

LOCAL GOVERNMENT ORDINANCE 1973

1427

No. 10 of 1973

An Ordinance to provide for the waiving by municipal councils of rates in respect of parcels of land in certain circumstances

[Assented to 13 March, 1973]

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

1. This Ordinance may be cited as the *Local Government Ordinance 1973*. Short title

2. The *Local Government Ordinance 1954* as amended is in this Ordinance referred to as the Principal Ordinance. Principal Ordinance

3. After section 188A of the Principal Ordinance the following section is inserted:—

“188B.—(1.) Notwithstanding anything contained in this Ordinance, a council may, if it is satisfied, on an application made for the purpose by the owner or owners of a parcel of land— Remission of rates

(a) that the owner is a pensioner or all the owners are pensioners; or

(b) in the case of an application made by a person or by two or more persons any one of whom is not a pensioner, that payment of the rates due or to become due, in respect of the land, under this Ordinance is likely to cause substantial hardship to the applicant or applicants,

by resolution, determine that the amount of the rates that would, but for the determination, be payable by the owner or owners in respect of the parcel of land, or such part of that amount as the council considers reasonable, shall be waived by the council or that the obligation of the owner or owners to pay any such amount of rates or such part of that amount as the council considers reasonable shall be deferred.

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“(2.) Upon the making of a determination for waiving the amount or part of the amount of rates, that amount or part of the amount is not recoverable and, upon the making of a determination for the deferment of the amount or part of the amount of rates, that amount or part of the amount is, while the determination is in force, not recoverable.

“(3.) The council may revoke a determination under sub-section (1.) for the deferment of rates—

- (a) if the Council is satisfied that a prescribed ground for the revocation of the determination exists; or
- (b) on the written request of the owner or owners to which the determination relates.

“(4.) Each of the following is a prescribed ground for the revocation of a determination under sub-section (3.):—

- (a) that, in the case where the owner or each of the owners to whom the determination relates was, at the time the determination was made, a pensioner, the owner or each of the owners has ceased to be a pensioner;
- (b) that the owner or all of the owners to whom the determination relates has or have ceased to be ordinarily resident on the land;
- (c) that the person or persons to whom the determination relates has or have ceased, whether by death or otherwise, to be the owner or owners of the land;
- (d) that, in a case where the determination relates to a person who was not, at the time of the determination, a pensioner or the determination relates to persons all of whom were not, at that time, pensioners, the revocation is not likely to result in substantial hardship to that person or those persons.

“(5.) The amount for which a person to whom a determination for deferment of an amount of rates related has become indebted to the council is recoverable as a debt due to the council and payable on the day immediately after the day on which the determination is revoked.

“(6.) The council shall, as soon as practicable after a determination for the deferment of an amount of rates is made, cause notice of the making of the determination to be given to the Registrar-General for registration under the Real Property Act and when an amount equal to the total of the amount of rates for which the person or persons to whom the determination related became indebted to the council is paid, cause notice

of the revocation of the determination and of the discharge of the indebtedness to be given to the Registrar-General for registration under the Real Property Act.

“(7.) In this section—

‘owner’, in relation to a parcel of land, means—

- (a) in the case of a parcel of land held under a lease, the lessee of the parcel of land or, in a case where two or more persons are lessees of the parcel of land, whether as joint tenants or tenants in common, each of those persons; and
- (b) in the case of a parcel of land that is held in fee simple, the person in whom the fee simple is vested or, in a case where the fee simple is vested in two or more persons, whether as joint tenants or tenants in common, each of those persons;

‘pensioner’ means—

- (a) a person to whom or in respect of whom—
 - (i) there is being paid an age or invalid pension under Part III., or a widow’s pension under Part IV., of the *Social Services Act 1947-1972*; or
 - (ii) such a pension would be payable if the person were not in receipt of a rehabilitation allowance under section 135D of that Act,
other than such a person to whom or in respect of whom such a pension would not be payable if any amendment of the *Social Services Act 1947-1968*, being an amendment alleviating the operation of the means test in relation to that person, made after the date of commencement of the *Social Services Act 1968*, had not been made;
- (b) a person to whom or in respect of whom there is being paid a sheltered employment allowance under Part VIIA. of the *Social Services Act 1947-1968* or an allowance under the *Tuberculosis Act 1948* and who, but for the payment of that allowance, would be eligible to receive a pension of a kind referred to in the last preceding paragraph other than such a person who would

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not be eligible to receive such a pension if any amendment of the *Social Services Act 1947-1968*, being an amendment alleviating the operation of the means test in relation to that person, made after the date of commencement of the *Social Services Act 1968* had not been made;

- (c) a person to whom or in respect of whom there is being paid a service pension under Part III. of the *Repatriation Act 1920-1972* other than such a person to whom or in respect of whom such a pension would not be payable if—
- (i) any amendment of the *Repatriation Act 1920-1968*, being an amendment alleviating the operation of the means test in relation to that person, made after the date of commencement of the *Repatriation Act 1968* had not been made; and
 - (ii) any amendment of the *Social Services Act 1947-1968*, being an amendment alleviating the operation of the means test in relation to that person, made after the date of commencement of the *Social Services Act 1968* had not been made; or
- (d) a person to whom or in respect of whom a pension, in accordance with Table A in the Third Schedule to the *Repatriation Act 1920-1968*, that is payable under that Act, under the *Repatriation (Far East Strategic Reserve) Act 1956-1966*, or under the *Repatriation (Special Overseas Service) Act 1962-1968*, by reason of the person being the widow of a deceased member of the Forces or having been recognized as the wife of a deceased member of the Forces though not legally married to him.”.
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