

No. 12 of 1976

AN ORDINANCE

To amend the *City Area Leases Ordinance 1936-1975*.

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia, acting with the advice of the Executive Council, hereby make the following Ordinance under the *Seat of Government (Administration) Act 1910-1973*.

Dated this twenty-third day of March 1976.

JOHN R. KERR
Governor-General.

By His Excellency's Command,

A. A. STALEY,
Minister of State for the Capital Territory.

CITY AREA LEASES ORDINANCE 1976

1. (1) This Ordinance may be cited as the *City Area Leases Ordinance 1976*.^{*} Short title and citation.

(2) The *City Area Leases Ordinance 1936-1975*,[†] is in this Ordinance referred to as the Principal Ordinance.

(3) The Principal Ordinance, as amended by this Ordinance, may be cited as the *City Area Leases Ordinance 1936-1976*.

2. Section 9 of the Principal Ordinance is repealed and the following section is substituted:—

“ 9. (1) A person shall not use land included in a lease or a building, or part of a building, erected on that land, for any purpose other than a purpose authorized by or under the lease. Land only to be used as authorized by lease.

Penalty: A fine not exceeding \$1,000 for a first offence and \$10,000 for any subsequent offence.

“ (2) Proceedings for an offence against sub-section (1) shall not be instituted except with the consent in writing of the Minister or of a person authorized by the Minister, by writing under his hand, to give such consents.

“ (3) In the application of sub-section (1) to, and in relation to, the use of a building or part of a building that is erected on land included in a lease, if the purposes for which the building or part is authorized

^{*} Notified in the *Australian Government Gazette* on 29 March 1976.

[†] Ordinance No. 31, 1936, as amended by Nos. 38 and 40, 1936; No. 21, 1938; No. 14, 1947; No. 18, 1950; No. 8, 1951; No. 18, 1957; No. 21, 1959; No. 12, 1961; No. 18, 1963; No. 7, 1964; No. 19, 1966; No. 13, 1967; Nos. 3 and 28, 1968; No. 25, 1969; No. 45, 1970; No. 11, 1971; Nos. 3 and 58, 1973; Nos. 13, 19, 25, 50 and 56, 1974; and No. 32, 1975.

to be used are specified in, or are determined under, the lease, references to a purpose authorized by or under the lease shall be read as references to a purpose included in the purposes so specified or determined.”.

Repeal.

3. Section 9A of the Principal Ordinance is repealed.

Particulars
of
occupation
of land.

4. Section 9B of the Principal Ordinance is amended—

(a) by omitting sub-section (1) and substituting the following sub-section:—

“(1) The Secretary, or a person authorized in writing by the Secretary, may serve, by post or otherwise, a notice in writing on a person who is the lessee of land included in a lease, which requires the person to furnish to the Secretary, on or before a date specified in the notice, being a date not earlier than fourteen days after the date on which the notice is served, or within such further period as the Secretary or the person so authorized allows, a statement, under his hand, stating—

(a) whether the land or a building erected on the land or, where the notice specified a part of the land or building, that part was, at a date specified in the notice, subject to a sub-lease and, if so, the name of the sub-lessee or each sub-lessee, as the case may be; and

(b) whether the land or a building erected on the land or, where the notice specified a part of the land or building, that part was, at a date specified in the notice, occupied or used by a person other than the lessee or a sub-lessee and, if so, the name of the person or each person, as the case may be.”;

(b) by omitting the words “Two hundred” from the penalty at the foot of sub-section (3) and substituting the words “One thousand”; and

(c) by adding the following sub-sections after sub-section (3):—

“(4) In any proceedings for an offence against sub-section (3) arising out of the refusal or failure of a person to furnish a statement to the Secretary, a certificate, under the hand of the Secretary, stating—

(a) that a notice for the purpose of sub-section (1) was sent on a specified date, under prepaid post, to the defendant at his last known address;

(b) that the defendant failed to furnish a statement to the Secretary in accordance with the requirement of the notice; and

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

is evidence of the matters stated.

“ (5) A document annexed to a certificate shall bear an endorsement under the hand of the Secretary, identifying it as the copy referred to in the certificate.”.