithstanding an application in that behalf as provided by subsection (5), the council shall not make a payment under subsection (1) until the expiration of 3 months after the commencement of this Act unless it is satisfied that subsection (3) is not applicable in the particular case.

(3) Where an owner referred to in subsection (1) has sold the allotment in respect of which the payment was made and it was a term of the contract of sale that any refund of the whole or any part of the amount so paid should be paid to the purchaser, if the purchaser applies to the council within 3 months after the commencement of this Act and satisfies the council as to the existence of that term in the contract, the council may discharge its obligation under this section to repay the excess amount by paying it to the purchaser.

(4) In addition to each repayment made as provided by the foregoing provisions of this section, subject to this section, the council shall pay to each owner or, in a case to which subsection (3) applies, to the purchaser from the owner, where the owner paid interest as provided by section 8 (5) of the Principal Act on any amount in excess of \$643, a sum equal to the sum of the interest so paid.

(5) The council shall not repay any sum of money as provided by this section unless application therefor is made in writing by the person entitled to it or, in the case of a deceased owner or purchaser, the personal representative of that person.

Grant to
council.

8 For the purposes of enabling the council to meet the cost or the balance of the cost of the works referred to in section 5 of the Principal Act or of work done purportedly in pursuance of any agreement made under that section, the Minister may pay by way of grant to the council such money as is appropriated by the Parliament for the purpose.