

DARWIN RATES ORDINANCE 1971

777

No. 21 of 1971

An Ordinance to provide for the rating of certain lands

[Reserved 26 March, 1971]

[Assented to 13 May, 1971]*

BE it ordained by the Legislative Council for the Northern Territory of Australia as follows:—

PART I.—PRELIMINARY

1. This Ordinance may be cited as the *Darwin Rates Ordinance* 1971. Short title

2. This Ordinance shall come into operation on a date to be fixed by the Administrator by notice in the *Gazette*.† Commencement

3. This Ordinance is divided into Parts, as follows:— Parts

Part I.—Preliminary (Sections 1-4).

Part II.—Rates.

Division 1.—Rate Book (Sections 5-11).

Division 2.—Declaration of Rates (Sections 12-15).

Division 3.—Appeals (Sections 16-23).

Part III.—Recovery of Rates.

Division 1.—Liability for Rates (Sections 24-41).

Division 2.—Time for Payment of Rates (Sections 42-43).

Division 3.—Methods of Recovery of Rates (Sections 44-46).

Division 4.—Miscellaneous (Sections 47-50).

Part IV.—Offences (Sections 51-52).

Part V.—Miscellaneous (Sections 53-63).

4. In this Ordinance, unless the contrary intention appears— Definitions
“municipality” means a municipality constituted and in existence under the *Local Government Ordinance* 1954-1970;

* Notified in the *Northern Territory Government Gazette* No. 20 of 19 May, 1971, page 168.

† The date fixed was 1 July, 1971 (see *Northern Territory Government Gazette* No. 26 of 30 June, 1971, page 227).

"occupier" means any person who, either jointly or alone, has the actual physical possession of any land to the substantial exclusion of other persons from participating in the enjoyment of the land;

"owner", in relation to land, includes—

- (a) the registered proprietor, under the *Real Property Act and Ordinance* 1886 to 1968, of an estate of freehold in possession;
- (b) as regards land not under that Act, a person who is seised of an estate of freehold in possession, or if that estate is subject to redemption under a mortgage, the person who, upon payment of the mortgage, would be entitled to a conveyance of such an estate;
- (c) a person who has agreed to purchase an estate of the nature mentioned in paragraph (a) or (b) of this definition and is, under the terms of the agreement for purchase, entitled to possession of, or to receive the rents and profits from, the land; and
- (d) a person who is entitled to receive, or is in receipt of, or if the land were let to a tenant would be entitled to receive, the rents and profits from the land, whether as beneficial owner, trustee, mortgagee in possession or otherwise;

"rate" means a rate declared under this Ordinance;

"the prescribed area" means that part of the land described in the Schedule to the *Darwin Lands Acquisition Act* 1945 that is not within a municipality;

"the Valuer-General" means the person for the time being holding, or performing the duties of, the office of Valuer-General under the *Valuation of Land Ordinance* 1963-1969;

"unimproved capital value" means unimproved capital value within the meaning of the *Valuation of Land Ordinance* 1963-1969.

PART II.—RATES

Division 1.—Rate Book

5. The Administrator shall cause to be kept a book, to be known as the rate book, in such form as he determines.

6. The Administrator shall cause to be entered in the rate book—

Particulars to be entered in rate book (Local Govt. Ord., s 149)

- (a) particulars of every parcel of ratable land within the prescribed area;
- (b) the names of the owner and of the occupier of each of those parcels;
- (c) the unimproved capital value of each of those parcels; and
- (d) such other particulars as the Administrator sees fit or as are prescribed.

7. The Administrator shall cause the name of a person—

Names of persons to be entered in or removed from rate book (Local Govt. Ord., s 150)

- (a) to be entered in the rate book as owner or occupier, as the case may be, of ratable land—
 - (i) if he receives an application to that effect in the prescribed form from the person claiming to be the owner or occupier; or
 - (ii) if he is satisfied that the person is the owner or occupier, as the case may be, of that land; and
- (b) to be removed from the rate book as owner or occupier, as the case may be, of ratable land—
 - (i) if he receives an application to that effect in the prescribed form;
 - (ii) if the person whose name is sought to be removed has paid all rates for which he is liable as owner or occupier of that land; and
 - (iii) if he has received notice of the name and address of the new owner or occupier, as the case may be.

8. The Administrator shall, immediately he becomes aware of an error in, or omission from, the rate book, direct that such alterations be made in the rate book as he decides the circumstances require.

