

No. 27 of 1973

AN ORDINANCE

To amend the *Land Rent and Rates (Deferment) Ordinance 1970*.

I, THE GOVERNOR-GENERAL of Australia, acting with the advice of the Executive Council, hereby make the following Ordinance under the *Seat of Government (Administration) Act 1910-1972*.

Dated this fourth day of July, 1973.

PAUL HASLUCK  
Governor-General.

By His Excellency's Command,

REX PATTERSON

Minister of State for Northern Development, acting for and on behalf of the Minister of State for the Capital Territory.

LAND RENT AND RATES (DEFERMENT AND REMISSION)  
ORDINANCE 1973

1. (1) This Ordinance may be cited as the *Land Rent and Rates (Deferment and Remission) Ordinance 1973*.\*

Short title and citation.

(2) The *Land Rent and Rates (Deferment) Ordinance 1970*† is in this Ordinance referred to as the Principal Ordinance.

(3) The Principal Ordinance, as amended by this Ordinance, may be cited as the *Land Rent and Rates (Deferment and Remission) Ordinance 1970-1973*.

2. Section 2 of the Principal Ordinance is amended—

Interpretation.

- (a) by omitting from the definition of "Magistrate" in subsection (1) the words "Stipendiary Magistrate or Special";
- (b) by omitting from paragraph (a) of the definition of "pensioner" the figures "1969" and substituting the figures "1973";
- (c) by omitting from paragraph (c) of that definition the figures "1969" and substituting the figures "1973";
- (d) by omitting from sub-paragraph (ii) of paragraph (c) of that definition the word "or";

\* Notified in the *Australian Government Gazette* on 5 July 1973.

† Ordinance No. 5, 1970.

(e) by inserting after paragraph (c) of that definition the following paragraph:—

“(ca) a person to or in respect of whom there is being paid, under Division 1 of Part III of the *Repatriation Act* 1920-1973, a pension in respect of incapacity, being total incapacity for the purposes of that Act; or”;

(f) by omitting from paragraph (d) of that definition the figures “1968” (wherever occurring) and substituting the figures “1973”; and

(g) by omitting from sub-section (2) the figures “1969” (wherever occurring) and substituting the figures “1973”.

3. After section 8 of the Principal Ordinance the following section is inserted:—

“8A. (1) Where—

(a) by virtue of a determination, the obligation of a person, or of two or more persons, to pay rates imposed by the Rates Ordinance is deferred; and

(b) either—

(i) that person, or each of those persons, lodges a declaration in accordance with section 21B within the time specified in a notice of assessment given under section 14 of the Rates Ordinance in relation to those rates; or

(ii) that person pays, or those persons pay, an amount in accordance with a declaration made by the Minister under section 21C in relation to those rates,

that determination does not have effect in relation to those rates.

“(2) Subject to sub-section (1), the lodging of a declaration in pursuance of section 21B does not affect the operation of a determination, and the determination continues in force as if the rates to which the declaration relates had not become due.”.

4. After section 21 of the Principal Ordinance the following sections are inserted:—

“21A. In sections 21B and 21C, unless the contrary intention appears—

‘land rates’ means the amount of rates due under the Rates Ordinance in respect of a parcel of land in respect of a rating year;

‘rating year’ means the period of twelve months commencing on the first day of July in any year;

‘sewerage rates’ means the amount of rates due under the *Sewerage Rates Ordinance* 1968-1972 in respect of a parcel of land in respect of a rating year;

‘water rates’ means the amount of rates due under the *Water Rates Ordinance* 1959-1973 in respect of a parcel of land in respect of a rating year.

Effect of  
rebate on  
determina-  
tion.

Interpreta-  
tion.

## “ 21b. (1) Where—

- (a) notice in writing of the amount of land rates, sewerage rates or water rates payable by a person in respect of a parcel of land is given to that person;
- (b) that person is, during any part of the year in respect of which the rates are payable, a pensioner; and
- (c) within the time specified in the notice, or within such further time (if any) as the Minister allows, that person lodges with the Secretary, Department of the Capital Territory, a declaration in accordance with Form 3,

Rebate of rates for pensioners.

the liability of that person to pay those rates is discharged by payment of an amount equal to one-half of the amount of those rates.

## “ (2) Where—

- (a) notice in writing of the amount of land rates, sewerage rates or water rates payable by two or more persons in respect of the same parcel of land is given to those persons;
- (b) each of those persons is, during the whole or a part of the year in respect of which the rates are payable, a pensioner; and
- (c) within the time specified in the notice, or within such further time (if any) as the Minister allows, each of those persons lodges with the Secretary, Department of the Capital Territory, a declaration in accordance with Form 3,

the liability of those persons to pay those rates is discharged by the payment of an amount equal to one-half of the amount of those rates.

## “ 21c. (1) Where—

- (a) notice in writing of the amount of land rates, sewerage rates and water rates payable by a person in respect of a parcel of land is given to that person; and
  - (b) the Minister is satisfied that the payment by that person of those rates would cause undue hardship to that person,
- the Minister may, by instrument in writing—
- (c) declare that the payment by that person of an amount specified in the declaration within the time specified in the declaration will discharge the liability of that person in respect of those rates; or
  - (d) declare that the liability of that person in respect of those rates is discharged.

Rebate of rates in cases of hardship.

## “ (2) Where—

- (a) notice in writing of the amount of land rates, sewerage rates or water rates payable by two or more persons in respect of a parcel of land is given to those persons; and
- (b) the Minister is satisfied that the payment by those persons of those rates would cause undue hardship to one or more of those persons,

the Minister may, by instrument in writing—

- (c) declare that the payment by those persons of an amount specified in the declaration within the time specified in the

declaration will discharge the liability of those persons in respect of those rates; or

(d) declare that the liability of those persons in respect of those rates is discharged.

“(3) Where the Minister declares, under sub-section (1) or (2), that the payment by a person or by persons of an amount specified in the declaration will discharge the liability of that person or those persons in respect of the rates to which the declaration relates, payment of that amount within the time specified in the declaration, or within such further time as the Minister allows, discharges the liability of that person or those persons, as the case may be, in respect of those rates.

“(4) Where, in pursuance of sub-section (1), the Minister declares that the liability of a person, or of persons, to pay land rates, sewerage rates or water rates in respect of a rating year is discharged, the liability of that person or those persons in respect of those rates in respect of that rating year is thereupon discharged.

Application of Ordinance.

“21D. Nothing in this Ordinance affects the operation of section 28A of the Rates Ordinance 1926-1971, section 23 of the Sewerage Rates Ordinance 1968-1972, or section 29 of the Water Rates Ordinance 1959-1973.”.

Schedule.

5. The Schedule to the Principal Ordinance is amended by adding at the end thereof the following Form:—

FORM 3

Section 21B

LAND RENT AND RATES (DEFERMENT AND REMISSION) ORDINANCE  
Application for Remission of Rates.

I (name).....

of (address).....

declare—

1. I am a pensioner within the meaning of the Land Rent and Rates (Deferment and Remission) Ordinance 1970-1973.

2. My pension number is

and I apply for remission of—

- \*General rates
- \*Sewerage rates
- \*Water rates

for the period

Date.....

(Signature)

\* Strike out if not appropriate.