

NORTHERN TERRITORY OF AUSTRALIA

NORTHERN TERRITORY RATES ACT 1971

As in force at 27 November 2023

Table of provisions

Part I	Preliminary	
1	Short title	1
2	Commencement	1
4	Definitions	1
4A	Application of Criminal Code	2
Part II	Rates	
Division 1	Rates under this Act	
5	Rates in prescribed areas	2
Division 1A	Rate book	
6	Rate book	2
7	Names of persons to be entered in or removed from rate book	3
8	Minister to direct errors, &c., to be rectified, &c.	3
9	Alteration of rate book	3
10	Rates to be entered in book	3
11	Fee to inspect rate book in certain circumstances	4
Division 2	Declaration of rates	
12	Allotments	4
13	Minister to declare rate	5
14	Basis of assessed value	6
15	Minister to levy rate	6
Division 3	Application for alteration to rate book	
16	Application for alteration to entry in rate book	7
17	Application for alteration regarding omission from rate book	7
18	Form of applications	7
19	Decision on application	8
20	Review by NTCAT	8
21	Liability to pay and recovery of rate not suspended	8
23	Obligation to pay rate not suspended	9

Part III	Recovery of rates	
Division 1	Rateable land	
24	Rateable land	9
Division 1A	Liability for Rates	
27	Owner to pay rates	11
28	Rates payable by certain persons in certain circumstances	11
29	When Crown land held for less than financial year	12
30	Land held jointly or in common	13
35	Seller may recover portion of rate from purchaser.....	13
36	Between seller and purchaser rate deemed to accrue from day to day.....	13
37	Person liable for outstanding rates when acquiring allotment.....	13
38	When rateability of land changes.....	14
Division 2	Time for payment of rates	
39	Interest on overdue rates.....	14
40	Remission of interest	14
Division 3	Methods of recovery of rates	
43	Extended meaning of rate.....	14
44	Minister may sue for rates	15
45	Minister may require lawful occupier to pay rent in payment of rates in certain circumstances	15
46	Rights of Territory where failure to pay rent.....	16
Division 4	Miscellaneous	
47	Rates a charge on land	16
48	Rates not a charge on land in certain circumstances	16
49	Payments to be applied to rates in order of rates becoming due	16
50	Relationship between parties as to rates.....	17
Part IV	Offences	
51	Notice of change of ownership of rateable land.....	17
52	Misleading information.....	18
Part V	Miscellaneous	
53	Proof of declaration of rate	18
54	Service of notices on Territory	18
55	Continuing effect of notice served on ratepayer	19

58	Rates recoverable within 20 years.....	19
59	Proof that person owner or lessee.....	19
60	Certificate to be evidence.....	19
61	Copy of entry in rate book evidence.....	19
62	Proof of certain matters not required.....	19
63	Regulations.....	20

Part VI **Transitional matters for Statute Law
Amendment (NTCAT Conferral of
Jurisdiction) Act 2023**

64	Definitions.....	20
65	Appeals not determined by Minister before commencement.....	20
66	Appeals not determined by Local Court before commencement.....	21

ENDNOTES

NORTHERN TERRITORY OF AUSTRALIA

As in force at 27 November 2023

NORTHERN TERRITORY RATES ACT 1971

An Act to provide for the rating of certain lands

Part I Preliminary

1 Short title

This Act may be cited as the *Northern Territory Rates Act 1971*.

2 Commencement

This Act shall come into operation on a date to be fixed by the Administrator by notice in the *Gazette*.

4 Definitions

In this Act:

Aboriginal community living area, see section 7 of the *Local Government Act 2019*.

Aboriginal community living area association, see section 7 of the *Local Government Act 2019*.

allotment, see section 12(2).

assessed value, of an allotment, see section 14(2).

interest, in rateable land, includes a right to be granted a lease from the Crown of rateable land.

Land Trust means an Aboriginal Land Trust established under the *Aboriginal Land Rights (Northern Territory) Act 1976* (Cth).

mining tenement, see section 7 of the *Local Government Act 2019*.

occupier, of an allotment, means a person who, either jointly or alone, has actual physical possession of the allotment to the substantial exclusion of other persons.

prescribed area means an area of land that is not in a local government area and is prescribed by regulation as a prescribed area for this Act.

rate book means the rate book maintained under section 6.

rate notice, see section 15.

rateable land, see section 24.

ratepayer, for an allotment, means the person who must pay the rate for the allotment under Part III, Division 1A.

valuation-based charge, see section 13(2)(b).

4A Application of Criminal Code

Part IIAA of the Criminal Code applies to an offence against this Act.

Note for section 4A

Part IIAA of the Criminal Code states the general principles of criminal responsibility, establishes general defences, and deals with burden of proof. It also defines, or elaborates on, certain concepts commonly used in the creation of offences.

Part II Rates

Division 1 Rates under this Act

5 Rates in prescribed areas

The ratepayer for an allotment in a prescribed area must pay the rate levied in respect of the allotment in accordance with this Act.

Division 1A Rate book

6 Rate book

- (1) The Minister must maintain a rate book.
- (2) The rate book must contain the following:
 - (a) a description of each allotment within each prescribed area;
 - (b) the name of the ratepayer for each allotment;
 - (c) the assessed value of each allotment, if relevant;

- (d) any other information as the Minister sees fit or as prescribed by regulation.

