

NORTHERN TERRITORY OF AUSTRALIA

DARWIN (RATES AND CHARGES) BY-LAWS

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Price: 60cents

NORTHERN TERRITORY OF AUSTRALIA

Regulations 1985, No. 16*

By-laws under the *Local Government Act*

The Darwin City Council, in pursuance of the powers conferred upon it by the *Local Government Act* and in accordance with section 350(3) of the Act, at a meeting held on the twenty-fifth day of June, 1985, hereby makes the following By-laws.

DARWIN (RATES AND CHARGES) BY-LAWS

1. CITATION

These By-laws may be cited as the Darwin (Rates and Charges) By-laws 1985.

2. DEFINITIONS

In these By-laws, unless the contrary intention appears, "charge" includes a fee.

3. RATES MAY BE WRITTEN OFF

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

- (a) the council is satisfied, upon application in writing by the person liable for the payment of the rates, that the payment of the rates would inflict substantial hardship on the person;
- (b) the council is satisfied, upon prior certification to that effect by the auditor, that -
 - (i) all reasonable efforts have been made to recover the rates from the person liable to pay them; and
 - (ii) the rates are not reasonably recoverable;

* Notified in the *Northern Territory Government Gazette* on 28 June, 1985.

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- (c) subject to section 151 of the Act, it is necessary to write off the rates in order to rectify an error; or
- (d) the rates written off are penalty rates payable under section 190 of the Act and relate to a ratepayer who has paid his rates by instalments in accordance with a scheme for the payment of rates by instalments, introduced by resolution of the council.

4. FORM OF APPLICATION

An application in pursuance of by-law 3(a) to write off rates shall be in a form approved by the council, and shall, if the council so directs, be accompanied by a statutory declaration verifying the facts stated in the application.

5. RESOLUTION REQUIRED

Rates shall not be written off under these By-laws except by a resolution of the council which, in the case of rates written off pursuant to by-law 3(a), shall be passed, in respect of each particular case, by more than half the number of members comprising the council.

6. COUNCIL MAY MAKE CHARGES

In addition to the powers contained in the Act, the council may fix, levy, demand and recover charges where within or, in the performance of a function in pursuance of section 305(9), outside the boundaries of the municipality it -

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

7. PAYMENTS TO BE APPROPRIATED TO RATES IN ORDER OF RATES BECOMING DUE

Subject to sections 196 and 331 of the Act, where money is paid to a council for rates or charges (other than charges made under Division 3 of Part XV of the Act),

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the council shall, notwithstanding a direction to the contrary by the person paying that money, apply the money for or towards the payment of -

- (a) where rates or charges are due and payable for more than one financial year, for or towards the payment, in accordance with paragraph (b), the rates and charges which have been due and payable for the greatest period; and
- (b) in relation to rates and charges due and payable in relation to each financial year, for or towards the payment of rates and, where a surplus remains after the payment of the rates, to the payment of the charges, due and payable in the order in which they became due and payable.

8. COUNCIL MAY DELEGATE

The council may, by resolution, delegate to an officer of the council any of its powers under these By-laws except its power to write off rates.

9. REGISTER OF DELEGATIONS TO BE KEPT

The clerk shall cause a register to be kept of all delegations made under By-law 8.

The common seal of the Darwin City Council was affixed hereto on the twenty-sixth day of June, 1985, in pursuance of a resolution of the Council authorizing the seal to be so affixed, passed on the twenty-fifth day of June, 1985, in the presence of

C.H. GURD
Acting Lord Mayor

R.B. SHAW
Acting Town Clerk