



Australian Capital Territory

# **Rates and Land Rent (Relief) Act 1970 No 5**

## **Republication No 7**

Republication date: 16 July 2002

Last amendment made by Act 2002 No 7

Amendments incorporated to 16 July 2002

Authorised by the ACT Parliamentary Counsel

## About this republication

### The republished law

This is a republication of the *Rates and Land Rent (Relief) Act 1970* as in force on 16 July 2002. It includes any amendment, repeal or expiry affecting the republished law to 16 July 2002 and any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes).

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

### Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

### Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication includes amendments made under part 11.3 (see endnote 1).

### Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

### Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see *Legislation Act 2001*, section 95.

### Penalties

The value of a penalty unit for an offence against this republished law at the republication date—

- (a) if the person charged is an individual—\$100; or
- (b) if the person charged is a corporation—\$500.



Australian Capital Territory

# Rates and Land Rent (Relief) Act 1970

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Amendments incorporated to  
16 July 2002



Australian Capital Territory

## **Rates and Land Rent (Relief) Act 1970**

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An Act to provide for relief from liability for rates and land rent, and for related purposes

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## Part 1 Preliminary

### 1 Name of Act

This Act is the *Rates and Land Rent (Relief) Act 1970*.

### 2 Definitions for Act

In this Act:

*Note* A definition applies except so far as the contrary intention appears (see *Legislation Act 2001*, s 155).

**commissioner** means the commissioner for revenue.

**domestic partner**, in relation to a pensioner, means a person who provides personal or financial commitment and support of a domestic nature for the material benefit of the pensioner, although not legally married to the pensioner, and includes a de facto husband or wife.

**land rates** means rates due under the Rates Act.

**lease** means a lease of land for a term of years granted by or on behalf of the Commonwealth.

**owner**, in relation to a parcel of land, means—

- (a) for a parcel of land held under a lease, the lessee of the parcel of land or, if 2 or more persons are lessees of the parcel of land, whether as joint tenants or tenants in common, each of those persons; and
- (b) for a parcel of land that is held in fee simple, the person in whom the fee simple is vested or, if the fee simple is vested in 2 or more persons, whether as joint tenants or tenants in common, each of those persons.

***pensioner*** means—

- (a) a person to whom, or in relation to whom, 1 of the following pensions or allowances under the *Social Security Act 1991* (Cwlth) is being paid:
  - (i) an age pension under part 2.2;
  - (ii) a disability support pension under part 2.3;
  - (iii) a wife pension under part 2.4;
  - (iv) a carer pension under part 2.5;
  - (v) a sole parent pension under part 2.6;
  - (vi) a widowed person allowance under part 2.7;
  - (vii) a widow B pension under part 2.8; or
- (b) subject to section 2AA, a person who has attained the age of 60 years and to whom, or in relation to whom, 1 of the following allowances or benefits under the *Social Security Act 1991* (Cwlth) is being paid:
  - (i) a job search allowance under part 2.11;
  - (ii) a newstart allowance under part 2.12;
  - (iii) a mature age allowance, or a mature age partner allowance under part 2.12A;
  - (iv) a sickness allowance under part 2.14;
  - (v) a special benefit under part 2.15; or
- (c) a service pensioner within the meaning of the *Veterans' Entitlements Act 1986* (Cwlth); or
- (d) a person who has been given by the Commonwealth a card or other written authority that evidences the person's eligibility under the *Veterans' Entitlements Act 1986* (Cwlth) to be given treatment for all injuries suffered, and all diseases contracted, by the person.



***Rates Act*** means the *Rates and Land Tax Act 1926*.

***rating year*** means the period of 12 months beginning on 1 July in any year.

***tribunal*** means the administrative appeals tribunal.

***unit***—see the *Unit Titles Act 2001*, section 9.

## **2AA Persons taken to be pensioners**

For section 2, definition of ***pensioner***, paragraph (b), a person is taken to be a pensioner for an application by the person for a rebate or determination only if, for the 12 months before the making of the application—

- (a) the person continuously received an allowance or benefit mentioned in that paragraph, subparagraph (i), (ii), (iii) or (iv) (a ***current benefit***); or
- (b) the person received continuously but not concurrently—
  - (i) a pension or allowance mentioned in the definition, paragraph (a); and
  - (ii) a current benefit.

## **2A Application of Act**

Nothing in this Act affects the operation of the *Rates and Land Tax Act 1926*, section 28A.

## Part 2                      Determinations

### 2B      Interpretation for pt 2

- (1) In this part:

*determination* means a determination made under section 3.

*rates* means land rates.

- (2) A reference in this part to a person to whom a determination relates or a person to whom a determination related is, for a determination relates or related to 2 or more persons, a reference to those persons.
- (3) A reference in this part to the amount for which a person to whom a determination relates or related is or became indebted to the Territory under this part includes a reference to the amount payable by that person by way of interest under section 4 (Effect of making a determination) or 16 (Interest payable on amount after revocation of determination).

### 3              Deferral of rent and rates

- (1) Subject to this section, the Minister shall make a determination under this section, if he or she is satisfied, on an application made for the purpose by the owner or the owners of a parcel of land—
- (a) that the owner is a pensioner or all the owners are pensioners; or
- (b) for an application made by a person other than a pensioner or by 2 or more persons any 1 of whom is not a pensioner—that payment of the total amount of rent due or to become due under the lease of the land or the rates due or to become due or both is likely to cause substantial hardship to the applicant or to the applicants; or
- (c) that the owners are a pensioner and his or her spouse or domestic partner, if the spouse or partner is not a pensioner; or