Administrator to direct errors, &c., to be rectified, &c. (Local Govt. Ord., s 151)

9. Where the rate book is altered in pursuance of the last preceding section, the Administrator shall cause notice to be served by post on the person whose name appears in the rate book as owner or occupier of the land in respect of which the alteration is made.

Rate book to be amended, &c. (Local Govt. Ord., s 152)

10.—(1.) The Administrator shall, within twenty-one days from and including the date upon which he declares a rate—

Rates to be entered in book (Local Govt. Ord., s 153)

- (a) cause the amount of the rate due in respect of each parcel of ratable land and the amount owing by each person liable for payment of that rate, to be entered in the rate book; and

(b) give public notice of the place at which, and the times within which, the rate book may be inspected.

(2.) The Administrator shall ensure that the rate book is available for inspection at the place and during the times specified in a notice under this section.

Fee to inspect rate book in certain circumstances (Local Govt. Ord., s 154)

11. A person who wishes to inspect the entries in the rate book relating to any land shall pay such fee for inspecting the book as the Administrator determines, except where he is the person, or the agent of and authorised in writing by the person, who is liable for payment of rates on that land or on land adjoining that land.

Division 2.—Declaration of Rates

Application of rate (Local Govt. Ord., s 156)

12.—(1.) A rate declared under this Ordinance—

(a) applies for the year commencing on the first day of the month of July last preceding the declaration of that rate; and

(b) shall be levied by the Administrator causing a rate notice in the prescribed form to be served on the person who, under this Ordinance, is liable for payment of the rate.

(2.) A rate notice may be served under the last preceding sub-section by post or personally or, where the name or the address of the person liable for payment of the rate is not known, by notice in the *Gazette*.

Administrator to levy rate (Local Govt. Ord., s 157)

13. The Administrator shall, within two months from and including the date on which he declares a rate, levy the rate in accordance with the last preceding section.

Administrator to declare rate (Local Govt. Ord., s 158)

14.—(1.) The Administrator shall, before the twenty-first day of October in every year, declare a rate on the unimproved capital value of all ratable land within the prescribed area.

(2.) The amount of the rate declared under the last preceding sub-section in respect of a particular year shall not exceed the amount of the general rate declared under section 158 of the *Local Government Ordinance* 1954-1970 by the Corporation of the City of Darwin in respect of that year.

Minimum amount of rate (Local Govt. Ord., s 166)

15. Notwithstanding any other provision of this Ordinance, the minimum amount which may be levied as a rate in respect of one parcel of ratable land is Two dollars.

Division 3.—Appeals

Appeal regarding entry in rate book (Local Govt. Ord., s 169)

16. A person whose name is entered in the rate book as owner or occupier may appeal against an entry in the rate book on the ground—

- (a) that there is an error in or omission from the entry;
- (b) that he is not the owner or occupier of the whole or a part of the ratable land in respect of which his name is entered as the owner or occupier, as the case may be; or
- (c) that the land in respect of which his name appears as owner or occupier is not ratable land.

17. A person whose name is omitted from the rate book may appeal against the omission on the ground that he is the owner or occupier of the whole or a part of land which is ratable.

Appeal against omission from rate book (Local Govt. Ord., s 170)

18. An appeal under either of the last two preceding sections may be instituted by serving notice in the prescribed form on the Administrator.

Manner of appealing (Local Govt. Ord., s 171)

19. The Administrator may, within three months of the date on which a notice is served on him under the last preceding section, allow an appeal and if he does so he shall forthwith cause an appropriate alteration to be made in the rate book.

Appeal heard by Administrator in first instance (Local Govt. Ord., s 172)

20. If the Administrator does not, within three months of the date on which a notice is served on him under section 18 of this Ordinance, allow an appeal he shall forthwith refer it to the Local Court of Darwin by serving the notice of the appeal on the clerk of the court and shall notify in writing the appellant that he has done so.

Referral of appeal to court (Local Govt. Ord., s 172A)

21. The Local Court of Darwin may order the Administrator to refrain from levying or from recovering a rate affected by the appeal until such time as the court disposes of the appeal.

Court may order stay of recovery of rate (Local Govt. Ord., s 173)

22.—(1.) Upon hearing the appeal, the local court may—

- (a) make such order on the appeal and as to the costs of the appeal as it sees fit; and
- (b) order the Administrator to make any necessary alteration in the rate book consequential upon its order.

Order on appeal (Local Govt. Ord., s 174)

(2.) An order as to costs is enforceable in the same manner as a judgment of the court.

