

8 Section six hundred and eighty-five A of the *Local Government Act 1962* is amended by inserting in subsection (1) thereof, after the numerals "1959", the words "or to eligible organizations within the meaning of the *Elderly Citizens' Clubs and Youth Centres Act 1966*".

Consequential amendment of the *Local Government Act 1962*.

KING ISLAND COMMUNITY HOTEL.

No. 64 of 1966.

AN ACT to facilitate the establishment on King Island of a community hotel and to make provision for matters connected therewith.

[22 December 1966.]

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 *King Island Community Hotel Act 1966*. Short title.

- 2** In this Act, unless the contrary intention appears— Interpretation.
- "authorized association" means an association incorporated under the *Associations Incorporation Act 1964* that has been declared, under section six, to be an authorized association;
 - "corporation" means the Warden, Councillors, and Electors of the Municipality of King Island;
 - "hotel land" means any land belonging to the corporation that has been acquired or appropriated for the purposes of the hotel undertaking and has not subsequently been appropriated for any other purpose;

“hotel undertaking” means the erection, maintenance, and management of an hotel on the hotel land and any trade, business, or other activity conducive to the successful establishment or carrying on of such an hotel;

“licence” means an hotel licence under the *Licensing Act 1932*;

“provisional certificate” means a provisional certificate for an hotel licence under the *Licensing Act 1932*.

Poll on the establishment of hotel undertaking.

3 The corporation shall not exercise the powers conferred by this Act unless a poll has been held under paragraph (a) of section one hundred and eighty-five of the *Local Government Act 1962* on the proposal that a community hotel be established in the municipality in accordance with this Act, and that poll is in favour of the proposal.

Power to establish and carry on hotel undertaking.

4—(1) Subject to this Act, the corporation may establish and carry on, or arrange for the establishment and carrying on of, the hotel undertaking.

(2) The powers of the corporation under this section include power to enter into and carry out agreements with any person or body of persons for the establishment and carrying on of the hotel undertaking, and, without prejudice to the generality of the foregoing provisions of this subsection, any such agreement may make provision for—

- (a) the leasing or letting of the hotel land for the purposes of the undertaking;
- (b) the lending of money by the corporation for the purposes of the undertaking;
- (c) the defraying by the corporation of preliminary expenses and any expenses incurred in connection with the establishment or carrying on of the hotel undertaking, and the meeting by the corporation of the whole or part of any loss incurred in the establishment and carrying on of the undertaking; and
- (d) the making of payments to the corporation out of receipts of the hotel undertaking.

(3) Except for the purpose of defraying preliminary expenses, no payment shall be made, and no expenses or loss shall be defrayed or met, by the corporation in pursuance of such an agreement as is referred to in subsection (2) of this section (otherwise than by way of a loan) unless, in the opinion of the corporation, that agreement makes reasonable provision for the reimbursement or recoupment of the corporation, out of the receipts of the undertaking, for the payments so made or the expenses or loss so defrayed or met.

(4) Nothing in this Act authorizes the erection of any building on the hotel land until a provisional certificate has been granted in respect of that land or authorizes the carrying

out of any work on the hotel land in contravention of any conditions imposed on an application for a provisional certificate or licence in respect of that land.

(5) In this section "preliminary expenses" means the expenses incurred in the formation and incorporation of an authorized association, the expenses incurred for the purpose of or in connection with the making of an application for a provisional certificate in respect of the hotel land, and any expenses incurred by such an association before such a certificate is granted.

5—(1) Subject to this section, but without prejudice to the generality of the provisions of the *Local Government Act* 1962, the council of the corporation may appoint committees and delegate to those committees the powers and duties of the corporation under this Act as if those powers and duties were powers and duties of the corporation under that Act. Exercise of functions by committee of council.

(2) Sub-paragraphs (iv), (v), and (vi) of paragraph (b) of subsection (1) of section one hundred and thirty-three of the *Local Government Act* 1962 do not apply in relation to any powers referred to in those sub-paragraphs that are exercisable pursuant to this Act.

(3) Notwithstanding anything in section one hundred and thirty-four of the *Local Government Act* 1962 a special committee appointed thereunder to which the exercise of any powers and duties of the corporation under this Act are delegated is not required, if the council by special resolution so declares, to include persons who are members of the council.

(4) The corporation may make such payments as it considers reasonable to a member of a committee appointed under this section by way of remuneration for the carrying out by him of his duties as a member of the committee or for the carrying out by him, at the direction or with the approval of the committee, of any duty in connection with the establishment or carrying on of the hotel undertaking, or by way of reimbursement for any loss or expense incurred by him in carrying out any of those duties.

(5) The receipt of any payment under subsection (4) of this section shall not be treated as the receipt of an advantage or benefit within the meaning of section eight hundred and twenty-two of the *Local Government Act* 1962.

- 6**—(1) Where the council of the corporation is satisfied— Authorized associations.
- (a) that the objects, purposes, and rules of an association would, if it were incorporated under the *Associations Incorporation Act* 1964, permit it to enter into and carry out any such agreements as are referred to in section four;
 - (b) that the association, if so incorporated, will be capable of carrying on the hotel undertaking or any part thereof;

- (c) that the rules of the association make provision for the borrowing of money by the association by the issue of debentures and for the limitation of the rate of interest to be paid on the money borrowed on those debentures to a rate not more than one-half per cent per annum greater than that which the Treasurer notifies the association is the maximum rate of interest at which, at the time the debentures are issued, the corporation would be authorized to borrow money on terms similar to those on which it is to be borrowed by the issue of those debentures; and
- (d) that the rules of the association otherwise meet with the approval of the council,

the council may, by resolution, declare that the association is an authorized association for the purposes of this Act.