- (d) for an application made by a joint owner—that no other owner of the land can reasonably contribute to the payment of land rates for that parcel; or
  - (e) that—
    - (i) the owner is an eligible person to whom section 21D applies; and
    - (ii) payment of the total rates due or to become due would be likely to cause substantial hardship to the owner.
- (2) A determination under this section—
- (a) shall, for land held under a lease, defer the obligation of the person to whom it relates to pay all or any of the following:
    - (i) all or part of the total amount of the rent (including any additional rent) due at the date of the making of the determination or all or part of each amount of rent to become due, under the lease of the land;
    - (ii) all or part of the total amount of rates (including any additional amount payable by way of penalty) due at the date of the making of the determination, or all or part of each amount of rates to become due;
  - (b) shall, for land held in fee simple, defer the obligation of the person to whom it relates to pay all or part of the total amount of rates due, or all or part of each amount of rates to become due.
- (3) The Minister shall give a copy of a determination made under this section to the person to whom the determination relates.
- (4) The Minister shall not make a determination under this section unless, for a parcel of land held under a lease—
- (a) the lease contains a covenant that the land will be used for residential purposes only; and

- (b) the applicant is, or the applicants are, ordinarily resident on the land.
- (5) The Minister shall not make a determination under this section unless, for land held in fee simple—
  - (a) the land is used only for residential purposes; and
  - (b) the applicant is, or the applicants are, ordinarily resident on the land.
- (6) Notwithstanding subsection (4) (b) or (5) (b), the Minister may make a determination under this section on an application made by 1 or more of the joint owners of a parcel of land but not by all the joint owners of the parcel of land if—
  - (a) the person or persons by whom the application is made is or are ordinarily resident on the land; and
  - (b) the other joint owner or the other joint owners of the land is or are not ordinarily resident on the parcel of land; and
  - (c) the Minister is satisfied that, in all the circumstances of the case, it is appropriate that a determination under this section should be made.
- (7) Nothing in this section prevents the owner of a parcel of land who has received a rebate under part 3 in relation to the person's liability for rates in relation to that parcel from making an application under subsection (1).

#### **4 Effect of making a determination**

- (1) If the obligation of the person to whom a determination relates—
  - (a) to pay all or part of the rent due under the lease of land referred to in the determination on the date of the determination; or
  - (b) to pay all or part of the rates on that date; or
  - (c) to pay all or part of the rent so due and all or part of the rates so due;

is deferred, the obligation of the person to whom the determination relates to pay the rent due under the lease of the land on that date or rates due on that date, or both, as the case may be, shall, immediately after the making of the determination, be, by force of this section, reduced in accordance with the determination, and the person to whom the determination relates becomes indebted to the Territory under this Act for an amount equal to the amount by which his or her obligation to pay the rent or rates, or both, as the case may be, is reduced.

- (2) If the obligation of the person to whom a determination relates—
- (a) to pay all or part of each amount of rent that is to become due under the lease of the land referred to in the determination while the determination is in force; or
  - (b) to pay all or part of each amount of rates that is to become due while the determination is in force; or
  - (c) to pay all or part of each amount of rent, and all or part of each amount of rates, that is to become so due;

is deferred, the obligation of the person to whom the determination relates to pay each amount of rent or each amount of rates, or both, as the case may be, shall, immediately after each amount of rent or rates or both, as the case may be, becomes due, be, by force of this section, reduced in accordance with the determination, and the person to whom the determination relates becomes or become indebted to the Territory under this Act for an amount equal to the amount by which his or her obligation to pay rent or rates, or both, as the case may be, is reduced.

- (3) A person whose obligation to pay an amount is deferred because of the making of a determination must pay interest on the amount at the rate applying under section 23 (Interest rate).
- (4) Interest is payable on an amount from the date of deferral of the obligation to pay the amount until the day when the amount is paid or the determination is revoked.

- (5) For subsection (4), the date of deferral of an amount of rent or rates is—
- (a) for an amount due on the date of the making of the determination—that date; and
  - (b) for an amount deferred after the making of the determination—the date when, if the determination had not been made, an amount as additional rent would have become payable under the lease of the land, or an additional amount by way of penalty for nonpayment of rates would have become payable, as the case may be, because of the nonpayment of the amount deferred.

## **6 Deferred amounts not recoverable while determination is in force**

The amount for which a person is for the time being indebted to the Territory under this Act because of the making of a determination is not, while the determination is in force, recoverable by the Territory.

## **7 Variation of determination**

The Minister may, at any time, vary a determination by increasing the amounts deferred under the determination if the Minister is satisfied that it is necessary to do so to avoid hardship to the person to whom the determination relates or by reducing the amount deferred under the determination if the Minister is satisfied that the variation is not likely to cause substantial hardship to the person to whom the determination relates.

## **8 Effect of variation of determination under s 7**

If the Minister varies, under section 7, a determination, a reference in this Act to a determination is a reference to the determination as so varied.

**9 Revocation of determinations on discharge of debt and on request**

The Minister shall, by writing, revoke a determination—

- (a) if an amount equal to the amount of the indebtedness to the Territory under this Act of the person to whom the determination relates is paid to the Territory in discharge of that indebtedness; or
- (b) on the written request of the person to whom the determination relates.

**10 Notice of proposed revocation of determination on prescribed grounds**

- (1) For this section, each of the following is a prescribed ground for the revocation of a determination:

- (a) that, if the person or each of the persons to whom the determination relates was, at the time the determination was made, a pensioner, that person or each of those persons has ceased to be a pensioner;
- (b) that, if—
  - (i) the determination relates to 2 or more persons; and
  - (ii) each of those persons was, at the time the determination was made, a pensioner; and
  - (iii) 1 or more but not all of those persons has or have ceased to be pensioners;

the revocation of the determination is not likely to result in substantial hardship to those persons;

- (c) that, if the determination relates to a person who was not, at the time the determination was made, a pensioner or the determination relates to persons all of whom were not, at that time, pensioners, the revocation of the determination is not

likely to result in substantial hardship to the person or those persons;

- (d) that the person or a person to whom the determination relates has failed to comply with a requirement made under section 19 (2);
  - (e) that the person to whom the determination relates or all of the persons to whom the determination relates who were ordinarily resident on the land referred to in the determination on the date of the application for the determination has or have ceased to be ordinarily resident on the land;
  - (f) that the person or the persons to whom the determination relates has or have ceased, whether by death or otherwise, to be the owner or the owners of the land referred to in the determination.
- (2) Subject to subsection (4), if the Minister has reason to believe that a prescribed ground for the revocation of a determination exists, the Minister may, by written notice served on the person to whom the determination relates, give notice of his or her intention to revoke the determination.
- (3) A notice under subsection (2) shall specify the prescribed ground that the Minister believes to exist for the revocation of the determination.
- (4) If a determination relates to 2 or more persons as owners of a parcel of land as joint tenants or tenants in common and 1 of those persons dies, the Minister shall not give notice of intention to revoke the determination under subsection (2) unless 1 of the prescribed grounds is or becomes applicable in relation to the survivor or, if there is more than 1 survivor, in relation to each of the survivors.
- (5) The Minister may, by signed writing, cancel a notice given under subsection (2), but the cancellation of the notice does not prevent the Minister giving a subsequent notice under that subsection.



