

## TASMANIA

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## LOCAL GOVERNMENT AMENDMENT BILL 2011

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### CONTENTS

1. Short title
2. Commencement
3. Principal Act
4. Section 3 amended (Interpretation)
5. Section 86 amended (Interpretation of Part 9)
6. Section 88A inserted
  - 88A. Capping of rate increases
7. Section 91 amended (Composition of general rate)
8. Section 94 amended (Service charge)
9. Section 107 amended (Variation in rates)
10. Repeal of Act



# **LOCAL GOVERNMENT AMENDMENT BILL 2011**

*(Brought in by the Minister for Local Government, the  
Honourable Bryan Alexander Green)*

## **A BILL FOR**

### **An Act to amend the *Local Government Act 1993***

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. Short title**

This Act may be cited as the *Local Government Amendment Act 2011*.

#### **2. Commencement**

This Act commences on the day on which this Act receives the Royal Assent.

#### **3. Principal Act**

In this Act, the *Local Government Act 1993*\* is referred to as the Principal Act.

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\*No. 95 of 1993

*Local Government Amendment Act 2011*  
*Act No. of*

s. 4

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**4. Section 3 amended (Interpretation)**

Section 3 of the Principal Act is amended by inserting after the definition of “rates notice” the following definition:

**“regulations”** means the regulations made under this Act;

**5. Section 86 amended (Interpretation of Part 9)**

Section 86 of the Principal Act is amended by omitting paragraph (a) from the definition of “rate” and substituting the following paragraphs:

- (a) for the purposes of section 88A, a charge made under this Part; and
- (ab) for the purposes of Division 9, a charge made under this Part; and

**6. Section 88A inserted**

After section 88 of the Principal Act, the following section is inserted in Division 1:

**88A. Capping of rate increases**

- (1) A council, by absolute majority, may, in making a rate under this Part –
  - (a) set a maximum percentage increase in any or all of the rates payable on any rateable land within its area; and

*Local Government Amendment Act 2011*  
*Act No. of*

**s. 7**

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- (b) declare that a maximum percentage increase set under paragraph (a) varies within the municipal area or within different parts of the municipal area according to any or all, or a combination of any or all, of the factors specified in section 107.
- (2) For the purposes of subsection (1), a council may –
  - (a) grant a remission under section 129; and
  - (b) fix conditions that are to apply in order for a ratepayer, or class of ratepayers, to qualify for a maximum percentage increase.
- (3) Regulations may be made under this Act in relation to the setting and application of a maximum percentage increase in a rate.

**7. Section 91 amended (Composition of general rate)**

Section 91(2) of the Principal Act is amended by omitting paragraph (b) and substituting the following paragraph:

- (b) must be calculated so that the total revenue raised from it does not exceed an amount equal to 50% of the council's

*Local Government Amendment Act 2011*  
*Act No. of*

s. 8

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general rates for the year to which the  
fixed charge relates.

**8. Section 94 amended (Service charge)**

Section 94 of the Principal Act is amended as follows:

- (a) by inserting in subsection (3) “, or a combination of any or all,” after “all”;
- (b) by inserting the following subsection after subsection (3):
  - (3A) In addition to the powers conferred on a council under subsection (3), a council may, by absolute majority, vary a service charge according to the level of service provided.

**9. Section 107 amended (Variation in rates)**

Section 107 of the Principal Act is amended by omitting subsection (1) and substituting the following subsection:

- (1) A council, by absolute majority, may declare that the general rate, a service rate or a service charge varies within the municipal area or within different parts of the municipal area according to any or all, or a combination of any or all, of the following factors:

*Local Government Amendment Act 2011*  
*Act No. of*

**s. 10**

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- (a) the use or predominant use of the land;
- (b) the non-use of the land;
- (c) the locality of the land;
- (d) any planning zone;
- (e) any other prescribed factor.

**10. Repeal of Act**

This Act is repealed on the ninetieth day from the day on which it commences.