23. Subject to any order made by the court, the obligation to pay and the right to recover any rate is not suspended by an appeal under this Division, but where an amount has been paid to the Commonwealth by the appellant, which the court subsequently holds not to have been properly payable by him, the Commonwealth shall forthwith refund that amount to him.

Obligation to pay rate not suspended (Local Govt. Ord., s 175)

PART III.—RECOVERY OF RATES

Division 1.—Liability for Rates

Interpretation
(Local Govt.
Ord., s 175A)

24. For the purposes of this Division—

- (a) where the right to a lease from the Crown or Commonwealth of any Crown land has been offered by auction and a person has, at the auction, obtained the right but has not been granted a lease of the land, the land is deemed to be occupied by the person;
- (b) where a person, being the lessee under a lease from the Crown or Commonwealth of any Crown land, surrenders the lease as to all or part of the land included in the lease and is entitled to be granted a new lease from the Crown or Commonwealth in respect of a lot included in the land, but has not been granted such a new lease, the lot is deemed to be occupied by the person;
- (c) where a person—
 - (i) has made application for the grant of a lease from the Crown or Commonwealth of any Crown land;
 - (ii) has been informed in writing (which may be served on him by post) that the Minister has approved that such a lease be granted to him; and
 - (iii) has accepted an offer made on behalf of the Crown or Commonwealth to be granted such a lease,

but the person has not been granted the lease in respect of which he has accepted the offer, the land in respect of which the offer has been made is deemed to be occupied by that person;
- (d) where land is deemed under this sub-section to be occupied by a person and his right to be granted a lease in respect of that land passes to another person by transfer, devolution or operation of law, the land is thereupon deemed to be occupied by the last mentioned person; and
- (e) an interest in ratable land shall be deemed to include a right to be granted a lease from the Crown or Commonwealth of ratable land.

Land which is
not ratable land
(Local Govt.
Ord., s 175A)

25.—(1.) Unleased Crown land in the prescribed area is not ratable if it is not occupied by a person other than the Commonwealth.

(2.) Land in the prescribed area is not ratable land if it is land which is exempt from payment of rates by reason of the provisions of an Act or Ordinance other than this Ordinance.

(3.) Land in the prescribed area is not ratable land if it is—

- (a) land which is used as a public reserve, public park, public sports ground, public playground, public garden, public cemetery or public road;
- (b) land on which is built a church, chapel or building used exclusively for public worship or a building used solely for the accommodation of the official head of a religious denomination or order in the Territory or of ministers of religion or members of a religious order;
- (c) land which is used or occupied for the purposes of a public hospital, public benevolent institution or public charity;
- (d) land which is used or occupied solely in connexion with a school or kindergarten or an institution declared by the Administrator in Council to be a youth centre;
- (e) land which is used or occupied solely for the purposes of a public library or public museum; or
- (f) Crown land which is leased at a nominal rental to a person employed by the Commonwealth as a caretaker of that land.

26. Subject to the last preceding section, all land in the prescribed area is ratable land.

Ratable land
(Local Govt.
Ord., s 175c)

27. A rate is, except where this Ordinance otherwise provides, payable to the Commonwealth by the owner of the land in respect of which the rate is levied.

Owner to pay
rates (Local
Govt. Ord., s
176)

28. Where an Act or Ordinance other than this Ordinance provides that land which otherwise would be exempt from rates is, in specified circumstances, not exempt from rates, the rate levied in respect of such land in circumstances in which it is ratable land is payable by the person specified in the Act or Ordinance as the person by whom it is payable or, if no person is so specified, by the lessee of the land.

Lessee from
certain persons
liable to pay
rates (Local
Govt. Ord., s
176a)

29.—(1.) Where ratable land, being Crown land which is not leased, is occupied by a person other than the Commonwealth, a rate levied in respect of the land is payable by the person occupying the land.

Rates payable
by occupiers
in certain
circumstances
(Local Govt.
Ord., s 176a)

(2.) If any doubt arises as to the limits of the land to be included in a parcel of such ratable land for the purpose of making a valuation of the unimproved capital value of the parcel, the limits shall be determined for that purpose by the Valuer-General after considering all matters which in his opinion are relevant.

Industrial &c.
undertakings of
Commonwealth
to pay rates
(Local Govt.
Ord., s 177)

30. Where an industrial or commercial undertaking is conducted by or on behalf of the Commonwealth, whether on Crown land or otherwise, any rates payable in respect of ratable land occupied by that undertaking shall be paid by or out of the funds of the undertaking.

