

# THE TERRITORY FOR THE SEAT OF GOVERNMENT.

No. 2 of 1920.

## AN ORDINANCE

To amend the Rates Ordinance 1911-12.

BE it ordained by the Governor-General of the Commonwealth of Australia, with the advice of the Federal Executive Council, in pursuance of the powers conferred by the *Seat of Government Acceptance Act 1909* and the *Seat of Government (Administration) Act 1910* as follows:—

- 1.—(1.) This Ordinance may be cited as the *Rates Ordinance 1920*. Short title and citation.
- (2.) The *Rates Ordinance 1911-12* 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 1911-1920*.
2. Section two of the Principal Ordinance is amended by inserting before the definition of “owner” the following definition:—“Crown land” means land, the property of the Commonwealth, within the Territory.” Definition.
3. After section two of the Principal Ordinance the following section is inserted:—

“2A.—(1.) The Minister may, by writing under his hand, delegate any of his powers under this Ordinance (except this power of delegation) in relation to any matters or class of matters, so that the delegated powers may be exercised by the delegate with respect to the matters or class of matters specified in the instrument of delegation.

“(2.) Every delegation by the Minister shall be revocable in writing at will, and no delegation shall prevent the exercise of any power by the Minister.”

Delegation by Minister.
4. Section three of the Principal Ordinance is amended by omitting from sub-section (2.) the words “, under the laws” and inserting in their stead the words “issued under the laws of the State of New South Wales”.
5. Section seven of the Principal Ordinance is amended—
  - (a) by omitting from sub-section (2.) the words, “not oftener than every two years”, and inserting in their stead the words “, except as provided in the next succeeding sub-section, not oftener than every twelve months”; and
  - (b) by adding at the end thereof the following sub-section:—

“(3.) In the event of the subdivision of any land, the Minister shall cause an assessment to be made of each parcel into which the land is subdivided, and thereafter the rates in respect of that land shall be payable in accordance with that assessment.”

Unimproved value of land.Period of assessment.

Power to make  
and levy rates.

6. Section eight of the Principal Ordinance is amended by inserting, after sub-section (4), the following sub-section :—

“(4A.) Where Crown land is held under a lease for a less period than one year, the amount payable for rates under this Ordinance in respect of the land shall be in the same proportion to the amount payable in respect of those rates for a year as the period of the lease bears to one year.”

Minister may  
make annual  
charge in lieu  
of rate.

7. Section two of the *Rates Ordinance* 1911 (*No. 2*) is amended by adding at the end thereof the following words :—“, and in such other parts of the Territory as the Minister from time to time by notice in the *Gazette* declares to be subject to the lighting and sanitary rates.”

8. Section ten of the Principal Ordinance is amended—

Rates to be  
paid by owner.

(a) by adding, at the end of sub-section (1), the words, “, or, in the event of the land being Crown land held under a lease, upon the goods and chattels of the owner”; and

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

“(4) Subject to the approval of the Minister, the rates in respect of any land held under lease under the *Lands Acquisition Act* 1906–1916 or the *Leases Ordinance* 1918 may be paid in instalments payable at the same intervals of time as, and with, the rent payable in respect of the lease.”

9. After section ten of the Principal Ordinance the following sections are inserted :—

Recovery of  
rates.

“10A.—(1.) Whenever any rates and the penalty due thereon are not paid at the expiration of three months after the publication of the notice in the *Gazette* in accordance with section nine of this Ordinance, the Minister may publish in the *Gazette* or in a newspaper circulating within the Territory a notification, in accordance with Form A in the Schedule, specifying the land in respect of which the rates are due, the name of the owner and the amount of the rates and penalty due and unpaid.

“(2.) If the rates and penalty are not paid at the expiration of thirty days after the publication of the notification in pursuance of the last preceding sub-section the Minister may recover, by distress and sale of any goods and chattels found on the land in respect of which the rates are due, the amount of the rates and the penalty due thereon, together with the costs and expenses of the distress and sale, and for that purpose may issue a warrant in accordance with Form B in the Schedule.

“(3.) The proceeds of the sale of any distrained goods and chattels shall be applied—

(a) in payment of the costs and expenses of the distress and sale; and

(b) in payment of the amount of the rates and the penalty due thereon,

and the balance (if any) shall be paid to the owner of the land in respect of which the rates are due.

“(4.) The costs and expenses of the distress and sale shall not exceed the amounts stated in the following scale:—

For each Warrant—One shilling.

For man in possession—each day or part of a day—Thirteen shillings.

For inventory, sale, commission and delivery of goods—Five per centum of the proceeds of the sale.

“10B. When the rates due in respect of any rateable land have been unpaid and in arrear for a period of one year, the Minister may at any time after the expiration of that period give notice, by registered letter addressed to the owner of the land at his last known place of abode, that the rates are due and are unpaid and in arrear and may at any time after the giving of that notice publish in the *Gazette* a notice setting out the land in respect of which the rates are due and unpaid and in arrear.

Notice that rates in arrear for one year.

“10c.—(1.) If the rates and penalty due thereon are not paid at the expiration of thirty days after the publication of the notice in the *Gazette* in pursuance of the last preceding section, the Minister may, if the land is unoccupied—

Unoccupied land may be let for payment of rates.

