

No. 29 of 1974

AN ORDINANCE

To amend the *Rates Ordinance 1926-1971*.

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 1910-1973*.

Dated this twenty-seventh day of August, 1974.

JOHN R. KERR
Governor-General.

By His Excellency's Command,

GORDON M. BRYANT
Minister of State for the Capital Territory.

RATES ORDINANCE 1974

1. (1) This Ordinance may be cited as the *Rates Ordinance 1974*.^{*} Short title and citation.
- (2) The *Rates Ordinance 1926-1971*[†] is in this Ordinance referred to as the Principal Ordinance.
- (3) The Principal Ordinance, as amended by this Ordinance, may be cited as the *Rates Ordinance 1926-1974*.
2. Section 6 of the Principal Ordinance is amended by omitting sub-section (1) and substituting the following sub-section:— Rateable lands.
 - “ (1) 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;
 - (d) land leased from Australia which is occupied by, or used in connexion with, a certified school under the *Education Ordinance 1928-1971*, including a playground belonging to, or used in connexion with, such a school; and
 - (e) Crown lands which are unoccupied and not leased.”

^{*} Notified in the *Australian Government Gazette* on 28 August 1974.

[†] Ordinance No. 6, 1926; as amended by Nos. 5, 12 and 17, 1929; No. 5, 1930; No. 5, 1931; Nos. 1 and 27, 1937; Nos. 25 and 35, 1938; No. 5, 1950; No. 2, 1959; No. 5, 1967; No. 47, 1970; and No. 38, 1971.

Repeal.

3. Section 6A of the Principal Ordinance is repealed.

Revaluation where error made or change in valuation circumstances.

4. Section 10 of the Principal Ordinance is amended by omitting sub-section (1) and substituting the following sub-section:—

“(1) Where the Minister considers that the unimproved value of a parcel of land should be re-determined under this Ordinance by reason of—

- (a) an error that was made when the unimproved value of that parcel was most recently determined or re-determined; or
- (b) a change of circumstances that has arisen since the most recent determination or re-determination of the unimproved value of that parcel,

the Minister may give notice in writing to the owner of the parcel of land of his intention to re-determine the unimproved value of the parcel of land as at a date specified in the notice.”.

Years to which determinations and re-determinations are to apply.

5. Section 11 of the Principal Ordinance is amended—

- (a) by omitting from sub-section (5) the words “A re-determination” and substituting the words “Subject to sub-section (5A), a re-determination”; and
- (b) by inserting, after sub-section (5), the following sub-section:—

“(5A) Where—

- (a) a re-determination under section 10 is made in consequence of a final order under section 11A of the *City Area Leases Ordinance* 1936-1974; or
- (b) the unimproved value of a parcel of land is re-determined under section 10, not being a re-determination made in consequence of a final order referred to in paragraph (a), to be less than the unimproved value of that parcel as most recently determined or re-determined,

the re-determination, if made after the commencement of the *Rates Ordinance* 1974, applies in respect of rates for the year commencing on the first day of July next succeeding, in the case of a re-determination referred to in paragraph (a), the date on which the final order is made, or, in the case of a re-determination referred to in paragraph (b), the date of the re-determination.”.

Special provisions applicable to parcels of land subdivided in accordance with the *Unit Titles Ordinance* 1970-1971.

6. Section 12A of the Principal Ordinance is amended—

- (a) by omitting from paragraph (b) of sub-section (5) the figures and symbols “(4), (4A),”; and
- (b) by omitting from paragraph (d) of that sub-section the word “fifteen,”.

7. Section 14 of the Principal Ordinance is amended by adding at the end thereof the following sub-section:— Assessment or rates.

“(2) Where an error has been made in preparing an assessment in pursuance of sub-section (1), the Minister may cause a corrected assessment to be prepared and notice in writing of the corrected assessment to be given to the owner of the parcel of land, whereupon the corrected assessment shall be the assessment of the amount of rates payable in respect of that parcel of land.”

8. Section 15 of the Principal Ordinance is amended—

(a) by omitting sub-sections (4) and (4A) and substituting the following sub-sections:— Rates to be paid by the owner.

“(4) Subject to this section, a person who is—

- (a) the owner of a parcel of land which is held under a lease granted in pursuance of the *City Area Leases Ordinance* 1936, or that Ordinance as amended from time to time, for residential purposes only, not being a parcel of land upon which more than one residential unit is erected;
- (b) the owner of a parcel of land which is held under a weekly or fortnightly tenancy from Australia and is used for residential purposes only; or
- (c) a member of a corporation referred to in paragraph 12A (4) (a),

may at any time before the first quarter day after the date on which notice of assessment is given in pursuance of section 14 to that person or to the corporation, as the case may be, or within such other time that the Secretary allows, elect to pay the amount of the rates by equal instalments, and, where he so elects, the first instalment shall then be due on the first quarter day after the date of his election and remaining instalments on succeeding quarter days in that year.

“(4A) Sub-section (4) does not apply to a member of a corporation referred to in paragraph 12A (4) (a) unless the lease of that person’s unit provides that the unit is to be used for residential purposes only.

“(4B) Subject to sub-section (4C), an election in pursuance of sub-section (4) shall be made by giving to the Secretary a notice in writing accompanied by a fee of \$1.

“(4C) A fee is not payable in pursuance of sub-section (4B) in respect of a year where the person making the election pays or has paid a fee in pursuance of sub-section 24A (3) of the *Water Rates Ordinance* 1959-1974 or sub-section 19A (2) of the *Sewerage Rates Ordinance* 1968-1974 in respect of that year.”; and

(b) by omitting sub-section (11) and substituting the following sub-section:—

“(11) For the purposes of this section—

- (a) ‘quarter day’ means the last day of March, June, September or December;
- (b) ‘Secretary’ means the Secretary to the Department of the Capital Territory; and
- (c) ‘unit’ has the same meaning as in Part III of the *Unit Titles Ordinance 1970-1971*.”

Appeals to
the Supreme
Court.

9. Section 32 of the Principal Ordinance is amended by omitting sub-section (1) and substituting the following sub-section:—

“(1) The Minister, or the person who has requested the review of a decision made by the Minister under section 29, may, within 30 days after the decision of the Board on a review of that decision or within such further time as the Supreme Court, either before or after the expiration of that period, allows, appeal to the Supreme Court from the decision of the Board.”

Schedule.

10. The Principal Ordinance is amended as set out in the Schedule.

SCHEDULE

Section 10

ADDITIONAL AMENDMENTS

The Principal Ordinance is amended as set out in the following table:—

Provision	Amendment
Section 4	Omit “the Commonwealth”, substitute “Australia”.
Section 5(1)	Omit “the Commonwealth” (wherever occurring), substitute “Australia”.
Section 15(1)	Omit “the Commonwealth”, substitute “Australia”.
Section 15(2)	Omit “the Commonwealth”, substitute “Australia”.
Section 15(6)	Omit “the Commonwealth”, substitute “Australia”.
Section 15(8)	Omit “the Commonwealth”, substitute “Australia”.
Section 18(2)	Omit “the Commonwealth” (wherever occurring), substitute “Australia”.
Section 18(4)	Omit “the Commonwealth”, substitute “Australia”.
Section 18(5)	Omit “the Commonwealth”, substitute “Australia”.
Section 18(6)	Omit “the Commonwealth” (wherever occurring), substitute “Australia”.
Section 19(1)	Omit “the Commonwealth”, substitute “Australia”.
Section 24	Omit “the Commonwealth”, substitute “Australia”.