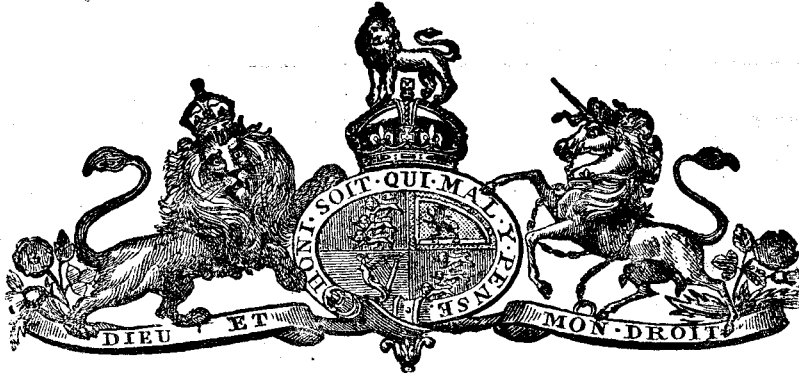


T A S M A N I A.



1908.

ANNO OCTAVO

EDWARDI VII. REGIS,

No. 35.

ANALYSIS.

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| <ul style="list-style-type: none"> <li>1. Short title and incorporation.</li> <li>2. Provisions enabling the Governor to give effect to prayer of a petition under Section 16 of Principal Act, and to give effect to changes arising out of his exercise of powers under Section 16 or 17.</li> <li>3. First expenses.</li> <li>4. Repeal of Section 194 of Principal Act.</li> <li>5. Temporary loans from banks.</li> <li>6. Municipalities to have power to obtain overdrafts to extent of deposit receipts.</li> </ul> | <ul style="list-style-type: none"> <li>Such overdrafts not to be calculated for certain purposes.</li> <li>7. Amendment of Section 170 of Principal Act.</li> <li>8. Local authorities may charge for sanitary service per pan, &amp;c., removed.</li> <li>9. Notice of charge to be given.</li> <li>10. Charge recoverable as if rate in arrear.</li> <li>11. Amendment of Section 193 of Principal Act.</li> <li>12. A council may expend not exceeding £25 in any year for purposes not authorised by any Act.</li> </ul> |
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AN ACT to amend "The Local Government Act, 1906." A.D. 1908.  
[14 December, 1908.]

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 (that is to say) :—

1 This Act may be cited as "The Local Government Amendment Act, 1908," and shall be deemed to be incorporated with and be construed as one with "The Local Government Act, 1906," hereinafter called the Principal Act. Short title and incorporation. 6 Ed. VII. No. 31.

6d.]

*Local Government Amendment.*

A.D. 1908.

Provisions enabling the Governor to give effect to prayer of a petition under Section 16 of Principal Act, and to give effect to changes arising out of his exercise of powers under Section 16 or 17.

*Powers of Governor in aid of Powers under the Principal Act.***2—(1.) Whenever—**

Any petition is presented to the Governor praying him to exercise any of the powers mentioned in Section Sixteen of the Principal Act: or

Any change arises out of the exercise by the Governor of any of the powers conferred by Section Sixteen or Seventeen of the Principal Act: or

Any alteration is made under or by virtue of the principal Act, or any other Act, in any boundary of a municipality or ward—

the Governor in his discretion may cause to be done everything he deems necessary, desirable, or expedient to be done—

To give effect to the prayer of the petition, or in relation to the petition: or

To give effect to the change so arising as aforesaid, or in relation thereto: or

In relation to a municipality or ward of which any boundary is altered—

and in particular, but so as not to derogate from or restrict the generality of the power hereinbefore given, the Governor may by proclamation exercise all or any of the following powers, and the following provisions shall apply, namely:—

- i. The Governor may continue in office all or any number of the members of a council for such time as he deems expedient, and may do so notwithstanding any alterations in the boundaries of the municipality or any ward or wards thereof, or any alteration of the subdivision or any resubdivision of a municipality or any abolition of wards:
- ii. The Governor may direct and declare that all or any number of the members of a council shall go out of office on a specified date, or upon the happening of a specified event, and if less than all are to go out, may specify the manner of determining them, or may name them, and such members shall go out of office accordingly:
- iii. The Governor may make temporary appointments of councillors:
- iv. The Governor may direct elections of councillors to be held for the return of all the members of a council, or of one or more councillors, and whether to represent an undivided municipality, or all the wards or any ward of a municipality:
- v. The Governor may direct and empower the Minister to determine the date and place for any election, and to make such provisions as the Minister may consider desirable to enable the election to be carried out, including the appointment of any officers.

