

THE TERRITORY FOR THE SEAT OF GOVERNMENT.

No. 6 of 1926.

AN ORDINANCE

To provide for the making levying and expending of
Rates on Land in the Territory for the Seat of
Government.

BE it ordained by the Governor-General of the Commonwealth of
Australia, with the advice of the Federal Executive Council,
in pursuance of the powers conferred by the *Seat of Government
Acceptance Act* 1909 and the *Seat of Government (Administration)
Act* 1910 as follows :—

1. This Ordinance may be cited as the *Rates Ordinance* 1926. Short title.

2. This Ordinance shall commence on a date to be fixed by the Commencement.
Commission by notice in the *Gazette*.

3. The Ordinances set forth in the First Schedule to this Ordinance Repeal.
are repealed :

Provided that the Ordinances repealed by this Ordinance shall
continue, and be deemed at all times to have continued, in force for all
purposes in connexion with rates made and levied and charges made
prior to the commencement of this Ordinance.

4. In this Ordinance—

Definitions.

“Crown land” means land, the property of the Commonwealth,
within the Territory and includes land within the Territory
vested in the Commission ;

“owner” in relation to land includes the occupier, lessee, tenant
or holder of the land ;

“parcel” means every part of a holding of rateable land which
is separately held by any occupier, tenant, lessee, or owner ;

“the City area” means the city area as defined in the *City Area
Leases Ordinance* 1924–1925 ;

“the Commission” means the Federal Capital Commission.

5.—(1.) The unimproved capital value of land (other than land Unimproved
value of land.
held as described in sub-section (2.) of this section) is the capital sum
which the fee simple of the land might be expected to realize if offered
for sale on such reasonable terms and conditions as a *bona fide* seller
would require assuming that the improvements (if any) thereon or
appertaining thereto had not been made.

C.11120.

(2.) The unimproved capital value of Crown land held under a lease, under which there is no right of conversion to a freehold, issued under the laws of the State of New South Wales in force in the Territory relating to the occupation and use of Crown lands, or under licence from the Crown issued under those laws, is a sum equal to twenty times the yearly amount of the rent payable to the Crown under the lease or licence at the time when the assessment is made.

Rateable lands.

6. All land in the Territory, including Crown land, shall be rateable in pursuance of this Ordinance, except—

- (a) commons, public parks and public reserves not held under lease or licence ;
- (b) sites of cemeteries, public hospitals, benevolent institutions, and buildings used exclusively for public charitable purposes ;
- (c) sites of churches and other buildings used exclusively for public worship, and free public libraries ; and
- (d) Crown lands which are unoccupied and not leased.

Assessment of rateable lands.

7.—(1.) The Commission shall, as soon as practicable after the commencement of this Ordinance, cause an assessment to be made of the unimproved capital value of each parcel of rateable land in the Territory, and shall—

- (a) cause particulars of the assessment to be recorded in the office of the Commission ; and
- (b) cause notice of the assessment in respect of each parcel of rateable land to be given to the owner :

Provided that if the land is unoccupied a notification of the assessment may be made to the owner by advertisement in a newspaper circulating within the Territory.

(2.) Subject to this Ordinance the record of assessment shall for the purposes of this Ordinance be conclusive evidence that the parcel of land specified therein is rateable land and that the unimproved value thereof as specified therein is the unimproved value of the land.

Appeal from assessments.

8.—(1.) If any owner is dissatisfied with the assessment of his land he may appeal therefrom to the Commission within one month after the date of the notice of assessment.

(2.) The notice of appeal shall set forth the grounds on which the owner is dissatisfied with the assessment.

(3.) The fact that an appeal is pending shall not in the meantime interfere with or affect the assessment appealed from ; and rates may be levied and recovered on the assessment as if no appeal were pending.

(4.) If on hearing the appeal the Commission is of opinion that the assessment should be altered, it may alter the assessment and thereupon it shall cause corresponding alterations to be made in the records of the assessment, and shall cause an amended notice of assessment to be given to the owner and a due adjustment of the rates paid shall be made, for which purpose amounts paid in excess shall be refunded, and amounts short paid shall be recoverable as arrears.

9.—(1.) Every assessment shall remain in force until it is superseded by a new assessment.

Period of
assessment.

(2.) An assessment shall be made whenever the Commission thinks necessary, but, except as provided in the next succeeding sub-section, not oftener than every twelve months.

