

THE TERRITORY FOR THE SEAT OF GOVERNMENT.

No. 15 of 1933.

AN ORDINANCE

To amend the Leases Ordinance 1918-1927.

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 powers conferred by the *Seat of Government Acceptance Act 1909* and the *Seat of Government (Administration) Act 1910-1933*, as follows:—

1.—(1.) This Ordinance may be cited as the *Leases Ordinance 1933*. Short title.

(2.) The *Leases Ordinance 1918-1927* 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 Ordinance 1918-1933*.

2. This Ordinance shall commence on a date to be fixed by the Minister by notice in the *Gazette*. Commencement.

3.—(1.) The Principal Ordinance is amended by inserting after section three the following section:—

“3AA.—(1.) Any lease may, without prejudice to the period for which the lease is granted or to any covenant or condition of the lease, be granted subject to the condition or agreement that the rate at which the rent shall be payable for any period of the lease may be determined by the Minister or otherwise, and the rate may be determined accordingly, and, subject to the provisions of this section, shall be the rate at which the lessee shall pay rent for that period: Determination of rent.

Provided that if notice of the determination is not, in pursuance of the next succeeding sub-section, delivered to or served on the lessee before the commencement of the period in respect of which the rate is determined, the rate at which the lessee shall pay rent for that period up to the date on which the notice is delivered to or served on him, shall be the rate at which the rent for the lease was payable immediately prior to the commencement of the period.

“(2.) The Minister shall cause to be delivered to, or served by post on, the lessee, notice in writing of any determination made under or by virtue of the last preceding sub-section.

“(3.) If the lessee is dissatisfied with the determination, he may, within one month after the delivery or service of the notice of the determination, or, with the approval of the Minister, at any time, post to or lodge with the Minister an objection in writing against the determination, and the Minister shall forward the objection to the Commissioner appointed under the *Land Commissioner Ordinance 1933*.

“(4.) Any objection so forwarded to the Commissioner shall, subject to this section, be deemed to be a reference to the Commissioner of a decision of the Minister within the meaning of section six of the *Land Commissioner Ordinance* 1933.

“(5.) After the receipt by the Minister, in pursuance of subsection (4.) of section six of the *Land Commissioner Ordinance* 1933, of the recommendation of the Commissioner in relation to the determination, the rate at which the rent shall be payable for the period of the lease to which the determination relates may be redetermined, and, in that event, the rate as so redetermined shall be the rate at which the lessee shall pay rent for the period in lieu of the rate previously determined.”

Validation of
prior
determinations.

4.—(1.) Where the Minister or the Federal Capital Commission appointed under the *Seat of Government (Administration) Act* 1924-1929, has, prior to the commencement of this section, granted or purported to grant, in pursuance of the provisions of the *Principal Ordinance* or of that Ordinance, as amended by any subsequent Ordinance, any lease subject to or purporting to be subject to a condition or agreement for the determination by the Minister or otherwise of the rate at which the rent shall be payable for any period of the lease, that lease and any determination purporting to have been made under or by virtue of any such condition, shall be deemed to be, and shall at all times be deemed to have been, as valid and effectual for all purposes as if this Ordinance had been in force at the time the Minister or the Federal Capital Commission, as the case may be, granted or purported to grant the lease, and the lessee may, within one month after the commencement of this Ordinance, or, with the approval of the Minister, at any time, lodge with the Minister an objection in writing against any such determination.

(2.) The Minister shall forward the objection to the Commissioner appointed under the *Land Commissioner Ordinance* 1933, and the objection shall thereupon be deemed to be a reference to the Commissioner of a decision of the Minister within the meaning of section six of the *Land Commissioner Ordinance* 1933.

(3.) After the receipt by the Minister, in pursuance of subsection (4.) of section six of the *Land Commissioner Ordinance* 1933, of the recommendation of the Commissioner in relation to the determination, the rate at which the rent shall be payable for the period of the lease to which the determination relates may be redetermined, and, in that event, the rate as so redetermined shall be the rate at which the lessee shall pay rent for the period in lieu of the rate previously determined.

Dated this twelfth day of July, 1933.

ISAAC A. ISAACS

Governor-General.

By His Excellency's Command,

G. F. PEARCE

for Minister of State for the Interior.

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