

# THE TERRITORY FOR THE SEAT OF GOVERNMENT.

No. 2 of 1911.

## AN ORDINANCE

To provide for the making levying and expending  
of Rates on Land in the Territory of the Seat  
of Government.

**B**E it ordained by the Governor-General of the Com-  
monwealth 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. This Ordinance may be cited as the *Rates Ordin-* Short title.  
*ance 1911.*

2. In this Ordinance—

Definitions.

“owner” in relation to land includes the occupier,  
lessee, tenant, or holder of the land ;

“parcel” means every part of a holding of rateable  
land which is separately held by any occu-  
pier, tenant, lessee, or owner ;

“the Territory” means the Territory for the Seat  
of Government.

3. (1) The unimproved capital value of land (other than land held as described in sub-section 2 of this section) is the capital sum which the fee simple of the land might be expected to realize if offered for sale on such reasonable terms and conditions as a *bonâ fide* seller would require assuming that the improvements (if any) thereon or appertaining thereto and made or acquired by the owner or his predecessor in title had not been made.

Unimproved  
value of land.

C.3269.

(2) The unimproved capital value of Crown land held under a lease, under which there is no right of conversion to a freehold, or under licence from the Crown, under the laws in force in the Territory relating to the occupation and use of Crown lands, is a sum equal to twenty times the yearly amount of the rent payable to the Crown under the lease or licence at the time when the assessment is made.

Rateable lands.

4. All land in the Territory, whether the property of the Crown or not, shall be rateable in pursuance of this Ordinance, except—

- (a) Commons, public parks, and public reserves not held under lease or licence;
- (b) Sites of cemeteries, public hospitals, benevolent institutions, and buildings used exclusively for public charitable purposes;
- (c) Sites of churches and other buildings used exclusively for public worship, and free public libraries;
- (d) Unoccupied Crown lands;
- (e) Lands used for the purposes of any Commonwealth or State railway; and
- (f) Lands belonging to and occupied by or on behalf of the Commonwealth or State.

Assessment of rateable lands.

5. (1) The Minister shall, as soon as practicable after the commencement of this Ordinance, cause an assessment to be made of the unimproved capital value of each parcel of rateable land in the Territory, and shall—

- (a) cause particulars of the assessment to be recorded in the office of the Department of Home Affairs in the Territory, or, until an office of the Department is established in the Territory, in the office of the Department in Queanbeyan; and
- (b) cause notice of the assessment in respect of each parcel of rateable land to be given to the owner; provided that if the land be unoccupied a notification of the assessment may be made to the owner by advertisement in a newspaper circulating within the Territory.

(2) Subject to this Ordinance the record of assessment shall for the purposes of this Ordinance be conclusive evidence that the parcel of land specified therein is rateable land and that the unimproved value thereof as specified therein is the unimproved value of the land.

6. (1) If any owner is dissatisfied with the assessment of his land he may appeal therefrom to the Minister within one month after the date of the notice of assessment. Appeal from assessments.

(2) The notice of appeal shall set forth the grounds on which the owner is dissatisfied with the assessment.

(3) The fact that an appeal is pending shall not in the meantime interfere with or affect the assessment appealed from ; and rates may be levied and recovered on the assessment as if no appeal were pending.

(4) If on hearing the appeal the Minister alters the assessment, he shall cause corresponding alterations to be made in the records of the assessment, and shall cause an amended notice of assessment to be given to the owner and a due adjustment of the rates paid shall be made, for which purpose amounts paid in excess shall be refunded, and amounts short paid shall be recoverable as arrears.

7. (1) Every assessment shall remain in force until it is superseded by a new assessment. Period of assessment.

(2) A new assessment for the year 1912 shall be made by the Minister and thereafter whenever the Minister thinks necessary, but not oftener than every two years.

8. (1) The Minister may make and levy an annual general rate on the unimproved capital value of all rateable land in the Territory. Power to make and levy rates.

(2) The Minister may make and levy an annual lighting rate and an annual sanitary rate on the unimproved capital value of the rateable land situated in that portion of the Territory which immediately prior to the acquisition of the Territory by the Commonwealth was situated within the boundaries of the municipality of Queanbeyan, and in such other parts of the Territory as the Minister may from time to time by notice in the *Gazette* declare to be subject to the lighting and sanitary rates.

(3) Subject to sub-section (4), the rate made under sub-section (1) of this section shall not exceed Threepence in the pound on the unimproved capital value of the

rateable land and the total of the rates made under sub-section (2) of this section shall not exceed Threepence in the pound on the unimproved capital value of the rateable land.

**Minimum rate.** (4) The minimum amount of the general rate in respect of any portion of land shall be Two shillings and sixpence.