(3.) In the event of the subdivision of any land, the Commission shall cause an assessment to be made of each parcel into which the land is subdivided, and thereafter the rates in respect of that land shall be payable in accordance with that assessment until it is superseded by a new assessment.

10.—(1.) The Commission may make and levy an annual general rate on the unimproved capital value of all rateable land in the Territory which is within the City Area, and a separate annual general rate on the unimproved capital value of all rateable land in the Territory which is not within the City Area.

Power to make
and levy rates.

(2.) The Commission may make and levy an annual lighting rate on the unimproved capital value of the rateable land situated in such parts of the Territory as the Commission from time to time by notice in the *Gazette* declares to be subject to the lighting rate.

(3.) The Commission may make and levy an annual sanitary rate on the unimproved capital value of the rateable land situated in such parts of the Territory as the Commission from time to time by notice in the *Gazette* declares to be subject to the sanitary rate.

(4.) The annual general rate on the unimproved capital value of land which is within the City Area shall not exceed Fivepence in the pound, and on land which is not within the City Area, Threepence in the pound.

(5.) Neither the lighting rate made under sub-section (2.) of this section nor the sanitary rate made under sub-section (3.) of this section shall exceed Threepence in the pound on the unimproved capital value of the rateable land.

(6.) The minimum amount of the general rate in respect of any portion of land shall be Two shillings and sixpence.

(7.) The first annual general rate under this Ordinance on the unimproved capital value of rateable land which is within the City Area shall be in respect of the year commencing on the first day of January One thousand nine hundred and twenty-five.

C.11120.—2

(8.) The first annual general rate under this Ordinance on the unimproved capital value of rateable land which is not within the City Area and the first lighting rate under this Ordinance and (subject to the next succeeding section) the first sanitary rate under this Ordinance shall each be in respect of the year commencing on the first day of January One thousand nine hundred and twenty-six.

Commission may
make annual
charge in lieu
of sanitary rate.

11.—The Commission may, in lieu of making a sanitary rate as provided in sub-section (3.) of the last preceding section, make in respect of sanitary services an annual charge, not exceeding Two pounds and twelve shillings for each pan in respect of which sanitary services are supplied, against the owner of each house situated in such parts of the Territory as the Commission from time to time by notice in the *Gazette* declares to be subject to the sanitary rate.

Power to make
and levy rates
on land
occupied by
Commonwealth.

12.—(1.) Nothing in sections ten, eleven, sixteen, seventeen, eighteen, nineteen or twenty of this Ordinance shall apply to lands occupied by or on behalf of the Commonwealth.

(2.) The Commission may, subject to the approval of the Minister, make and levy an annual general rate on the unimproved capital value of all rateable land in the Territory which is within the City Area and which is occupied by or on behalf of the Commonwealth, and a separate annual general rate on the unimproved capital value of all rateable land in the Territory which is not within the City Area and which is occupied by or on behalf of the Commonwealth.

(3.) The Commission may, subject to the approval of the Minister, make and levy an annual lighting rate on the unimproved capital value of the rateable land occupied by or on behalf of the Commonwealth which is situated in such parts of the Territory as the Commission from time to time by notice in the *Gazette* declares to be subject to that lighting rate.

(4.) The Commission may, subject to the approval of the Minister, make and levy an annual sanitary rate on the unimproved capital value of the rateable land occupied by or on behalf of the Commonwealth which is situated in such parts of the Territory as the Commission from time to time by notice in the *Gazette* declares to be subject to that sanitary rate.

(5.) Any rate under this section may be made and levied in the first instance in respect of the year commencing on the first day of January One thousand nine hundred and twenty-five, or in respect of any subsequent year.

(6.) The Commission may, subject to the approval of the Minister, in lieu of making the sanitary rate as provided in sub-section (4.) of this section, make an annual charge not exceeding Two pounds and twelve shillings for each pan in respect of which sanitary services are supplied in connexion with land occupied by or on behalf of the Commonwealth which is situated in such parts of the Territory as the Commission from time to time by notice in the *Gazette* declares to be subject to that sanitary rate.

(7.) In this section the words "lands occupied by or on behalf of the Commonwealth" shall not include lands occupied by or on behalf of the Commission.

13.—(1.) Sanitary charges under this Ordinance shall be payable to, and recoverable by, the Commission in the same manner as if they were sanitary rates under this Ordinance.