7 Names of persons to be entered in or removed from rate book

The Minister must:

- (a) enter a person's name in the rate book as the ratepayer for an allotment if:
 - (i) the person is a person claiming to be the ratepayer for the allotment and requests the Minister to do so; or
 - (ii) the Minister is satisfied that the person is the ratepayer for the allotment; or
- (b) remove a person's name from the rate book as the ratepayer for an allotment if:
 - (i) the person requests the Minister to do so; and
 - (ii) the person has paid all rates for which the person is liable as the ratepayer for the allotment; and
 - (iii) the Minister has received notice of the name and address of the new ratepayer.

8 Minister to direct errors, &c., to be rectified, &c.

The Minister 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.

9 Alteration of rate book

The Minister must serve notice of an alteration under section 8 on the ratepayer whose name appears in the rate book as the ratepayer for the relevant allotment.

10 Rates to be entered in book

- (1) The Minister must, within 21 days after declaring a rate:
 - (a) enter in the rate book the amount of the rate due in respect of each allotment and the name of the ratepayer for the allotment; and
 - (b) give public notice of the place at which, and the times when, the rate book may be inspected.

- (2) The Minister must ensure that the rate book is available for inspection at the place and during the times specified in the notice under subsection (1).

11 Fee to inspect rate book in certain circumstances

A person who wishes to inspect the entries in the rate book relating to an allotment must pay the fee for inspecting the rate book that the Minister determines, unless the person is:

- (a) the ratepayer for the allotment or an adjoining allotment; or
- (b) the agent of the ratepayer for the allotment or adjoining allotment who is authorised in writing by the ratepayer to do so.

Division 2 Declaration of rates

12 Allotments

- (1) The Minister may divide a parcel of land that is rateable land into more than one allotment if:
- (a) different parts of the parcel are occupied by different persons; or
 - (b) the allotments fall within different zones; or
 - (c) there is some other good reason for disaggregating the parcel into separate allotments.
- (2) An **allotment** is:
- (a) if the Minister has divided a parcel of land that is rateable land into more than one allotment under subsection (1) – each part of the parcel as divided by the Minister; or
 - (b) otherwise – a parcel of land that is rateable land.
- (3) An allotment may be:
- (a) a unit or lot created by registration of a plan under the *Real Property (Unit Titles) Act 1975* or the *Unit Titles Act 1975*; or
 - (b) a unit created by the registration of a unit title scheme under the *Unit Title Schemes Act 2009*.
- (4) In this section:

zone means a zone constituted under the *Planning Act 1999*.

13 Minister to declare rate

- (1) The Minister must, before 21 October in each financial year, declare a rate payable in respect of each allotment for the financial year.
- (2) The rate declared by the Minister in respect of an allotment may:
 - (a) be a fixed amount (a **fixed charge**); or
 - (b) be calculated as a proportion of the assessed value of the allotment (a **valuation-based charge**); or
 - (c) be a combination of:
 - (i) fixed charges; or
 - (ii) one or more fixed charges and a valuation-based charge; or
 - (d) differ from other rates in the prescribed area, depending on:
 - (i) where in the prescribed area the allotment is located; or
 - (ii) the class of allotment.

Example for subsection (2)(d)

If rateable land in a prescribed area is divided into small allotments (such as self-storage units or marina berths) because of a subdivision under the Unit Titles Act 1975 or the Unit Title Schemes Act 2009, and the Minister considers it inequitable for the minimum charge that would otherwise be levied in respect of an allotment to be levied in respect of small allotments, the Minister may declare a different and lesser minimum charge for the small allotments.

- (3) If the rate is a valuation-based charge, the Minister may declare a minimum amount (the **minimum charge**) that may be levied as a rate in respect of an allotment.
- (4) If an allotment is divided into parts or units that are adapted for separate occupation or use, a minimum charge may consist of a fixed amount to be multiplied by the number of separate parts or units.

Example for subsection (4)

If an allotment consists of a block of flats in separate occupation, the minimum charge could consist of a fixed amount to be multiplied by the number of flats in the complex.

14 Basis of assessed value

- (1) If the rate declared in respect of an allotment in a prescribed area is a valuation-based charge, the Minister must also declare which of the following bases of calculation of the assessed value applies to the allotment:
- (a) the unimproved capital value of the allotment as it appears from the valuation roll;
 - (b) the improved capital value of the allotment as it appears from the valuation roll;
 - (c) the annual value of the allotment as it appears from the valuation roll.
- (2) In this section:

annual value, of an allotment, see section 8A of the *Valuation of Land Act 1963*.

assessed value, of an allotment, means:

- (a) if the allotment is a mining tenement – 20 times the annual rent payable under the tenement; or
- (b) otherwise – the value of the allotment calculated on the basis of calculation declared by the Minister under subsection (1).

improved capital value, of an allotment, see section 8 of the *Valuation of Land Act 1963*.

unimproved capital value, of an allotment, see section 9 of the *Valuation of Land Act 1963*.

valuation roll, see section 4(1) of the *Valuation of Land Act 1963*.

