

No. 56 of 1974

AN ORDINANCE

Relating to the Leasing of Land in the City Area.

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 December, 1974.

JOHN R. KERR
Governor-General.

By His Excellency's Command,

GORDON M. BRYANT
Minister of State for the Capital Territory.

CITY AREA LEASES ORDINANCE (No. 5) 1974

1. (1) This Ordinance may be cited as the *City Area Leases Ordinance (No. 5) 1974*.*

Short title
and citation.

(2) The *City Area Leases Ordinance 1936-1973*,† as amended by the *City Area Leases Ordinance 1974*,‡ the *City Area Leases Ordinance (No. 2) 1974*,§ the *City Area Leases Ordinance (No. 3) 1974*|| and the *City Area Leases Ordinance (No. 4) 1974*,¶ is in this Ordinance referred to as the Principal Ordinance.

(3) Section 1 of the *City Area Leases Ordinance (No. 4)* is amended by omitting sub-section (4).

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

2. After section 9c of the Principal Ordinance the following sections are inserted:—

“9d. (1) In this section—
‘caravan’ includes—

- (a) a structure equipped with wheels; and
- (b) a vehicle that has been so constructed or altered that it may be used for any of the purposes of a caravan;

‘exempt parcel’ means a parcel of land which is the subject of an order under section 9E.

Keeping
two or more
caravans
on land
prohibited.

* Notified in the *Australian Government Gazette* on 12 December 1974.
† Ordinance No. 31, 1936, as amended by Nos. 38 and 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.
‡ Ordinance No. 13, 1974.
§ Ordinance No. 19, 1974.
|| Ordinance No. 25, 1974.
¶ Ordinance No. 50, 1974.

“(2) A person shall not keep more than one caravan on a parcel of land which is not an exempt parcel and is the subject of a lease for residential purposes only.

Penalty: \$100, together with \$100 for each day during which the offence continues.

“(3) A person shall not permit the keeping of more than one caravan on a parcel of land which is not an exempt parcel and is the subject of a lease for residential purposes only.

Penalty: \$100, together with \$100 for each day during which the offence continues.

“(4) In proceedings for an offence against this section, evidence that money is paid to a person in connexion with the occupation by another person of a caravan on a parcel of land is evidence that the caravan is kept by the first-mentioned person on that parcel.

Application
to keep two
or more
caravans.

“9E. (1) A person may apply to the Court of Petty Sessions for an order permitting him to keep more than one caravan on a parcel of land which is the subject of a lease for residential purposes only.

“(2) The application shall be by way of motion supported by affidavit.

“(3) The applicant shall serve a copy of the notice and affidavit on the Minister not less than 14 days before the day specified in the notice for the hearing of the application.

“(4) The applicant and the Minister shall be entitled to be heard on the application and to examine and cross-examine witnesses.

“(5) The Court shall not make an order under sub-section (1)—

(a) if the use of the land for the keeping of two or more caravans is either—

(i) likely to constitute a nuisance or annoyance to lessees or sub-lessees of adjoining land; or

(ii) inappropriate, having regard to the nature of the locality; or

(b) if either or any of the caravans is to be let or hired for occupation on the land.

“(6) An order under sub-section (1) may be made subject to such terms and conditions (if any) as the Court thinks fit to impose.

“(7) A person who has obtained an order under sub-section (1) shall not—

(a) fail to comply with the terms of the order; or

(b) keep, or permit the keeping of, more caravans on that parcel than is permitted by the order.

Penalty: \$100, together with \$100 for each day during which the offence continues.

“(8) Where a person is convicted of an offence under sub-section (7), the Court may revoke or vary the order if it thinks that the circumstances so warrant.”.