

THE TERRITORY FOR THE SEAT OF GOVERNMENT.

REGULATIONS UNDER THE LEASES ORDINANCE 1918-1919.

BY virtue of the provisions of the *Leases Ordinance 1918-1919*, I, Patrick McMahon Glynn, Minister of State for Home and Territories, hereby make the following Regulations.

Dated this 13th day of November, 1919.

P. McM. GLYNN,
Minister of State for Home and Territories.

1. These Regulations may be cited as the *Leases Regulations 1919*. Short title.
2. In these Regulations, unless the contrary intention appears— Definitions.
 - “Land” means any land vested in the Commonwealth by virtue of the Seat of Government Acceptance Act or acquired by the Commonwealth under the *Lands Acquisition Act 1906-1916* and includes all improvements thereon.
 - “Returned soldier” means a person who is or has been a member of the Australian Naval or Military Forces and who has returned from Naval or Military service outside Australia.
 - “The Minister” includes any person authorized by the Minister to grant leases under the Ordinance.
 - “The Ordinance” means the *Leases Ordinance 1918-1919*.
3. Any land of which, in the opinion of the Minister, immediate possession is not required by the Commonwealth may be leased. Land which may be leased.
4. Lands available for leasing shall be notified in the *Gazette*. Notification of lands available for leasing.
5. Leases may be granted for grazing, fruit-growing, horticultural, agricultural, residential, or business purposes or any other purpose approved by the Minister. Purposes for which leases may be granted.
6. Subject to these Regulations the annual rental payable under a lease shall be a sum which is equal to five per centum per annum on the assessed value of the land, including improvements to the property of the Commonwealth, plus the amount of the rates payable per annum in respect of the land. Rent.
7. The Minister may from time to time cause assessments to be made of the value of lands which may be leased. Power to make assessments.
8. No person shall hold under lease land of a greater assessed value than Six thousand pounds (exclusive of the value of buildings and fences). Limitation of holding.
9. Applications for leases shall be invited by notice in the *Gazette*, and shall be in such form as the Minister directs. Applications for leases.
10. Upon receipt of any application for a lease, the Minister, after making such inquiries as he deems advisable, shall determine whether the applicant is eligible to become a lessee, having regard to (*inter alia*)— Eligibility of applicants.
 - (a) the ability of the applicant to carry out the conditions of the lease;
 - (b) other lands owned, leased, or managed by the applicant;
 - (c) whether the applicant resides or intends to reside in the Territory; and
 - (d) whether the applicant is a returned soldier.
11. The Minister may, if he thinks fit, without inviting applications for leases grant leases to persons who previously owned land, or to persons who are or have been lessees of land and have carried out the conditions of their leases to the satisfaction of the Minister, provided that such persons are eligible to become lessees under the last preceding regulation. Preference to previous owners and lessees.
12. The Minister may, if he thinks fit, invite applications for leases from returned soldiers only. Applications may be invited from returned soldiers only.
13. (1) Notwithstanding anything contained in these Regulations, the Minister may, if he thinks fit, by notice in the *Gazette*, invite applications for leases in the form of tenders. Lease by tender.
 - (2) Tenders shall be in such form as the Minister directs and shall state the amount of rental offered.

(3) If no application at the upset rental is received the Minister may, subject to these Regulations, lease the land at such rental as he deems reasonable.

(4) In this regulation, "upset rental" means such annual rental as is equal to five per centum per annum on the assessed value of the land, including improvements, after making allowance for improvements to be made by the lessee under the lease, plus the amount of the rates payable per annum in respect of the land.

Determination
of matter
where persons
equally eligible.

14. If two or more applicants for a lease of the same land are, in the opinion of the Minister, equally eligible to become lessees, the Minister may determine by ballot or otherwise the applicant to whom the lease shall be granted.

Minister not
bound to grant
lease.

15. The Minister shall not be bound to grant a lease to any applicant, and may before a lease is granted—

- (a) revoke the notice inviting applications; or
- (b) invite fresh applications for leases on the same or other conditions.

Deposit.

16. The Minister may require any applicant for a lease to deposit as security with his application a sum fixed by the Minister, and may determine the conditions governing the disposal of the sum deposited.

Assignment,
&c. of lease.

17. Except with the previous consent in writing of the Minister a lessee shall not—

- (a) assign his lease;
- (b) sublet the leased land; or
- (c) part with the possession of the leased land, and any assignment, sublease, agreement or arrangement in contravention of this regulation shall be void.

Recovery of
moneys due.

18. Where moneys are due and unpaid under a lease the Minister suing in his official name may sue for and recover from the lessee the amount of the moneys due before a Court of competent jurisdiction.

Determination
of leases.

19. The Minister may at any time, on failure by a lessee to fulfil all or any of the conditions of the lease or on contravention of the lessee of any provision of these Regulations, determine the lease.

Recovery of
possession
after
termination
of lease.

20. If after a lease has been determined the lessee or any person apparently in occupation or possession of the land fails on demand by or on behalf of the Minister to deliver up possession thereof, any Police or Stipendiary Magistrate or two or more Justices of the Peace sitting as a Court of Summary Jurisdiction, and having jurisdiction with respect to the trial of offences committed within the Territory, may, on the application of the Minister or of any person acting in that behalf for the Minister, issue a Warrant authorizing any member of the Police Force of the Commonwealth or State, within a period of not more than thirty days from the date of the Warrant, to enter on the land by force, and with such assistance as is necessary, and deliver possession thereof to the Minister.

Land may be
resumed.

21. (1) The Commonwealth may resume any portion of the land included in a lease which is required for any public purposes of the Commonwealth.

(2) The Commonwealth may pay compensation in respect of any improvements effected by the lessee on the land resumed in pursuance of the last preceding sub-regulation.