15 Minister to levy rate

- (1) The Minister must, not later than 2 months after declaring a rate under section 13(1), levy the rate in respect of an allotment by serving a notice requiring payment of the rate (a **rate notice**) on the ratepayer for the allotment.
- (2) The rate notice must set out:
- (a) the name of the ratepayer; and
 - (b) the description of the allotment; and

- (c) the amount payable (including any interest accrued or imposed up to the date of the notice); and
 - (d) the basis of calculation of the rate (including, if relevant, the assessed value of the allotment); and
 - (e) a description of the ways to make payment; and
 - (f) the due date for payment of the rate; and
 - (g) a short statement of the consequences of a failure to pay by the due date.
- (3) The rate notice must be served at least 30 days before the due date for payment of the rate, but failure to serve the rate notice at least 30 days before the due date for payment does not affect the validity of the rate notice.

Division 3 Application for alteration to rate book

16 Application for alteration to entry in rate book

A person whose name is entered in the rate book as the ratepayer for an allotment may apply to the Minister for an alteration to be made to an entry in the rate book on the ground:

- (a) that there is an error in or omission from the entry; or
- (b) that the person is not the ratepayer for the allotment; or
- (c) that the allotment is not rateable land.

17 Application for alteration regarding omission from rate book

A person whose name is omitted from the rate book may apply to the Minister for an alteration to be made to the rate book on the ground that the person is the ratepayer for an allotment.

18 Form of applications

An application under section 16 or 17 must:

- (a) be in writing; and
- (b) state the nature of the alteration that should, in the applicant's opinion, be made to the rate book.

19 Decision on application

- (1) The Minister must, within 3 months after the day on which the Minister receives an application under section 16 or 17:
 - (a) allow the application; or
 - (b) refuse the application.
- (2) If the Minister allows the application, the Minister must:
 - (a) ensure that the alterations required to give effect to the Minister's decision are made to the rate book; and
 - (b) give the applicant written notice of:
 - (i) the Minister's decision; and
 - (ii) the alteration made to the rate book.
- (3) If the Minister refuses the application, the Minister must give the applicant written notice of the Minister's decision.

20 Review by NTCAT

- (1) NTCAT has jurisdiction to review a decision of the Minister under section 19(1)(b) to refuse an application for an alteration to be made to the rate book.
- (2) The applicant under section 16 or 17 may apply to NTCAT for review of the Minister's decision.

Note for section 20

The Northern Territory Civil and Administrative Tribunal Act 2014 sets out the procedure for applying to NTCAT for review and other relevant matters in relation to reviews.

21 Liability to pay and recovery of rate not suspended

- (1) Subject to any order made by NTCAT under subsection (2), the fact that an application under section 16 or 17, or an application for review under section 20(2), is pending does not suspend any liability to pay a rate affected by the application, and the rate may be recovered as if no application were pending.
- (2) NTCAT may order the Minister to refrain from levying or recovering a rate affected by an application for review under section 20(2) until NTCAT has determined the review.

- (3) If the person's application is successful, the Territory must refund any amount that has been paid by the person to the Territory which was not properly payable by the person.

23 Obligation to pay rate not suspended

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 Territory by the appellant, which the court subsequently holds not to have been properly payable by him, the Territory shall forthwith refund that amount to him.

Part III Recovery of rates

Division 1 Rateable land

24 Rateable land

- (1) Subject to this section, all land in a prescribed area is ***rateable land***.
- (2) Crown land in a prescribed area is not rateable land unless the land:
- (a) is leased by a person other than the Crown; or
 - (b) is otherwise lawfully occupied by a person other than the Crown; or
 - (c) is an allotment mentioned in subsection (6).
- (3) Land in a prescribed area is not rateable land if it is land that is exempt from payment of rates under another Act.
- (4) Land of the Commonwealth in a prescribed area is not rateable land unless the Commonwealth agrees and, in that event, it is rateable land on conditions agreed by the Commonwealth.
- (5) The following land in a prescribed area is not rateable land:
- (a) a public place consisting of:
 - (i) a park, garden or reserve; or
 - (ii) a playground or sports ground; or
 - (iii) a cemetery; or

- (iv) a road;
- (b) land belonging to a religious body consisting of:
 - (i) a church or other place of public worship; or
 - (ii) a place of residence for a minister of religion associated with a church or other place of public worship; or
 - (iii) a place of residence for the official head in the Territory of the religious body; or
 - (iv) an institution for religious teaching or training;
- (c) a public hospital;
- (d) land used for a non-commercial purpose by a public benevolent institution or a public charity;
- (e) a kindergarten, Government school as defined in section 4(1) of the *Education Act 2015*, non-Government school registered under the *Education Act 2015*, or a university or other tertiary educational institution;
- (f) land recognised by the Minister as a youth centre;
- (g) a public library or public museum;
- (h) the common property:
 - (i) in a units plan or building development plan registered under the *Real Property (Unit Titles) Act 1975*; or
 - (ii) of a scheme formed under the *Unit Title Schemes Act 2009*;
- (i) land owned by a Land Trust or an Aboriginal community living area association, except:
 - (i) land prescribed by regulation as rateable; or
 - (ii) land subject to a lease or a licence conferring a right of occupancy; or
 - (iii) land used for a commercial purpose by a person other than the Land Trust or association.

