



Australian Capital Territory

City Area Leases Act 1936 (repealed)

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About this republication

The republished law

This is a republication of the *City Area Leases Act 1936* (repealed) effective 3 April 1992.

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Australian Capital Territory

CITY AREA LEASES ACT 1936

As at 2 April 1992 (repealed by No. 118, 1991)

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Australian Capital Territory

CITY AREA LEASES ACT 1936

An Act relating to the Leasing of Commonwealth Lands in the City Area of the Territory

Short title

1. This Act may be cited as the *City Area Leases Act 1936*.¹

Repeal

2. (1) The Ordinances set out in the Schedule to this Act are repealed.

(2) Any lease granted or any notice given under any repealed Ordinance, and in force immediately prior to the commencement of this Act, and any right, title, interest, power, duty, obligation, liability or privilege created by, acquired under, or by virtue or in respect of, any repealed Ordinance or any such lease or notice, shall continue to be in force as if this Act had been in operation at the time the lease was granted or notice given or the right, title, interest, power, duty, obligation, liability or privilege accrued or was acquired or incurred, and the lease or notice had been granted or given, and the land included in any such lease had been leased, and the right, title, interest, power, duty, obligation, liability or privilege had accrued or had been acquired or incurred, under this Act, and this Act shall apply to and in relation to any such lease or notice or land and to and in relation to any such right, title, interest, power, duty, obligation, liability or privilege accordingly.

Interpretation

3. (1) In this Act, unless the contrary intention appears—

“determined fee” means a fee determined by the Minister under section 37B for the purposes of the provision in which the expression occurs;

“lease” means—

- (a) a lease under this Act;
- (b) a lease granted under a repealed Ordinance and continued in force by subsection (2) of the last preceding section; and
- (c) a lease under the *Unit Titles Act 1970*;

“lessee” means the person who is the registered proprietor of a lease whether the lease was granted to him or the lease has passed to him by assignment, transfer, devolution or operation of law;

“Real Property Act” means the *Real Property Act 1925* and includes that Act as subsequently amended; and

“repealed Ordinance” means any Ordinance repealed by section two of this Act and includes any such Ordinance as subsequently amended;

“sub-lease” means a sub-lease of a parcel of land or part of a parcel of land subject to a lease, or of a building or part of a building on a parcel of land so subject;

“sub-lessee” means the person who is the proprietor of a sub-lease whether the sub-lease was granted to him or the sub-lease has passed to him by assignment, transfer, devolution or operation of law;

“the Building Controller” has the same meaning as in the *Building Act 1972*;

“Tribunal” means the Australian Capital Territory Administrative Appeals Tribunal.

(2) For the purposes of the application of a provision of this Act (other than section nineteen A of this Act) in which there is a reference to improvements on or to a parcel of land, there shall be deemed not to be any improvements on or to the parcel of land if the only improvements on or to the parcel of land are improvements by way of clearing, draining, grading, filling, excavating or levelling made by the Territory or the Commonwealth or the cost of which the Territory or the Commonwealth has paid.

(3) A reference in this Act to the proper authority shall be read as a reference to a person—

- (a) who, at the relevant time, was the proper authority under the Canberra Building Regulations as in force from time to time under the *Building and Services Act 1924* or under that Act as subsequently amended;

- (b) who, at the relevant time, was the proper authority or a deputy proper authority under the *Building Ordinance 1964*² or under that Ordinance as subsequently amended; or
- (c) who, at the relevant time, was or is the proper authority or a deputy proper authority under the *Building Ordinance 1964-1970*² in its continued application as provided for by section four of the *Building Act 1972*.

Application of Act

4. (1) This Act shall apply to Territory Land within the area specified by the Minister, in pursuance of any repealed Ordinance, by notice in the *Gazette*, as varied by the Minister in pursuance of any such Ordinance.

(2) The Minister may, at any time, by notice in the *Gazette*, vary the area.

(3) The area, as varied from time to time, is in this Act referred to as “the City Area”.

Power of Minister to grant leases

5. Subject to this Act, the Minister may, in the name of the Commonwealth, grant leases of land for business or residential purposes or for both business and residential purposes.

Delegation by Minister

6. (1) Subject to this Act, the Minister may, by notice in the *Gazette*, delegate to any person or authority all or any of his powers and functions under this Act or any regulations made under this Act (except this power of delegation) so that the delegated powers may be exercised by the delegate with respect to the matters or class of matters specified in the instrument of delegation.

(2) Every delegation under this section shall be revocable at will, and no delegation shall prevent the exercise of any power by the Minister.

(3) Judicial notice shall be taken of—

- (a) the signature and seal of a person or authority to whom the Minister has delegated the power to grant leases; and
- (b) the fact that such power has been so delegated,

if such signature and seal purport to be attached, appended or affixed to a lease.

Limitation as to lease for business purposes

8. A lease granted for business purposes or for business and residential purposes may specify the particular class or classes of business for which the land included in the lease may be used.

Use of land for industrial purposes

8A. (1) This section applies to land comprised in a lease, whether granted before or after the commencement of this section, if provision is made in the lease for the land to be used—

- (a) for the purpose of “an industry”;
- (b) for the purpose of “an industry or industries”;
- (c) for the purpose of “light industrial and commercial businesses”; or
- (d) for the purpose of conducting “industries” in buildings erected on the land,

and so applies whether or not the lease provides that the use of the land for that purpose is limited or qualified in any manner or that the land may be used for any other purpose and whether or not the lease restricts the kind of industry, industries or businesses for which the land may be used.