Sanitary charges to be payable to Commission.

(2.) Notice of any sanitary charge made under this Ordinance shall be published in the *Gazette*, and notice of the amount payable in respect of the sanitary charge by each owner shall be given to him where practicable.

14.—(1.) Notice of the rates made under this Ordinance shall be published in the *Gazette* and notice of the amount payable in respect of each parcel in respect of the rates by each owner shall be given to him where practicable.

Notice of making of rates.

(2.) Notice of assessment and notice of the amount payable in respect of the rates may be given by the Commission to the owner on one form.

15.—(1.) The amount payable by any owner of land in respect of a rate under this Ordinance shall be paid to the Commission by the owner, and shall be a first charge upon the land in respect of which it is payable, or, in the event of the land being Crown land held under a lease, upon the goods and chattels of the owner.

Rates to be paid by the owner.

(2.) The amount of the rate shall become due immediately after the declaration thereof, and shall be payable within the time specified in the notice of the rate given to the owner.

(3.) If any rates are not paid within the time specified in the notice of the rate, there shall be added to the amount of the rates payable a penalty of ten per centum on the amount of the rates.

(4.) Subject to the approval of the Commission, the rates in respect of any land held under lease under the *Lands Acquisition Act* 1906-1916 or the *Leases Ordinance* 1918-1925 may be paid in instalments payable at the same intervals of time as, and with, the rent payable in respect of the lease.

16.—(1.) Whenever any rates and the penalty due thereon are not paid at the expiration of three months after the publication of the notice in the *Gazette* in accordance with section fourteen of this Ordinance, the Commission may publish in the *Gazette* or in a newspaper circulating within the Territory a notification, in accordance with Form B in the Second Schedule, specifying the land in respect of which the rates are due, the name of the owner, and the amount of the rates and penalty due and unpaid.

Recovery of rates.

(2.) If the rates and penalty are not paid at the expiration of thirty days after the publication of the notification in pursuance of the last preceding sub-section, the Commission may recover, by distress

and sale of any goods and chattels found on the land in respect of which the rates are due, the amount of the rates and the penalty due thereon, together with the costs and expenses of the distress and sale, and for that purpose may issue a warrant in accordance with Form C in the Second Schedule.

(3.) The proceeds of the sale of any distrained goods and chattels shall be applied—

(a) in payment of the costs and expenses of the distress and sale ; and

(b) in payment of the amount of the rates and the penalty due thereon,

and the balance (if any) shall be paid to the owner of the land in respect of which the rates are due.

(4.) The costs and expenses of the distress and sale shall not exceed the amounts stated in the following scale :—

For each Warrant—One shilling.

For man in possession—each day or part of a day—Thirteen shillings.

For inventory, sale, commission and delivery of goods—Five per centum of the proceeds of the sale.

Notice that rates in arrear for one year.

17. When the rates due in respect of any rateable land have been unpaid and in arrear for a period of one year, the Commission may at any time after the expiration of that period give notice, by registered letter addressed to the owner of the land at his last known place of abode, that the rates are due and are unpaid and in arrear and may at any time after the giving of that notice publish in the *Gazette* a notice setting out the land in respect of which the rates are due and unpaid and in arrear.

Unoccupied land may be let for payment of rates.

18.—(1.) If the rates and penalty due thereon are not paid at the expiration of thirty days after the publication of the notice in the *Gazette* in pursuance of the last preceding section, the Commission may, if the land is unoccupied—

(a) take possession of the land ;

(b) hold the land against any person ; and

(c) lease the land from time to time for any term not exceeding seven years.

(2.) The Commission, after so taking possession of the land, shall cause accounts to be kept—

(a) of the rents and other moneys received by it in respect of the land, and the expenses of and incidental to the letting and collection of the rents and moneys in respect of the land ; and

(b) of the rates and penalty due thereon and other sums due to the Commission in respect of the land.

(3.) The rents and moneys so received shall be applied in defraying the expenses necessarily incurred by the Commission in executing the lease, in collecting the rents and moneys, and in paying the rates and penalty and other expenses due in respect of the land. The residue (if any) of the rents and moneys shall belong to the person or persons who would, when the same were respectively received, have been entitled to receive the rents and profits of the land if it had not been taken possession of by the Commission.

