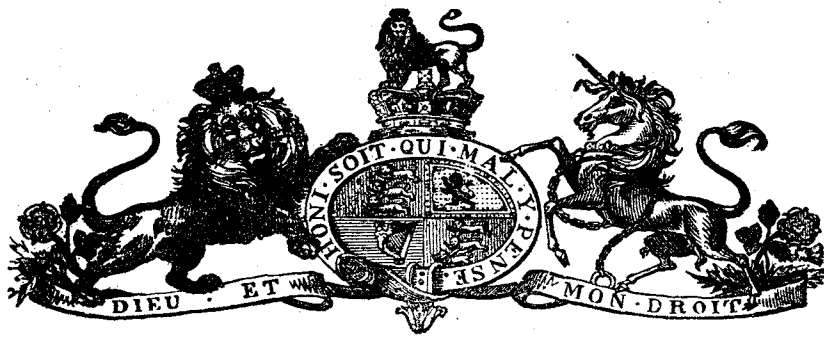


T A S M A N I A.



1884.

ANNO QUADRAGESIMO-OCTAVO

VICTORIÆ REGINÆ,

No. 27.



AN ACT to further amend *The Rural Municipalities Act, 1865.* [24 November, 1884.] A.D. 1884.

WHEREAS it is necessary and desirable to further amend *The Rural Municipalities Act, 1865*, in certain particulars: PREAMBLE.
29 Vict. No. 8.

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 as "The Rural Municipalities Amendment Act, 1884." Short title.

2 This Act shall commence and take effect from and immediately after the Thirty-first day of *December, 1884.* Commencement.

3 In this Act— Interpretation
"The principal Act" means *The Rural Municipalities Act, 1865*, and every Act amending the same.

Municipal Electors.

4 Every person (whether male or female) of the age of Twenty-one years whose name is on the Assessment Roll as the owner or occupier of any property within the Municipality shall be a Municipal Elector of such Municipality: Provided that no person being an Alien shall be a Municipal Elector unless he has received Letters of Denization or a Certificate of Naturalization. Qualification of Municipal Electors.

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Scale of votes.

5 Every Municipal Elector shall have a number of votes proportioned to the annual value, as ascertained by the Assessment Roll, of the property within the Municipality owned or occupied by him according to the scale mentioned and set forth in "The Rural Voting Act, 1884." And every Municipal Elector entitled to such vote or votes as aforesaid is hereby empowered to give, and shall if he votes give, the number of votes to which he is so entitled to any number of persons not exceeding the number of Councillors to be elected.

Election of Councillors, &c.

Written consent of candidate to be furnished to Returning Officer.

6 With the written nomination of any Municipal Elector or Electors for election as a Councillor or Councillors, there shall be delivered to the Returning Officer a statement in writing under the hand of the Elector or Electors nominated, declaring the consent of such Elector or Electors to become a candidate or candidates at such election; and the Returning Officer shall not recognise any nomination of any Elector or Electors in the absence of such written declaration of consent; and every such nomination and consent may be in writing or printed, or partly written and partly printed, in the form in the Schedule (1): Provided that no female shall be nominated or eligible to sit or act as a Councillor.

Ballot papers to be signed and countersigned.

7 All Ballot papers provided by the Returning Officer for every election shall be signed or stamped on the back thereof by the Returning Officer.

Seat of absent Councillor may be declared vacant.

8 If any Councillor is, without leave from the Council, absent for Three consecutive months from the meetings of the Council, whether such meetings shall be ordinary or special meetings, or partly ordinary and partly special, his seat shall thereupon become vacant, and a fresh election shall be held as soon as may be to fill such vacancy.

Assessment Roll.—Court of Appeal.

If Assessment Roll not completed, Rates may be levied on the Roll of previous year.