- (6) An allotment of Crown land is also rateable land if:
- (a) a person has obtained the right to a lease of the allotment at auction but has not yet been granted a lease of the allotment; or
 - (b) a person:
 - (i) was a lessee of Crown land that included the allotment; and
 - (ii) surrendered the lease as to all or part of the land included in the lease; and
 - (iii) is entitled to be granted a new lease including the allotment; and
 - (iv) has not yet been granted the new lease; or
 - (c) a person:
 - (i) has applied for the grant of a lease from the Crown of Crown land that included the allotment; and
 - (ii) has been informed in writing that the Minister has approved the grant of the lease; and
 - (iii) has accepted an offer made on behalf of the Crown to be granted the lease; and
 - (iv) has not yet been granted the lease.

Division 1A Liability for Rates

27 Owner to pay rates

Subject to this Division, the ratepayer for an allotment is the registered owner of the allotment.

28 Rates payable by certain persons in certain circumstances

- (1) The ratepayer for an allotment of Crown land that is rateable land is:
- (a) if there is a lease of the allotment – the lessee; or
 - (b) if there is not a lease of the allotment – one of the following persons, as applicable:
 - (i) the lawful occupier of the allotment;

- (ii) a person mentioned in section 24(6);
 - (iii) a person to whom has been transferred, by a person mentioned in section 24(6), the person's rights under that section.
- (2) The lessee of an allotment that is owned by a local government council is the ratepayer for the allotment.
- (3) A person who carries out an industrial or commercial undertaking by or on behalf of the Territory on an allotment is the ratepayer for the allotment.
- (4) If an allotment of land would not otherwise be rateable land but is rateable land because of another Act in circumstances mentioned in that Act, the ratepayer for the allotment is:
 - (a) if the other Act provides that a person is liable to pay the rate, that person; or
 - (b) otherwise, the lessee of the allotment.
- (5) The following applies in relation to an allotment mentioned in section 24(5)(i):
 - (a) if the allotment is an allotment of a class mentioned in section 24(5)(i)(i) – the ratepayer is the person prescribed by regulation;
 - (b) if the allotment is of an allotment of a class mentioned in section 24(5)(i)(ii) – the ratepayer is the lessee or licensee;
 - (c) if the allotment is an allotment of a class mentioned in section 24(5)(i)(iii) – the ratepayer is the person using the allotment for the commercial purpose.
- (6) If an allotment is subject to a mining tenement, the holder of the tenement is the ratepayer for the allotment.

29 When Crown land held for less than financial year

If, under section 28(1), a person is a ratepayer for an allotment of Crown land that is rateable land but the person is such a ratepayer for less than the whole financial year in relation to which the rate is levied with respect to the allotment, the Minister must adjust the amount of the rate to be paid by the person accordingly.

30 Land held jointly or in common

- (1) If, for an allotment, there is more than one person who is a ratepayer under this Division, the ratepayers are jointly and severally liable for payment of the rate.
- (2) Unless an agreement between the ratepayers for an allotment provides otherwise, the ratepayer who pays the rate in respect of the allotment may sue for contribution from the others.

35 Seller may recover portion of rate from purchaser

Where a person has disposed of his estate or interest in ratable land but pays a current rate to the Territory before he gives notice to the Minister 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.

36 Between seller and purchaser rate deemed to accrue from day to day

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

37 Person liable for outstanding rates when acquiring allotment

- (1) A person who acquires an interest in an allotment is the ratepayer for:
 - (a) the current rate payable in respect of the allotment; and
 - (b) all arrears of rates owing in respect of the allotment; and
 - (c) all interest on the arrears of rates owing in respect of the allotment.
- (2) However, a person is not a ratepayer for arrears of rates owing in respect of an allotment, or interest on those arrears, if:
 - (a) the person purchased the allotment in good faith and for value; and

- (b) the person received a written certificate issued by a person authorised by the Minister; and
- (c) the certificate was issued not more than 7 days before the date on which the person purchased or entered into an agreement to purchase the allotment; and
- (d) the certificate stated that no rates were owing in respect of the allotment on the day on which it was issued.

38 When rateability of land changes

If an allotment of land becomes rateable land, or ceases to be rateable land, during the financial year in relation to which a rate is levied, the Minister must adjust the amount to be paid accordingly.

Division 2 Time for payment of rates

39 Interest on overdue rates

- (1) If a ratepayer does not pay the rate by the due date for payment set out in a rate notice, interest accrues on the amount of the unpaid rate at the interest rate fixed under subsection (3).
- (2) Interest is calculated on a daily basis on the amount in default (exclusive of interest) from the due date until the date of payment.
- (3) The Minister may fix an interest rate for this section.

40 Remission of interest

The Minister may remit all or part of the interest payable under section 39 if satisfied that exceptional circumstances justify the remission.

Division 3 Methods of recovery of rates

43 Extended meaning of rate

In this Division:

rate includes, if a rate payable under this Act is overdue:

- (a) accrued interest on the rate; and
- (b) costs reasonably incurred in recovering, or attempting to recover, the rate.

44 Minister may sue for rates

The Minister may sue a ratepayer, by action in a court of competent jurisdiction, for the recovery of a rate that is due and unpaid.

