

No. 44 of 1977

AN ORDINANCE

To amend the Rates Ordinance 1926 and for other purposes

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 fourteenth day of September 1977.

JOHN R. KERR
Governor-General

By His Excellency's Command,

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

RATES (AMENDMENT) ORDINANCE (No. 3) 1977

1. This Ordinance may be cited as the Rates (Amendment) Ordinance (No. 3) 1977.* Short title

2. In this Ordinance, "Principal Ordinance" means the Rates Ordinance 1926.† Principal Ordinance

3. Section 6 of the Principal Ordinance is amended by omitting paragraph (e) and substituting the following paragraph: Rateable lands

"(e) Crown lands which are not leased and are unoccupied, other than land that, immediately before becoming unoccupied, was occupied by a lessee of the Commonwealth upon a weekly or fortnightly tenancy."

4. Section 14 of the Principal Ordinance is repealed and the following section substituted:

"14. (1) The Minister shall cause to be prepared assessments of the amounts of rates payable in respect of all parcels of rateable land in the Territory for each year, and shall cause to be given to the owner of each parcel of rateable land notice in writing of the assessment prepared in respect of that parcel and of the due date for the payment of the rates. Assessment of rates

* Notified in the Commonwealth of Australia Gazette on 16 September 1977.
† Ordinance No. 6, 1926, as amended. For references to amending Ordinances made before 1977 see footnote † to Ordinance No. 1, 1977. For amendments made during 1977 see Ordinances No. 1 and 21, 1977.

“(2) Where an error has been made in the preparation of an assessment under sub-section (1), the Minister may cause a corrected assessment to be prepared.

“(3) Where a corrected assessment is prepared under sub-section (2), sub-section (1) has effect as if the erroneous assessment had not been made.”.

Payment
of rates

5. Section 15 of the Principal Ordinance is amended—

(a) by omitting sub-sections (3) to (6) (inclusive) and substituting the following sub-sections:

“(3) The due date for the payment of rates is—

(a) where the rates are payable by a person to whom sub-section (5) applies and the date of the notice given to the person under section 14 is a date that is not less than 14 days before the last instalment day in a year—the date specified in the notice as the due date, being a date that is not less than 14 days after the date of the notice; and

(b) in any other case—the date specified in the notice as the due date, being a date that is not less than 28 days after the date of the notice.

“(3A) Rates become due and payable on the due date for the payment of the rates where—

(a) the rates are payable by a person other than a person to whom sub-section (5) applies; or

(b) the rates are payable by a person to whom sub-section (5) applies and the date of the notice given to the person under section 14 is a date that is less than 14 days before the last instalment day in a year.

“(4) Rates payable by a person to whom sub-section (5) applies, not being a person referred to in sub-section (3A), become due on the due date for payment of the rates and are payable in accordance with sub-section (5).

“(4A) Sub-section (5) applies to and in relation to a person who is—

(a) the owner of a parcel of rateable land that is held under a lease granted in pursuance of the *City Area Leases Ordinance 1936* for residential purposes only, not being a parcel of land upon which more than one residential unit is erected; or

(b) a member of a corporation referred to in paragraph 12A (4) (a) the lease of whose unit provides that the unit is to be used for residential purposes only,

being a person to whom or, in the case of a person referred to in paragraph (b), a member of a corporation to which, a notice of assessment under section 14 has been given.

“(5) A person to whom this sub-section applies may pay the rates in respect of which a notice of assessment referred to in section 14 has been given—

- (a) by paying the total amount of the rates on or before the due date for the payment of the rates;
- (b) by paying instalments—
 - (i) the number and amount of which are ascertained in accordance with sub-sections (5A) and (6);
 - (ii) the first of which is paid on or before the due date for the payment of those rates; and
 - (iii) the remainder of which are paid on the succeeding instalment days in the year in respect of which the rates are imposed; or
- (c) by paying such amounts, on such days, as the person wishes, but so that the total amount paid by the person on or before a day in a year is not less than the total amount that the person would have paid on that day in that year if the person were paying the rates by instalments in accordance with paragraph (b).

“(5A) For the purpose of paragraph (5) (b)—

- (a) the number of instalments is a number equal to one more than the number of instalment days remaining, after the due date for the payment of the rates, in the year in respect of which the rates are imposed; and
- (b) the amount of each instalment is an amount calculated by dividing the total amount of rates payable in accordance with the notice of assessment by the number of instalments ascertained in accordance with paragraph (a).

“(6) Where, but for this sub-section, the amount of an instalment would be an amount that includes a fraction of a cent, the last instalment in a year is increased by the least amount that will result in the earlier instalments for that year being equal instalments of an amount that does not include a fraction of a cent.”;

- (b) by omitting “(6),” from sub-section (10); and
- (c) by omitting sub-section (11) and substituting the following sub-section:
 - “(11) In this section, ‘instalment day’ means 15 October, 15 December, 15 February and 15 April.”.

6. After section 15 of the Principal Ordinance the following section is inserted:

Exemption
from
payment
of rates

“ 16. Notwithstanding the provisions of section 15, where a person occupies a parcel of rateable land upon a weekly or fortnightly tenancy from the Commonwealth, that person is not liable to pay rates in respect of the parcel.”.

Administra-
tive Appeals
Tribunal

7. Section 5 of the *Rates (Amendment) Ordinance (No. 2) 1977* is amended by omitting from sub-section (2)—

“ 30. (1) Application may be made to the Tribunal”,
and substituting—

“30A.(1) Application may be made to the Tribunal”.

Application

8.(1) The Principal Ordinance, as amended by this Ordinance, applies to and in relation to rates imposed in respect of the year that commenced on 1 July 1977 and each subsequent year.

(2) The Principal Ordinance, as in force immediately before the commencement of this Ordinance, continues to apply to and in relation to rates imposed in respect of a year that commenced before 1 July 1977.

(3) In sub-section (1), “year” has the same meaning as in the Principal Ordinance.