Lessee from
Crown or
Commonwealth
liable for
rates (Local
Govt. Ord., s
178)

31.—(1.) Where ratable land is held by a person under lease from the Crown or Commonwealth, the lessee is liable for rates in respect of that land.

(2.) Where there is, on ratable land, a dwelling house—

- (a) which is the property of the Commonwealth; and
- (b) which is leased by the Minister or the Administrator to a person for residential purposes,

the amount of the rates payable in respect of that land, or such portion of that amount as is proportionate to the part of the year to which the rate applies during which the person so occupies the land, is payable to the Commonwealth by that person.

(3.) For the purposes of this section—

- (a) a dwelling house shall be deemed not to be leased to a person if the land on which the dwelling house is situated is deemed to be leased to the person by virtue of section six A of the *Crown Lands Ordinance 1931-1970*; and
- (b) "dwelling house" includes a flat and any other portion of a building that constitutes a residential unit.

Adjustment of
rates between
persons holding
Crown lease in
one year (Local
Govt. Ord., s
179)

32. Where land is held under lease from the Crown or the Commonwealth by two or more persons separately in any one year, whether with or without an interval between those persons so holding, the Administrator may if he sees fit—

- (a) adjust the rate between those persons, whether the rate is paid or unpaid, in such manner as he sees proper;
- (b) if the rate is unpaid, recover from each of those persons the proportion of the rate so adjusted;
- (c) make a refund in accordance with the adjustment; and
- (d) write off a proportion of the amount owing in respect of an interval between those persons holding the lease.

33 Where land which is owned by the council for a municipality is leased to a person, that person is liable for payment of the rates in respect of that land.

Land leased to person by council (Local Govt. Ord., s 180)

34. Where ratable land is owned or held jointly or in common by two or more persons, those persons are jointly and severally liable for payment of the rate in respect of that land but, subject to any agreement between those persons, the person paying the rates is entitled to and may sue for contribution by the others in proportion to their interest in the land.

Land held jointly or in common (Local Govt. Ord., s 181)

35. Where a person has disposed of his estate or interest in ratable land but pays a current rate to the Commonwealth before he gives notice to the Administrator of his having disposed of his estate or interest, he may, subject to any agreement entered into by him to the contrary, recover from the person to whom he disposed of his estate or interest, the amount so paid, or such portion of that amount as is proportionate to the part of the year to which the rate applies which was unexpired when he disposed of his estate or interest.

Seller may recover portion of rate from purchaser (Local Govt. Ord., s 183)

36. As between a person who by a transaction disposes of an estate or interest in ratable land and the person to whom that estate or interest is disposed, a current rate is deemed to accrue from day to day and, subject to any agreement between them, is apportionable to and including the date of settlement of that transaction.

Between seller and purchaser rate deemed to accrue from day to day (Local Govt. Ord., s 184)

37.—(1.) A person who acquires an estate or interest in ratable land is liable for payment of both current rates and all arrears of rates owing in respect of the land.

Person acquiring land liable for outstanding rates (Local Govt. Ord., s 185)

(2.) The provisions of the last preceding sub-section do not apply where the land is purchased by a *bona fide* purchaser for value, who, not more than seven days before the date on which he purchased or entered into an agreement to purchase the land, obtained a written certificate from a person authorised by the Administrator to give such a certificate that no rates were, at that date, owing in respect of the land.

38. Where a person, who, under the last preceding section, becomes liable for the payment of rates levied before he acquired his estate or interest, pays those rates, he may, subject to any agreement entered into by him to the contrary, recover from the person from whom, for value, he acquired that estate or interest so much of the rates as were owing when he acquired his estate or interest.

Person may recover portion of rates from previous owner (Local Govt. Ord., s 186)

Where land ceases
to be ratable
(Local Govt.
Ord., s 187)

39 Where land ceases to be ratable and the year to which a rate applies has not expired, the Administrator shall—

(a) if the rate has been paid, refund to the person who paid the rate; or

(b) if the rate has not been paid, grant a rebate to the person who is liable for payment of the rate of, that portion of the rate which is appropriate to the part of the year during which the land is not ratable.

Where land
becomes ratable
after rate is
declared
(Local Govt.
Ord., s 188)

40. Where land becomes ratable in any year after the date upon which a rate is declared for that year, the amount of the rate payable, in respect of that land for the year to which the rate applies, is proportionate to the part of the year during which the land is ratable.