45 Minister may require lawful occupier to pay rent in payment of rates in certain circumstances

- (1) This section applies if:
 - (a) a rate in respect of an allotment is due and unpaid; and
 - (b) a person is in lawful occupation of the allotment; and
 - (c) the person pays rent in relation to the allotment.
- (2) The Minister may serve a notice in writing on the lawful occupier to pay the rent to the Territory in payment of the rate that is due and unpaid, if the ratepayer for the allotment:
 - (a) resides outside the Territory; or
 - (b) is not known; or
 - (c) has not been served with any process in legal proceedings for the recovery of the rate after reasonable efforts have been made to do so; or
 - (d) has become bankrupt; or
 - (e) has applied to take the benefit of a law for the relief of bankrupt or insolvent debtors; or
 - (f) has compounded with creditors or made an assignment of the ratepayer's remuneration for their benefit; or
 - (g) has died; or
 - (h) has had a verdict or judgment given against him or her by a court of competent jurisdiction for the amount of the rate and for 14 days has failed to pay the amount of that verdict or judgment.
- (3) The notice must state the amount of rent to be paid to the Territory.
- (4) A payment made to the Territory by the lawful occupier in accordance with the notice is a valid discharge to the occupier against any person claiming against the occupier for that rent.

46 Rights of Territory where failure to pay rent

- (1) If a lawful occupier who has been served with a notice under section 45 fails to pay the rent in accordance with the notice, the Territory may recover the amount stated in the notice, or the part of it that remains unpaid, as a debt due to the Territory by the occupier.
- (2) This section does not apply to a person who is in lawful occupation of an allotment for or on behalf of, or as an employee, agent or contractor of, the Territory or a local government council.

Division 4 Miscellaneous

47 Rates a charge on land

Subject to this Act, a rate due and unpaid, and all costs awarded to the Territory by a court in a proceeding relating to a rate, are an overriding statutory charge, within the meaning of the *Land Title Act 2000*, on the land.

48 Rates not a charge on land in certain circumstances

- (1) Section 47 does not apply to an allotment if:
 - (a) the ratepayer for the allotment purchased the allotment in good faith and for value; and
 - (b) the ratepayer received a written certificate issued by a person authorised by the Minister; and
 - (c) the certificate was issued not more than 7 days before the date on which the ratepayer purchased or entered into an agreement to purchase the allotment; and
 - (d) the certificate stated that no rates were owing in respect of the allotment on the day on which it was issued.
- (2) Section 47 does not apply to an allotment owned by a Land Trust or Aboriginal community living area association.

49 Payments to be applied to rates in order of rates becoming due

The Minister must apply money received towards the payment of rates due in the order in which the rates become due, despite a request to the contrary from the person paying the money.

50 Relationship between parties as to rates

- (1) Except as otherwise expressly provided, this Act does not affect any agreement or rule of law or equity regarding the liabilities of persons among themselves for any rate levied under this Act.
- (2) As between a tenant for life of rateable land and a person entitled to the land in remainder or reversion, a rate charged under this Act accrues from day to day and must be apportioned between them accordingly.

Part IV Offences**51 Notice of change of ownership of rateable land**

- (1) A person commits an offence if the person:
 - (a) disposes of an estate or interest in an allotment; and
 - (b) fails to give the Minister, within 1 month after the disposition, notice in writing setting out the following:
 - (i) a description of the allotment;
 - (ii) the name and address of the person who acquired the estate or interest.

Maximum penalty: 20 penalty units.

- (2) A person commits an offence if the person:
 - (a) acquires an estate or interest in an allotment; and
 - (b) fails to give the Minister, within 1 month after the acquisition, notice in writing setting out the following:
 - (i) a description of the allotment;
 - (ii) the name and address of the person from whom the person acquired the estate or interest.

Maximum penalty: 20 penalty units.

(2A) Strict liability applies to subsections (1)(b) and (2)(b).

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

52 Misleading information

- (1) A person commits an offence if:
- (a) the person gives a notice under this Act or makes a request to the Minister under section 7; and
 - (b) the person knows the notice or request contains misleading information.

Maximum penalty: 200 penalty units.

- (2) Subsection (1) does not apply if the person, when giving the notice or request:
- (a) draws the misleading aspect of the notice or request to the attention of the person to whom it is given; and
 - (b) to the extent to which the person can reasonably do so – also gives the information necessary to remedy the misleading aspect of the notice or request.

- (3) In this section:

misleading information means information that is misleading in a material particular or because of the omission of a material particular.

Part V Miscellaneous**53 Proof of declaration of rate**

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

54 Service of notices on Territory

Where, pursuant to this Act, it is necessary to serve a notice on the Territory, the notice shall be deemed to be properly served if:

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

55 Continuing effect of notice served on ratepayer

A notice that is served under this Act on a ratepayer for an allotment is binding on any person claiming through, under, in trust for, or in succession to, that ratepayer, as though the notice had been served on the person.

58 Rates recoverable within 20 years

Notwithstanding the provisions of any other law, proceedings for the recovery of a rate may be taken at any time within 20 years from the date when the rate becomes due and payable.

59 Proof that person owner or lessee

In proceedings under this Act, a certificate signed and sealed by the Registrar-General, certifying that a person is a registered owner or lessee of an allotment is proof, subject to evidence to the contrary, that the person is the registered owner or lessee of the allotment.

