

# THE TERRITORY FOR THE SEAT OF GOVERNMENT.

## REGULATIONS UNDER THE CITY LEASES ORDINANCE 1921.

I ALEXANDER POYNTON, the Minister of State for Home and Territories, pursuant to the powers conferred upon me by the *City Leases Ordinance 1921*, hereby make the following Regulations to come into operation forthwith.

Dated this twentieth day of October, 1921.

A. POYNTON,  
Minister of State for Home and Territories.

- Short Title.** 1. These Regulations may be cited as the City Leases Regulations 1921.
- Definitions.** 2. In these Regulations, unless contrary intention appears:—  
“City lands” means any land included in the City area;  
“Lease” means a lease of City lands granted under the *City Leases Ordinance 1921*.
- Rental under leases.** 3. (1) The annual rental, exclusive of rates, payable under a lease of City lands shall be not less than 5 per centum of the unimproved value of the land as assessed by the Minister, and shall be subject to re-appraisal by the Minister at the expiration of twenty years from the commencement of the lease and thereafter every ten years.  
(2) The rental shall be payable quarterly in advance.
- Conditions of leases.** 4. The grant of a lease of City lands shall be subject to the following conditions, namely:—  
(a) Except where a building approved by the Minister is erected on the land, the erection of a building suitable for the purpose for which the lease is granted shall be commenced within one year after the granting of the lease;  
(b) The building shall be completed within two years after the granting of the lease, or, if in the opinion of the Minister there is good reason for an extension of time, within such further time, not exceeding two years, as the Minister thinks fit;  
(c) The building erected on the land in accordance with the last two preceding paragraphs, or some other building approved by the Minister, shall be maintained on the land during the currency of the lease, and shall at all times during the currency of the lease be kept in a state of repair satisfactory to the Minister;  
(d) The plans and specifications of any building proposed to be erected on the land shall be approved by the Minister before the erection of the building is commenced;  
(e) Subject to regulation 8 the lease shall not be mortgaged or assigned by the lessee until the building required by this regulation to be erected thereon is completed; and  
(f) The land which is the subject of the lease shall not be subdivided during the currency of the lease.
- Failure of lessee to erect buildings.** 5. (1) If the lessee fails to complete the erection of a building on the land in accordance with the last preceding regulation, or fails for a period of two years or such further period, not exceeding two years, as the Minister determines, to maintain a building on the land in accordance with that regulation, the Minister may cancel the lease.  
(2) If the lessee fails to keep any building in a state of repair satisfactory to the Minister—  
(a) the Minister may, after the expiration of one month after giving notice to the lessee to effect the repairs, if the lessee has not then commenced to effect the repairs, enter upon the land and authorize any person so to enter, and effect the repairs or remove the building; or  
(b) the Minister may, after the expiration of the period mentioned in the last preceding paragraph, cancel the lease.

(3) Upon the cancellation of a lease in pursuance of this regulation, the Commonwealth may sell by auction, for removal, the improvements on the land, or may sell by auction or tender the unexpired term of the lease, together with the improvements on the land, and the lessee shall be entitled to receive—

- (a) where the improvements are sold for removal, the value therefor; or
- (b) where the unexpired term of the lease is sold, together with the improvements, such sum as in the opinion of the Minister represents the value of the improvements,

less the cost of disposal and any amount due from the lessee to the Commonwealth.

(4) The amount of any expenses incurred by the Minister in pursuance of this regulation shall be recoverable by the Minister from the lessee in any Court of competent jurisdiction.

6. The Minister or any person thereto authorized in writing by the Minister shall have the right at all reasonable times and in any reasonable manner to enter upon any land which is the subject of a lease and to inspect the land and any improvements thereon. Right of entry and inspection.

7. (1) Every lease shall contain a reservation of all minerals which shall be read as a reservation to the Crown of all minerals and mineral substances in or on the leased land; including gold, silver, copper, tin, metals, ores and substances containing metals, gems, precious stones, coal, shale, mineral oils and valuable earths and substances, together with the right to authorize any person to enter upon the land to mine, work for, win, recover and remove them or any of them, and to do all things necessary or convenient for those purposes. Reservation of minerals to Crown.

(2) The owner of any land which is entered upon in pursuance of an authority provided in this section shall be entitled to compensation as prescribed for any damage to the surface of the land caused by the person so authorized to enter upon the land.

8. (1) Notwithstanding anything contained in regulation 4, a lessee may, with the consent of the Minister, before the building required by these Regulations to be erected on the land is completed, mortgage his lease for the purpose of obtaining money for the purpose of erecting or completing the building. Power of lessee to mortgage or assign lease.

(2) Subject to these Regulations, upon completion of the building, the lessee may mortgage or assign the lease.

9. The Commonwealth may, on payment to the lessee, in accordance with these Regulations, of the value of the improvements on the land and of an amount as compensation in respect of the termination of the lease, resume, for any Commonwealth purpose, any land held under a lease. Resumption by Commonwealth.

10. The lessee may at any time on payment of all rentals and other moneys due to the Commonwealth under the lease, surrender the lease to the Commonwealth, and shall then be entitled to receive from the incoming tenant the value of the improvements on the land as assessed by the Minister. Surrender of lease.

11. (1) On the expiration of a lease the Minister may subdivide any parcel of land held under a lease. Powers of Minister on expiration of lease.

(2) If the land is not subdivided in pursuance of the last preceding sub-regulation and the land is not required for any Commonwealth purpose, the lessee shall have the right to renew the lease for such further term and subject to such re-appraisalment and varied or additional conditions and at such rental as is provided under the regulations for the time being in force.

(3) If, on the expiration of the lease, or of any renewal of the lease, the land is subdivided, the lessee shall be entitled to receive from the incoming tenant the value of the improvements on the land as assessed by the Minister, or, in the event of the land being required for Commonwealth purposes, the Commonwealth shall pay to the lessee the value of the improvements as determined in accordance with these Regulations.

(4) If on the expiration of a lease, or of any renewal thereof, the lessee does not desire a further renewal, the Commonwealth may dispose of the improvements on the land by public auction, for removal, or may offer the improvements, together with a lease of the land, for a term to be decided by the Minister, and the lessee shall be entitled to receive—

- (a) where the improvements are sold for removal, the value received for the improvements; or
- (b) where the improvements are sold, together with a lease of the land, such sum as in the opinion of the Minister represents the value of the improvements,

less the cost of disposal and any amount due from the lessee to the Commonwealth.

Determination  
of amount  
payable on  
resumption of  
lease, &c.

12. (1) The amount payable to a lessee, under these Regulations, where—

(a) a lease is resumed for Commonwealth purposes; or

(b) on the expiration of a lease, the land is required for Commonwealth purposes,

shall be determined by agreement, or, in default of agreement, by a proceeding, on the application of the Minister, in the High Court if the Minister considers the amount determined will exceed Five hundred pounds, or in a District Court if the Minister considers the amount determined will not exceed Five hundred pounds.

(2) The provisions of sub-sections (3) to (5) of section 39 of the *Lands Acquisition Act 1906-1916* shall apply to any proceeding under this regulation, as if it were a proceeding under that section to determine the amount of compensation payable in respect of the acquisition of land.