(2) Subject to this section, land to which this section applies shall not be used, and the lease of the land shall not be taken to authorize the land to be used, for the sale of goods by retail.

(3) Subject to this section, a building erected on land to which this section applies shall not be used, and the lease of the land shall not be taken to authorize such a building to be used—

- (a) for the sale of goods by retail;
- (c) as a boarding-house, guest-house, hostel or hotel or as a building of the kind commonly known as a motel; or
- (d) as flats or as a building for the provision of residential accommodation of the kind commonly known as a flat, an apartment or a home unit.

(4) The use of land to which this section applies, or of a building erected on land to which this section applies, for the retail sale of—

- (a) goods (not being food-stuffs, non-alcoholic beverages or new clothing) that have been manufactured or processed on the land or in the building;

- (b) building materials, building equipment, building supplies or general hardware;
- (c) other goods ordinarily sold by sellers of goods specified in the last preceding paragraph;
- (d) agricultural, garden or farm equipment or supplies;
- (e) petrol, oil or other petroleum products;
- (f) motor vehicles, trailers, caravans, boats or machinery; or
- (g) parts or accessories for goods specified in the last preceding paragraph,

does not contravene either of the last two preceding subsections or the lease of the land.

(4A) The use of a building erected on land to which this section applies for the retail sale of—

- (a) food-stuffs or non-alcoholic beverages of a kind commonly known as confectionery or refreshments;
- (b) any other kind of food-stuffs or non-alcoholic beverages that have been manufactured or processed on the land or in the building; or
- (c) goods (not being food-stuffs, non-alcoholic beverages, new clothing or goods the retail sale of which does not, by virtue of the last preceding subsection, contravene subsection (2) or (3) of this section) that have been stored in bulk in the building pending their sale and distribution to persons engaged in retail trade elsewhere than on that land,

does not contravene subsection (2) or (3) of this section, or the lease of the land, if the floor area of the building does not exceed 46.50 square metres or if the goods are sold or are displayed with a view to being sold in a part only of the building, being a part having a floor area that does not exceed 46.50 square metres.

(5) Subsection (2) or (3) of this section, as the case may be, does not apply to land that is used for a purpose specified in subsection (2) of this section, or to a building that is used for a purpose specified in subsection (3) of this section, if the use of the land or the building for that purpose, is either expressly or by necessary implication, authorized by the lease otherwise than by reason of the fact that the lease authorizes the use of the land for a purpose specified in subsection (1) of this section.

(6) This section does not prevent land to which this section applies, or a building erected on any such land, from being used for a purpose for which it was being used immediately before the commencement of this section provided that the land or the building is continuously used for that purpose after the commencement of this section.

(7) This section shall not be taken to extend the purposes for which land to which this section applies, or a building erected on any such land, may be used.

(8) In this section—

“floor” includes a basement;

“floor area” means—

- (a) in relation to a building—the total area of the floors covered by roofs of the building, and in the case of a building with more than one floor, the sum of the areas of the several floors; and
- (b) in relation to a part of a building—the total area of the floors of that part of the building, and in the case of a part of a building with more than one floor, the sum of the areas of the several floors, or the parts of the several floors, included in that part of the building.

Interpretation

9. In sections 9A to 9CD (inclusive)—

- (a) “land” means land held under a lease;
- (b) “unauthorized purpose”, in relation to land, means a purpose for which the use of the land is not authorized by or under the lease of the land; and
- (c) a reference to the use of land includes a reference to the use of part of the land.

Supreme Court may restrain use of land for unauthorised purpose

9A. Where the lessee or sub-lessee of land uses the land, or permits the land to be used, for an unauthorized purpose, the Supreme Court may, by order, direct the lessee or sub-lessee, as the case may be, not to use the land, or permit the land to be used, for that purpose.

Who may apply

9B. An application for an order under section 9A may be made—

- (a) by the Minister; or
- (b) by a person who is a resident of, or the lessee or sub-lessee of land or premises in, the Territory.

Parties to an application

9C. (1) The parties to an application under section 9B are—

- (a) the applicant;
- (b) the person specified in the application as the person against whom an order under section 9A is sought; and
- (c) any person who becomes a party by virtue of section 9CB.

(2) A person referred to in paragraph (1) (b) or (1) (c) shall be a respondent to an application under section 9B.

Presumption that land used by lessee

9CA. (1) Where, on an application for an order under section 9A against the lessee of land, it is proved that land has been used by a person other than the lessee, it shall be presumed that the lessee permitted the use of the land by that person unless—

- (a) the contrary is proved; or
- (b) the lessee proves that, at the time at which the land was so used, the land was the subject of a sub-lease.

(2) Where, on an application for an order under section 9A in relation to land that is the subject of a sub-lease, it is proved that the land has been used by a person other than the sub-lessee, it shall be presumed that the sub-lessee permitted the use of the land by that person unless the contrary is proved.

Lessee or sub-lessee may be joined as a party

9CB. (1) Where—

- (a) an application is made for an order under section 9A against the lessee of land; and
- (b) the land is the subject of a sub-lease,

the Court may direct that the applicant give notice to the sub-lessee of the making of the application and of the time and place at which the hearing of the application will commence or be continued, as the case may be.