60 Certificate to be evidence

In any proceedings under this Act, a certificate in writing, signed by a person authorized by the Minister to do so, certifying that a dwelling house is the property of the Territory shall be evidence that the dwelling house is the property of the Territory.

61 Copy of entry in rate book evidence

In proceedings for the recovery of a rate in respect of an allotment, a copy of an entry in the rate book that is certified by a person authorised by the Minister and that shows the amount owing for rates levied in respect of the allotment is proof, subject to evidence to the contrary:

- (a) of the amount owing in respect of the allotment; and
- (b) of compliance with this Act with respect to the declaration and levying of the rate.

62 Proof of certain matters not required

In any prosecution or other legal proceedings under this Act, proof is not required, unless evidence is given to the contrary:

- (a) of the fact that a particular place is within a prescribed area; or
- (b) of the particular or general authorization of a person by the Minister as the proper person to do any act, or for any purpose under this Act; or

- (c) of the fact that the defendant is, or at any relevant time was, a ratepayer for an allotment.

63 Regulations

The Administrator may make regulations under this Act.

Part VI Transitional matters for Statute Law Amendment (NTCAT Conferral of Jurisdiction) Act 2023

64 Definitions

In this Part:

amending Act means the *Statute Law Amendment (NTCAT Conferral of Jurisdiction) Act 2023*.

commencement means the commencement of Part 11 of the amending Act.

former Act means this Act as in force immediately before the commencement.

65 Appeals not determined by Minister before commencement

- (1) This section applies in relation to an appeal to the Minister that:
- (a) was instituted by a person under section 16 or 17 of the former Act; and
 - (b) had not been determined by the Minister before the commencement.
- (2) The Minister must continue to determine the person's appeal in accordance with the former Act, as if Part 11 of the amending Act had not commenced.
- (3) If the Minister determines the person's appeal by referring it to the Local Court under section 20 of the former Act, the Local Court must hear and determine the appeal referred to it in accordance with the former Act, as if Part 11 of the amending Act had not commenced.

66 Appeals not determined by Local Court before commencement

- (1) Subsection (2) applies in relation to an appeal to the Local Court that:
 - (a) was referred to the Local Court by the Minister under section 20 of the former Act; and
 - (b) had not been finally determined by the Local Court before the commencement.
- (2) The Local Court must continue to hear and determine the appeal in accordance with the former Act, as if Part 11 of the amending Act had not commenced.

ENDNOTES
1 KEY

Key to abbreviations

amd = amended	od = order
app = appendix	om = omitted
bl = by-law	pt = Part
ch = Chapter	r = regulation/rule
cl = clause	rem = remainder
div = Division	renum = renumbered
exp = expires/expired	rep = repealed
f = forms	s = section
Gaz = Gazette	sch = Schedule
hdg = heading	sdiv = Subdivision
ins = inserted	SL = Subordinate Legislation
lt = long title	sub = substituted
nc = not commenced	

2 LIST OF LEGISLATION***Darwin Rates Ordinance 1971 (Act No. 21, 1971)***

Assent date	19 May 1971
Commenced	1 July 1971 (<i>Gaz</i> No. 26, 30 June 1971)

Ordinances Revision Ordinance 1973 (Act No. 87, 1973)

Assent date	11 December 1973
Commenced	11 December 1973 (s 12(2))

Amending Legislation***Ordinances Revision Ordinance 1974 (Act No. 34, 1974)***

Assent date	26 August 1974
Commenced	11 December 1973 (s 3(2))

Ordinances Revision Ordinance (No. 2) 1974 (Act No. 69, 1974)

Assent date	24 October 1974
Commenced	11 December 1973 (s 3)

Ordinances Revision Ordinance 1976 (Act No. 27, 1976)

Assent date	28 June 1976
Commenced	ss 1, 2 and 6: 28 June 1976 (s 6(2)); ss 3 and 4: 11 December 1973; s 5: 24 October 1974

Transfer of Powers (Further Provisions) Ordinance 1977 (Act No. 51, 1977)

Assent date	9 December 1977
Commenced	1 January 1978 (s 2)

Transfer of Powers (Self-Government) Ordinance 1978 (Act No. 54, 1978)

Assent date	1 July 1978
Commenced	1 July 1978 (s 8)

Statute Law Revision Act 1978 (Act No. 95, 1978)

Assent date 5 September 1978
 Commenced 5 September 1978

Statute Law Revision Act (No. 2) 1979 (Act No. 128, 1979)

Assent date 15 October 1979
 Commenced 15 October 1979

Criminal Law (Regulatory Offences) Act 1983 (Act No. 68, 1983)

Assent date 28 November 1983
 Commenced 1 January 1984 (s 2, s 2 *Criminal Code Act 1983* (Act No. 47, 1983), *Gaz G46*, 18 November 1983, p 11 and *Gaz G8*, 26 February 1986, p 5)

Darwin Rates Amendment Act 1991 (Act No. 37, 1991)

Assent date 26 September 1991
 Commenced 26 September 1991 (s 2)

Pastoral Land (Consequential Amendments) Act 1992 (Act No. 39, 1992)