*Local Government Amendment.*

(2.) The provisions of this section shall have a retrospective effect, as if at the commencement of the Principal Act they had been inserted therein, immediately after Section Seventeen thereof. A.D. 1908.

**3** All expenses of and incidental to the constitution of any new municipality under the Principal Act, and the First election of members of the council of the municipality or of any election held by order of the Governor, shall be certified under the hand of the returning officer, and shall be paid, in the first instance, out of the Consolidated Revenue by warrant under the hand of the Governor, directed to the State Treasurer, who shall be repaid out of the municipal fund of the council within Six months after the election. First expenses. R.M.A., 97.

*Borrowing on Overdraft.*

**4** Section One hundred and ninety-four of the Principal Act is hereby repealed. Repeal of Section 194 of Principal Act.

**5** For the temporary accommodation of a council it shall be lawful for the council, and without passing a special resolution for the purpose, to obtain advances from banks by overdraft of the current account upon the credit of the municipality; but no such overdraft or accommodation shall at any time under any circumstances exceed One-half of the prior year's revenue. Temporary loans from banks.

**6**—(1.) Any council may, without passing a special resolution for the purpose, obtain or have advances from any bank by overdraft of current account to the amount or extent of any deposit receipts for money due by the bank to the body corporate of the municipality. Municipalities to have power to obtain overdrafts to extent of deposit receipts.

(2.) Such advances shall not be taken into consideration in ascertaining the amount or extent of advances or accommodation which any council may, pursuant to the last preceding section, obtain from any bank. Such overdrafts not to be calculated for certain purposes.

*Amendments of Principal Act.*

**7** Section One hundred and seventy of the Principal Act is hereby amended as follows:— Amendment of Section 170 of Principal Act.

i. By repealing the word "prescribed" occurring in Subsection (3.), and substituting the word "fixed" therefor:

ii. By repealing Subsection (4.), and substituting therefor the following subsection:—

"(4.) Notice of the liability to pay the amount of the charge so fixed may be given generally without naming the persons liable, and as the council may determine, and any such charge may be collected by and shall be payable to such person as the council may appoint for the

*Local Government Amendment.*

A.D. 1908.

purpose; and the person so appointed may periodically demand and collect any charges payable in such manner as the council may direct, and without making or issuing the previous demand, in writing, required in the case of a rate.

Local authorities may charge for sanitary service per pan, &c., removed.

**8** Any council may itself, instead of making and levying a cleansing rate on any of the bases prescribed by Section One hundred and seventy of the Principal Act, make and levy, and may cause to be collected in such manner as the council directs and declares, a charge for every removal of nightsoil, 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 nightsoil, garbage, offal, filth, ashes, rubbish, house refuse, or other putrescible or offensive matter.

Notice of charge to be given.

**9**—(1.) Upon the making of a charge by any council under the immediately preceding section a notice, signed by the warden and not less than Two councillors, specifying—

- i. The amount payable for each removal of any pan, pail, bucket, or receptacle as aforesaid :
- ii. The area within which such charge shall be due and payable :  
and
- iii. The purpose and period for which the same is payable—

shall be published in the *Gazette*.

(2.) Upon any such notice being so published, the 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 service is rendered, and it shall not be necessary in any such notice to set forth the names of the persons liable to pay the charge or the sums which they are liable to pay, or any other particulars than hereinbefore in that behalf mentioned, nor to make or issue the demand in writing required in the case of a rate.

(3.) Provided that in cases where the work is done while the premises are unoccupied, or as to cases coming within the provisions of Subsection (3.) of Section One hundred and seventy-six of the Principal Act, the owner shall be liable to pay the charge, and the provisions of that subsection shall apply accordingly.

Charge recoverable as if rate in arrear.

**10** The payment of any charge made payable under the provisions of Section One hundred and seventy of the Principal Act or of this Act may be recovered before a justice in the same manner as rates due and in arrear may be recovered under the Principal Act.

Amendment of Section 193 of Principal Act.

**11** Section One hundred and ninety-three of the Principal Act is hereby amended by inserting the words "under 'The Local Public Works Loans Act, 1890,' or" between the words "raised" and "by" in the Second line of that section.

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*Local Government Amendment.*

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**12** Any council may in any financial year out of its municipal fund expend any sum or sums of money not exceeding in the whole Twenty-five Pounds for purposes approved of by the council, notwithstanding such expenditure is not authorised by any Act for the time being in force: Provided that each item of such expenditure is sanctioned by a Two-thirds majority of those present.

A.D. 1908.

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A council may  
expend not  
exceeding £25 in  
any year for  
purposes not  
authorised by  
any Act.