

AUSTRALIAN CAPITAL TERRITORY

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

No. 53 of 1984

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 26 September 1984.

N. M. STEPHEN
Governor-General

By His Excellency's Command,

TOM UREN
Minister of State for Territories
and Local Government

An Ordinance to amend the *Land Rent and Rates (Deferment and Remission) Ordinance 1970*

Short title

1. This Ordinance may be cited as the *Land Rent and Rates (Deferment and Remission) (Amendment) Ordinance (No. 2) 1984*.¹

Commencement

2. This Ordinance shall be deemed to have come into operation on 1 July 1984.

Principal Ordinance

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

Interpretation

4. Section 2B of the Principal Ordinance is amended by omitting sub-section (1) and substituting the following sub-section:

“(1) In this Part—

‘determination’ means a determination made under section 3;

‘rates’ means—

- (a) land rates, sewerage rates and water rates; and
- (b) excess water rates under the *Water Rates Ordinance 1959*.”.

Determinations under this Ordinance

5. Section 3 of the Principal Ordinance is amended—

- (a) by omitting from paragraph (1) (b) “in respect of the land under the Rates Ordinance”;
- (b) by inserting in sub-section (2) “all or” before “part” (wherever occurring);
- (c) by omitting from sub-paragraph (2) (a) (ii) “in respect of the land, under the Rates Ordinance”; and
- (d) by omitting from paragraph (2) (b) “in respect of the land under the Rates Ordinance”.

Effect of the making of a determination

6. Section 4 of the Principal Ordinance is amended—

- (a) by inserting in sub-section (1) “all or” before “part” (wherever occurring);
- (b) by omitting from paragraph (1) (b) “in respect of the land due under the Rates Ordinance”;
- (c) by omitting from sub-section (1) “in respect of the land due under the Rates Ordinance” and substituting “due”;
- (d) by inserting in sub-section (2) “all or” before “part” (wherever occurring);
- (e) by omitting from paragraph (2) (b) “in respect of the land under the Rates Ordinance”;

- (f) by omitting from sub-section (3) “of 5 per cent per annum” and substituting “fixed by the Minister in accordance with section 23”; and
- (g) by omitting from paragraph (4) (b) “under the Rates Ordinance”.

Effect of rebate on determination

7. Section 8A of the Principal Ordinance is amended—

- (a) by omitting from paragraph (1) (a) “imposed by the Rates Ordinance”; and
- (b) by omitting from paragraph (1) (b) “under section 14 of the Rates Ordinance” and substituting “under section 14 of the *Rates Ordinance 1926*, section 19 of the *Sewerage Rates Ordinance 1968* or section 24 of the *Water Rates Ordinance 1959*”.

8. Section 16 of the Principal Ordinance is repealed and the following section substituted:

Interest payable on amount unpaid after revocation of determination

“16. Where any of the amount for which the person to whom a determination related became indebted to the Commonwealth under this Ordinance remains unpaid after the date of revocation of the determination, there is payable to the Commonwealth interest on the amount remaining unpaid at a rate fixed in accordance with section 23.”.

9. The Principal Ordinance is amended by adding at the end thereof the following sections:

Power of Minister to determine rate of interest

“23. (1) The Minister may, by notice in writing published in the *Gazette*, fix a rate of interest on amounts—

- (a) deferred as the result of a determination under section 3; or
- (b) unpaid after the date of revocation of a determination.

“(2) The Minister may fix differing rates of interest—

- (a) in relation to amounts referred to in paragraph (1) (a) or (b); and
- (b) in relation to different periods of time during which amounts referred to in those paragraphs remain deferred or unpaid, as the case requires.

“(3) A rate fixed under this section shall not exceed the prescribed rate.

Regulations

“24. The Minister may make regulations, not inconsistent with this Ordinance, prescribing all matters which by this Ordinance are required or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to this Ordinance.”

NOTES

1. Notified in the *Commonwealth of Australia Gazette* on 5 October 1984.
2. No. 5, 1970 as amended by No. 27, 1973; Nos. 10 and 70, 1976; No. 46, 1978; No. 5, 1981; No. 52, 1984.