

COMMONWEALTH DWELLINGS (RENT).

No. 18 of 1961.

An Ordinance relating to the Rent of Certain Premises
belonging to the Commonwealth.

1. This Ordinance may be cited as the *Commonwealth Dwellings (Rent) Ordinance* 1961.* Citation.

2. In this Ordinance, unless the contrary intention appears— Definitions.

“lease” includes an agreement for a lease or for the tenancy or occupation of premises;

“lessee” means the person liable to pay rent under a lease;

“premises” means premises belonging to the Commonwealth and consisting, in whole or in part, of a house or residential flat;

“rent” includes a sum payable periodically, whether designated as rent or otherwise, as consideration for the right to occupy premises, whether with or without other rights in connexion with the occupation of the premises;

“rental period” means—

(a) in the case of a lease from week to week—a period of a week in respect of which one week’s rent becomes payable under the lease; and

(b) in the case of a lease from fortnight to fortnight—a period of a fortnight in respect of which one fortnight’s rent becomes payable under the lease;

“the Secretary” means the person for the time being holding, or performing the duties of, the office of Secretary to the Department of the Interior.

3.—(1.) This Ordinance applies to a lease that entitles or purports to entitle a person to occupy premises from week to week or from fortnight to fortnight as the lessee of the Commonwealth. Application.

(2.) This Ordinance so applies—

(a) whether the lease was entered into before, or is entered into after, the commencement of this Ordinance;

(b) whether the lease was or is entered into orally, in writing or otherwise; and

* Made on 18th July, 1961; notified in the *Commonwealth Gazette* and commenced on 27th July, 1961.

(c) notwithstanding—

- (i) any other Ordinance;
- (ii) any term or condition of the lease; or
- (iii) any document signed by the person in occupation of the premises purporting to set out the terms and conditions under which he is in occupation of the premises.

Decreases or
increases in
rent.

4.—(1.) From time to time during the currency of a lease to which this Ordinance applies, the Minister may, by order under his hand, direct that the rent payable under the lease be decreased or increased to an amount specified in the order, and the Minister may, in any such order, specify the commencing date of the order.

(2.) Where such an order has been made and notice of the order in accordance with the next succeeding sub-section has been served on the lessee as provided by the next succeeding section, the amount specified in the order shall be deemed to be the rent payable under the lease as from the commencement of the first rental period in respect of which the order has effect, but subject to any subsequent variation of that rent.

(3.) The notice of an order to be served on the lessee for the purposes of the last preceding sub-section shall specify—

- (a) the amount to which the rent is decreased or increased; and
- (b) the date (if any) fixed by the Minister as the commencing date of the order.

(4.) The first rental period in respect of which an order under this section decreasing the amount of any rent has effect is the first rental period that commences not earlier than the date fixed by the Minister as the commencing date of the order or, if the Minister has not fixed such a date, the date of the order.

(5.) The first rental period in respect of which an order under this section increasing the amount of any rent has effect is—

- (a) if the Minister has fixed a date as the commencing date of the order and notice of the order is served on the lessee on or before that date—the first rental period that commences not earlier than that date; or
- (b) in any other case—the first rental period that commences not earlier than the date on which notice of the order is served on the lessee.

5.—(1.) A notice for the purposes of the last preceding section—

Notices of
orders
decreasing or
increasing rents.

(a) shall be given in the name of, and shall be served by authority of, the Minister or a person authorized by the Minister to give notices under that section; and

(b) may be served on the lessee—

(i) by delivering the notice to the lessee personally;

(ii) by delivering the notice at the premises to which it relates to a person apparently over the age of sixteen years and apparently residing at those premises; or

(iii) by serving the notice on the lessee by post at the premises to which it relates.

(2.) For the purposes of this Ordinance, where a notice given in the name of a person is served on a lessee in a manner specified in the last preceding sub-section, it shall, unless the contrary is proved, be deemed to have been so served by authority of that person.

6.—(1.) In any proceedings, a certificate under the hand of the Secretary certifying—

Evidence.

(a) that notice of an order under section four of this Ordinance was served in a specified manner;

(b) that the service was effected on a specified date or, in the case of service by post, that the posting of the notice took place at a specified time on a specified date; and

(c) that a document annexed to the certificate is a true copy of that notice,

is evidence of the matters certified.

(2.) In proceedings in relation to any premises or to the rent of any premises, an order under section four of this Ordinance that relates, in whole or in part, to those premises may be proved by the production of a true copy of that order, or of so much of that order as relates to those premises, and a document to which is annexed a certificate under the hand of the Secretary certifying the document to be such a true copy shall, unless the contrary is proved, be deemed to be such a true copy.

(3.) For the purposes of this section, a document purporting to be a certificate referred to in either of the last two preceding sub-sections shall, unless the contrary is proved, be deemed to be such a certificate and to have been duly issued.

7. For the purposes of the *Land Valuation Ordinance* 1936-1937, an order under section four of this Ordinance shall not be taken to be a determination of the rent payable under a lease.

*Land Valuation
Ordinance
1936-1937
not to apply.*