**11 Revocation of determination on prescribed grounds**

- (1) The Minister may revoke a determination on a ground prescribed by section 10 (1) if—
  - (a) notice of the proposed revocation has been given under section 10 (2); and
  - (b) the notice has not been cancelled under section 10 (5).
- (2) The Minister may not act under subsection (1)—
  - (a) within the 60 days within which an objection to the decision under section 10 (2) may be made; or
  - (b) if the person has objected to the decision, until—
    - (i) the objection is upheld or dismissed; and
    - (ii) the prescribed time under the *Administrative Appeals Tribunal Act 1989*, section 27 for lodging an application for review of the decision on the objection has ended and no such application has been lodged; or
  - (c) if such an application has been duly lodged with the tribunal—until the tribunal has completed the review.

**15 Recovery of deferred amounts**

- (1) Subject to this section, the amount for which a person to whom a determination related has become indebted to the Territory under this Act is recoverable as a debt due to the Territory and payable on the day immediately after the day the determination is revoked.
- (2) If, in the instrument revoking a determination, the Minister specifies the instalments for the payment of the amount for which the person to whom the determination related has become indebted to the Territory under this Act, an amount equal to the amount of each of the instalments so specified is recoverable as a debt due to the Territory and payable on the day that instalment is required to be paid by the instrument revoking the determination.

## (3) If—

- (a) in the instrument revoking a determination, the Minister specifies instalments for the payment of the amount for which the person to whom the determination related became indebted to the Territory under this Act; and
- (b) the person to whom the determination related ceases, otherwise than by death, to be the owner of the land referred to in the determination after the revocation of the determination;

so much of the amount for which the person to whom the determination related as remains unpaid on the date the person ceases to be the owner of the land is, notwithstanding subsection (2), recoverable as a debt due to the Territory and payable on the day the person ceased to be the owner of the land.

- (4) If a determination related to 2 or more persons, the liability of those persons for the payment of the amount for which they have become indebted to the Territory under this Act is joint and several.
- (5) If a person referred to in subsection (4) pays to the Territory more than his or her proportionate part of the amount, the person may recover the excess by way of contribution from the other person, or the other persons liable, to pay the amount.

## **16 Interest payable on amount after revocation of determination**

If, on the revocation of a determination, a person to whom a determination relates does not pay an amount owing to the Territory under this Act, the person must pay to the Territory interest on the unpaid part of the amount at the rate applying under section 23 (Interest rate).

**17 Remission of interest**

The Minister may, if satisfied that the circumstances of the case justify him or her so doing, remit or refund any amount of interest that has become payable under section 4 (Effect of making a determination) or 16 (Interest payable on amount after revocation of determination).

**18 Memorandum in relation to registered notice of determination**

- (1) If notice of the making of a determination in relation to a person is registered under the *Land Titles Act 1925*, the Minister shall present to the registrar-general for registration under that Act a memorandum of discharge in a form approved by the registrar-general if—
  - (a) an amount equal to the total of the amount for which the person became indebted to the Territory under this Act is paid; or
  - (b) the Minister is satisfied that circumstances exist to justify such action.
- (2) A form of memorandum of discharge approved by the registrar-general is a notifiable instrument.

*Note* A notifiable instrument must be notified under the *Legislation Act 2001*.

**19 Information relating to determination**

While a determination is in force, the Minister may, from time to time, require a person to whom the determination relates to give to the Minister information regarding the property, means and income of the person that the Minister specifies.

**20 Notice of revocation to be given**

If the Minister revokes, under section 9 or 11, a determination, the Minister shall serve a copy of the instrument of revocation on the person to whom the determination related.

## Part 3 Rebate for pensioners

### 21A Interpretation for pt 3

(1) In this part:

*eligible person* means—

- (a) a pensioner; or
- (b) a non-pensioner who is the spouse or domestic partner of a special rate pensioner and is not separated from the pensioner; or
- (c) a non-pensioner who was the spouse or domestic partner of a special rate pensioner until the pensioner's death, was not separated from the pensioner immediately before the death and who has not subsequently become the spouse or domestic partner of another person.

*owner*, in relation to a parcel of land, includes a person who—

- (a) has a life interest, or an interest for a term of years, in the land under a will or an order of a court; and
- (b) is liable under the will or court order for land rates in relation to the land.

*parcel of land* means rateable residential land under the *Rates and Land Tax Act 1926*, including—

- (a) a lease; or
- (b) a unit under the *Unit Titles Act 2001*.

*rates* means land rates.

*rebate* means a rebate under this part.

***special rate pensioner*** means a pensioner to whom a pension under the *Veterans' Entitlements Act 1986* (Cwlth), part 2 is being paid and to whom section 24 of that Act applies.