(2) Where an application is made for an order under section 9A against the sub-lessee of land, the Court may direct that the applicant give notice to the lessee of the making of the application and of the time and place at which the hearing of the application will commence or be continued, as the case may be.

(3) Where notice is given to a person in accordance with a direction under subsection (1), that person thereupon becomes a party to the application.

Supreme Court may declare sub-lease void in part

9CC. (1) Where—

- (a) the land to which the application under section 9B relates is the subject of a sub-lease;
- (b) the sub-lessee has used the land, or permitted the land to be used, for an unauthorized purpose;
- (c) the use of the land for that purpose is authorized by or under the sub-lease; and
- (d) the Supreme Court makes an order under section 9A against the sub-lessee,

the Court may declare the sub-lease void to the extent that it authorizes the use of the land for the purpose to which the application relates.

(2) Where the Supreme Court makes a declaration in pursuance of subsection (1) in relation to a sub-lease, the Court may make any other order that appears to the Court to be necessary to do justice between the lessee and sub-lessee.

(3) Where the Supreme Court makes a declaration in pursuance of subsection (1) in relation to a sub-lease, the sub-lease is void to the extent that it authorizes the use of the land the subject of the sub-lease for the purpose to which the application relates.

(4) The Supreme Court shall not make a declaration or order under this section unless the lessee is a party to the application.

Costs

9CD. (1) Where—

- (a) an application is made under section 9B for an order against the lessee of land;
- (b) a sub-lessee of the land becomes a party to the application; and

- (c) an order under section 9A is made against the sub-lessee but no such order is made against the lessee,

the Court shall not make an order for the payment by the applicant of the costs of the lessee unless the Court is of the opinion that the making of the application for an order under section 9A against the lessee was unreasonable.

(2) Where—

- (a) an application is made under section 9B in relation to land held under a lease granted for residential purposes; and
- (b) an order is made under section 9A against a respondent to the application,

the Court shall not make an order for the payment by the respondent of the costs of the applicant if—

- (c) the Court is of the opinion that the making of the application was unreasonable; or
- (d) the decision of the question whether the land was used for an unauthorized purpose involved the resolution of a difficult question of law.

Keeping two or more caravans on land prohibited

9D. (1) In this section—

“caravan” includes—

- (a) a structure equipped with wheels; and
- (b) a vehicle that has been so constructed or altered that it may be used for any of the purposes of a caravan;

“exempt parcel” means a parcel of land which is the subject of an order under section 9E.

(2) A person shall not keep more than one caravan on a parcel of land which is not an exempt parcel and is the subject of a lease for residential purposes only.

Penalty: \$100, together with \$100 for each day during which the offence continues.

(3) A person shall not permit the keeping of more than one caravan on a parcel of land which is not an exempt parcel and is the subject of a lease for residential purposes only.

Penalty: \$100, together with \$100 for each day during which the offence continues.

(4) In proceedings for an offence against this section, evidence that money is paid to a person in connexion with the occupation by another person of a caravan on a parcel of land is evidence that the caravan is kept by the first-mentioned person on that parcel.

Application to keep two or more caravans

9E. (1) A person may apply to the Magistrates Court for an order permitting him to keep more than one caravan on a parcel of land which is the subject of a lease for residential purpose only.

(2) The application shall be by way of motion supported by affidavit.

(3) The applicant shall serve a copy of the notice and affidavit on the Minister not less than 14 days before the day specified in the notice for the hearing of the application.

(4) The applicant and the Minister shall be entitled to be heard on the application and to examine and cross-examine witnesses.

(5) The Court shall not make an order under subsection (1)—

(a) if the use of the land for the keeping of two or more caravans is either—

(i) likely to constitute a nuisance or annoyance to lessees or sub-lessees of adjoining land; or

(ii) inappropriate, having regard to the nature of the locality; or

(b) if either or any of the caravans is to be let or hired for occupation on the land.

(6) An order under subsection (1) may be made subject to such terms and conditions (if any) as the Court thinks fit to impose.

(7) A person who has obtained an order under subsection (1) shall not—

(a) fail to comply with the terms of the order; or

- (b) keep, or permit the keeping of, more caravans on that parcel than is permitted by the order.

Penalty: \$100, together with \$100 for each day during which the offence continues.

(8) Where a person is convicted of an offence under subsection (7), the Court may revoke or vary the order if it thinks that the circumstances so warrant.

Use of residential land for professional and other purposes

10. (1) Where in any lease the lessee covenants to use the land included in the lease for residential purposes only, the land shall not be deemed to be used for any other purpose by reason only of any person, *bona fide* resident on the land, carrying on, with and subject to the approval of the Minister, and in accordance with such conditions relating to the use of the land as the Minister specifies, his profession, trade, occupation or calling on the land.

(2) Upon application being made to the Minister and payment of the determined fee, the Minister may approve in writing of any person *bona fide* residing on any such land, carrying on his profession, trade, occupation or calling on the land for such period as the Minister specifies, and may in the instrument of approval or any subsequent instrument specify the conditions relating to the use of the land to be observed by that person in so carrying on his profession, trade, occupation or calling:

Provided that the Minister shall not approve—

- (a) of the carrying on of any offensive trade on the land;
- (b) of the doing of any act or thing in connexion with the carrying on of any profession, trade, occupation or calling on the land which may become a danger or nuisance to the tenants or occupiers of adjoining lands; or
- (c) of the carrying on of any profession, trade, occupation or calling on the land if he is satisfied that it is not in the public interest so to do.

