

# THE MUNICIPAL ASSOCIATION ACT, 1916.

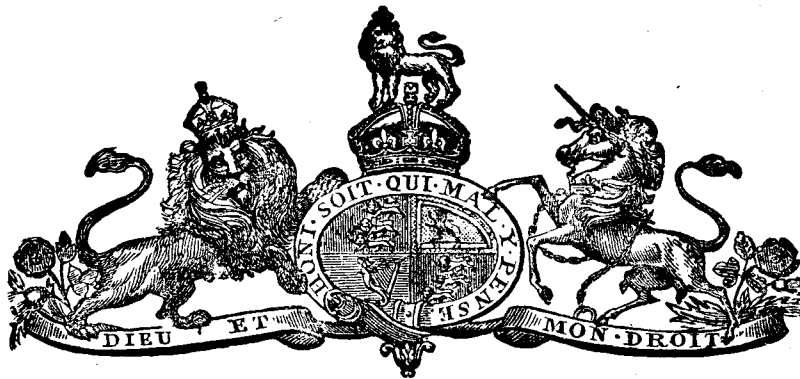
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T A S M A N I A.

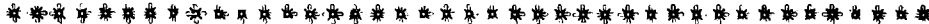


1916.

ANNO SEPTIMO

GEORGII V. REGIS.

No. 14.



AN ACT for the Incorporation of an Association to be called the Municipal Association of Tasmania. <sup>A.D.</sup> 1916  
[8 *December*, 1916.]

WHEREAS an Association called "The Municipal Association of Tasmania" was established in the year One thousand nine hundred and eleven for the purpose of promoting the efficient carrying out of Municipal Government throughout the State of Tasmania, and to watch over and protect the interests, rights, and privileges of Municipal Corporations: PREAMBLE.

And whereas it is desirable that such Association should be empowered to establish and conduct the several businesses of a Fire, Life, Accident and Fidelity Guarantee Association in manner hereinafter mentioned:

And whereas for the convenient and effectual carrying out of such purposes it is desirable that the said Association should be incorporated:

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:—

**1** This Act may be cited for all purposes as "The Municipal Association Act, 1916."

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Incorporation.

**2** The Municipal Association of Tasmania (hereinafter called the Association) shall be a body corporate by the name of "The Municipal Association of Tasmania," and by that name shall have perpetual succession and a common seal, with power to purchase and hold lands, and to sell, mortgage, and dispose of the same lands, or any part or parts thereof, and to purchase other lands, and to demise or lease all or any part or parts of the said lands which may be vested in them by virtue of this Act or otherwise, for such term of years, or lives, and with and under such reservations as the Executive Committee of the Association shall think meet, and shall be capable at law of suing and being sued, and of compounding or proving in any Court for all debts or sums of money due to them, and of doing and suffering subject to the provisions of this Act, and all such other acts and things as a body corporate may by law do and suffer.

Constitution.

**3** The Association shall consist of the Municipal Councils of the State of Tasmania who at the commencement of this Act are members of the body heretofore known as the Municipal Association of Tasmania, and of every Municipal Council of the said State hereinafter agreeing to become a member of the Association. Every Municipal Council being a member of the Association shall be represented at all meetings of the Association by such one of their number as may be from time to time appointed by such Municipal Council.

Every Municipal Council shall pay such annual member's subscription as shall from time to time be fixed by regulation under the provision in that behalf hereinafter contained.

Business.

**4** It shall be lawful for the Association to establish all or any of the funds following (that is to say)—

- I. A fund for the insurance of the property of the Association or of any and every Municipal Council duly constituted under "The Local Government Act, 1906," or the Municipal Councils of the cities of Hobart and Launceston, or the property and plant of any contractor or other person or persons engaged directly or indirectly in carrying out work for a Municipal Council against loss or damage by fire :
- II. A fund for insuring the lives of their employees or the servants of any and every such Municipal Council :
- III. A fund for indemnifying any and every such Municipal Council against any claim for loss, injury or damage sustained by contractors, workmen, or by the servants of such Municipal Council in the course of their employment, whether such claim shall be made under "The Employers Liability Act, 1895," or "The Workers Compensation Act, 1910," or any amendment thereof respectively or otherwise :
- IV. A fund for indemnifying any and every such Municipal Council against loss caused by the dishonesty of all or any of their respective servants.