9 Where from any cause the making of the Assessment Roll of any Municipality shall not be completed in any year within the time prescribed by Law, the Assessment Roll in force in such Municipality for the preceding year shall, subject to such insertions, additions, alterations, or amendments as are mentioned in Section One hundred and ten of the principal Act, be deemed to be and shall be the Assessment Roll of such Municipality, and the same shall remain and continue in force therein for such first-mentioned year, and Rates may be lawfully made and levied upon the annual value of the property within the Municipality as shown by such Roll.

Errors or informalities not to invalidate Assessment Roll.

10 No error or informality, either in the mode of making the Assessment in the Municipality or in the constitution of the Court of Appeal held for the purpose of hearing Appeals from such Assessment, shall vitiate or render invalid any Assessment Roll, or any Rate duly made thereunder, provided that the requirements of Section One hundred and six of the principal Act as to the publication of Notice of such Assessment have been complied with, and opportunity has been afforded to every person affected by such Assessment to appeal against the same in the manner prescribed in and by Sections One hundred and thirteen to One hundred and sixteen, inclusive, of the principal Act.

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11 It shall not be lawful for any Justice of the Peace who is also a Councillor of the Municipality to act or sit at such Court of Appeal.

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Municipal Councillor not to sit at Court of Appeal.

12 Whenever it shall happen that such Court of Appeal cannot be held within the Municipality by reason of there not being a sufficient number of Justices of the Peace residing within the Municipality who can lawfully act or sit at such Court, notice thereof shall be forthwith given by the Deputy Clerk of the Peace for the District to the Attorney-General, and thereupon the Governor in Council shall, by Proclamation in the *Gazette*, appoint a sufficient number of Justices to hold a Court for the purpose of hearing Appeals from such Assessment, and such one of the Justices as may be named in such Proclamation shall be the Chairman of such Court.

Provision where Court of Appeal cannot be held.

13 Such Court so appointed shall be holden within Twenty-one days, and not less than Fourteen days, after the publication in the *Gazette* of such Proclamation as aforesaid; and notice of the holding of such Court, and of the time and place at which the same will be holden, shall be given by the Deputy Clerk of the Peace for the District, in the *Gazette* and in one newspaper at the least published nearest to the Municipality, not less than Seven clear days before the same takes place.

Time of holding substituted Court.

14 Every such Court so appointed shall be deemed to be and shall be the Court of Appeal for the Municipality, and shall exercise all the powers and functions in every respect of the Court of Appeal mentioned in Section One hundred and thirteen of the principal Act, as if such last-mentioned Court had been duly held within the time limited by the said Section.

Substituted Court to be Court of Appeal.

Treasurer of Municipality.

15 Notwithstanding anything to the contrary contained in the principal Act, it shall be lawful for the Municipal Council of any Municipality to appoint any Councillor who may be willing to act in such capacity to be the Treasurer of the Municipality, and to pay to such Treasurer such salary or allowance as the Council may think fit; and any person so appointed shall not be disqualified from being a Councillor: Provided that any Councillor who is appointed Treasurer of the Municipality under this Act shall be liable to all the provisions of the principal Act relating to the office of Treasurer in the same manner as if he were not a Councillor.

Municipal Councillor may be appointed Treasurer.

Separate Local Rate.

16 It shall be lawful for the Municipal Council of each Municipality to make and levy a Separate Local Rate upon the annual value of the property within any defined portion of such Municipality for the purpose of defraying the cost or the interest upon the cost of any public work or improvement by which, in the judgment of the Municipal Council, special advantages may accrue to such defined portion.

Municipal Councils may levy Separate Local Rate.

17 Every Separate Local Rate shall be made and be recoverable in the same manner, and shall be payable by the like persons within such

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defined portion, as any other Rate under the principal Act ; but such Separate Local Rate shall not exceed the sum of One Shilling in the Pound in any one year upon the annual value of the property within such defined portion.

Separate entries to be made.

18 The Municipal Council shall cause separate entries to be made in the books mentioned in Section One hundred and fifty-eight of the principal Act, of all moneys received and disbursed in respect of every such Separate Local Rate.