- (2) A reference in this part to an eligible person's liability for rates in relation to a parcel of land is—
  - (a) if the person is the sole owner of the land—a reference to the amount of the rates payable by the person in relation to the land; and
  - (b) subject to subsection (3), if the person is a joint owner of the land—a reference to so much of the amount of rates payable by the joint owners in relation to the land as is proportional to the value of the person's interest in the land.
- (3) If an eligible person is a joint owner of a parcel of land, and 1 or more of the other joint owners cannot reasonably contribute to the payment of rates in relation to the land, a reference in this part to the eligible person's liability for the payment of those rates is—
  - (a) if no other joint owner can reasonably contribute to the payment of those rates—a reference to the amount of rates payable in relation to the land; or
  - (b) if the rates are to be paid by 2 or more of the joint owners—a reference to so much of the amount of rates payable by the eligible person in relation to the land as would be payable if the joint owners paying the rates—
    - (i) were the sole owners of the land; and
    - (ii) the value of their interests in the land were to be increased in proportion to their existing interests in the land.
- (4) A reference in subsection (2) to an amount of rates payable is a reference to the amount that would be payable apart from the operation of this part.

**21C Rebates of land rates—uncapped**

- (1) This section applies to an eligible person if—
- (a) the person has been continuously eligible since 30 June 1997 (or earlier) and has owned the same parcel of land for all of that period; or
  - (b) the person has—
    - (i) been continuously eligible since 30 June 1997 (or earlier); and
    - (ii) has changed his or her principal place of residence since 30 June 1997 (being a residence on a parcel of land owned by the person);if no more than 6 months has elapsed between any period of occupation of any such principal place of residence, or any longer elapsed period that the Minister approves under subsection (4).
- (2) An eligible person to whom this section applies in a rating year is, subject to this part, entitled to a rebate in liability for land rates in that year for a parcel of land to which this section applies that is the person's principal place of residence for part or all of that year.
- (3) The amount of rebate under this section shall be calculated in accordance with the formula—

$$\frac{RL}{2} \times \frac{D}{365}$$

where:

**RL** means the amount of the person's liability for land rates for the rating year in relation to the parcel of land, including any land rates for the year deferred by determination under section 3.

**D** means the number of days in the rating year when, as an eligible person, the person occupied the parcel of land as the person's principal place of residence.

- (4) For subsection (1) (b), on application by the eligible person, the Minister may, by written notice to the person, approve an elapsed period longer than 6 months if the Minister considers that it is justified in the circumstances.

### **21D Rebates of land rates—capped**

- (1) This section applies to an eligible person if—
- (a) the person was not eligible on 30 June 1997, and the person becomes eligible on or after 1 July 1997 (notwithstanding that he or she may have been eligible at some time before 30 June 1997); or
  - (b) the person is otherwise an eligible person to whom section 21C does not apply.
- (2) An eligible person to whom this section applies in a rating year is, subject to this part, entitled to a rebate in liability for land rates in that year for a parcel of land owned by the person that is the person's principal place of residence for part or all of that year.
- (3) Subject to subsection (5), the amount of rebate under this section shall be the lesser of the following amounts:
- (a) \$250;
  - (b) the amount calculated in accordance with subsection (4).
- (4) The amount of rebate under subsection (3) (b) shall be calculated in accordance with the formula—

$$\frac{RL}{2} \times \frac{D}{365}$$

where:

**RL** means the amount of the person's liability for land rates for the rating year in relation to the parcel of land, including any land rates for the year deferred by determination under section 3.

**D** means the number of days in the rating year when, as an eligible person, the person occupied the parcel of land as the person's principal place of residence.

- (5) If this section applies to a joint owner of land, the reference to \$250 in subsection (3) (a) is a reference to so much of \$250 as is proportional to the value of the person's interest in the land.

### **21E Rebates and deferred liability**

If—

- (a) a person's liability for part of his or her rates for a year has been deferred by determination under section 3; and
- (b) he or she is entitled to, and has applied for, a rebate under this part in relation to the year;

the amount of the rebate shall be applied to reduce the amount of the person's liability for rates for that year, other than his or her deferred liability, and the remainder of the rebate(if any) shall be applied to reduce the deferred liability.

### **21F Application for rebates**

- (1) A person is not entitled to a rebate under this part unless the person applies in accordance with this section.
- (2) An application for a rebate—
  - (a) shall be in writing signed by the applicant; and
  - (b) shall contain or be accompanied by—
    - (i) a statement of particulars relied upon in support of the application; and
    - (ii) a statement signed by the applicant authorising a person or body chosen from time to time by the commissioner to disclose relevant information about the applicant to the commissioner for the purpose of determining the applicant's entitlement to a rebate; and



- (c) be lodged with the commissioner.

**21G Non-eligibility for past years**

A person is not entitled to a rebate in the person's liability for rates in a rating year that occurred before the rating year when the person applies for a rebate.

**21H Joint and several liability for rates**

Nothing in this part shall be taken to affect the operation of the *Rates and Land Tax Act 1926*, section 24.

**21J Notice of change in circumstances**

- (1) A person who has applied for a rebate under this part shall notify the commissioner in writing if—
- (a) the person ceases to be—
    - (i) an eligible person; or
    - (ii) the owner or a joint owner of the person's principal place of residence; or
  - (b) for a tenant in common—there is a change in the extent of the person's interest in his or her principal place of residence.
- (2) The notice shall be given to the commissioner not later than 30 days after the date of the relevant event.
- (3) A person must not, without reasonable excuse, contravene subsection (1) or (2).

Maximum penalty: 5 penalty units.

- (4) Nothing in this section shall be taken to apply in relation to the transfer of an estate or interest in land of which notice has been given to the commissioner in accordance with the *Rates and Land Tax Act 1926*, section 23.

**21JA Adjustment of liability for rates**

- (1) If the commissioner believes on reasonable grounds that a person's entitlement to a rebate under this part has altered or ceased, or will alter or cease, the commissioner shall—
  - (a) calculate the amount of the person's adjusted liability for rates; and
  - (b) give the person written notice of the decision setting out—
    - (i) particulars of the amount of the adjusted liability; and
    - (ii) the date or dates when any unpaid rates, or instalments of unpaid rates, are due for payment under the relevant Act.
- (2) If, on request by a person for a decision under subsection (1), the commissioner decides that the person's entitlement to a rebate has not altered, the commissioner shall give the person written notice of the decision.