(3) Any instrument approving of the carrying on of any profession, trade, occupation or calling on any such land, or specifying the conditions under which the profession, trade, occupation or calling may be so carried on, shall be forthwith published in the *Gazette*.

Variation of provision, covenant or condition of a lease

11A. (1) Notwithstanding anything contained in this Act, the Supreme Court may, subject to this section, on the application of the lessee (in this section referred to as the “application for variation”), vary, amend, omit or add any provision, covenant or condition of a lease.

(2) No such variation shall be made—

- (a) unless the Court is satisfied that there are such circumstances existing as in the opinion of the Court make it desirable to vary the provision, covenant or condition in order that the reasonable user of the land should not be impeded; or
- (b) if, not later than seven days before the day for hearing named in the notice of motion filed by the applicant in pursuance of this section, a certificate is filed by the Minister with the Registrar of the Court stating that, in his opinion, the variation sought would be inconsistent with—
 - (i) the Plan established pursuant to the *Interim Planning Act 1990*;
 - (ii) the National Capital Plan within the meaning of the *Australian Capital Territory (Planning and Land Management) Act 1988* of the Commonwealth;
 - (iii) if either of those plans is not established, or if neither of them contains any provision in relation to the relevant land—an NCDC policy within the meaning of that Commonwealth Act.

(3) An application for variation shall be made by motion supported by affidavit.

(4) The applicant shall file with the Registrar of the Court a notice of motion together with the affidavit in support and shall, at least thirty days before the day named in the notice for hearing the motion—

- (a) serve a copy of the notice and affidavit on the Minister; and
- (b) publish the notice in the *Gazette* and a newspaper circulating in the Territory.

(5) The Minister and also the applicant for variation shall be entitled, either personally or by counsel or solicitor, to be heard on the application for variation and to examine and cross-examine witnesses.

(6) Any person who, within twenty-one days after the publication of the notice of motion in the *Gazette*—

(a) files with the Registrar of the Court notice of his intention to oppose the application for variation stating the grounds of his opposition; and

(b) serves on the applicant for variation a copy of such notice of intention,

shall, with the leave of the Court, be entitled, either personally or by his counsel or solicitor, to be heard in opposition to the application for variation and to examine and cross-examine witnesses.

(7) The applicant for variation shall pay his own costs and, if the Court so orders, the full costs of any other person appearing in pursuance of this section.

(8) An order of the Supreme Court under this section varying a provision, covenant or condition in a lease shall, in the first instance, be provisional only and is subject to—

(a) the condition (to be included in the provisional order) that if in accordance with subsection (9), a betterment charge is payable to the Territory in respect of the variation, the amount of that charge will be paid to the Territory by the lessee within 2 months after the date on which the lessee is notified by the Minister of the relevant amount; and

(b) such conditions, whether as to compensation to other persons or otherwise, as the Court thinks just and are included in the provisional order.

(9) The Minister shall, as soon as practicable after a provisional order has been made, determine by instrument, as prescribed, the amount of the betterment charge, if any, payable in respect of the variation and cause notice of the amount so determined and a statement of the basis for that determination to be given to the lessee or, where no betterment charge is payable, a statement to that effect.

(9A) A betterment charge is payable to the Territory in respect of the variation specified in the provisional order and the amount of the betterment charge is the amount, if any, determined in accordance with subsection (9).

(9B) A notice under subsection (9) shall include a statement of the terms of section 11B.

(9C) The validity of a determination made by the Minister under subsection (9) shall not be taken to be affected by a failure to comply with subsection (9B).

(9D) An instrument under subsection (9) shall be published in the *Gazette*.

(9EB) Where a notice of a determination by the Minister is given to a lessee under subsection (9), the lessee may, within 28 days after receiving the notice, by notice in writing given to the Minister, request the Minister to furnish to the lessee a statement in writing setting out the findings on material questions of fact, referring to the evidence or other material on which those findings were based and giving the reasons for the determination, and the Minister shall, as soon as practicable, but in any case within 28 days after receiving the request, prepare, and furnish to the lessee, such a statement.

(9F) A provisional order under this section shall be made a final order by the Court if the Court is, on an application by the lessee for a final order, satisfied that the lessee has complied with the conditions specified in the provisional order.

(9G) Upon registration by the Registrar of Titles of a final order under this section, the lease of the parcel of land to which the order relates shall be deemed to have been varied in the manner specified in the final order.

(10) Notice of the filing of any certificate referred to in paragraph (b) of subsection (2) of this section shall be published in the *Gazette* and shall, not later than seven days before the application for variation is to be made to the Court, be given to the applicant and to every person who has filed notice of his intention to oppose the application.

(11) For the purposes of this section, service of any document on the Minister shall be effected by serving the document on the administrative head.

(12) In this section—

“variation”, in relation to a provision, covenant or condition of a lease, means a variation, amendment, omission or addition, as the case requires, in relation to a provision, covenant or condition of the lease.

Appeal to Administrative Appeals Tribunal

11B. (1) Application may be made to the Tribunal by a lessee who has paid the amount of the betterment charge payable in respect of a variation under section 11A for a review of the determination made by the Minister under subsection 11A (9).