Commonwealth
not to receive
rates twice
(Local Govt.
Ord., s 188A)

41. Notwithstanding anything contained in this Ordinance the Commonwealth, in respect of any parcel of land, may not receive payment of a rate from more than one person.

Division 2.—Time for Payment of Rates

Due date for
payment of
rate (Local
Govt. Ord., s
189)

42. A rate becomes due and is payable upon the expiration of one month after the date upon which a rate notice in respect of that rate is served in accordance with this Ordinance.

Fines on unpaid
rates (Local
Govt. Ord., s
190)

43.—(1.) Where a rate or a part of a rate remains unpaid at the expiration of six months after the date upon which it becomes due the rate increases by the addition of a fine equal to five per centum of the amount of the rate which then remains unpaid.

(2.) A fine added under the last preceding sub-section is, subject to the next succeeding sub-section, a part of the rate and is recoverable with and in the same manner as a rate.

Division 3.—Methods of Recovery of Rates

Administrator
may sue for
rates (Local
Govt. Ord., s
191)

44. The Administrator may sue for the recovery of a rate which is due and unpaid from the person who is liable for payment of the rate—

(a) by action in a court of competent jurisdiction; or

(b) at any time within three years from and including the date upon which the rate becomes due, in a court of summary jurisdiction.

45—(1.) Where a rate in respect of ratable land is due and unpaid and the person liable for payment of the rate—

- (a) resides outside the Territory;
- (b) is not known;
- (c) has not been served with any process in legal proceedings for the recovery of the rate after reasonable efforts have been made to that end;
- (d) is bankrupt;
- (e) dies; or
- (f) has had a verdict or judgment given against him by a court of competent jurisdiction for the amount of the rate and for fourteen days has failed to pay the amount of that verdict or judgment,

Administrator may require tenant to pay rent in payment of rates in certain circumstances (Local Govt. Ord., s 192)

the Administrator may cause notice to be served on the occupier of the ratable land in respect of which the rate is due, requiring the occupier to pay any rent then due or becoming due by him in respect of the land, as it falls due, to the Commonwealth until the amount of the rate, verdict or judgment is paid in full.

(2.) A payment made to the Commonwealth by a person in accordance with a notice served on him under the last preceding sub-section is a valid discharge to that person against any person claiming against him for that rent.

46.—(1.) Where a person, who has been served with a notice under the last preceding section, fails to pay the rent in accordance with the demand, the Commonwealth may recover the amount of the demand or such portion as remains unpaid as a debt due to the Commonwealth by that person.

Rights of Commonwealth where tenant fails to pay rent (Local Govt. Ord., s 193)

(2.) This section does not apply to a person who is in occupation of ratable land for or on behalf of or as a servant of the Commonwealth or of the council for a municipality.

Division 4.—Miscellaneous

47. Subject to this Ordinance, a rate which is due and unpaid and any costs awarded to the Commonwealth by a court of competent jurisdiction in any proceedings relating to a rate are and remain—

- (a) in the case of a rate levied in respect of land leased from the Crown or the Commonwealth, a first charge on the interest in the land of the person who owes the rates or costs; and
- (b) in any other case, a first charge on the land in respect of which the rate was levied.

Rates a charge on land, &c. (Local Govt. Ord., s 194)

Rates not a charge on land in certain circumstances (Local Govt. Ord., s 195)

48. The provisions of the last preceding section do not apply where the land is purchased by a *bona fide* purchaser for value who, not more than seven days before the date upon which he purchased or entered into an agreement to purchase the land, obtained a written certificate from a person authorised by the Administrator to give such a certificate that no rates or costs were at that date owing in respect of the land.

Payments to be appropriated to rates in order of rates becoming due (Local Govt. Ord., s 196)

49. Where money is paid to the Commonwealth for rates levied by the Administrator, the Commonwealth shall, notwithstanding any direction to the contrary by the person paying that money, apply the money for or towards the payment of rates due in the order in which they became due.

Relationship between parties as to rates (Local Govt. Ord., s 198)

50.—(1.) Except where otherwise expressly provided, the provisions of this Ordinance do not affect any agreement or rule of law or equity regarding the liabilities of parties *inter se* for any rate charged or imposed under this Ordinance.

(2.) As between a tenant for life of ratable land and a person entitled to the land in remainder or reversion, a rate charged or fee imposed under this Ordinance is deemed to accrue from day to day and to be apportionable between those parties accordingly.

