

AUSTRALIAN CAPITAL TERRITORY

LAND RENT AND RATES (DEFERMENT AND REMISSION) (AMENDMENT)  
ORDINANCE (NO. 2) 1984

No. 53 of 1984

EXPLANATORY STATEMENT

The Land Rent and Rates (Deferment and Remission) (Amendment) Ordinance (No.2) 1984 ("the proposed Ordinance") will amend the Land Rent and Rates (Deferment and Remission) Ordinance 1970 ("the existing Ordinance") by extending the concessions available under the existing Ordinance and providing a flexible system for fixing the interest rate on deferred amounts.

Details of the proposed Ordinance are as follows:

Sections 1 and 3 will deal with interpretation.

Section 2 will provide that the Ordinance shall be deemed to have come into operation on 1 July 1984. This retrospective operation will ensure that the wider range of concessions will be available to eligible persons for the whole of the rating year commencing on 1 July 1984.

Section 4 will amend section 2B of the existing Ordinance, which deals with the interpretation of the provisions for the making of determinations in Part II of the Ordinance, by defining "rates" to include land rates, sewerage rates, water rates and excess water rates. Previously, a deferment could only be made in respect of land rates, and accordingly, a land owner whose circumstances justified a deferment was nevertheless required to pay the full amount of sewerage, water and excess water rates.

Sections 5 and 6 will amend sections 3 and 4 respectively of the existing Ordinance. Section 3 deals with the making of a determination as to whether a lessee is entitled to a deferment of rates, and section 4 deals with the effect of the making of such a determination. The amendments provide:

1. Specific references to land rates due under the Rates Ordinance 1970 are removed, leaving a reference to rates only. When read with the new definition of rates, the result is that a determination may be made, and have the same effect, in respect of all rates.
2. While a determination could only be made in respect of part of the rates, it will now be able to be made in respect of all or part of the rates.

As well, paragraph 6(f) will amend Sub-section 4(3) of the existing Ordinance, which deals with interest charges on deferred amounts, by omitting the reference to an interest rate of 5% in that paragraph, and substituting a reference to a rate of interest fixed by the Minister in accordance with section 23.

Section 7 will amend section 8A of the existing Ordinance, which deals with the effect of an application for a rebate of rates under Part IV of the existing Ordinance on a determination, by

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- (a) omitting the specific reference to rates under the Rates Ordinance 1970 from paragraph 8A(1)(a), with the result that the section will operate when a determination is made in respect of any type of rates; and
- (b) adding specific references to applications for a rebate under the Sewerage Rates Ordinance and Water Rates Ordinance to the reference to an application for a rebate under the Rates Ordinance in paragraph 8A(1)(b)m so that the section will apply to any application for a rebate.

Section 8 will repeal section 16 of the existing Ordinance, which provided a system for the charging of interest on deferred amounts, after the determination has been revoked, and adds a new section 16 which provides that the interest rate in these circumstances will be that declared by the Minister in respect of section 23.

Section 9 will amend the existing Ordinance by adding new sections 23 and 24. The proposed section 23 will allow the Minister to fix a rate of interest on amounts which have been either deferred or in respect of which the determination has been revoked, provided always that the rate of interest does not exceed the prescribed rate. The proposed section 24 will allow the Minister to make regulations prescribing all matters which are required or permitted to be prescribed or which are necessary or convenient to be prescribed for the purposes of the Ordinance.