Assent date 25 June 1992
 Commenced 26 June 1992 (s 2, s 2 *Pastoral Land Act 1992* (Act No. 17, 1992) and *Gaz S33*, 26 June 1992)

Real Property (Statutory Charges Consequential Amendments) Act 1993 (Act No. 77, 1993)

Assent date 23 November 1993
 Commenced 1 October 1994 (s 2, s 2 *Real Property Amendment Act (No. 2) 1993* (Act No. 76, 1993) and *Gaz G37*, 14 September 1994, p 2)

Land Title (Consequential Amendments) Act 2000 (Act No. 45, 2000)

Assent date 12 September 2000
 Commenced 1 December 2000 (s 2, s 2 *Land Title Act 2000* (Act No. 2, 2000) and *Gaz G38*, 27 September 2000, p 2)

Statute Law Revision Act 2009 (Act No. 25, 2009)

Assent date 1 September 2009
 Commenced 16 September 2009 (*Gaz G37*, 16 September 2009, p 3)

Penalties Amendment (Miscellaneous) Act 2013 (Act No. 23, 2013)

Assent date 12 July 2013
 Commenced 28 August 2013 (*Gaz G35*, 28 August 2013, p 2)

Darwin Rates Amendment Act 2014 (Act No. 47, 2014)

Assent date 8 December 2014
 Commenced 11 February 2015 (*Gaz G6*, 11 February 2015, p 7)

Local Court (Related Amendments) Act 2016 (Act No. 8, 2016)

Assent date 6 April 2016
 Commenced 1 May 2016 (s 2, s 2 *Local Court (Repeals and Related Amendments) Act 2016* (Act No. 9, 2016) and *Gaz S34*, 29 April 2016)

Local Government Act 2019 (Act No. 39, 2019)

Assent date 13 December 2019
 Commenced pt 8.6: 1 July 2022; rem: 1 July 2021 (*Gaz S27*,
 30 June 2021)

Amending Legislation

Statute Law Revision Act 2020 (Act No. 26, 2020)

Assent date 19 November 2020
 Commenced 20 November 2020 (s 2)

Local Government Amendment Act 2021 (Act No. 15, 2021)

Assent date 25 May 2021
 Commenced 26 May 2021 (s 2)

Statute Law Amendment (NTCAT Conferral of Jurisdiction) Act 2023 (Act No. 24, 2023)

Assent date 21 September 2023
 Commenced 27 November 2023 (*Gaz G24*, 23 November 2023, p 2)

3 GENERAL AMENDMENTS

General amendments of a formal nature (which are not referred to in the table of amendments to this reprint) are made by the *Ordinances Revision Ordinance 1973* (Act No. 87, 1973) (as amended) to: ss. 4, 9, 10, 12, 13, 14, 15, 18, 19, 20, 26, 31, 32, 34, 37, 38, 43, 44, 45, 46, 48, 51, 52, 55 and 58.

4 GENERAL AMENDMENTS

General amendments of a formal nature (which are not referred to in the table of amendments to this reprint) are made by the *Interpretation Legislation Amendment Act 2018* (Act No. 22, 2018) to: ss 1, 4, 12, 13, 14, 24 and 47.

5 LIST OF AMENDMENTS

It	amd No. 37, 1991, s 6
s 1	amd No. 37, 1991, s 6; No. 47, 2014, s 4
s 2	amd No. 37, 1991, s 6
s 3	rep No. 128, 1979, s 37
s 4	amd No. 37, 1991, s 3; No. 45, 2000, s 11
	sub No. 47, 2014, s 5
	amd No. 39, 2019, s 370
s 4A	ins No. 47, 2014, s 5
pt II	
div 1 hdg	sub No. 47, 2014, s 6
s 5 –	amd No. 51, 1977, s 3; No. 54, 1978, s 3
	sub No. 47, 2014, s 7
pt II	
div 1A hdg	ins No. 47, 2014, s 7
ss 6 – 7	amd No. 51, 1977, s 3; No. 54, 1978, s 3
	sub No. 47, 2014, s 7
s 8	amd No. 51, 1977, s 3; No. 54, 1978, s 3
ss 9 – 11	amd No. 51, 1977, s 3; No. 54, 1978, s 3
	sub No. 47, 2014, s 8