**21JB Cessation and resumption of entitlement**

- (1) If—
  - (a) a person ceases to be an eligible person; and
  - (b) more than 14 days later the person becomes an eligible person again;

the person is not entitled to a rebate in relation to the person's liability for rates accruing after the person so becomes an eligible person again, unless the person applies for the rebate in accordance with section 21F (2).
- (2) If—
  - (a) an eligible person ceases to be the owner or a joint owner of the person's principal place of residence; and
  - (b) more than 14 days later the person again becomes the owner or a joint owner of a parcel of land that is the person's principal place of residence;

the person is not entitled to a rebate in the person's liability for rates, in relation to the residence referred to in paragraph (b), accruing after the person becomes the owner or a joint owner of that residence, unless the person applies for the rebate in accordance with section 21F (2).

## Part 6                      Miscellaneous

### 21K    Information relating to application

The Minister may require a person who has made an application to the Minister under this Act to give to the Minister any information that the Minister reasonably needs to decide the application.

### 23       Interest rate

- (1) The Minister may, in writing, determine a rate at which interest is payable on an amount—
  - (a) deferred because of the making of a determination under section 3 (Deferral of rent and rates); or
  - (b) unpaid after the date of revocation of a determination.

- (2) A determination under subsection (1) is a disallowable instrument.

*Note*       A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

- (3) If, for a day for which interest is payable on an amount mentioned in subsection (1) (a), no interest rate has been determined under subsection (1), interest is payable on the amount for the day at the market rate component applying under the *Taxation Administration Act 1999*, section 26 (Interest rate) to the day.
- (4) If, for a day for which interest is payable on an amount mentioned in subsection (1) (b), no interest rate has been determined under subsection (1), interest is payable on the amount for the day at a rate equal to the interest rate applying under the *Taxation Administration Act 1999*, division 5.1 (Interest) to the day.

*Note*       The *Taxation Administration Act 1999*, s 26 (Interest rate), sets out the interest rate applying to any day for that Act, div 5.1.

**23A Notification of decisions**

If a decision of the kind referred to in section 23B (1) (other than paragraph (e)) is made, the Minister shall give written notice of the decision—

- (a) for a decision referred to in section 23B (1) (a), (b) or (c)—to the applicant; or
- (b) for a decision referred to in section 23B (1) (d)—to the person to whom the determination relates.

**23B Objections**

- (1) A person notified under section 23A may object to the following decisions of the Minister:
  - (a) a decision under section 3 (1) refusing to make a determination;
  - (b) a decision under section 3 (1) determining a period of deferral other than that applied for;
  - (c) a decision under section 3 (1) making a determination for the deferral of an amount other than that applied for;
  - (d) a decision under section 7 varying a determination;
  - (e) a decision under section 10 (2) that a prescribed ground for revocation exists.
- (2) A person notified under section 21JA (1) or (2) may object to a decision of the commissioner under that subsection.
- (3) An objection shall be made to the original decision-maker—
  - (a) within 60 days after service of notice of the decision; and
  - (b) in writing, setting out the grounds of the objection.

- (4) On receipt of an objection in accordance with subsection (3), the original decision-maker shall, by written notice to the objector—
- (a) uphold the objection and substitute a new decision for the original decision objected to, in terms no less favourable to the objector than those of the original decision; or
  - (b) dismiss the objection.
- (5) A notice under subsection (4) shall be in accordance with the requirements of the code of practice in force under the *Administrative Appeals Tribunal Act 1989*, section 25B (1).
- (6) If an objection is upheld under subsection (4) (a), this Act, other than section 23B, applies as if the decision substituted under that paragraph had been made instead of the original decision at the time the original decision was made.
- (7) In this section:
- original decision-maker*** means—
- (a) in relation to a decision referred to in subsection (1)—the Minister; or
  - (b) in relation to the decision referred to in subsection (2)—the commissioner.

### **23C Review of decisions**

Application may be made to the tribunal for a review of a decision of the Minister or the commissioner—

- (a) under section 23B (4) (a) substituting a new decision for a decision objected to; or
- (b) under section 23B (4) (b) dismissing an objection.

**23D Effect of pending objection or review**

The fact that the consideration of an objection is pending does not affect the decision to which the objection relates, so that rates may be assessed and recovered as if no objection had been made.

**24 Regulation-making power**

The Executive may make regulations for this Act.

*Note* Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

**25 Savings and transitional arrangements**

(1) In this section:

*applied provisions* means the provisions of the former Act mentioned in subsection (3).

*commencement day* means the day on which the *Utilities (Consequential Provisions) Act 2000*, schedule 1, part 13 (*Rates and Land Rent Relief Act 1970*) commences.

*former Act* means the *Rates and Land Rent (Relief) Act 1970*, and the regulations under that Act, in force immediately before the commencement day.

(2) On and after the commencement day—

- (a) any instrument in force under the former Act in relation to rates mentioned in subsection (3) continues in force subject to the applied provisions of the former Act; and
- (b) any other thing having effect under the former Act in relation to rates mentioned in subsection (3) has effect on and after that day subject to the applied provisions of the former Act.

- (3) For subsection (2), despite the amendment of this Act by the *Utilities (Consequential Provisions) Act 2000*, the provisions of the former Act continue to apply in relation to water rates and sewerage rates in respect of any period before the commencement day.
- (4) Subsection (2) does not limit the operation of subsection (3).



## Endnotes

1 About the endnotes

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## Endnotes

### 1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws and expiries are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnote.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

If the republished law includes penalties, current information about penalty unit values appears on the republication inside front cover.

