

AUSTRALIAN CAPITAL TERRITORY.

No. 3 of 1953.

AN ORDINANCE

To authorize the execution of an Agreement and a Lease in respect of certain Lands to be used for the purposes of The Australian National University.

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 power conferred by the *Seat of Government Acceptance Act 1909-1938* and the *Seat of Government (Administration) Act 1910-1947*, as follows:—

1. This Ordinance may be cited as the *Australian National University (Lands) Ordinance 1953*.^{*} Short title.

2. The execution by or on behalf of the Commonwealth of an agreement in accordance with the form contained in the Schedule to this Ordinance and of a lease in accordance with the form contained in the Second Annex to the form of the agreement is hereby authorized. Agreement and lease authorized.

3. No rates or taxes shall be levied under a law of the Territory upon the land in respect of which a lease is executed in pursuance of this Ordinance. Exemption from rates.

THE SCHEDULE.

Section 2.

FORM OF AGREEMENT.

THIS AGREEMENT is made the _____ day of _____ One thousand nine hundred and fifty-three between the COMMONWEALTH OF AUSTRALIA (hereinafter referred to as "the Commonwealth") of the one part and THE AUSTRALIAN NATIONAL UNIVERSITY (hereinafter referred to as "the University") of the other part:

WHEREAS in conformity with governmental plans of the lay-out of the city of Canberra, in the Australian Capital Territory, and its environs, a site has been reserved for a University:

AND WHEREAS by the *Australian National University Act 1946-1947* of the Commonwealth provision has been made for the establishment at Canberra of a University by the name of The Australian National University:

AND WHEREAS the Governor-General, in exercise of the powers conferred upon him by the said Act, duly established an Interim Council of the University, and the Interim Council, in pursuance of that Act, arranged for the development and general lay-out of the abovementioned site for University purposes and also arranged for the erection of extensive buildings on the site:

AND WHEREAS by virtue of the said Act the Council of the University was duly constituted and appointed on the first day of July, 1951, and the Interim Council thereupon ceased to exist:

^{*} Notified in the *Commonwealth Gazette* on 12th February, 1953.

AND WHEREAS the site has now been permanently defined and it is desirable that provision be made for vesting it in the University:

AND WHEREAS agreement has been reached between the Minister and the University with respect to the following matters concerning the site, namely, the relinquishment of possession by the Commonwealth of buildings occupied by it, the rentals of such buildings whilst so occupied, the termination of existing tenancies of other buildings, the maintenance of roads and care of grounds, the supply of services, and the development of portion now used as a racecourse, and such agreement was recorded in a letter dated the first day of August, 1950, from the Chairman of the Interim Council to the Minister, a letter dated the twenty-seventh day of February, 1952, from the Vice-Chancellor of the University to the Minister, and a letter dated the eighteenth day of April, 1952, from the Minister to the Vice-Chancellor of the University:

NOW THEREFORE IT IS HEREBY AGREED between the Commonwealth and the University as follows:—

1. THE site for University purposes shall be as described in the First Annex hereto.

2. FORTHWITH after the execution of this Agreement, the Commonwealth will grant to the University a lease of the land described in the First Annex hereto, in accordance with the form contained in the Second Annex hereto.

3. THE University will, before the erection of any building proposed to be erected on the site, refer to the Minister for his consideration a plan of the building, together with a description in writing of its purpose type and intended position on the site, and will not erect the building, or permit it to be erected, on the site, without the approval of the Minister first obtained in writing.

4. IF those parts of the following public roads, namely Lennox Crossing, Liversidge Street and Balmain Crescent, which are bounded on both sides by two of the pieces or parcels of the land described in the First Annex hereto, being the parts of those roads which are indicated by brown colour on the plan referred to in the Second Annex hereto, shall at any time be no longer required for public purposes, they will thereupon be granted by the Commonwealth to the University for the same estate, and upon the same terms and conditions, as are set out in the form of lease contained in the Second Annex hereto.

