

THE TERRITORY FOR THE SEAT OF GOVERNMENT.

No. 27 of 1933.

AN ORDINANCE

**To amend the Leases Ordinance 1918-1927, as amended
by the Leases Ordinance 1933, and to amend the
Leases Ordinance 1933.**

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* Short title
and citation.
(No. 2) 1933.

(2.) The *Leases Ordinance 1918-1927*, as amended by the *Leases Ordinance 1933*, is in this Ordinance referred to as the Principal Ordinance.

(3.) Sub-section (3.) of section one of the *Leases Ordinance 1933* is repealed.

(4.) The Principal Ordinance, as amended by this Ordinance, may be cited as the *Leases Ordinance 1918-1933*.

2. Section three AA of the Principal Ordinance is amended— Determination
of rent.

(a) by omitting sub-section (4.) and inserting in its stead the following sub-sections:—

“(4.) Where an objection is so forwarded, the Commissioner shall review the determination which, for the purposes of the review, shall be deemed to be a decision of the Minister within the meaning of section six of the *Land Commissioner Ordinance 1933*.

“(4A.) The Commissioner, on review, shall make a recommendation to the Minister, and shall forward the recommendation, together with the evidence tendered at the hearing, to the Minister; and

(b) by omitting from sub-section (5.) the words “, in pursuance of sub-section (4.) of section six of the *Land Commissioner Ordinance 1933*,”.

Reduction of
rent and
relief from
conditions.

3. After section three AA of the Principal Ordinance the following section is inserted:—

“3AB.—(1.) The Minister may, in respect of any period, whether commencing before, at or after the commencement of this section, or whether commencing before, at or after the giving of the approval, approve of—

- (a) the reduction of the rent payable under a lease or a tenancy, or of the amount payable in respect of any occupation of land; or
- (b) the grant of relief, to a lessee, tenant or occupier of land, from compliance, wholly or in part, with any covenant or condition to which his lease, tenancy or occupation is subject,

and thereupon the liability and obligation of the lessee, tenant or occupier under the lease or tenancy or in respect of his occupation shall, in respect of that period, be discharged to the extent of the reduction or grant of relief approved.

“(2.) Any grant of relief approved in pursuance of the last preceding sub-section may be absolute or subject to such conditions as the Minister thinks fit.

“(3.) Except in cases to which the next succeeding section applies, the Minister shall send by post or deliver or cause to be sent by post or delivered to the lessee, tenant or occupier, a memorandum specifying the reduction or the grant of relief approved by the Minister, and any such memorandum which purports to be signed by the Minister or by the Secretary to the Department of the Interior or by the Assistant Secretary, Property and Survey Branch, Department of the Interior, shall be conclusive evidence of the facts stated therein.

Discharge from
liabilities
under prior
lease.

“3AC.—(1.) Where the Minister grants a lease he may, by the grant, and either absolutely or subject to such conditions as he thinks fit, fully discharge the lessee, from all liabilities and obligations which the lessee may have incurred in respect of any prior occupation of the leased land or portion of the leased land.

“(2.) For the purposes of this section, the lessee shall be deemed to have been so discharged if the grant contains an acknowledgment by the lessee of his indebtedness in a specified sum in respect of the prior occupation, and an agreement or covenant by the lessee to pay the sum so specified, notwithstanding that that sum be less than the amount of his total liability, obligation or indebtedness in respect of the prior occupation.

Validation of
prior leases.

4. Section four of the *Leases Ordinance* 1933 is amended—

- (a) by omitting from sub-section (1.) all words after the words “that lease” and inserting in their stead the words “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 provisions of section three AA of the *Leases Ordinance* 1918-1933 shall, subject to this section, apply in relation to that lease and to any determination made or purporting to have been made under or by virtue of any such condition or agreement:

Provided that with respect to any such determination made or purporting to have been made before the commencement of this section the proviso to sub-section (1.) and sub-sections (2.) and (3.) of section three AA of the *Leases Ordinance* 1918-1933 shall not apply, but 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.”; and

- (b) by omitting sub-section (2.) and inserting in its stead the following sub-sections:—

“(2.) The Minister shall forward the objection to the Commissioner appointed under the *Land Commissioner Ordinance* 1933 and the Commissioner shall review the determination which, for the purposes of the review, shall be deemed to be a decision of the Minister within the meaning of section six of the *Land Commissioner Ordinance* 1933.

“(2A.) The Commissioner, on review, shall make a recommendation to the Minister, and shall forward the recommendation, together with the evidence tendered at the hearing, to the Minister.”; and

- (c) by omitting from sub-section (3.) the words “, in pursuance of sub-section (4.) of section six of the *Land Commissioner Ordinance* 1933.”.

Dated this fifteenth day of November, 1933.

ISAAC A. ISAACS

Governor-General.

By His Excellency's Command,

J. A. PERKINS

Minister of State for the Interior.

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