(4.) Within sixteen years, unless the land is sooner sold in pursuance of the next succeeding section, after the land has been so taken possession of by the Commission, any person who, but for this Ordinance, would be entitled to the land, may inspect the accounts kept in pursuance of this section, and may require the Commission, on payment of the balance (if any) due to the Commission, to put him in possession of the land, subject to any lease lawfully made by the Commission under this Ordinance.

(5.) The Commission shall comply with such requirement, and, if the balance is on the accounts against it, shall pay such balance to the person aforesaid.

(6.) Unless some person within sixteen years so requires the Commission to put him in possession of the land, and unless the land is sooner sold in pursuance of the next succeeding section, the land and all rents and moneys received by the Commission in respect thereof shall, on the expiration of the sixteen years, vest absolutely in the Commonwealth.

19.—(1.) In the case of land which is held by the owner for an estate in fee simple, if the rates and penalty due thereon are not paid at the expiration of one year after the publication of the notice in the *Gazette* in pursuance of section seventeen of this Ordinance, the Commission may, if the land is occupied, or, in lieu of exercising its powers under the last preceding section, if the land is unoccupied, apply to a Court of competent jurisdiction for an order for the sale of all or any part of the rateable property comprised in the notice.

Land may be sold for payment of rates.

(2.) On the hearing of the application, the Court, on being satisfied by affidavit or otherwise that the rates mentioned in the notice are lawfully due, and were in arrear for one year at the time of the publication of the notice, and that all things required by section seventeen of this Ordinance to be done have been done, shall—

- (a) order the sale by public auction of the rateable property comprised in the application, or so much thereof as will be sufficient to pay the rates in arrear including the rates in arrear at the time of the publication of the notice as well as any rates that may become due and in arrear up to the time of the hearing of the application, and including all costs and expenses of and attending the notice, the application and the sale ;

(b) order that the proceeds be paid into Court ; and

(c) order that the title in the land be transferred to the purchaser free from all mortgages and encumbrances.

(3.) The Court may order payment, out of the proceeds of the sale, of the rates, interest, costs, and expenses ; and the balance of the proceeds of the sale shall remain subject to any future or other order of the Court made on application by or on behalf of the parties interested therein.

(4.) Notwithstanding anything contained in this section, if the owner at any time before the actual sale of any land for arrears of rates pays the rates, including interest and the costs incurred up to that time, the application and order thereon shall, without any order of the Court, be abandoned so far as regards the land in respect of which the rates are paid.

Owner of land
entitled to
surplus on
giving up title.

20. Any owner whose land has been sold for arrears of rates, or, if the land was under mortgage, the mortgagee thereof, shall, without any order of the Court, on handing over to the Court the certificate or other title to the land sold, be entitled to and shall be paid the surplus moneys in Court.

Properties
comprised in
different
assessments
may be
included in one
application.

21. In case there are included in any notice under section seventeen of this Ordinance any rateable properties comprised in different assessments, or belonging to different owners, those properties may be included in one application under section nineteen of this Ordinance, and the Court may make such orders as to the apportionment of rates, interest, costs, and expenses in respect of the properties, or any part thereof, as the Court deems just.

Recovery of
rates.

22. Where rates are due and unpaid in respect of any rateable land within the Territory, the Commission may sue for and recover from the owner the amount of the rates, together with the penalty due thereon, before a Court of competent jurisdiction.

Owner to give
notice of
alienation.

23.—(1.) When—

(a) an owner sells any rateable land within the Territory ; or

(b) a lessee under a lease of rateable land within the Territory disposes of his interest therein,

he shall give notice thereof to the Commission and until he gives such notice, he shall be liable for the rates and penalties that accrue due in respect of the land as if he were still the owner or lessee of the land, as the case may be.

(2.) The notice required by this section may be in accordance with Form A in the Second Schedule to this Ordinance.

24. Joint owners of rateable land shall be jointly and severally liable for the whole amount of the rates due in respect of the land ; but as between themselves, each shall only be liable for the part of the rates proportionate to the value of his interest in the land. If any of them pays to the Commission more than his proportionate part he may recover the excess by way of contribution from the others.

Joint owners,
lessees and
licensees.

25. Any notice to be given by the Commission under this Ordinance may be given by the Secretary to the Commission and may be given by post.

Notice by post.

