

THE TERRITORY FOR THE SEAT OF GOVERNMENT.

No. 14 of 1933.

AN ORDINANCE

Relating to the appointment of a Land Commissioner.

BE it ordained by the Governor-General in and over the Commonwealth of Australia, with the advice of the Federal Executive Council, in pursuance of the powers conferred by the *Seat of Government Acceptance Act 1909* and the *Seat of Government (Administration) Act 1910-1933*, as follows:—

1. This Ordinance may be cited as the *Land Commissioner Ordinance 1933*. Short title.

2. This Ordinance shall commence on a date to be fixed by the Minister by notice in the *Gazette*. Commencement

3. The *Land Advisory Board Ordinance 1930* is repealed. Repeal.

4. In this Ordinance, unless the contrary intention appears—
“the Commissioner” means the Land Commissioner appointed under this Ordinance. Definitions.

5.—(1.) The Minister may appoint a Land Commissioner for the Territory. Appointment of Land commissioner.

(2.) The Commissioner shall hold office during pleasure.

(3.) In the event of the illness or absence of the Commissioner from the Territory, the Minister may appoint a Deputy Land Commissioner, and the Deputy Land Commissioner shall have and may exercise all the powers and perform all the duties of the Commissioner during his illness or absence.

6.—(1.) Where the Minister offers in writing to a lessee under the *Leases Ordinance 1918-1933* the grant of a lease upon the expiration of, or in substitution for, his existing lease, the lessee may, within one month after he receives the offer—
Appeals by lessees.

(a) accept the offer; or

(b) apply in writing to the Minister to vary the rent reserved in, or any term or condition of, the lease so offered,

and the Minister shall consider the application and may either disallow it, or allow it, wholly or in part, and shall notify the lessee accordingly by notice in writing delivered to, or served by post on, the lessee.

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(2.) Where the lessee is dissatisfied with the Minister's decision in respect of his application, he may within one month after the notice of the Minister's decision is delivered to, or served on, him request the Minister to refer the decision to the Commissioner for review.

(3.) For the purpose of the review of any decision of the Minister the Commissioner shall sit in public and the lessee and the Minister or an officer thereto authorised by him may appear at the hearing and make such submissions in relation to the matter under review as they think fit.

(4.) The Commissioner, on review, shall make a recommendation to the Minister and shall forward the recommendation, together with the evidence tendered at the hearing, to the Minister.

(5.) The Minister shall give to the lessee notice of any variation of his previous decision which is made after the receipt of the recommendation of the Commissioner.

Powers of the Commissioner.

7. The Commissioner may make recommendations to the Minister relating to any land, the subject of a lease under the *Leases Ordinance* 1918-1933, upon which the Minister desires the advice of the Commissioner.

Power to send for witnesses and documents.

8. For the purposes of this Ordinance, the Commissioner may, by writing under his hand, summon any person to attend any hearing at a time and place mentioned in the summons, and then and there to give evidence and to produce any books, documents or writings in his custody or control which he is required by the summons to produce.

Power to examine upon oath or affirmation.

9. The Commissioner may administer an oath or affirmation to any person appearing as a witness before him whether the witness has been summoned or appears without being summoned, and may examine the witness upon oath or affirmation.

Penalty for failing to attend or produce documents.

10.—(1.) If any person served with a summons to attend a hearing, whether the summons is served personally or by being left at his usual place of abode, fails without reasonable excuse to attend the hearing or to produce any documents, books or writings in his custody or control which he was required by the summons to produce, he shall be guilty of an offence.

Penalty: Fifty pounds.

(2.) It shall be a defence to a prosecution under this section for failing without reasonable excuse to produce any documents, books or writings if the defendant proves that the documents, books or writings were not relevant to the proceedings before the Commissioner.

11. If any person appearing as a witness before the Commissioner refuses to be sworn or to make an affirmation or to answer any questions relevant to the proceedings before the Commissioner put to him by the Commissioner, he shall be guilty of an offence.

Penalty for refusing to be sworn or to give evidence.

Penalty: Fifty pounds.

12. A statement or disclosure made by any witness in answer to any question put to him by the Commissioner shall not (except in proceedings for an offence against this Ordinance) be admissible in evidence against him in any civil or criminal proceedings in any Court.

Statements made by witness not admissible in evidence against him.

13. Any witness before the Commissioner who knowingly gives false testimony in any evidence given by him to the Commissioner shall be guilty of an offence.

Giving false testimony.

Penalty: Imprisonment for twelve months.

14.—(1.) The Commissioner shall receive by way of remuneration for his services a fee for each attendance at a hearing of Three pounds three shillings per diem.

Fees.

(2.) The Commissioner shall receive an allowance at the rate of Twenty-five shillings per diem on account of expenses incurred *bona fide* by him in, and in the course of travelling in connection with, the performance of his duties as Commissioner.

15. The Minister may make regulations, not inconsistent with this Ordinance, prescribing all matters which by this Ordinance are required or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to this Ordinance.

Regulations.

Dated this twelfth day of July, 1933.

ISAAC A. ISAACS

Governor-General.

By His Excellency's Command,

G. F. PEARCE

for Minister of State for the Interior.