

NORTHERN TERRITORY OF AUSTRALIA

ALICE SPRINGS (RATES AND CHARGES) BY-LAWS

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NORTHERN TERRITORY OF AUSTRALIA

Regulations 1982, No. 59*

By-laws under the *Local Government Act*

In pursuance of the powers conferred on it by section 350 of the *Local Government Act*, the Alice Springs Town Council, at a Meeting held on the 31st day of May, 1982, made the following by-laws.

G. SMITH
Mayor

R. MITCHELL
Town Clerk

ALICE SPRINGS (RATES AND CHARGES) BY-LAWS

* Notified in the *Northern Territory Government Gazette* on 15 October, 1982.

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ALICE SPRINGS (RATES AND CHARGES) BY-LAWS

PART I - INTRODUCTORY

1. CITATION

These by-laws may be cited as the Alice Springs (Rates and Charges) by-laws.

2. DEFINITIONS

"absolute majority" means a number which is more than half of the total number of members comprising the council.

"charge" includes a fee.

3. APPLICATION

These by-laws apply to the municipality of Alice Springs and to such other areas as may be the subject of the consent of the Minister pursuant to section 305(9) of the Act.

PART II - WRITING OFF RATES

4. RATES MAY BE WRITTEN OFF

For the purpose of section 197 of the Act, rates or any portion thereof may be written off where:-

- (a) The council is satisfied, upon application in writing by the person liable for the payment of any rates, that the payment of such rates would inflict substantial hardship, or
- (b) The council is satisfied, upon prior certification to that effect by the auditor, that:-

- (i) all reasonable efforts have been made to recover rates payable by any person, and
- (ii) the said rates are not reasonably recoverable, or

- (c) subject to section 151 of the Act, an error needs rectification.

5. FORM OF APPLICATION

An application to write off rates pursuant to by-law 5(a) of these by-laws, shall be in such form as the council may prescribe, and shall, if the council so directs, be accompanied by a statutory declaration

verifying the facts stated in the application

6. RESOLUTION REQUIRED

Rates shall not be written off under these By-laws, except upon a resolution of the council, which, in the case of rates written off pursuant to by-law 5(a) of these by-laws shall be passed by an absolute majority of the council in respect of each particular case.

PART III - CHARGES

7 COUNCIL MAY MAKE CHARGES

In addition to the powers contained in the Act, the council may fix, levy, demand and recover charges in cases where the council:-

- (a) supplies any service, product or commodity, or
- (b) makes any registration, or
- (c) grants any licence, or
- (d) gives any permission, or
- (e) furnishes any information, or
- (f) admits to any building or enclosure, or
- (g) receives any application for approval, or
- (h) allows the use of any real or personal property of, or under the care of the council.

8 SURCHARGE

Except where otherwise provided in the Act or by-laws thereunder, where a charge or any part thereof remains unpaid as at the last day of the month next following notification of the charge to the person liable for payment, the charge shall be increased by the addition of a surcharge calculated at a rate not exceeding ten per centum of the amount due.

9 COUNCIL TO DETERMINE SURCHARGE

The council shall, by resolution, determine the rate per centum of the surcharge imposed under by-law 8 of these by-laws.

10. SURCHARGE TO BE PART OF CHARGE

A surcharge levied under these by-laws shall become part of the charge to which it relates.

11 CHARGES RECOVERABLE AS RATES

Charges under these by-laws shall be recoverable in the same manner as rates.

PART IV - APPROPRIATION OF MONEY

12. MANNER OF APPROPRIATING UNSPECIFIED PAYMENTS

Where a person pays money to the council without having specified the debt to which such payment is to be applied, such money shall, subject to sections 196 and 331 of the Act, be appropriated and applied to rates and charges in the order in which they became or become due and payable.

13. APPROPRIATION OF PAYMENT FOR CHARGES

Where a person pays money to the council in respect of any charges other than charges made under Division 3 of Part XV of the Act, such money shall, notwithstanding any direction to the contrary, be applied for or towards such charges in the order in which they become due.

14. RATES AND CHARGES DUE ON A COMMON DAY

Subject to these by-laws, where more than one rate, charge or rate and charge fall due on the same day, money paid in respect thereof shall be appropriated firstly, to rates and thereafter to charges.

PART V - DELEGATIONS

15. COUNCIL MAY DELEGATE

Subject to by-law 16 the council may, by resolution, delegate to an officer of the council, its powers under these by-laws.

16. LIMITS ON DELEGATION

The council shall not delegate its power to write off rates or to determine the rate per centum of any surcharge.

17. REGISTER OF DELEGATIONS TO BE KEPT

The clerk shall cause a register to be kept of all delegations made under these by-laws.