(a) take possession of the land ;

(b) hold the land against any person ; and

(c) lease the land from time to time for any term not exceeding seven years.

“(2.) The Minister, after so taking possession of the land, shall cause accounts to be kept—

(a) of the rents and other moneys received by him in respect of the land, and the expenses of and incidental to the letting and collection of the rents and moneys in respect of the land ; and

(b) of the rates and penalty due thereon and other sums due to the Minister in respect of the land.

“(3.) The rents and moneys so received shall be applied in defraying the expenses necessarily incurred by the Minister in executing the lease, in collecting the rents and moneys, and in paying the rates and penalty and other expenses due in respect of the land. The residue (if any) of the rents and moneys shall belong to the person or persons, who would, when the same were respectively received, have been entitled to receive the rents and profits of the land if it had not been taken possession of by the Minister.

“(4.) Within sixteen years, unless the land is sooner sold in pursuance of the next succeeding section, after the land has been so taken possession of by the Minister, any person, who but for this Ordinance,

would be entitled to the land, may inspect the accounts kept in pursuance of this section, and may require the Minister, on payment of the balance (if any) due to the Minister, to put him in possession of the land, subject to any lease lawfully made by the Minister under this Ordinance.

“(5.) The Minister shall comply with such requirement, and, if the balance is on the accounts against the Minister, shall pay such balance to the person aforesaid.

“(6.) Unless some person within sixteen years so requires the Minister to put him in possession of the land, and unless the land is sooner sold in pursuance of the next succeeding section, the land and all rents and moneys received by the Minister in respect thereof shall, on the expiration of the sixteen years, vest absolutely in the Commonwealth.

Land may be sold for payment of rates.

“10D.—(1.) In the case of land which is held by the owner for an estate in fee simple, if the rates and penalty due thereon are not paid at the expiration of one year after the publication of the notice in the *Gazette* in pursuance of section ten B of this Ordinance, the Minister may, if the land is occupied, or, in lieu of exercising his powers under the last preceding section, if the land is unoccupied, apply to a Court of competent jurisdiction for an order for the sale of all or any part of the rateable property comprised in the notice.

“(2.) On the hearing of the application, the Court, on being satisfied by affidavit or otherwise that the rates mentioned in the notice are lawfully due, and were in arrear for one year at the time of the publication of the notice, and that all things required by section ten B of this Ordinance to be done have been done, shall—

- (a) order the sale by public auction of the rateable property comprised in the application, or so much thereof as will be sufficient to pay the rates in arrear including as well the rates in arrear at the time of the publication of the notice as any rates that may become due and in arrear up to the time of the hearing of the application, and including all costs and expenses of and attending the notice, the application and the sale;
- (b) order that the proceeds be paid into Court; and
- (c) order that the title in the land be transferred to the purchaser free from all mortgages and encumbrances.

“(3.) The Court may order payment, out of the proceeds of such sale, of the said rates, interest, costs, and expenses; and the balance of the proceeds of the sale shall remain subject to any future or other order of the Court made on application by or on behalf of the parties interested therein.

“(4.) Notwithstanding anything contained in this section, if the owner at any time before the actual sale of any land for arrears of rates pays the rates, including interest and the costs incurred up to that time, the application and order thereon shall, without any order of the Court, be abandoned so far as regards the land in respect of which the rates are paid.

“ 10E. Any owner whose land has been sold for arrears of rates, or, if the land was under mortgage, the mortgagee thereof, shall, without any order of the Court, on handing over to the Court the certificate or other title to the land sold, be entitled to and shall be paid the surplus moneys in Court.

Owner of land entitled to surplus on giving up title.

“ 10F. In case there are included in any notice under section ten B of this Ordinance any rateable properties comprised in different assessments, or belonging to different owners, those properties may be included in one application under section ten D of this Ordinance, and the Court may make such orders as to the apportionment of rates, interest, costs, and expenses in respect of the properties, or any part thereof, as the Court deems just.”

Properties comprised in different assessments may be included in one application,

10. Section twelve of the Principal Ordinance is hereby repealed.

Repeal of s. 12.

11. After section sixteen of the Principal Ordinance the following section is inserted :—

“ 16A. The Minister may by notice published in the *Gazette* exempt any owner from payment of rates due for any period (either before or after the date of the commencement of this Ordinance) in respect of any land specified in the notice.”

Exemption from rates.

12. Section seventeen of the Principal Ordinance is amended by inserting, after paragraph (e), the following paragraph :—

“ (ea) the development and improvement of Commonwealth lands within the Territory.”

Expenditure of rates.

13. The Principal Ordinance is amended by adding at the end thereof the following Schedule :—

The Schedule.

**“ THE SCHEDULE.**

**FORM A.**

Commonwealth of Australia.

TERRITORY OF THE SEAT OF GOVERNMENT.

RATES ORDINANCE 1911-1920.

*Notification of Unpaid Rates.*

NOTICE IS HEREBY GIVEN that the rates and penalty due thereon specified hereunder are due and unpaid, and that if such rates and penalty are not paid on or before the.....the amount thereof may be recovered by distress and sale of any goods and chattels found on the land in respect of which the rates are due.

Land.	Owner.	Amount of Rates and Penalty due thereon.

Dated the                      day of                      , 192 .

**Minister for Home and Territories.**