(2) Notwithstanding the provisions of section 27 of the *Administrative Appeals Tribunal Act 1989*, an application under subsection (1) shall be made within 30 days after the payment of the betterment charge by the lessee or within such further period as the Tribunal allows, whether before or after the expiration of the period of 30 days.

Adjustment of betterment charge on variation of determination on review

11C. (1) Where, as a result of a review under section 11B, a variation is made to the determination of a betterment charge under subsection 11A (9), then—

- (a) if the amount of the betterment charge is reduced or a betterment charge is not payable, an amount is payable by the Territory to the lessee equal to the amount by which the betterment charge is reduced or an amount equal to the amount of the betterment charge paid, as the case requires; or
- (b) if the amount of the betterment charge is increased or a betterment charge becomes payable, an amount is payable by the lessee to the Territory equal to the amount by which the betterment charge is increased or an amount equal to the amount of the betterment charge that is payable, as the case requires.

(2) In this section—

“the lessee” means the lessee on the date on which the Tribunal gives its decision on a review under section 11B.

Restriction on certain dealings in respect of concessional leases

11D. (1) In this section—

“community organisation” means a body corporate that—

- (a) has as its principal purpose the provision of a form of assistance to persons living or working in the Territory;
- (b) is not carried on for the pecuniary profit or gain of its members; and
- (c) is not the holder of a Club Licence under the *Liquor Act 1975*;

“concessional lease” means a lease granted—

- (a) free of consideration other than a nominal rent;
- (b) for less than the amount of the market value of the lease;

- (c) at a rental less than the full market rental; or
- (d) in such other circumstances as may be prescribed;

but does not include a lease in respect of which a units plan has been registered under the *Real Property (Unit Titles) Act 1970*.

(2) A reference in this section to the market value of a lease is a reference to the amount that could be expected to be paid for the lease on the open market if it were sold by a willing but not anxious seller to a willing but not anxious buyer.

(3) Subject to this section, a concessional lease shall not be capable of being assigned or transferred either at law or in equity unless the lessee has obtained the consent of the Minister to that transaction pursuant to subsection (4).

(4) Where the lessee of a concessional lease applies to the Minister for his or her consent to a transaction referred to in subsection (3), the Minister shall, by instrument, consent to that transaction if he or she is satisfied that—

- (a) the amount of the premium payable in accordance with subsection (9) in respect of the transaction has been paid to the Territory by the lessee within 2 months after the date on which the lessee is notified by the Minister of the amount or amounts determined in accordance with subsection (5); or
- (b) in the case of a proposed assignment or transfer to a community organisation—
 - (i) the organisation has purposes similar to those of the lessee; and
 - (ii) the lessee has paid the determined fee.

(5) The Minister shall as soon as practicable after application to the Minister by a lessee in respect of a transaction referred to in subsection (3), not being a transaction referred to in paragraph (4) (b), determine—

- (a) the amount of the market value of the lease, assuming that the consent of the Minister had been given to the relevant transaction; and
- (b) the amount of an allowance, if any, in respect of—
 - (i) the capital sum paid in respect of the grant of the lease; and
 - (ii) any amount paid to reduce the land rent liability under the lease to a nominal rent;

and cause notice of the determination of those amounts to be given to the lessee with a statement setting out the amount of the premium payable to the Territory in accordance with subsection (9).

(6) The Minister shall not determine an amount referred to in paragraph (5) (b) in respect of a transaction referred to in subsection (3) otherwise than in accordance with criteria specified pursuant to subsection (7).

(7) For the purposes of this section, the Minister, by instrument—

- (a) shall specify criteria applicable to the determination of an allowance to be made to a lessee in respect of a transaction referred to in subsection (3); or
- (b) may amend or revoke criteria so specified.

(8) An instrument under subsection (7) is a disallowable instrument for the purposes of section 10 of the *Subordinate Laws Act 1989*.

(9) A premium is payable to the Territory in respect of a transaction referred to in subsection (3), not being a transaction referred to in paragraph (4) (b), and the amount of the premium payable is—

- (a) the amount of the market value of the lease determined in accordance with paragraph (5) (a); or
- (b) the difference between that amount and the amount of the allowance, if any, as determined under paragraph (5) (b);

whichever is the lesser amount.

(10) A notice under subsection (5) shall include a statement of the terms of section 11E.

(11) The validity of a determination made by the Minister under subsection (5) shall not be taken to be affected by a failure to comply with subsection (10).

Appeal to the Administrative Appeals Tribunal

11E. (1) In this section—

“reviewable decision” means—

- (a) a refusal by the Minister to consent to an assignment or transfer of a concessional lease pursuant to paragraph 11D (4) (b);

- (b) a determination made by the Minister under subsection 11D (5) in respect of a transaction referred to in subsection 11D (3).

(2) Application may be made to the Tribunal for the review of a reviewable decision—

- (a) in the case of a decision referred to in paragraph (a) of the definition of “reviewable decision”—by the lessee; and
- (b) in the case of a decision referred to in paragraph (b) of that definition—by a lessee who has paid the premium payable in respect of the relevant transaction referred to in subsection 11D (3).

(3) Notwithstanding the provisions of section 27 of the *Administrative Appeals Tribunal Act 1989* an application under subsection (2) for the review of a decision referred to in paragraph (b) of the definition of “reviewable decision” shall be made within 30 days after the payment of the premium by the lessee or within such further period as the Tribunal allows, whether before or after the expiration of the period of 30 days.