Notice of Separate Local Rate to be given.

19 Before making any such Separate Local Rate the Municipal Council shall, by notice, define the portion of the Municipality in respect of which such Rate shall be payable ; and such notice shall be signed by the Warden and not less than Three Municipal Councillors, and shall specify the boundaries of such defined portion ; and such notice shall be published by being inserted in Four consecutive numbers of the *Gazette*, and by being affixed upon or near to the doors of all Churches, registered Chapels, Post Offices, and Police Offices, if any, within such defined portion, or if there are no such places within such defined portion, then in such conspicuous places within the same as the Municipal Council thinks proper, for the period of not less than Four weeks next before the time when such notice is to take effect.

Warden to call meeting to consider question, if required by Electors.

20 If a requisition in writing signed by Five or more Municipal Electors shall be presented to the Warden not less than Seven days before the time when such notice is to take effect, requiring him to call a Public Meeting of the Municipal Electors within the portion of the Municipality defined by such notice, to consider the question of making such Separate Local Rate, the Warden shall, within Five days after the receipt by him of such requisition, convene a Public Meeting of the Municipal Electors within such defined portion accordingly. The Municipal Electors present at any such Meeting may by a majority of votes alter but not extend the boundaries of the portion of the Municipality in respect of which such Separate Local Rate shall be payable, or may agree to the boundaries as specified by the Council in such notice as aforesaid ; and any such Rate made and levied by the Council shall, if any such Public Meeting is held as aforesaid, be made and levied only on the annual value of the property within the portion of the Municipality the boundaries of which have been agreed to at such Meeting : Provided that if it shall be decided at such Meeting by a majority of the votes of the Municipal Electors present thereat that no Separate Local Rate shall be made as aforesaid, it shall not be lawful for the Municipal Council to make and levy such Rate.

At any such Meeting every Municipal Elector present thereat is hereby empowered to give, and shall, if he votes, give the number of votes to which he is entitled under "The Rural Voting Act, 1884," in accordance with the provisions of Section Five of this Act.

Not to affect other Rates.

21 The making and levying a Separate Local Rate shall not in any way affect any other Rate which may under any law be made and levied upon the property in the defined portion ; and no Separate Local Rate shall be deemed to be a Special Rate within the meaning of "The Local Bodies Loans Amendment Act."

46 Vict. No. 14.

See 1880
24 Victoria

*Rural Municipalities.**Miscellaneous.*

A.D. 1884.

22 The Acts set forth in the Schedule (2), to the extent therein specified, are hereby repealed, but such repeal shall not affect anything lawfully done thereunder before the commencement of this Act. Repeal.

23 The principal Act, and every Act amending the same, shall, except in so far as the same may be altered or amended by this Act, and this Act, be read and construed together as one and the same Act. Acts to be read together.

SCHEDULE.

(1.)

The day of 18

WE, the undersigned Municipal Electors of the Rural Municipality of do hereby nominate [*stating Christian and Surname*] of [*state occupation*] as a fit and proper person for election as Councillor of the said Rural Municipality.

[*Here are to follow the signatures in the following form.*]

<i>Surname and Christian Name of Elector.</i>	<i>Place of Residence.</i>

I, the above-named consent to become a Candidate at the Election of a Councillor [*or Councillors*] of the Rural Municipality of

A. B.

(2.)

ACTS TO BE REPEALED.

<i>Date and Number of Act.</i>	<i>Title of Act.</i>	<i>Extent of Repeal.</i>
29 Vict. No. 8.	<i>The Rural Municipalities Act, 1865.</i>	Section 18.
33 Vict. No. 26.	<i>An Act to amend the Act, intituled An Act for the Government of Rural Municipalities.</i>	The whole Act.
34 Vict. No. 14.	<i>"The Rural Municipalities Amendment Act."</i>	Sections 7 and 8.