

AUSTRALIAN CAPITAL TERRITORY

CITY AREA LEASES ORDINANCE 1976

EXPLANATORY MEMORANDUM

The City Area Leases Ordinance 1976 will amend the Principal Ordinance provisions relating to the offence of breach of lease purpose clauses.

Lease purpose clauses are the main means of town planning control in the Australian Capital Territory. The existing backup legislative provisions in the Principal Ordinance have proved ineffective.

The amendments will -

- . make the person using land or part of a building contrary to a purpose clause liable to prosecution subject to Ministerial consent
- . increase fines payable for breaches
- . give the Secretary of the Department power to call for statements from lessees as to sub-lessees and occupiers
- . make a certificate by the Secretary as to refusal to supply a statement evidence in a prosecution for refusing to supply a statement.

The Ordinance has been considered by the Legislative Assembly which did not disapprove of the intention of the Ordinance but could not approve of it unless accompanied by legislation to provide residents of the Australian Capital Territory with a simple means of seeking changes in lease purposes.

While the issue raised by the Legislative Assembly is related to the subject matter of the Ordinance, neither is contingent upon the other. Also, the issue raised by the Legislative Assembly is -

- . being considered as apt for inclusion under the provisions of the Administrative Appeals Tribunal Act
- . part of the matters before the A.C.T. Law Reform Commission and any action on it now would be imprudent.

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Minister's Initials