### 2 Abbreviation key

am = amended	ord = ordinance
amdt = amendment	orig = original
ch = chapter	p = page
cl = clause	par = paragraph
def = definition	pres = present
dict = dictionary	prev = previous
disallowed = disallowed by the Legislative Assembly	(prev...) = previously
div = division	prov = provision
exp = expires/expired	pt = part
Gaz = Gazette	r = rule/subrule
hdg = heading	reg = regulation/subregulation
IA = Interpretation Act 1967	renum = renumbered
ins = inserted/added	reloc = relocated
LA = Legislation Act 2001	R[X] = Republication No
LR = legislation register	s = section/subsection
LRA = Legislation (Republication) Act 1996	sch = schedule
mod = modified / modification	sdiv = subdivision
No = number	sub = substituted
num = numbered	SL = Subordinate Law
o = order	<u>underlining</u> = whole or part not commenced or to be expired
om = omitted/repealed	

### 3 Legislation history

This Act was originally a Commonwealth ordinance—the *Land Rent and Rates (Deferment) Ordinance 1970* No 5 (Cwlth).

The *Australian Capital Territory (Self-Government) Act 1988* (Cwlth), s 34 (4) converted most former Commonwealth ordinances in force in the ACT into ACT enactments. This allowed the ACT Legislative Assembly to amend and repeal the laws. This Act was converted into an ACT enactment on 11 May 1989 (self-government day).

As with most ordinances in force in the ACT, the name was changed from *Ordinance* to *Act* by the *Self-Government (Citation of Laws) Act 1989* No 21, s 5 on 11 May 1989 (self-government day). It was later renamed as the *Rates and Land Rent (Relief) Act 1970* by the *Rates and Land Rent (Relief) (Amendment) Act 1991* (see s 4).

Before 11 May 1989, ordinances commenced on their notification day unless otherwise stated (see *Seat of Government (Administration) Act 1910* (Cwlth), s 12).

After 11 May 1989 and before 10 November 1999, Acts commenced on their notification day unless otherwise stated (see *Australian Capital Territory (Self-Government) Act 1988* (Cwlth) s 25).

#### Legislation before becoming Territory enactment

##### **Rates and Land Rent (Relief) Act 1970 No 5**

notified 26 February 1970

commenced 26 February 1970

as amended by

##### **Land Rent and Rates (Deferment and Remission) Ordinance 1973 No 27**

notified 5 July 1973

commenced 5 July 1973

##### **Land Rent and Rates (Deferment and Remission) Ordinance 1976 No 10**

notified 8 March 1976

commenced 8 March 1976

##### **Land Rent and Rates (Deferment and Remission) (Amendment) Ordinance 1976 No 70**

notified 22 December 1976

commenced 22 December 1976

## Endnotes

3      Legislation history

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**Ordinances Revision Ordinance 1978 No 46 sch 2**

notified 28 December 1978  
commenced 28 December 1978

**Land Rent and Rates (Deferment and Remission) (Amendment)  
Ordinance 1981 No 5**

notified 20 March 1981  
commenced 20 March 1981

**Land Rent and Rates (Deferment and Remission) (Amendment)  
Ordinance 1984 No 52**

notified 5 October 1984  
commenced 5 October 1984 ( s 2)

**Land Rent and Rates (Deferment and Remission) (Amendment)  
Ordinance (No 2) 1984 No 53**

notified 5 October 1984  
commenced 1 July 1984 (s 2)

**Sex Discrimination (Miscellaneous Amendments) Ordinance  
1986 No 31 pt 6**

notified 31 July 1986  
commenced 1 August 1986 (s 2)

**Rates and Land Tax Ordinance 1986 No 89 sch**

notified 22 December 1986  
commenced 1 January 1987 (s 2)

**Electricity and Water (Consequential Amendments) Ordinance  
1988 No 31 sch**

notified 30 June 1988  
commenced 1 July 1988 (s 2)

**Self-Government (Consequential Amendments) Ordinance 1989  
No 38**

notified 10 May 1989  
s 1, s 2 commenced 10 May 1989  
commenced 11 May 1989 (s 2 (2) and Gaz 1989 No S164)

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**Legislation after becoming Territory enactment****Rates and Land Rent (Relief) (Amendment) Act 1991 No 22**

notified 10 May 1991 (Gaz 1991 No S36)

commenced 10 May 1991

**Registrar-General (Consequential Provisions) Act 1993 No 64 sch 1**

notified 6 September 1993 (Gaz 1993 No S172)

s 1, s 2 commenced 6 September 1993 (s 2 (1))

sch 1 commenced 1 October 1993 (s 2 (2) and Gaz 1993 No S207)

**Real Property (Consequential Provisions) Act 1993 No 90 sch**

notified 17 December 1993 (Gaz 1993 No S258)

s 1, s 2 commenced 17 December 1993 (s 2 (1))

sch commenced 1 January 1994 (s 2 (2) and Gaz 1993 No S270)

**Rates and Land Rent (Relief) (Amendment) Act 1994 No 34**

notified 17 December 1993 (Gaz 1994 No S114)

s 5, s 7, s 10 commenced 1 July 1994 (s 2 (2))

remainder commenced 28 June 1994 (s 2 (1))

**Administrative Appeals (Consequential Amendments) Act 1994 No 60 sch 1**

notified 11 October 1994 (Gaz 1994 No S197)

s 1, s 2 commenced 11 October 1994 (s 2 (1))

sch 1 commenced 14 November 1994 (s 2 (2) and Gaz 1994 No S250)

**Statute Law Revision (Penalties) Act 1994 No 81 sch**

notified 29 November 1994 (Gaz 1994 No S253)

s 1, s 2 commenced 29 November 1994 (s 2 (1))

sch commenced 29 November 1994 (s 2 (2) and Gaz 1994 No S269)

**Land Titles (Consequential Amendments) Act 1995 No 54 sch pt 1**

notified 20 December 1995 (Gaz 1995 No S313)

commenced 20 June 1996 (s 2)

**Rates and Land Rent (Relief) (Amendment) Act 1997 No 14**

notified 29 May 1997 (Gaz 1997 No S136)

s 12 commenced 1 July 1997 (s 2 (2))

remainder commenced 29 May 1997 (s 2 (1))

## Endnotes

### 4 Amendment history

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#### **Utilities (Consequential Provisions) Act 2000 No 66 sch 1 pt 14**

notified 20 December 2000 (Gaz 2000 No S68)  
s 1, s 2 commenced 20 December 2000 (IA s 10B)  
sch 1 pt 14 commences 1 January 2001 (Gaz 2000 No S69 p 3)

