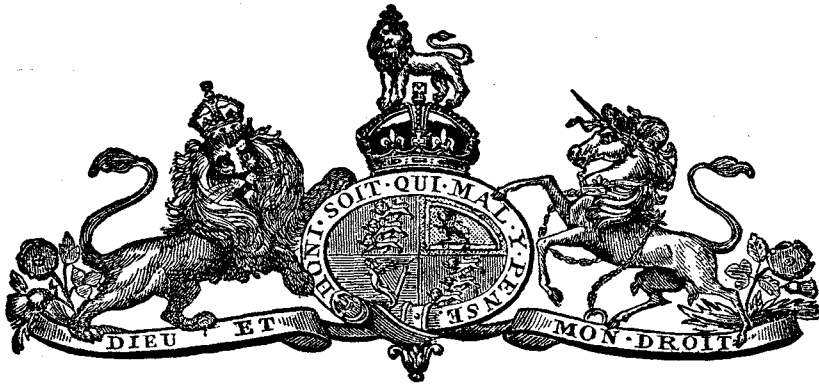


T A S M A N I A



1905.

ANNO QUINTO

EDWARDI VII. REGIS,

No. 29.



AN ACT to make better provision for Levying Rates for the purposes of "The Public Health Act, 1903." [20 November, 1905.] A.D. 1905.

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 Health Rate Act, 1905." Short title.

2 This Act shall come into operation on the First day of *January*, One thousand nine hundred and six. Commencement.

3 "The Sanitary Rate Act, 1889," and "The Sanitary Rate Amendment Act, 1901," are hereby repealed. Repeal. 53 Vict. No. 10. 1 Ed.VII. No.37.

4 In this Act—
"Chief Health Officer" shall mean the Chief Health Officer for the time being appointed under the provisions of "The Public Health Act, 1903 :"
4d.] Interpretation. 3 Ed.VII.No.37.

Health Rate.

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“House” shall mean and include a dwelling of any kind, school, hotel, public-house, factory, shop, workroom, common or other lodging-house, or other building or premises :

“Local Authority” shall have the same meaning as in “The Public Health Act, 1903 :”

53 Vict. No. 10,
s. 4.

“Sanitary service” shall mean the removal and disposal of night-soil, or any garbage, offal, filth, ashes, rubbish, house refuse, or other putrescible or offensive matter of any kind, or the provision of a sewer within a distance of One hundred feet from the boundary of any property for the escape or conveyance of night-soil from such property to some place where such night-soil shall be properly disposed of :

“Specified” shall mean specified by notice published by a Local Authority in the *Hobart Gazette*.

Local Authority
may levy Rate.
3 Ed. VII. No. 37.
53 Vict. No. 10,
s. 5.

5—(1.) For the purpose of raising money for carrying out in the District of any Local Authority, or in any specified part of such District, the provisions of “The Public Health Act, 1903,” every such Local Authority may, of its own motion, in every year make and levy a Rate at such amount in the Pound as may be approved by the Chief Health Officer, not exceeding the sum of Sixpence in the Pound in any one year, upon the annual value of all property situate in the District, or specified part of the District, of the Local Authority as shown by the Assessment Roll or Rolls in force for the time being for the Assessment District or Districts in which the District, or specified part of the District, of such Local Authority is included.

(2.) Only One-half of any Rate levied under the authority of this Act shall be payable in respect of any property for which no sanitary service is performed by the Local Authority levying such Rate ; but this proviso shall not extend to any property whereon any house is situate, or which shall adjoin and be occupied and used in connection with any property on which a house is situate, unless there be used in connection with such house such means of removal and disposal of night-soil and other putrescible or offensive matter as shall be certified in writing by any Officer of Health appointed by such Local Authority to afford a safe and sufficient substitute for the sanitary service performed by such Local Authority for similar properties within its jurisdiction.

Notice of erection
of sanitary
appliances to be
given to Local
Authority.
53 Vict. No. 10,
s. 6.

(3.) Notwithstanding anything contained in Sub-section (2.) of this Section, no occupier of any property in respect of which any Rate levied under the authority of this Act shall at any time be payable shall be entitled to claim the benefit of such Sub-section, unless such occupier, or some previous occupier of the same property, has given to such Local Authority written notice of the erection of such sanitary appliances as are hereinbefore mentioned not later than Three months before the date on which such Rate is payable.

Health Rate.