PART IV.—OFFENCES

Notice of change of ownership of ratable land (Local Govt. Ord., s 395)

51.—(1.) A person who disposes of an estate or interest in ratable land shall, within one month from and including the date when he disposes of the estate or interest, give notice in writing to the Administrator setting forth—

- (a) particulars of the ratable land; and
- (b) the name and address of the person to whom he disposed of the estate or interest.

Penalty: Forty dollars.

(2.) A person who acquires an estate or interest in ratable land shall, within one month from and including the date when he acquires the estate or interest, give notice in writing to the Administrator setting forth—

- (a) particulars of the ratable land; and
- (b) the name and address of the person from whom he acquired the estate or interest.

Penalty: Forty dollars.

(3.) This section does not apply to the granting or discharge of a mortgage.

False statements (Local Govt. Ord., s 396)

52. A person shall not wilfully make a false statement—

- (a) in a notice which he is required to give under this Ordinance; or
- (b) in an application made under this Ordinance.

Penalty: One hundred dollars.

PART V.—MISCELLANEOUS

53. The production of the *Gazette* in which notice is given of the declaration of a rate by the Administrator is conclusive evidence of the rate having been duly declared by the Administrator.

Proof of declaration of rate (Local Govt. Ord., s 402)

54. Where, pursuant to this Ordinance, it is necessary to serve a notice on the Commonwealth, the notice shall be deemed to be properly served if—

Service of notices on Commonwealth (Local Govt. Ord., s 406)

- (a) it is served personally on the Administrator; or
- (b) it is forwarded by registered post in an envelope addressed to the Administrator at Darwin.

55. Where, pursuant to this Ordinance, it is necessary to serve a notice on any person, the notice may be served—

Service of notices on persons (Local Govt. Ord., s 407)

- (a) personally on that person;
- (b) by delivering it to a person apparently above the age of fourteen years, and apparently living or employed, at the premises at which the person to be served lives, or carries on business; or
- (c) by forwarding it by registered post in an envelope addressed to that person at his last known place of abode or business.

56. A notice which is served under this Ordinance on the owner or occupier of any land or premises is binding upon any person claiming through, under, in trust for or in succession to that owner or occupier, as though the notice had been served on that person.

Continuing effect of notice served on owner or occupier (Local Govt. Ord., s 408)

57. In any proceedings under, or arising out of this Ordinance a declaration made under the *Statutory Declarations Act* 1959-1966 by a person who has served an order, direction or any notice of any kind setting forth the manner, the place, the time and date of service, shall be *prima facie* proof of the service of that order, direction or notice.

Proof of service of notices, &c. (Local Govt. Ord., s 409)

58. Notwithstanding the provisions of any other law, proceedings for the recovery of a rate may be taken at any time within twenty years from the date when the rate becomes due and payable.

Rates recoverable within 20 years (Local Govt. Ord., s 415)

59. In any proceedings under this Ordinance, a certificate signed by the Registrar-General and sealed with his official seal, that a person is an owner or lessee, as the case may be, of a particular piece of land, is *prima facie* proof that the person is the owner or lessee, as the case may be, of the land.

Proof that person owner, &c. (Local Govt. Ord., s 416)

Certificate to be
evidence (Local
Govt. Ord., s
416A)

60. In any proceedings under this Ordinance, a certificate in writing, signed by a person authorised by the Administrator to do so, certifying that a dwelling house is the property of the Commonwealth shall be evidence that the dwelling house is the property of the Commonwealth.

Copy of entry
in rate book
evidence, &c.
(Local Govt.
Ord., s 417)

61. In any proceedings for the recovery of a rate, production of a copy of an entry in the rate book—

(a) certified by a person thereto authorised by the Administrator to be a true copy of the entry; and

(b) showing an amount to be owing for rates levied on land,

shall be *prima facie* proof that the amount is owing to the Commonwealth, without further evidence being required, and that the provisions of this Ordinance have been complied with, with respect to the declaration and levying of the rate.

Proof of
certain matters
not required
(Local Govt.
Ord., s 418)

62. In any prosecution or other legal proceedings under this Ordinance, proof shall not be required, unless evidence is given to the contrary—

(a) of the fact that a particular place is within the prescribed area;

(b) of the particular or general authorisation of a person by the Administrator as the proper person to do any act, or for any purpose under this Ordinance; or

(c) of the fact that the defendant is, or at any relevant time was, the owner or occupier of any land in question.

Regulations

63. The Administrator in Council 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.