(2) Where an association has been declared to be an authorized association under subsection (1) of this section that association shall, notwithstanding anything in the *Associations Incorporation Act 1964*, be deemed to be an association within the meaning of that Act.

(3) No alteration shall be made in the rules of an authorized association without the approval of the council of the corporation, and the council shall not give its approval to any alteration of those rules unless it is satisfied that after the alteration, the provisions of paragraphs (a) and (c) of subsection (1) of this section will continue to be complied with in relation to the association.

(4) The *Bills of Sale Act 1900* does not apply to debentures issued by an authorized association in pursuance of the provisions of its rules referred to in paragraph (c) of subsection (1) of this section.

(5) Section thirty-three of the *Associations Incorporation Act 1964* does not apply to an authorized association, but, upon the winding up of that association, the Supreme Court shall, on the application of the corporation, make an order for the transfer to the corporation of the surplus assets of the association referred to in that section.

(6) The *Associations Incorporation Act 1964* has effect in relation to an authorized association as if the corporation were a party on whose petition the association may be wound up and as if, in relation to the petition brought by the corporation for the winding up of the association, the following circumstances were (in addition to any other circumstances in which the association may be wound up) circumstances in which the association may be wound up, that is to say:—

- (a) If there has been undue delay in the establishment of the hotel undertaking;
- (b) If it is impracticable to continue to carry on the hotel undertaking or to carry it on without undue loss,

- (c) If the grant of a provisional certificate or licence is at any time refused in respect of the hotel land; or
- (d) If the authorized association has failed to comply with the provisions of this Act or the terms of any agreement entered into by it with the corporation under this Act.

7—(1) The corporation may provide land for the purposes of the establishment and carrying on of the hotel undertaking. Provision, &c., of land for hotel undertaking.

(2) Except in accordance with this Act, the corporation shall not, except with the approval of the Minister, sell, dispose of, or otherwise deal with the hotel land or appropriate it for any purpose.

8—(1) Subject to this section, the corporation is authorized to borrow money for the purpose of— Borrowing by the corporation.

- (a) the establishment and carrying on of the hotel undertaking, including the provision of land for that purpose; and
- (b) lending money in accordance with this Act for the purpose of the establishment or carrying on of the hotel undertaking.

(2) The aggregate of the sums borrowed by the corporation for the purposes referred to in subsection (1) of this section shall not exceed three hundred thousand dollars.

(3) Any sums borrowed by the corporation under this section may be applied for the purpose of paying any sums or discharging any obligation required to be paid or discharged as a consequence of the borrowing of any sums under this section.

(4) Any money borrowed for the purposes of subsection (1) of this section shall be disregarded for the purposes of section two hundred and eighty-six of the *Local Government Act 1962*.

(5) The corporation shall be deemed to be a person to whom loans may be made under and in accordance with the *Tourist Accommodation Loans Act 1945*, and any money lent to the corporation under that Act for the purposes of the establishment or carrying on of the hotel undertaking shall be deemed to have been borrowed by the corporation for the purposes of subsection (1) of this section.

9—(1) The establishment and carrying on of the hotel undertaking shall be deemed to be a special purpose for the purposes of section three hundred and twenty-five of the *Local Government Act 1962*. Accounts and hotel fund.

(2) In accordance with this section the corporation may establish a special fund (referred to in this section as the "hotel fund") and, if the balance in the separate account required to be kept in respect of the establishment and carry-

ing on of the hotel undertaking is more than sufficient to meet the lawful charges thereon, the corporation may transfer to the hotel fund the whole or any part of the excess.

(3) The amounts standing to the credit of the hotel fund may be invested in such manner as the corporation may direct, and the corporation may realize or otherwise deal with the investments in such manner as it thinks fit.

(4) Any income derived from any investment made under this section, and the proceeds of the realization of, or other dealings in, any such investment shall be paid into the hotel fund.

(5) The corporation may at any time apply the moneys standing to the credit of the hotel fund for the purposes of this Act or for any other purpose for which the municipal fund may be applied.

Special rates
for hotel
undertaking.

10 The exercise by the corporation of its powers and duties under this Act shall be deemed to be a purpose for which the corporation may levy a special rate under section two hundred and sixty-one of the *Local Government Act 1962*.

Land tax on
hotel land.

11 Where the hotel land or any part thereof is in the occupation of a person other than the corporation or an authorized association, that land, or the part thereof in the occupation of that person, as the case may be, shall, for the purposes of the *Land and Income Taxation Act 1910*, be deemed not to be such land as is referred to in paragraph (k) of subsection (1) of section ten of that Act.

Rates on the
hotel land.

12—(1) The corporation may remit, in whole or in part, any rates otherwise payable in respect of the hotel land.

(2) The carrying on of the hotel undertaking shall not be treated as a public or charitable purpose for the purposes of Part XII of the *Local Government Act 1962*.

BELTANA RECREATION RESERVE.

No. 65 of 1966.

AN ACT to provide for the extinguishment of certain rights over a certain piece of land situated in the town of Beltana, being portion of the land comprised in Certificate of Title, Volume 118 Folio 50.
[22 December 1966.]

Preamble.

WHEREAS pursuant to memorandum of transfer number 18722 dated the fourth day of August 1900 from Matthew Wilkes Simmons the Board and Electors of the town of Beltana are the registered proprietors of (*inter alia*) two