6 Any Local Authority may, with the consent of the Chief Health Officer, in addition to the Rate specified in this Act, make and levy a charge for every removal of night-soil, garbage, offal, filth, ashes, rubbish, house refuse, or other putrescible or offensive matter, such charge not to exceed the sum of One Shilling for each removal of any pan, pail, bucket, or other receptacle, of not more than Four cubic feet in capacity, containing such night-soil, garbage, offal, filth, ashes, rubbish, house refuse, or other putrescible or offensive matter.

A.D. 1905.

Local Authorities may charge for sanitary service per pan, &c., removed.
1 Ed. VII. No. 37, s. 3.

7 At least One month prior to the making of any such Rate or charge, the Local Authority shall give notice in writing to the Chief Health Officer of their intention so to do, specifying in the notice the District or part of the District for which such Rate or charge is intended to be levied, and the amount in the Pound at which it is intended to make such Rate, or the amount of such charge, and the total sum of money that such Rate or charge is estimated to produce.

Local Authority to notify Chief Health Officer of intention to levy Rate.

8 Upon the making of a Rate or charge by any Local Authority in accordance with the provisions of this Act a notice, signed by the Chairman and not less than Two other Members of the Local Authority, specifying the amount in the Pound of the Rate, or the amount payable for the removal of each pan, pail, bucket, or receptacle, as aforesaid, the area within which such Rate or charge shall be due and payable, and the purpose and period for which the same is payable, shall be published in the *Hobart Gazette*; and upon any such notice being so published the Rate or charge therein mentioned shall be payable and paid at the times specified in such notice by the occupiers of the properties in respect of which the Rate is levied or such sanitary service is rendered, as shown by the Assessment Roll then in force in the area in respect of which the Rate is levied or charge is made; and it shall not be necessary in any such notice to set forth the names of the persons liable to pay such Rate or charge, or the sums which according to such Rate or charge such persons are liable to pay, or any other particulars than hereinbefore in that behalf mentioned.

Notice of Rate to be given.
53 Vict. No. 10, s. 7.
1 Ed. VII. No. 37, s. 4.

Provided nevertheless that the Rate or charge levied in respect of any property, not being Crown land held under lease or licence, the assessed annual value of which does not exceed Twenty Pounds, or which is let to weekly or monthly tenants, or in respect of buildings let in separate apartments or portions, shall be payable and shall be paid by the person whose name appears on such Assessment Roll as the owner, instead of by the occupier thereof.

Charge in respect of small properties, &c., to be paid by owner.

9 In any case in which any property situate within the District of the Local Authority exceeds Five acres in area and has not any house thereon, any Rate levied under the authority of this Act shall be payable in respect of only such part of the value at which such property is assessed as bears such proportion to the whole of such value as Five acres bears to the whole area of such property; and in every case in which a house is situate on any property exceed-

Rate payable in respect of a proportionate part of the assessed value of certain properties.
53 Vict. No. 10, s. 8.

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ing Five acres in area and situate within the District of the Local Authority, any Rate levied under the authority of this Act shall be payable in respect of only such proportionate part of the value at which such property is assessed as represents the value of such house together with Five acres of the land surrounding or occupied therewith; and if any dispute shall arise between the occupier of any property affected by this Section and the Local Authority levying any such Rate as aforesaid as to the proportionate part of the assessed value of such property in respect of which such Rate shall be payable, such dispute shall be settled by a Police Magistrate or any Two Justices of the Peace sitting in Petty Sessions within the District in which the property is situate, on the application of the occupier or the Local Authority levying the Rate.

Rate to be payable
in advance.
53 Vict. No. 10,
s. 9.

10 Any such Rate as aforesaid shall be payable in advance in the same manner as any Municipal Rate, and at such periods as every such Local Authority may from time to time appoint.

Rate, how
recoverable.
53 Vict. No. 10,
s. 10.

11—(1.) If any person liable as herein provided to pay any amount of Rates neglects to pay the same within due time after the same has been lawfully demanded, the Local Authority may recover the amount due from such person in the same manner as any Municipal Rate is or may hereafter be recoverable by any Municipal Council.

Charge recover-
able summarily.
19 Vict. No. 8.
1 Ed. VII. No.
37, s. 5.

(2.) The payment of any charge made payable under the provisions of this Act may be recovered in a summary manner before a Police Magistrate or Two or more Justices of the Peace, in the manner prescribed by *The Magistrates Summary Procedure Act*, on the complaint of any person authorised in writing under the hand of the Chairman of such Local Authority to sue for the same.