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Provided that a fund shall not be established under this section unless and until Three-fifths of the total number of the Municipalities, who are members of the Association, shall have agreed, in writing, to contribute thereto.

**5** Upon the establishment of the fund to be established under Paragraph 1. of Section Four of this Act each Municipal Council which is a member of the Association, and intends to contribute to that fund, shall, out of its Municipal Fund, pay to the Association for payment into the first-mentioned fund, and towards its establishment, for a period of Five years, a sum annually equal to One-tenth of a Penny in the Pound calculated on the basis of the annual ratable value of each Municipality which agrees to contribute to the said fund.

Contribution to establishment of fund.

The like sum in Five annual instalments shall be payable for the same purpose by any other Municipal Council which may after the establishment of the first-mentioned fund determine to contribute thereto, together with such other sum or sums as may be prescribed by the Executive.

**6** Any Municipal Council may contribute to such one or more of the funds established under this Act such annual or other sum or sums of money as shall be fixed by the Association as premiums or consideration for insurance or indemnity respectively under the provisions of this Act, and on the acceptance of such premium or consideration the Association, upon such terms and conditions as may be agreed upon shall issue to the Municipal Council paying such sum a policy or agreement setting forth the payments agreed to be made and the terms and conditions subject to which the policy or agreement is made.

Municipal councils may contribute.

Policy to be issued.

**7** Subject to the provisions of Section Nine hereinafter contained the sum to be contributed by any Municipal Council to such fund or funds as aforesaid shall in no case be less than the sum which would be payable at the date of the commencement of this Act by any such municipal council or any servant thereof for a similar policy or agreement issued by or obtained from any Association or company carrying on a similar business in Tasmania.

Minimum contribution.

**8** The Association shall invest all moneys received by them, and the interest arising from the investments thereof, except such part or parts thereof respectively as are required for the working expenses of the Association, or for the payment of claims payable under any of their policies or agreements in such securities as are authorised by law for the investment of trust moneys with power from time to time to trans- pose or vary such securities and re-invest the same in others of a like nature.

Investment of funds.

**9** When a fund has been in existence for a period of Five years the sum or sums to be contributed by any Municipal Council may, not-

Reduction of rates.

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withstanding anything contained in Section Six hereof, from time to time be reduced to such amount as the Governor upon the application of the Association may approve.

Nothing herein contained shall prevent the said sums or any of them being from time to time thereafter increased by resolution of the Association.

Liability of  
Municipalities.

**10** If the assets of the Association shall at any time be insufficient to pay all liabilities and expenses payable out of or chargeable upon the same, every Municipal Council which at such time is contributing to all or any of the funds of the Association, shall ratably to the amount of its contribution pay to the Association such amount as may be necessary to enable the Association to pay such liabilities and expenses.

Partial discontinuance.

**11** The Association may at any time discontinue all or any of the funds hereinbefore authorised to be established, and may, from time to time, re-establish them or any of them.

Total discontinuance.

**12** If the Association at any time determine to discontinue all their business, or any of the funds established under the provisions of Section Four of this Act, the assets thereof, after payment of all liabilities and expenses, shall be divided among the Municipal Councils that at the time of such discontinuance are members of the Association, ratably and in proportion to the sums contributed by each of them respectively, during the Five years next preceding such discontinuance.

Payment in advance.

**13** All sums of money for which any Municipal Council is liable to the Association for subscriptions or premiums, shall be payable in advance, and shall be paid within One month after a written notice specifying the amount payable and signed by the Secretary of the Association, has been delivered or sent by post to the Council Clerk of such Council, and every such sum of money shall be a debt due to the Association, and shall be recoverable in a court of competent jurisdiction.

Common seal.

**14** The common seal of the Association shall be kept by the Secretary, and shall be affixed to any document only in pursuance of a resolution of the Executive Committee, in the presence of, and be attested by, a member of the Executive Committee and the Secretary.

Contracts.

