

No. 70 of 1976

AN ORDINANCE

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

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

Dated this sixteenth day of December, 1976.

JOHN R. KERR
Governor-General.

By His Excellency's Command,

A. A. STALEY
Minister of State for the Capital Territory.

LAND RENT AND RATES (DEFERMENT AND REMISSION) (AMENDMENT) ORDINANCE 1976

1. This Ordinance may be cited as the *Land Rent and Rates (Deferment and Remission) (Amendment) Ordinance 1976*.^{*} Short title.

2. In this Ordinance, "Principal Ordinance" means the *Land Rent and Rates (Deferment and Remission) Ordinance 1970*.[†] Principal Ordinance.

3. Section 2 of the Principal Ordinance is amended— Inter-pretation.
(a) by omitting from sub-section (1) the definition of "attributable part" and substituting the following definitions:—

"'attributable part', in relation to a parcel of land, means—

(a) the amount by which the unimproved value of the parcel is greater than the notional unimproved value of the parcel determined or re-determined by the Minister under section 21F; or

(b) where a determination made under section 21F in respect of the parcel is varied in accordance with sub-section 21FA (2)—the amount by which the unimproved value of the parcel is greater than the amount substituted in the determination by virtue of that variation as the notional unimproved value of the parcel;

^{*} Notified in the *Australian Government Gazette* on 22 December 1976.

[†] Ordinance No. 5, 1970 as amended by No. 27, 1973; and No. 10, 1976.

‘Department’ means the Department of State administered by the Minister of State for the time being administering this Ordinance;”;

(b) by inserting in sub-section (1), after the definition of “Magistrate”, the following definition:—

“‘notional unimproved value’, in relation to a parcel of prescribed land, means the value that would be the unimproved value of the parcel if the land included in the prescribed land had no greater potential for more valuable use than land adjoining the prescribed land;”;

(c) by inserting in sub-section (1), after the definition of “rating year”, the following definition:—

“‘Secretary’ means the person who, for the time being, is, or is performing the duties of, the Permanent Head of the Department within the meaning of the *Public Service Act 1922*;”;

(d) by adding at the end thereof the following sub-section:—

“(5) A reference in this Ordinance to a determination made under section 21F shall be read as including a reference to a re-determination made under that section.”.

Rebate of rates for pensioners.

4. Section 21B of the Principal Ordinance is amended—

(a) by omitting from paragraph (1)(c) the words “, Department of the Capital Territory,”; and

(b) by omitting from paragraph (2)(c) the words “, Department of the Capital Territory,”.

Determination by Minister.

5. Section 21F of the Principal Ordinance is amended by omitting sub-section (3) and substituting the following sub-sections:—

“(3) Where a determination is made under this section, the Minister shall—

(a) in the case of a determination made before the relevant date—as soon as possible after the relevant date; and

(b) in the case of a determination made on or after the relevant date—as soon as possible after making the determination, cause notice in writing of the amount determined or re-determined as the notional unimproved value of the parcel of land to which the determination relates to be served on the owner of the parcel.

“(4) In sub-section (3), ‘relevant date’ means the date of commencement of the *Land Rent and Rates (Deferment and Remission) Ordinance 1976*.”.

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

Application for variation of determination.

“21FA. (1) The owner of a parcel of land who is dissatisfied with a determination made under section 21F in respect of the parcel may,

within 30 days after the service on him of the notice referred to in sub-section 21F (3), send to, or lodge with, the Minister an application in writing requesting that, for the reasons stated in the application, the determination be varied by substituting for the amount of the notional unimproved value specified in the determination an amount specified in the application.

“(2) Where an application relating to a determination made under section 21F is sent to, or lodged with, the Minister in accordance with sub-section (1), the Minister shall consider the application and shall—

- (a) if he is satisfied that the amount of the notional unimproved value of the parcel of land to which the determination relates is too high—vary the determination by substituting for that amount a lower amount, being an amount equal to the amount that he considers was the notional unimproved value of the parcel of land at the date at which the determination was made; and
- (b) if he is not so satisfied—confirm the determination and dismiss the application.

“(3) The Minister shall cause notice in writing of his decision relating to an application under this section to be served on the applicant.

“(4) The fact that an application under this section by the owner of a parcel of land is pending does not, in the meantime, affect the liability of the owner to pay the land rates payable, having regard to any deferment under section 21G, in respect of the parcel and the amount of the rates so payable is, in the meantime, payable in the same manner as if the application had not been made.

“21FB. (1) Application may be made to the Tribunal for a review of a decision of the Minister or his delegate varying or confirming a determination made under section 21F. Review of decisions of Minister.

“(2) In sub-section (1), ‘Tribunal’ means the Administrative Appeals Tribunal established by the *Administrative Appeals Tribunal Act 1975*.”.

7. Section 21G of the Principal Ordinance is amended—

- (a) by omitting paragraphs (a) and (b) and substituting the following paragraphs:—
 - “(a) the Minister makes a determination under section 21F; or
 - (b) the Minister varies, in accordance with sub-section 21FA (2), a determination made under section 21F;”;
- (b) by inserting after the words “parcel of land” the words “to which the determination relates”.

Postpone-
ment of
rates.

8. Section 21H of the Principal Ordinance is amended by omitting the words “payable by virtue of” and substituting the words “that is payable having regard to any deferment under”. Refund of excess payments.