

AUSTRALIAN CAPITAL TERRITORY

51

No. 13 of 1974

AN ORDINANCE

To amend the *City Area Leases Ordinance 1936-1973*.

I, THE GOVERNOR-GENERAL of Australia, acting with the advice of the Executive Council, hereby make the following Ordinance under the *Seat of Government (Administration) Act 1910-1973*.

Dated this tenth day of April, 1974.

PAUL HASLUCK
Governor-General.

By His Excellency's Command,

GORDON BRYANT
Minister of State for the Capital Territory.

CITY AREA LEASES ORDINANCE 1974

1. (1) This Ordinance may be cited as the *City Area Leases Ordinance 1974*.^{*} Short title and citation.

(2) The *City Area Leases Ordinance 1936-1973*† is in this Ordinance referred to as the Principal Ordinance.

(3) The Principal Ordinance, as amended by this Ordinance, may be cited as the *City Area Leases Ordinance 1936-1974*.

2. Section 12A of the Principal Ordinance is amended by inserting in sub-section (3), after the word "conditions" (where first occurring), the words "as to rent and otherwise". Terms, &c., of leases granted after 1 January 1971.

3. Section 18 of the Principal Ordinance is amended by omitting sub-section (2) and substituting the following sub-section:— Rent.

"(2) The rent payable, on and after the prescribed date, under a lease granted before the date of commencement of the *City Area Leases Ordinance 1974* is Five cents per annum to be paid if and when demanded by the Minister."

^{*} Notified in the *Australian Government Gazette* on 11 April 1974.

† Ordinance No. 31, 1936, as amended by No. 38, 1936; No. 40, 1936; No. 21, 1938; No. 14, 1947; No. 18, 1950; No. 8, 1951; No. 18, 1957; No. 21, 1959; No. 12, 1961; No. 18, 1963; No. 7, 1964; No. 19, 1966; No. 13, 1967; Nos. 3 and 28, 1968; No. 25, 1969; No. 45, 1970; No. 11, 1971; and Nos. 3 and 58, 1973.

4. After section 18 of the Principal Ordinance the following sections are inserted:—

Notice of variation.

“18A. (1) Where the rent payable under a lease is varied in accordance with a term of the lease, the Minister shall cause notice in writing setting out particulars of the variation to be given to the lessee within fourteen days after the date of the variation.

“ (2) Notice for the purpose of sub-section (1) may be given by post.

Appeals to Valuation Review Board.

“ 18B. (1) In this section and section 18C, ‘ the Board ’ means the Valuation Review Board referred to in section 30 of the *Rates Ordinance* 1926-1971.

“ (2) Where—

- (a) the rent payable under a lease is varied in accordance with a term of the lease; and
- (b) the lease does not include a provision for the submission to arbitration of differences between the parties to the lease regarding variation of the rent payable under the lease,

the lessee may, within thirty days after he receives notification of the variation or within such further time as the Minister allows, deliver to the Secretary, Department of the Capital Territory, a request in writing that the variation be reviewed by the Board.

“ (3) A request for the purpose of sub-section (2) may be delivered by post.

“ (4) Where a request is made in accordance with sub-section (2), the Board shall review the variation to which the request relates.

“ (5) On the hearing of a review under this section—

- (a) the Minister shall be the respondent;
- (b) the person who requested the review may be represented by a barrister and solicitor or by a person authorized in writing to appear on his behalf; and
- (c) the Minister may be represented by a barrister and solicitor or by an officer of the Department of the Capital Territory.

“ (6) On a review under this section, the Board may confirm the variation in question or may set aside the variation and substitute such other variation as is, in the opinion of the Board, proper.

“ (7) Where the Board sets aside a variation, the variation substituted by the Board has effect as if it had been made by the Minister in place of the variation set aside by the Board.

“ (8) Section 31 of the *Rates Ordinance* 1926-1971 applies to, and in relation to, a review by the Board under this section.

Appeal to the Supreme Court.

“ 18C. (1) Where a variation of the rent payable under a lease has been reviewed by the Board, the Minister or the lessee may appeal to the Supreme Court.

“(2) An appeal under this section shall be instituted within the period of thirty days after the decision of the Board on the review or within such further time as the Court, either before or after the expiration of that period, allows.

“(3) The Supreme Court shall hear and determine an appeal under this section.

“(4) On an appeal under this section, the Supreme Court may confirm or set aside the decision of the Board or may vary that decision in such manner as to the Court seems proper.

“(5) Where the Supreme Court varies a decision of the Board, that decision, as so varied, has effect as if it had been the decision of the Board.”.

5. Section 28 of the Principal Ordinance is amended by adding at the end of sub-section (2B) the words “or has obtained the consent of the Minister under this section as in force at any time before the date of commencement of the *City Area Leases Ordinance (No. 2) 1973*”.

Assignment,
mortgage,
&c., of lease
where
building
required to
be erected
on land.