Adjustment of premium on variation of determination on review

11F. (1) Where, as the result of a review under section 11E, a variation is made to a determination made by the Minister under subsection 11D (5) in respect of a transaction referred to in subsection 11D (3), a recalculation of the premium shall be made pursuant to subsection 11D (9) and—

- (a) if by reason of the recalculation, the amount of the premium is reduced, an amount is payable by the Territory to the lessee equal to the amount by which the premium is so reduced; or
- (b) if, by reason of the recalculation, the amount of the premium is increased, an amount is payable by the lessee to the Territory equal to the amount by which the premium is so increased.

(2) In this section—

“the lessee” means the lessee on the date on which the Tribunal gives its decision on a review under section 11E.

Term, covenants and conditions of leases the right to which becomes vested before 1 January 1971

12. (1) A lease shall be—

- (a) for such period not exceeding 99 years; and
- (b) subject to such covenants and conditions as to rent and otherwise,

as the Minister determines or as are prescribed.

(2) On and after the first day of January, One thousand nine hundred and seventy-one—

- (a) this section applies only to and in relation to a lease granted before that date or granted after that date by reason that the right to the grant was obtained before that date; and
- (b) the covenants and conditions to which such a lease is subject are the covenants and conditions contained in the lease as modified by section eighteen of this Act.

Terms etc. of leases the right to the grant of which is obtained after 1 January 1971

12A. (1) This section applies to a lease granted after the first day of January, One thousand nine hundred and seventy-one, not being a lease the right to the grant of which was obtained before that date.

(2) The term to be included in a lease to which this section applies is the period of years, not exceeding ninety-nine years, determined by the Minister, before offering, on behalf of the Commonwealth, whether by auction or otherwise, the right to the grant of the lease, as the term to be included in the lease.

(3) The provisions, covenants and conditions as to rent and otherwise to be included in a lease to which this section applies are such provisions, covenants and conditions, not inconsistent with this Act, as are determined by the Minister, before offering, whether by auction or otherwise, the right to the grant of the lease, as the provisions, covenants and conditions to be included in the lease.

(4) Where part of the reserve price for a lease to which this section applies is not paid by the person entitled to the right to the grant of the lease before the grant of the lease, there shall be included in the lease—

- (a) an acknowledgment by that person that he has agreed to pay an amount equal to the difference between the amount paid by him and the reserve price and interest on the amount payable by him at a specified rate by specified equal monthly instalments over a specified period; and
- (b) a mutual covenant that, if any of those instalments shall remain unpaid for a period of twelve months next after the date on which the

instalment becomes payable, the Territory may, on behalf of the Commonwealth, determine the lease.

Auctioning of leases

13. (1) In this section, “the successful bidder”, in relation to the sale by auction of the right to the grant of a lease of a parcel of land, means the person who, at the auction, bids the highest amount for the right to the grant of the lease.

(2) Subject to this section, the Minister may, on behalf of the Commonwealth, offer for sale by auction rights to the grant of leases under this Act of parcels of unleased land.

(3) The Minister may, by order under his hand, direct that the right to bid at a specified auction for the rights to the grant of leases of specified parcels of land shall be restricted to persons included in a specified class of persons.

(3A) In an order under the last preceding subsection, the Minister may direct that a person included in the specified class of persons shall not be entitled to obtain, at the auction specified in the order, the right to the grant of a lease of more than one of the parcels of land specified in the order.

(4) The Minister may, by order under his hand, direct that a person shall not be entitled to obtain, at a specified auction, the rights to the grant of leases of more than a specified number of specified parcels of land.

(5) The Minister shall cause notice of the holding of an auction to be published in the *Gazette* at least fourteen days before the date of the auction and shall cause to be included in the notice a statement specifying the place at which copies may be obtained of plans showing the location of the parcels of land the rights to the grant of leases of which are to be offered for sale at the auction and of documents containing statements with respect to—

- (a) the distinguishing number allotted to each of the parcels of land;
- (b) whether or not there are improvements on any of the parcels of land and, if so, a description of the improvements, the value of the improvements and whether or not the Territory, on behalf of the Commonwealth, is prepared to accept a mortgage securing the payment of an amount not exceeding the whole or a specified part of the value of the improvements;
- (d) the term to be included in each of the leases of the parcels of land; and

- (e) the provisions, covenants and conditions to be included in each of the leases of the parcels of land.

(5A) Where the Minister has made an order under subsection (3) of this section in relation to an auction, the Minister shall cause to be included in the notice referred to in the last preceding subsection a statement specifying—

- (a) the parcels of land to which the order applies;
- (b) the class of persons specified in the order;
- (c) that the right to bid at the auction for the rights to the grant of leases of those parcels of land is restricted to persons included in that class of persons; and
- (d) where the order includes a direction under subsection (3A)—
particulars of the direction.

(5B) Where the Minister has made an order under subsection (4) of this section in relation to an auction, the Minister shall cause to be included in the notice referred to in subsection (5) of this section particulars of the order.

