

LOCAL GOVERNMENT ORDINANCE (No. 4)  
1968

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No. 68 of 1968

An Ordinance to amend the *Local Government Ordinance 1954-1967*, as amended by the *Local Government Ordinance 1968*, the *Local Government Ordinance (No. 2) 1968* and the *Local Government Ordinance (No. 3) 1968*

[Assented to 1 October, 1968]

**B**E it ordained by the Legislative Council for the Northern Territory of Australia, in pursuance of the powers conferred by the *Northern Territory (Administration) Act 1910-1968*, as follows:—

1.—(1.) This Ordinance may be cited as the *Local Government Ordinance (No. 4) 1968*. Short title and citation

(2.) The *Local Government Ordinance 1954-1967*, as amended by the *Local Government Ordinance 1968*, the *Local Government Ordinance (No. 2) 1968* and the *Local Government Ordinance (No. 3) 1968*, is in this Ordinance referred to as the Principal Ordinance.

(3.) Section 1 of the *Local Government Ordinance (No. 3) 1968* is amended by omitting sub-section (4.).

(4.) The Principal Ordinance, as amended by this Ordinance, may be cited as the *Local Government Ordinance 1954-1968*.

2. This Ordinance shall be deemed to have come into operation on the first day of July, 1968. Commencement

3. Section 5 of the Principal Ordinance is amended by omitting the definition of "ratable land" and inserting in its stead the following definition:— Definitions

"'ratable land' means all land in a municipality which is ratable land under section one hundred and seventy-five c of this Ordinance;".

4. Before section 176 of the Principal Ordinance the following sections are inserted in Division 1 of Part XI.:—

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Interpretation

“175A. 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

“175B.—(1.) Unleased Crown land in a municipality is not ratable if it is not occupied by a person other than the Commonwealth.

“(2.) Land in a municipality 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 a municipality 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;
- (f) land which is owned by a council but not leased or let for private use; or
- (g) Crown land which is leased at a nominal rental to a person employed by the Commonwealth as a caretaker of that land.

“175c. Subject to the last preceding section, all land in a municipality is ratable land.” Ratable land

5. After section 176 of the Principal Ordinance the following sections are inserted:—

“176A. 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 Port Authority, &c., liable to pay rates*

“176B.—(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*

“(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.”

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