26. The fact that any notice referred to in this Ordinance has not been sent or has not been received shall not affect the validity of any assessment or rate under this Ordinance, and in any action for the recovery of any rate it shall not be necessary to prove the posting or giving of any notice to the owner of the rateable land.

Rate not
affected by
non-receipt of
notice.

27. A certificate by the Commission that any rates in respect of any rateable land have not been paid shall be *prima facie* evidence that the land referred to therein is rateable land, and that the rates referred to therein have not been paid.

Certificate that
rate is not paid.

28. The Commission may by notice published in the *Gazette* exempt any owner from payment of rates due for any period (either before or after the date of the commencement of this Ordinance) in respect of any land specified in the notice, or from payment of any portion of those rates.

Exemption
from rates.

29. The Commission may make such arrangements as it thinks necessary for carrying out the sanitary, lighting and other necessary services in any portion of the Territory.

Sanitary and
lighting
services.

30. The Commission may make regulations, not inconsistent with this Ordinance, prescribing all matters which by this Ordinance are required or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to this Ordinance.

Power to make
regulations.

THE SCHEDULES.

THE FIRST SCHEDULE.

Rates Ordinance 1911.
Rates Ordinance 1911 (No. 2).
Rates Ordinance 1912.
Rates Ordinance 1920.
Rates Ordinance 1923.
Rates Ordinance 1924.

THE SECOND SCHEDULE.

FORM A.

Commonwealth of Australia.

THE TERRITORY FOR THE SEAT OF GOVERNMENT.

RATES ORDINANCE 1926.

Notice of Alienation of Land.

I, hereby give notice, under section twenty-three of the *Rates Ordinance* 1926, that the Lands described in this Schedule were disposed of by me on the dates and to the persons therein set forth.

Name of Owner (giving notice)—

Occupation—

Address—

Date—

County.	Parish.	Character of Holding.(a)	Number.	Date.	Name of Street or Estate.	Number of Portion.	Section.	Lot.	De-posit-ed Plan.	Reference to Title.				Area.			Dimensions.(b)		Consideration.			Date of Disposal.
										Book.	Number.	Volume.	Folio.	Acres.	Roods.	Perches.	Frontage.	Depth.	£	s.	d.	

Name of Purchaser or present Owner—

Occupation—

Full Postal Address—

(a) Whether freehold, conditional purchase, conditional lease, or other form of tenure, date and number of conditional purchase, conditional lease, or other holding to be given.

(b) A sketch of the land with measurements of boundaries, a lithograph or sale plan to be supplied, also nature of improvements (if any), with short description of them.

FORM B.

Commonwealth of Australia.

TERRITORY FOR THE SEAT OF GOVERNMENT.

RATES ORDINANCE 1926.

Notification of Unpaid Rates.

NOTICE IS HEREBY GIVEN that the rates and penalty due thereon specified hereunder are due and unpaid, and that if such rates and penalty are not paid on or before the.....the amount thereof may be recovered by distress and sale of any goods and chattels found on the land in respect of which the rates are due.

Land.	Owner.	Amount of Rates and Penalty due thereon.

Dated the day of , 19 .

Secretary, Federal Capital Commission.

FORM C.

Commonwealth of Australia.

TERRITORY FOR THE SEAT OF GOVERNMENT.

RATES ORDINANCE 1926.

Warrant of Distress.

To.....

.....

WHEREAS the rates and penalty due thereon set forth in the Schedule hereunder are due and unpaid and are recoverable in the manner prescribed by section sixteen of the *Rates Ordinance* 1926. Now THEREFORE you are hereby required and authorized forthwith to make distress of any goods and chattels found by you on the land in respect of which the rates are due and to sell the goods and chattels distrained and to apply the proceeds of sale as follows :—

- Firstly—in payment of the costs and expenses of the distress and sale ;
- Secondly—in payment of the rates and penalty due thereon ;
- Thirdly—in payment to the owner of the land of any balance then remaining :

AND you are further required to certify to the Federal Capital Commission on or before the.....day of.....19....., what you do by virtue of this Warrant.

SCHEDULE.

Name of Owner.	Description of Land.	Amount of Rates and Penalty due thereon.	Costs.	Total.

Given under common seal of the Federal Capital Commission this
day of 19 .

Dated the fourteenth day of May, One thousand nine hundred
and twenty-six.

STONEHAVEN,
Governor-General.

By His Excellency's Command,

G. F. PEARCE,
Minister of State for Home and Territories.