

# AUSTRALIAN CAPITAL TERRITORY.

No. 4 of 1943.\*

## AN ORDINANCE

### To amend the Leases (Special Purposes) Ordinance 1925-1936.

**B**E 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 powers conferred by the *Seat of Government Acceptance Act 1909-1938* and the *Seat of Government (Administration) Act 1910-1940*, as follows:—

1.—(1.) This Ordinance may be cited as the *Leases (Special Purposes) Ordinance 1943*. Short title and citation.

(2.) The *Leases (Special Purposes) Ordinance 1925-1936* is in this Ordinance referred to as the Principal Ordinance.

(3.) The Principal Ordinance, as amended by this Ordinance, may be cited as the *Leases (Special Purposes) Ordinance 1925-1943*.

2. After section five B of the Principal Ordinance, the following section is inserted:—

“5BA.—(1.) Where, upon the expiration of the term of a lease of land upon which there are improvements, the lessee is granted under this Ordinance a further lease of that land or of any part of that land, he shall not be liable to make any payment to the Commonwealth in respect of the improvements on that land or part. Tenant right in improvements

“(2.) Where, upon the expiration of the term of a lease of land upon which there are improvements a further lease of the land or a lease of any part of the land is not granted to the lessee, the Commonwealth shall pay to the lessee the value of the improvements on that land or on any part not so leased.

“(3.) Where any land or part to which the last preceding sub-section applies is not made available for leasing, the value of the improvements on that land or part shall be paid to the lessee forthwith.

“(4.) Where any land or part to which sub-section (2.) of this section applies is made available for leasing the value of the improvements on that land or part shall be paid to the lessee upon the grant of a further lease of that land to any other person.

“(5.) Where, between the date of the expiration of a lease of land upon which there are improvements and the date of the grant of a further lease of that land or part thereof, the Commonwealth derives revenue part or all of which is attributable to the improvements on that land or part thereof, the Commonwealth shall pay to the lessee, from time to time, as the Minister determines, the

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difference between such sum as the Minister determines is attributable to revenue from those improvements and the amount of such expenditure as the Minister determines has been incurred by the Commonwealth in maintenance and other costs in respect of those improvements.

“(6.) Notwithstanding anything contained in any lease, where a lessee of land under this Ordinance has fully complied with any covenants of his lease with respect to the erection of a building on that land and the lease is determined or surrendered, by virtue of any provision contained in the lease the provisions of this section relating to the payment to a lessee of the value of the improvements on the land comprised in his lease upon its expiration shall apply as if the term of the lease had expired on the date of the determination or surrender:

Provided that there shall be deducted from any sum payable in respect of the value of the improvements on the land the amount of such expenditure as the Minister determines has been incurred by the Commonwealth in connexion with the determination or surrender of the lease.

“(7.) For the purposes of this section—

‘improvements’ includes buildings and erections, but does not include improvements effected at the cost of the Commonwealth and in respect of which the Commonwealth has not received, or is not entitled to receive, payment;

‘lease’ means a lease under this Ordinance;

‘lessee’ means the person who was the lessee under a lease which has been determined or surrendered or the term of which has expired; and

‘value’, in relation to improvements on any land, means the amount which the Commonwealth receives or is entitled to receive, upon leasing the land, in respect of those improvements, less such of the costs of the leasing as the Minister determines is attributable to the improvements or, if the land is not leased, such amount as is agreed upon by the Minister and the lessee, or, in default of agreement, as is determined by Arbitration under the laws in force in the Territory relating to arbitration.”.

Dated this twenty-seventh day of January, 1943.

GOWRIE

Governor-General.

By His Excellency's Command,

J. S. COLLINGS

Minister of State for the Interior.

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