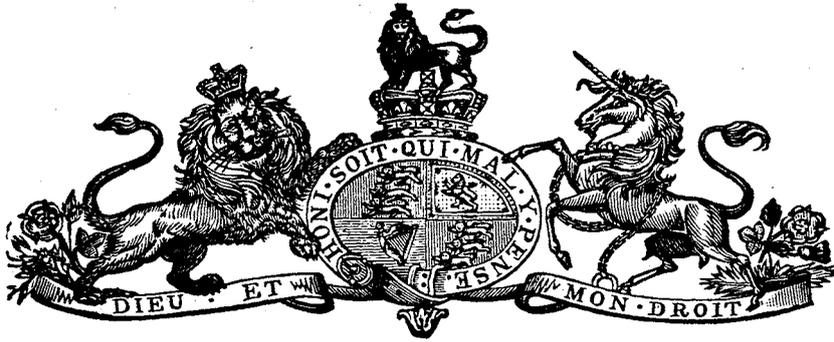


T A S M A N I A .



1889.

ANNO QUINQUAGESIMO-TERTIO

VICTORIÆ REGINÆ,

No. 10.

Amended 55 Vic No 26



AN ACT to make better provision for levying Rates for Sanitary purposes. A.D. 1889.
[14 October, 1889.]

WHEREAS it is expedient to make better provision for levying Rates for Sanitary purposes : PREAMBLE.

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 Sanitary Rate Act, 1889.” Short title.
- 2** This Act shall come into operation and take effect on and after the First day of *January*, 1890. Operation of Act.
- 3** “The Sanitary Rate Act, 1887,” is hereby repealed ; but such repeal shall not affect— Repeal of
51 Vict. No. 36.
 - i. Anything duly done under the said Act before the date on which this Act comes into operation :
 - ii. Any liability accruing under the said Act before the date on which this Act comes into operation.
- 4** In the construction and for the purposes of this Act— Interpretation.
 - “Local Board” or “Local Board of Health” shall mean and include the Municipal Councils of the Cities of *Hobart* and *Launceston*, the Municipal Council of every Rural

Sanitary Rate.

A.D. 1889.

Municipality, and the Town Board of every Town heretofore or hereafter proclaimed under "The Town Boards Act, 1884" :

"Sanitary service" shall mean the removal of night-soil, or any garbage, offal, filth, ashes, rubbish, or house refuse 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.

Local Boards
may levy Rate.
49 Vict. No. 18.

5 For the purpose of raising a sum of money for carrying out in any City or Town the provisions of "The Public Health Act, 1885," every such Local Board of Health as aforesaid may in the year 1890 and in every succeeding year make and levy a Rate not exceeding the sum of Sixpence in the Pound in any one year upon the annual value of all real property situate in any City or Town in respect of which the Local Board levying such Rate has jurisdiction as shown by the Assessment Roll in force for the time being in respect of such City or Town :

Provided always, that every such Local Board of Health as aforesaid may in the year 1890 or in any succeeding year levy in lieu of such Rate as aforesaid a Rate not exceeding the sum of One Farthing in the Pound in any one year upon the capital value of all real property situate in any City or Town in respect of which the Local Board levying such Rate has jurisdiction, as shown by the Assessment Book in force for the time being under "The Assessment Act, 1887" :

51 Vict. No. 20.

Provided also, that 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 Board of Health levying such Rate ; but this proviso shall not extend to any property whereon any dwelling-house is situate, or which shall adjoin and be occupied and used in connection with any property on which a dwelling-house is situate, unless there shall be erected on such property such sanitary appliances as shall be deemed by any Sanitary Officer appointed by such Local Board of Health a sufficient substitute for the sanitary service performed by such Local Board of Health for similar properties within its jurisdiction.

Notice of erection
of sanitary
appliances to be
given to Local
Board.

6 Notwithstanding anything hereinbefore contained, 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 the provision hereinbefore made for payment of only one-half of any such Rate, unless such occupier, or some previous occupier of the same property, has given to such Local Board of Health 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.

Notice of Rate to
be given.

7 Upon the making of a Rate by any such Local Board as aforesaid a Notice, signed by the Chairman and not less than Three Members of the Board, specifying the amount in the Pound of the Rate, 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 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, as shown by the Assessment Roll then

Sanitary Rate.

in force in the City or Town in respect of which the Rate 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 the sums which according to such Rate such persons are liable to pay, or any other particulars than hereinbefore in that behalf mentioned. A.D. 1889.

8 In any case in which any property situate within any City or Town exceeds Five acres in area and has not any dwelling-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 dwelling-house is situate on any property exceeding Five acres in area and situate within a City or Town, 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 dwelling-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 Board of Health 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 any Two Justices of the Peace sitting in Petty Sessions within the City or Town in which the property is situate, on the application of the occupier or the Local Board of Health levying the Rate. Rate payable in respect of a proportionate part of the assessed value of certain properties.

9 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 Board may from time to time appoint. Rate to be payable in advance.

10 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 Board 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. Rate how recoverable.