ENDNOTES

pt II	
div 2 hdg	sub No. 47, 2014, s 8
s 12	amd No. 51, 1977, s 3; No. 54, 1978, s 3; No. 37, 1991, s 6 sub No. 47, 2014, s 8
s 13	amd No. 51, 1977, s 3; No. 54, 1978, s 3 sub No. 47, 2014, s 8
s 14	amd No. 51, 1977, s 3; No. 54, 1978, s 3; No. 37, 1991, s 3; No. 25, 2009, s 10 sub No. 47, 2014, s 8
s 15	amd No. 37, 1991, s 6 sub No. 47, 2014, s 8
pt II	
div 3 hdg	amd No. 24, 2023, s 95
s 16	amd No. 47, 2014, s 9; No. 24, 2023, s 96
s 17	amd No. 47, 2014, s 10 No. 24, 2023, s 97
s 18	amd No. 51, 1977, s 3; No. 54, 1978, s 3; No. 37, 1991, s 6; No. 47, 2014, s 11 sub No. 24, 2023, s 98
s 19	amd No. 51, 1977, s 3; No. 54, 1978, s 3 sub No. 24, 2023, s 98
s 20	amd No. 51, 1977, s 3; No. 54, 1978, s 3; No. 37, 1991, s 6; No. 8, 2016, s 45 sub No. 24, 2023, s 98
s 21	amd No. 51, 1977, s 3; No. 54, 1978, s 3; No. 37, 1991, s 6 sub No. 24, 2023, s 98
s 22	amd No. 51, 1977, s 3; No. 54, 1978, s 3; No. 37, 1991, s 6 rep No. 24, 2023, s 98
s 23	amd No. 51, 1977, s 3; No. 54, 1978, s 4
pt III	
div 1 hdg	sub No. 47, 2014, s 12
s 24	amd No. 54, 1978, s 4 sub No. 47, 2014, s 13
s 25	amd No. 51, 1977, s 3; No. 54, 1978, ss 3 and 4; No. 37, 1991, s 6 rep No. 47, 2014, s 13 rep No. 47, 2014, s 13
s 26	rep No. 47, 2014, s 13
pt III	
div 1A hdg	ins No. 47, 2014, s 13
s 27	amd No. 51, 1977, s 3; No. 54, 1978, s 4; No. 37, 1991, s 6 sub No. 47, 2014, s 13
s 28	amd No. 37, 1991, s 6 sub No. 47, 2014, s 13
ss 29 – 30	amd No. 54, 1978, s 4 sub No. 47, 2014, s 13
s 31	amd No. 51, 1977, s 3; No. 54, 1978, s 4; No. 37, 1991, s 6; No. 39, 1992, s 3 rep No. 47, 2014, s 13
s 32	amd No. 51, 1977, s 3; No. 54, 1978, ss 3 and 4 rep No. 47, 2014, s 13
s 33 – 34	rep No. 47, 2014, s 13
s 35	amd No. 51, 1977, s 3; No. 54, 1978, ss 3 and 4
s 36	amd No. 47, 2014, s 14
s 37	amd No. 51, 1977, s 3; No. 54, 1978, s 3 sub No. 47, 2014, s 15
pt III	
div 2 hdg	ins No. 47, 2014, s 15
s 38	sub No. 47, 2014, s 15
pt III	
div 2 hdg	rep No. 47, 2014, s 15
s 39	amd No. 51, 1977, s 3; No. 54, 1978, s 3 sub No. 47, 2014, s 15

ENDNOTES

s 40	sub No. 47, 2014, s 15
s 41	amd No. 51, 1977, s 3; No. 54, 1978, s 4; No. 37, 1991, s 6 rep No. 47, 2014, s 15
s 42	amd No. 37, 1991, s 6 rep No. 47, 2014, s 15
s 43	sub No. 37, 1991, s 5 rep No. 47, 2014, s 15
pt III	
div 3 hdg	sub No. 47, 2014, s 16
s 43	ins No. 47, 2014, s 16
s 44	amd No. 51, 1977, s 3; No. 54, 1978, s 3 sub No. 47, 2014, s 16
s 45	amd No. 51, 1977, s 3; No. 54, 1978, ss 3 and 4 sub No. 47, 2014, s 16
s 46	amd No. 51, 1977, s 3; No. 54, 1978, s 4 sub No. 47, 2014, s 16
s 47	amd No. 51, 1977, s 3; No. 54, 1978, s 4; No. 37, 1991, s 6 sub No. 77, 1993, s 4 amd No. 45, 2000, s 11
s 48	amd No. 51, 1977, s 3; No. 54, 1978, s 3 sub No. 47, 2014, s 17
s 49	amd No. 51, 1977, s 3; No. 54, 1978, ss 3 and 4 sub No. 47, 2014, s 17
s 50	amd No. 37, 1991, s 6 sub No. 47, 2014, s 17
s 51	amd No. 51, 1977, s 3; No. 54, 1978, s 3; No. 68, 1983, s 45; No. 37, 1991, s 6; No. 23, 2013, s 16; No. 47, 2014, s 18
s 52	amd No. 37, 1991, s 6; No. 23, 2013, s 16 sub No. 47, 2014, s 19
s 53	amd No. 51, 1977, s 3; No. 54, 1978, s 3
s 54	amd No. 51, 1977, s 3; No. 54, 1978, ss 3 and 4; No. 37, 1991, s 6
s 55	amd No. 37, 1991, s 6 sub No. 47, 2014, s 20
ss 56 – 57	amd No. 37, 1991, s 6 rep No. 47, 2014, s 20
s 59	amd No. 37, 1991, s 6 sub No. 47, 2014, s 21
s 60	amd No. 54, 1978, s 4; No. 37, 1991, s 6
s 61	amd No. 51, 1977, s 3; No. 54, 1978, ss 3 and 4; No. 37, 1991, s 6 sub No. 47, 2014, s 22
s 62	amd No. 51, 1977, s 3; No. 54, 1978, s 4; No. 37, 1991, s 6; No. 47, 2014, s 23
s 63	amd No. 95, 1978, s 14; No. 37, 1991, s 6; No. 47, 2014, s 24
pt VI hdg	ins No. 24, 2023, s 99
ss 64 – 66	ins No. 24, 2023, s 99