



**Instrument of Delegation**

Reference Number	Local Government Act Reference	Delegate	Delegation Subject
LG6C	6.49 6.50(1) 6.60(2) <del>6.64(1)</del> 6.64(3) <del>6.71(1)</del> <del>6.74(1)</del> 6.76(4) 6.76(5)	Chief Executive Officer	Rates and Service Charges

**Delegator**

Council

**Power/Duty**

To exercise the powers and discharge the duties of the local government under Sections 6.49, 6.50(1), 6.60(2), ~~6.64(1)~~, 6.64(3), ~~6.71(1)~~, ~~6.74(1)~~, 6.76(4) and 6.76(5) of the *Local Government Act 1995*.

**Conditions**

Nil – all actions are administrative in nature only.

**Statutory Framework**

Council is exercising its power of delegation under Section 5.42(1)(a) of the *Local Government Act 1995* to delegate to the CEO the discharge of its powers and duties provided for in sections 6.49, 6.50(1), 6.60(2), ~~6.64(1)~~, 6.64(3), ~~6.71(1)~~, ~~6.74(1)~~, 6.76(4) and 6.76(5) of the *Local Government Act 1995*.

<p><b>Section 6.49</b> A local government may accept payment of a rate or service charge due and payable by a person in accordance with an agreement made with the person.</p>
<p><b>Section 6.50(1)</b> Subject to – (a) subsections (2) and (3); (b) any concession granted under section 6.47; and (c) the Rates and Charges (Rebates and Deferments) Act 1992, a rate or service charge becomes due and payable on such date as is determined by the local government.</p>

**Section 6.60(2)**

*If payment of a rate or service charge imposed in respect of any land is due and payable, notice may be given to the lessee of the land requiring the lessee to pay to the local government any rent as it falls due in satisfaction of the rate or service charge.*

**Section 6.64(1)**

*If any rates or service charges which are due to a local government in respect of any rateable land have been unpaid for at least 3 years the local government may, in accordance with the appropriate provisions of this Subdivision take possession of the land and hold the land as against a person having an estate or interest in the land and—*

- (a) from time to time lease the land;*
- (b) sell the land;*
- (c) cause the land to be transferred to the Crown; or*
- (d) cause the land to be transferred to itself.*

Formatted: Indent: Left: 0.07", No bullets or numbering

Formatted: Indent: Left: 0.07", No bullets or numbering

**Section 6.64(3)**

*Where payment of rates or service charges imposed in respect of any land is in arrears the local government has an interest in the land in respect of which it may lodge a caveat to preclude dealings in respect of the land, and may withdraw caveats so lodged by it.*

**Section 6.71(1)**

*If under this Subdivision land is offered for sale but at the expiration of 12 months a contract for the sale of the land has not been entered into by the local government, it may by transfer, where the land is subject to the provisions of the Transfer of Land Act 1893, and by deed, where the land is not subject to the provisions of that Act, transfer or convey the estate in fee simple in the land to—*

- (a) the Crown in right of the State; or*
- (b) the local government.*

Formatted: Indent: Left: 0.08", No bullets or numbering

**Section 6.74(1)**

*if land is—*

- (a) rateable land;*
- (b) vacant land; and*
- (c) land in respect of which any rates or service charges have been unpaid for a period of at least 3 years; the local government in whose district the land is situated may apply in the form and manner prescribed to the Minister to have the land revested in the Crown in right of the State.*

**Section 6.76(4)**

*The local government may, on application by a person proposing to make an objection, extend the time for making the objection for such period as it thinks fit.*

**Section 6.76(5)**

*The local government is to promptly consider any objection and may either disallow it or allow it, wholly or in part.*

**Verification**

Recent Council Resolution  
C1708/195

Initial Council Resolution  
C0806/188

**Review Requirements**

In accordance with the requirements of Section 5.46(2) of the *Local Government Act 1995*, at least once every financial year.

## Related Documents

Rates and Charges (Rebates and Deferments) Act 1992

Transfer of Land Act 1893

<b>Notes of recent alterations</b>
Removal of explanatory notes at Sections 6.50(2), 6.50(3), 6.47 and 6.75(1) as these are operational by nature and therefore it is considered not necessary to include <i>(9 August 2017)</i>
Removal of Section 6.50(2) as this is done as part of the Budget Adoption process <i>(9 August 2017)</i>
Removal of Sections 6.56(1), 6.60(3) and 6.64(4) as these are operational by nature and do not require a delegation <i>(9 August 2017)</i>
Removal of Schedule 6.2, Clause 1(1) as any proposal to “Form a Lease” would be put before Council for determination <i>(9 August 2017)</i>
Removal of Schedule 6.3, Clause 1(4) as any proposal for “Sale of Land” would be put before Council for determination <i>(9 August 2017)</i>
Removal of Schedule 6.3, Clause 4(1) as any proposal to “Convey or Transfer” would be put before Council for determination <i>(9 August 2017)</i>