(5) The first rates shall be in respect of the year One thousand nine hundred and eleven.

**Notice of making of rates.** 9. (1) Notice of the rates made under this Ordinance shall be published in the *Gazette* and notice of the amount payable in respect of each parcel in respect of the rates by each owner shall be given to him where practicable.

(2) Notice of assessment and notice of the amount payable in respect of the rates may be given by the Minister to the owner on one form.

**Rates to be paid by the owner** 10. (1) The amount payable by any owner of land in respect of a rate under this Ordinance shall be paid to the Minister by the owner, and shall be a first charge upon the land in respect of which it is payable.

**When rates due.** (2) The amount of the rate shall become due immediately after the declaration thereof, and shall be payable within the time specified in the notice of the rate given to the owner.

(3) If any rates are not paid within the time specified in the notice of the rate, there shall be added to the amount of the rates payable a penalty of ten per centum on the amount of the rates.

**Recovery of rates.** 11. Where rates are due and unpaid in respect of any rateable land within the Territory, the Minister suing in his official name may sue for and recover from the owner the amount of the rates, together with the penalty due thereon, before a Court of competent jurisdiction.

**Minister may give notice of intention to take possession of land for arrears of rates.** 12. (1) When any rateable land is unoccupied, and the rates in respect thereof have been unpaid for four years, the Minister may give notice in the *Gazette* that unless the rates and penalty due thereon in respect of the land be paid within one month the Minister will take possession of the land.

(2) If the rates and penalty due thereon are not paid at the expiration of the time specified in the notice, the Minister may—

Minister may take possession of land.

- (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.

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

Accounts to be kept in respect of land.

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

(4) 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.

Application of moneys.

(5) Within sixteen years 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 the 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.

Persons entitled may demand land within specified period.

(6) 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.

Minister shall yield possession.

(7) Unless some person within sixteen years so requires the Minister to put him in possession of the land, 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 to vest in Commonwealth after specified period.

Joint owners,  
lessees, and  
licensees.

**13.** Joint owners of rateable land shall be jointly and severally liable for the whole amount of the rates due in respect of the land ; but as between themselves, each shall only be liable for the part of such rates proportionate to the value of his interest in the land. If any of them pay to the Minister more than his proportionate part as aforesaid he may recover the excess by way of contribution from the others.

Notice by post.

**14.** Notice under this Ordinance may be given by post.

Rate not affected  
by non-receipt  
of notice.

**15.** The non-sending or non-receipt of any notice shall not affect the validity of any assessment, or rate under this Ordinance, and in any action for the recovery of any rate it shall not be necessary to prove the posting or giving of any notice to the owner of the rateable land.

Certificate that  
rates not paid.

**16.** A certificate by the Minister that any rates in respect of any rateable land have not been paid shall be *prima facie* evidence that the land referred to therein is rateable land, and that the rates referred to therein have not been paid.

Expenditure  
of rates.

**17.** (1) Rates (other than sanitary and lighting rates) received under this Ordinance shall be placed to the credit of an account called the Federal Territory General Rates Account and moneys to the credit of that account may, with the sanction of the Treasurer, be expended for any of the following purposes :—

- (a) The formation, construction, and maintenance of roads, streets, culverts, and bridges ;
- (b) the preservation of the public health ;
- (c) the lighting of roads and streets ;
- (d) the extirpation of noxious animals, weeds, and plants ;
- (e) the construction and maintenance of tanks and public watering places ;
- (f) the maintenance of permanent and temporary commons, parks, and camping reserves ;
- (g) the watering of streets ; and
- (h) the expenses of carrying out the provisions of this Ordinance.

(2) Sanitary rates received under this Ordinance shall be placed to the credit of an account called the Federal Territory Sanitary Rates Account and moneys to the credit of that account may, with the sanction of the Treasurer, be expended for sanitary services in the parts of the Territory subject to the rates.

(3) Lighting rates received under the Ordinance shall be placed to the credit of an account called the Federal Territory Lighting Rates Account and moneys to the credit of that account may, with the sanction of the Treasurer, be expended for lighting services in the parts of the Territory subject to the rates.

(4) Accounts relating to the receipt and expenditure of rates in pursuance of this Ordinance shall be subject to inspection and audit by the Auditor-General.

18. The Minister may make such arrangements as he thinks necessary for carrying out the sanitary lighting and other necessary services in any portion of the Territory. Sanitary and lighting services.

19. The Minister may, by notice published in the *Gazette*, prescribe any matters necessary or convenient to be prescribed for carrying out or giving effect to this Ordinance. Power to make by-laws.

Dated the 25th day of October, 1911.

(Signed) DENMAN,  
Governor-General.

By His Excellency's Command,  
(Signed) KING O'MALLEY.