#### **Rates and Land Rent (Relief) Amendment Act 2000 No 79**

notified 21 December 2000 (Gaz 2000 No S69)  
s 1, s 2 commenced 21 December 2000 (IA s 10B)  
s 4, s 5 taken to have commenced 1 July 2000 (s 2 (2))  
remainder commenced 21 December 2000 (s 2 (1))

#### **Unit Titles Consequential Amendments Act 2001 No 17 sch 2**

notified 5 April 2001 (Gaz 2001 No 14)  
s 1, s 2 commenced 5 April 2001 (IA s 10B)  
sch 2 commences when ss 3-181, s 183, s 184, ss 186-188 and  
ss 190-194 commenced 5 October 2001 (s 2)

#### **Legislation (Consequential Amendments) Act 2001 No 44 pt 321**

notified 26 July 2001 (Gaz 2001 No 30)  
s 1, s 2 commenced 26 July 2001 (IA s 10B)  
pt 321 commenced 12 September 2001 (s 2 and see Gaz 2001  
No S65)

#### **Treasury Legislation Amendment Act 2002 No 7 pt 4**

notified LR 17 April 2002  
s 1, s 2 commenced 17 April 2002 (LA s 75)  
pt 4 commences 16 July 2002 (s 2 (3))

## 4 Amendment history

### **Title**

title am 1981 No 5  
sub 1991 No 22 s 3

### **Preliminary**

pt 1 hdg ins 1981 No 5

### **Short title**

s 1 sub 1991 No 22 s 4

**Definitions for Act**

- s 2 hdg orig pt 2 ins 1981 No 5  
sub 2000 No 79 s 4
- s 2 am 1973 No 27; 1976 No 10; 1976 No 70; 1978 No 46  
sub 1981 No 5  
am 1984 No 52; 1986 No 89; 1989 No 38; 1994 No 34 s 4;  
1997 No 14; 2000 No 79 s 4; 2000 No 66 sch 1 pt 14; 2001  
No 17 amdt 2.12  
def **commissioner** ins 1991 No 22 s 5  
def **member of the Forces** am 1991 No 22 s 5  
def **pensioner** ins 1991 No 22 s 5  
sub 1994 No 34 s 4  
def **tribunal** am 1994 No 60 sch 1

**Persons taken to be pensioners**

- s 2AA ins 2000 No 79 s 5

**Application of Act**

- s 2A ins 1981 No 5  
am 1986 No 89; 1988 No 31

**Rates other than land rates—application**

- s 2AB ins 1988 No 31  
sub 1989 No 38  
om 2000 No 66 sch 1 pt 14

**Interpretation for pt 2**

- s 2B hdg am R5 LA  
s 2B ins 1981 No 5  
am 1984 No 53; 1989 No 38; 2000 No 66 sch 1 pt 14; 2002  
No 7 s 14

**Deferral of rent and rates**

- s 3 hdg sub 2002 No 7 s 15  
s 3 am 1976 No 10; 1981 No 5; 1984 No 53; 1994 No 34 s 5 and  
sch; 1997 No 14

**Effect of making a determination**

- s 4 am 1976 No 10; 1981 No 5; 1984 No 53; 1989 No 38; 1994  
No 34 s 6 and sch; 2002 No 7 s 16, s 17

**Notice of determination to be presented to the registrar of titles for registration**

- s 5 am 1976 No 10; 1993 No 64 sch 1; 1995 No 54 sch  
om 1997 No 14 s 6

**Deferred amounts not recoverable while determination is in force**

- s 6 am 1989 No 38

**Effect of variation of determination under s 7**

- s 8 am 1976 No 10

## Endnotes

### 4 Amendment history

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#### **Effect of rebate on determination**

s 8A ins 1973 No 27  
am 1986 No 89; 1994 No 34 s 7  
om 1997 No 14 s 6

#### **Revocation of determinations on discharge of debt and on request**

s 9 am 1981 No 5; 1984 No 53; 1989 No 38

#### **Notice of proposed revocation of determination on prescribed grounds**

s 10 am 1976 No 10; 1981 No 5; 1986 No 31; 1994 No 34 s 8 and  
sch; ss renum R6 LA

#### **Revocation of determination on prescribed grounds**

s 11 am 1976 No 10  
sub 1981 No 5  
am 1989 No 38; 1994 No 34 s 9 and sch  
1997 No 14 s 7

#### **Revocation where application is not made to a Magistrate for an order under section 11**

s 12 am 1976 No 10  
om 1981 No 5

#### **Revocation after inquiry by Magistrate**

s 13 am 1976 No 10  
om 1981 No 5

#### **Instalments to be specified in instrument of revocation in appropriate cases**

s 14 om 1981 No 5

#### **Recovery of deferred amounts**

s 15 am 1976 No 10; 1981 No 5; 1989 No 38; 1994 No 34 sch

#### **Interest payable on amount after revocation of determination**

s 16 am 1976 No 10; 1981 No 5  
sub 1984 No 53  
am 1989 No 38  
sub 2002 No 7 s 18

#### **Remission of interest**

s 17 am 1976 No 10; 1994 No 34 sch; 2002 No 7 s 19

#### **Memorandum in relation to registered notice of determination**

s 18 am 1976 No 10; 1981 No 5  
am 1989 No 38  
sub 1997 No 14 s 8  
am 1993 No 64 sch 1; 1994 No 34 sch; 1995 No 54 sch; 2000  
No 79 s 6; 2001 No 44 amdt 1.3540, amdt 1.3541

#### **Information relating to determination**

s 19 am 1976 No 10; 1981 No 5; 1994 No 34 sch; 2000 No 79 s 7

**Notice of revocation to be given**

s 20 am 1976 No 10; 1981 No 5

**Notice of making of determination to be given to prior mortgagees or encumbrancees**

s 21 am 1981 No 5; 1995 No 54 sch  
om 1997 No 14 s 9

**Rebate for pensioners**

pt 3 hdg ins 1981 No 5

**Interpretation for pt 3**

s 21A orig s 21 A ins 1973 No 27  
om 1976 No 10  
ins 1981 No 5  
am 1991 No 22; 1997 No 14; 2000 No 66 sch 1 pt 14; ss renum  
R6 LA