(6) At an auction in relation to which the Minister has made an order under subsection (3) of this section that includes a direction as provided for by subsection (3A) of this section—

- (a) a person who becomes the successful bidder for the right to the grant of a lease of one parcel of land specified in the order ceases to be eligible to make further bids at the auction;
- (b) a bid for the right to the grant of a lease of a parcel of land specified in the order made by a person other than a person included in the class of persons specified in the order is not an effective bid; and
- (c) a bid for the right to the grant of a lease of a parcel of land specified in the order made by a person included in that class of persons who has ceased to be eligible to make further bids at the auction is not an effective bid.

(7) At an auction in relation to which the Minister has made an order under subsection (4) of this section—

- (a) a person who becomes the successful bidder for the rights to the grant of leases to the number, specified in the order, of the parcels of land specified in the order ceases to be eligible to make further bids at the auction; and

- (b) a bid made by a person who has ceased to be eligible to make further bids at the auction is not an effective bid.

(8) Bidding at an auction for the right to the grant of a lease of a parcel of land shall, whether or not there are improvements on the parcel of land, commence at an amount that is not less than the reserve price for the lease, and a bid of an amount that is less than that reserve price is not an effective bid.

(10) Subject to this section, the successful bidder for the right to the grant of a lease of a parcel of land shall pay to the Territory, at the time of the auction, an amount equal to the amount of the bid that made him the successful bidder.

(13) Subject to subsection (13A), the successful bidder for the right to the grant of a lease of a parcel of land on which there are improvements shall pay to the Territory, at the time of the auction—

- (a) an amount equal to the amount of the bid that made him the successful bidder; or
- (b) an amount that is not less than the difference between the amount of the bid that made him the successful bidder and the maximum amount notified in the documents referred to in subsection (5) of this section relating to the auction as the amount that may be secured by mortgage,

and, if the successful bidder elects to pay an amount ascertained in accordance with paragraph (b) of this subsection, he shall, at the time of the auction, sign an agreement that he will—

- (c) pay to the Territory, within twenty-eight days after the auction or within such further time as the Minister allows, an amount equal to the unpaid balance of the amount of the bid that made him the successful bidder; or
- (d) if the documents referred to in subsection (5) of this section relating to the auction notified that the Territory, on behalf of the Commonwealth, was prepared to accept a mortgage securing the payment of any balance, execute such a mortgage on or before the grant of the lease.

(13A) Where the Minister, by instrument in writing, declares that specified parcels of land the rights to the grant of the leases of which are to be offered for sale at a specified auction are parcels of land to which this subsection applies, the successful bidder for the right to the grant of the lease of such a parcel may, at the time of the auction, pay to the Territory, instead of an amount equal to the

amount of his bid, an amount equal to that part of the amount of his bid that is specified by the Minister in the instrument in respect of the right to the grant of the lease of that parcel of land.

(13B) A declaration under subsection (13A) shall not be made in respect of a parcel of land on which there are improvements, and over which the Territory, on behalf of the Commonwealth, is prepared to accept a mortgage.

(13C) Where the successful bidder for the right to the grant of a lease of a parcel of land pays to the Territory at the time of an auction, in accordance with subsection (13A), an amount that is equal to a part of the amount of his bid, he shall, within the period after the date of the auction, being a period of not less than 14 days, that is specified by the Minister in the instrument referred to in subsection (13A) in respect of the right to the grant of that lease, or within such further time (if any) as the Minister, whether before or after the expiration of that period, allows, pay to the Territory an amount equal to the difference between the amount paid by him at the time of the auction and the amount of his bid.

(13D) Where the Minister makes a declaration in pursuance of subsection (13A), he shall cause the notice referred to in subsection (5) that relates to the same auction as the declaration—

- (a) to give notice of the making of the declaration by the Minister; and
- (b) to specify—
 - (i) the parcels of land in respect of which the declaration has been made; and
 - (ii) in respect of the right to the grant of the lease of each parcel—the part of the amount of the bid by the successful bidder that may be paid to the Territory at the time of the auction and the period after the date of the auction, being the period specified by the Minister in the instrument referred to in subsection (13A), within which, where that part is so paid, the amount equal to the difference between the amount paid and the amount of the bid will be required to be paid.

(13E) Where the successful bidder for the right to the grant of a lease of a parcel of land fails to pay to the Territory, in respect of that right, an amount of money in accordance with the requirements of subsection (13C), that person shall not be entitled to recover any moneys paid to the Territory in pursuance of subsection (13A) in respect of the right to the grant of that lease.

(14) Where, after compliance with such of the preceding provisions of this section as are applicable to the successful bidder for the right to the grant of a lease of a parcel of land, the lease for the term and containing the provisions, covenants and conditions that are, by reason of section twelve A of this Act, applicable is tendered to the successful bidder, the successful bidder shall accept, sign and seal the lease.

Power of Minister to invite applications for leases

14. (1) In this section, “the successful applicant”, in relation to applications invited for the right to the grant of a lease of a parcel of land, means the person who offers the highest amount for the right to the grant of the lease or, in the circumstances referred to in subsection (4) of this section, the person determined in accordance with that subsection to be the successful applicant.

(2) The Minister may, by notice in the *Gazette*, invite applications for the right to the grant of a lease of a specified parcel of land and may, in the notice, direct—

- (a) that the right to make application for the right to the grant of the lease is not restricted; or
- (b) that the right to make application for the right to the grant of the lease is restricted to persons included in a specified class of persons.