**15** Contracts on behalf of the Association may be made as follows:—

- i. Any contract which if made between private persons would be by law required to be in writing under seal may be made on behalf of the Association in writing under the common seal of the Association, and such contract may be in the same manner varied or discharged:
- ii. Any contract which if made between private persons would be by law required to be in writing and signed by the parties to be charged therewith, may be made on behalf of

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the Association in writing signed by any person acting under the express or implied authority of the Executive Committee, and such contract may in the same manner be varied or discharged :

- iii. Any contract which if made between private persons would by law be valid, although made by parol only and not reduced into writing, may be made by parol on behalf of the Association by any person acting under the express or implied authority of the Executive Committee, and such contract may in the same manner be varied or discharged.

And all contracts made according to the provisions herein contained shall be effectual in law, and shall be binding upon the Association and their successors, and all other parties thereto, their executors or administrators, as the case may be.

**16** The Association shall cause full and accurate accounts to be kept of all sums of money received and expended by them, and of the matter or things for which such sums of money shall have been received or expended. Accounts.

A separate account shall be kept of all moneys received or expended on account of each of the funds referred to in Section Four.

**17** The accounts of the Association shall be balanced before the last day of February in every year up to and inclusive of the Thirty-first day of December in the previous year, and forthwith, on the account being so balanced, a balance-sheet shall be made out which shall exhibit a true statement of the receipts and expenditure respectively of the Association during the year ending on such Thirty-first day of December. Such balance-sheet shall be in duplicate, and each shall be signed by the President and Treasurer. Annual balance.

**18** Every member of the Association shall at all reasonable times, without payment of any fee, be at liberty to inspect the accounts of the Association and to make and take copies and extracts therefrom. If the Secretary does not, on the reasonable demand of a member of the Association, permit him to inspect any such accounts, or to make or take copies or extracts therefrom, he shall be liable to a penalty not exceeding Five Pounds, to be recovered in the manner prescribed by "The Magistrates Summary Procedure Act." Inspection.

**19** The officers and the accounts of the Association shall be subject to the provisions of "The Audit Act, 1901," and every amendment thereof, in the same manner as if such officers had been expressly named therein, and such officers shall at all times comply with the requirements of the Auditor-General in every respect. Audit.

**20** The Secretary of the Association shall on or before the First day of April in every year forward to the Auditor-General a duplicate of the above-mentioned balance-sheet of the receipts and expenditure, accompanied by proper vouchers in support of the same, and all such books, Accounts to be sent to Auditor-General.

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papers, and writings in the custody or power of the Association relating thereto as the Auditor-General shall require to be furnished to him. The Auditor-General shall examine such balance-sheet, and if the accounts are found to be correct, shall certify and sign the same in token of his allowance thereof. If such accounts are found to be incorrect, the Auditor-General shall make and deliver to the Secretary a special report upon such accounts. The Auditor-General may require the Association to answer any comments he may make in such special reports, and the Association shall cause the balance-sheet to be gazetted, together with any report the Auditor-General may deem it his duty to make thereon. The form of the balance-sheet and accounts referred to in this section may be, from time to time, prescribed by the Auditor-General.

Sufficiency of  
guarantee.

**21** A policy issued by the Association indemnifying a Municipal Council against any loss or damage sustained by the dishonesty of a servant, shall to the extent of the sum thereby guaranteed be deemed to be a compliance with the provisions of Section One hundred and twenty-five of "The Local Government Act, 1906."

Rules.

**22** The rules of the Association in force at the commencement of this Act, except so far as the same are inconsistent with the provisions of this or any other Act of Parliament, shall be the rules of the Association until rescinded or altered by rules made pursuant to the provisions contained in this Act.

New rules.

**23** It shall be lawful for the Association at any annual or special general meeting to rescind or alter existing rules, and to constitute, ordain, or make such and so many by-laws, rules, and orders as shall be deemed necessary or expedient for—

- i. The management of the Association :
- ii. The appointment of an Executive Committee :
- iii. The regulation and management of and for fixing the rate of contributions to the funds :
- iv. Prescribing the terms and conditions upon which the benefits of the funds shall be available :
- v. Fixing the amounts of the contributions to be paid by each Municipality to all or any of the funds.