**Applications for rebates of rates by pensioners and entitled persons**

s 21B ins 1973 No 27  
am 1976 No 10; 1967 No 70  
sub 1981 No 5  
am 1989 No 38  
sub 1991 No 22 s 7  
am 1994 No 34 s 10; 1997 No 14  
om 2000 No 66 sch 1 pt 14

**Notice of change in circumstances**

s 21BA ins 1981 No 5  
sub 1991 No 22 s 7

**Adjustment of liability for rates**

s 21BAA ins 1991 No 22 s 7  
am 1994 No 34 s 11

**Cessation and resumption of entitlement**

s 21BAB ins 1991 No 22 s 7

**Rebate in cases of hardship**

pt 4 hdg ins 1981 No 5  
om 1997 No 14

**Interpretation**

s 21BB ins 1981 No 5  
om 1997 No 14

**Rebates of land rates—uncapped**

s 21C orig s 21C ins 1973 No 27  
am 1981 No 5; 1994 No 34 sch  
om 1997 No 14  
(prev s 21BAAA) ins 1997 No 14  
renum 1997 No 14



## Endnotes

### 4 Amendment history

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#### **Rebates of land rates—capped**

s 21D orig s 21D ins 1973 No 27  
sub 1981 No 5  
om 1994 No 34 s 12  
(prev s 21BAAB) ins 1997 No 14  
renum 1997 No 14

#### **Determent of land rates affecting prescribed land**

pt 5 hdg ins 1981 No 5  
om 1997 No 14

#### **Interpretation**

s 21DA ins 1981 No 5  
om 1997 No 14

#### **Rebates and deferred liability**

s 21E orig s 21E ins 1976 No 10  
om 1997 No 14  
(prev s 21BAAC) ins 1997 No 14  
renum 1997 No 14

#### **Application for rebates**

s 21F orig s 21F ins 1976 No 10  
am 1976 No 70; 1994 No 60 sch 1  
om 1997 No 14  
(prev s 21BAAD) ins 1997 No 14  
renum 1997 No 14

#### **Application for variation of determination**

s 21FA ins 1976 No 70  
am 1984 No 52; 1994 No 34 sch  
om 1997 No 14

#### **Review of decisions of Minister**

s 21FB ins 1976 No 70  
am 1981 No 5  
om 1994 No 34 s 12

#### **Non-eligibility for past years**

s 21G orig s 21G ins 1976 No 10  
am 1976 No 10  
om 1997 No 14  
(prev s 21BAAE) ins 1997 No 14  
renum 1997 No 14

#### **Joint and several liability for rates**

s 21H orig s 21H ins 1976 No 10  
am 1976 No 10  
om 1997 No 14  
(prev s 21BAAF) ins 1997 No 14  
renum 1997 No 14  
am 2000 No 66 sch 1 pt 14

**Notice of change in circumstances**

s 21J orig s 21J ins 1976 No 10  
 am 1981 No 5; 1989 No 38  
 om 1997 No 14  
 (prev s 21BA) ins 1981 No 5  
 am 1986 No 89  
 sub 1991 No 22 s 7  
 am 1994 No 81 sch; 1997 No 14  
 renum 1997 No 14  
 am 2000 No 79 s 8

**Adjustment of liability for rates**

s 21JA (prev s 21BAA) ins 1991 No 22 s 7  
 am 1994 No 34 s 11; 1994 No 60 sch 1; 1997 No 14  
 renum 1997 No 14

**Cessation and resumption of entitlement**

s 21JB (prev s 21BAB) ins 1991 No 22 s 7  
 am 1997 No 14  
 renum 1997 No 14

**Miscellaneous**

pt 6 hdg ins 1981 No 5

**Information relating to application**

s 21K ins 1981 No 5  
 am 1989 No 38; 1994 No 34 sch  
 sub 2000 No 79 s 9

**Service of documents**

s 22 am 1994 No 34 sch  
 om 2000 No 79 s 10

**Interest rate**

s 23 ins 1984 No 53  
 am 2000 No 79 s 11; 2001 No 44 amdt 1.3542, amdt 1.3543  
 sub 2002 No 7 s 20

**Notification of decisions**

s 23A ins 1994 No 34 s 13  
 sub 1997 No 14

**Objections**

s 23B ins 1994 No 34 s 13  
 am No 60 1994 sch 1  
 sub 1997 No 14  
 am 2002 No 7 s 21

**Review of decisions**

s 23C ins 1997 No 14

**Effect of pending objection or review**

s 23D ins 1997 No 14

## Endnotes

### 5 Earlier republications

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#### Regulation-making power

s 24 ins 1984 No 53  
am 1989 No 38  
sub 2000 No 79 s 12  
am 2001 No 44 amdt 1.3544

#### Savings and transitional arrangements

s 25 ins 2000 No 66 sch 1 pt 14  
(5) exp 1 July 2001 (s 25 (6))  
(6) om R5 LA

#### Schedule 1

sch 1 hdg (prev the sch hdg) sub 1976 No 10  
sch 1 (prev the sch) am 1973 No 27; 1981 No 5; 1984 No 52; 1991  
No 22 s 8; 1993 No 64 sch 1; 1993 No 90 sch; 1994 No 34  
sch  
om 1997 No 14

#### Schedule 2

sch 2 ins 1976 No 10  
om 1997 No 14

## 5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (\*) in column 1. Except for the footer, electronic and printed versions of an authorised republication are identical.

Republication No	Amendments to	Republication date
1	Act 1991 No 22	30 June 1991
2	Act 1993 No 90	31 January 1994
3	Act 1994 No 81	28 February 1995
4	Act 1997 No 14	31 January 1998
5	Act 2001 No 44	12 September 2001
6	Act 2001 No 44	5 October 2001

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