5. IN this Agreement the expression "Minister" means the Minister of State of the Commonwealth for the time being administering the *Australian National University (Lands) Ordinance 1953*, including any amendments thereof or any statute or ordinance substituted therefor, or the member of the Executive Council of the Commonwealth for the time being performing the duties of such Minister, and shall include the authority or person for the time being authorized by the Minister, or by law, to exercise the powers and functions of the Minister under the said Ordinance, including any amendments thereof or any statute or ordinance substituted therefor.

IN WITNESS whereof this Agreement has been executed on the day and year first hereinbefore mentioned by the Minister of State of the Commonwealth of Australia for the Interior and by the University.

SIGNED by the Honourable WILFRED SELWYN }
KENT HUGHES Minister of State of the }
Commonwealth of Australia for the Interior }
in the presence of—

THE COMMON SEAL of The Australian National }
University was, by direction of the Council }
of the University, hereunto duly affixed by }
the Registrar in the presence of the Vice- }
Chancellor, whose signatures are set opposite }
hereto.

FIRST ANNEX.

DESCRIPTION OF THE SITE FOR UNIVERSITY PURPOSES.

All those pieces or parcels of land situated in the Australian Capital Territory containing an area of 204 acres 1½ perches or thereabouts being Sections 14, 34, 35 and 39 of the Division of Acton Canberra City District Australian Capital Territory as delineated on Subdivisional Plan Number 331 in the office of the Registrar of Titles at Canberra in the said Territory.

SECOND ANNEX.

LEASE.

Commonwealth of Australia.
AUSTRALIAN CAPITAL TERRITORY.

The Australian National University (Lands) Ordinance 1953.

LEASE granted pursuant to the *Australian National University (Lands) Ordinance 1953* on the _____ day of _____ One thousand nine hundred and fifty-three WHEREBY THE COMMONWEALTH OF AUSTRALIA (hereinafter referred to as "the Commonwealth") GRANTS ALL THOSE pieces or parcels of land situated in the Australian Capital Territory containing an area of 204 acres 1½ perches or thereabouts being Sections 14, 34, 35 and 39 of the Division of Acton Canberra City District Australian Capital Territory, as delineated on Subdivisional Plan Number 331 in the Office of the Registrar of Titles at Canberra in the said Territory and being the land shown by pink colour on the plan attached hereto, to THE AUSTRALIAN NATIONAL UNIVERSITY constituted under the *Australian National University Act 1946-1947* (hereinafter referred to as "the University") TO HOLD unto the University in perpetuity for University purposes only YIELDING AND PAYING THEREFOR rent at the rate of one shilling per annum if and when demanded, PROVIDED NEVERTHELESS that the Commonwealth hereby reserves to itself all mines metals (including royal metals) ores of metals minerals (including coal shale and mineral oils) mineral substances (including stone clay gravel and sand) precious stones and precious earths together with all incidental rights of mining for working winning excavating digging taking and removing them or any of them or authorizing such mining working winning excavation digging taking and removing:

THE UNIVERSITY COVENANTS with the Commonwealth that the land hereby leased shall be used for University purposes only.

IN WITNESS whereof this Lease has been executed on the day and year first hereinbefore mentioned by the Minister of State of the Commonwealth of Australia for the Interior and by the University.

SIGNED SEALED AND DELIVERED by the
Honourable WILFRED SELWYN KENT
HUGHES the Minister of State of the
Commonwealth of Australia for the
Interior in the presence of—

THE COMMON SEAL of The Australian
National University was, by direction
of the Council of the University, here-
unto duly affixed by the Registrar in
the presence of the Vice-Chancellor,
whose signatures are set opposite
hereto.

[Plan showing in pink the demised land and in brown the parts of the public roads referred to in clause 4 of this Agreement.]

Dated this fourth day of February, 1953.

W. J. McKELL
Governor-General.

By His Excellency's Command,

W. S. KENT HUGHES
Minister of State for the Interior.

By Authority: L. F. JOHNSTON, Commonwealth Government Printer, Canberra.