(3) The Minister shall include in a notice referred to in the last preceding subsection a statement specifying the place at which copies may be obtained of documents containing statements with respect to—

- (a) the location and description of the parcel of land;
- (b) whether or not there are improvements on the parcel of land and, if so, a description of the improvements, the value of the improvements and whether or not the Territory, on behalf of the Commonwealth, is prepared to accept a mortgage securing the payment of an amount not exceeding the whole or a specified part of the value of the improvements;
- (d) the term to be included in the lease of the parcel of land;
- (e) the provisions, covenants and conditions to be included in the lease of the parcel of land; and
- (f) the conditions to be complied with by applicants including conditions relating to the manner in which, and the time within which,

applications are to be made and to the deposit (if any) to be lodged with each application.

(3A) Where the Minister has, in the notice inviting applications for the right to the grant of a lease of a parcel of land, directed, in pursuance of paragraph (b) of subsection (2) of this section, that the right to make application for the right to the grant of the lease is restricted to persons included in a specified class of persons, the Minister may include in the notice a statement that persons included in that class of persons may offer for the right to the grant of the lease an amount that is not less than one-quarter of the reserve price for the lease, and, in such a case, the Minister shall include in the notice a statement specifying the provisions to be included in an agreement to be entered into by the successful applicant for the right to the grant of the lease for the payment by him of any part of the reserve price for the lease that is not paid before the grant of the lease.

(3B) An application shall not be accepted as an application under this section for the right to the grant of a lease of a parcel of land unless the amount offered—

- (a) is not less than the reserve price for the lease; or
- (b) where the Minister has included in the notice inviting applications for the right to the grant of the lease a statement that persons included in the specified class of persons may offer for the right to the grant of the lease an amount that is not less than one-quarter of the reserve price for the lease—is not less than one-quarter of the reserve price for the lease.

(4) If—

- (a) two or more applicants offer the same amount for the right to the grant of a lease of a parcel of land;
- (b) the amount so offered is the highest amount offered for the right to the grant of a lease of the parcel of land; and
- (c) the applicants are otherwise equally eligible as lessees,

the Minister may determine by ballot, or otherwise, which of the applicants is the successful applicant.

(5) Where applications are invited for the right to the grant of a lease of a parcel of land, the successful applicant is, subject to this Act and to the approval of the Minister, entitled to the grant of a lease of the parcel of land.

(6) Subject to the next succeeding subsection and to subsection (9) of this section, the successful applicant for the right to the grant of a lease of a parcel of land shall, within twenty-eight days after the date on which he is notified in writing that he is the successful applicant or within such further time as the Minister allows, pay to the Territory an amount equal to the amount offered by him in his application for the right.

(7) Where, in a case where the Minister has given a direction in pursuance of paragraph (b) of subsection (2) of this section, the amount offered by the successful applicant for the right to the grant of a lease of a parcel of land is less than the reserve price for the lease, the successful applicant shall, within twenty-eight days after the date on which he is notified in writing that he is the successful applicant or within such further time as the Minister allows—

- (a) pay to the Territory an amount equal to the reserve price for the lease; or
- (b) pay to the Territory an amount that is not less than the amount offered by him in his application for the right to the grant of the lease and sign an agreement that he will pay an amount equal to the difference between the amount paid by him and the reserve price for the lease and interest on the amount payable by him at a specified rate by specified equal monthly instalments over a specified period.

(8) The instalments to be specified in an agreement referred to in paragraph (b) of the last preceding subsection shall be such that the total amount payable by way of instalments in any period of twelve months shall not be less than Fifty dollars and the period to be so specified shall not exceed thirty-one years.

(9) The successful applicant for the right to the grant of a lease of a parcel of land on which there are improvements shall, within twenty-eight days after the date on which he is notified in writing that he is the successful applicant or within such further time as the Minister allows—

- (a) pay to the Territory an amount equal to the amount of the offer that made him the successful applicant; or
- (b) pay to the Territory an amount that is not less than the difference between the amount of the offer that made him the successful applicant and the maximum amount notified in the documents referred to in subsection (3) of this section as the amount that may be secured by mortgage,

and, if the successful applicant elects to pay an amount ascertained in accordance with paragraph (b) of this subsection, he shall, within that period or extended period, sign an agreement that he will, on or before the grant of the lease—

- (c) pay to the Territory an amount equal to the unpaid balance of the amount of the offer that made him the successful applicant; or
- (d) if the documents referred to in subsection (3) of this section notified that the Territory, on behalf of the Commonwealth, was prepared to accept a mortgage securing the payment of any balance, execute such a mortgage.

(10) Where, after compliance with such of the preceding provisions of this section as are applicable to the successful applicant for the right to the grant of a lease of a parcel of land, the lease for the term and containing the provisions, covenants and conditions that are, by reason of section twelve A of this Act, applicable is tendered to the successful applicant, the successful applicant shall accept, sign and seal the lease.

(11) An amount lodged by way of deposit with an application made under this section for the right to the grant of a lease of a parcel of land by a person who does not become the successful applicant for the right to the grant of a lease of the parcel of land shall be refunded to him.

(12) Subject to subsection (13), an amount lodged by way of deposit with an application made under this section for the right to the grant of a lease of a parcel of land by a person who becomes the successful applicant for the right to the grant of a lease of the parcel of land shall be deemed to be payment by that person on account of the amount payable by him under this section.

(13) Where a person who becomes the successful applicant for the right to the grant of a lease fails to comply with subsection (6), (7) or (9), an amount lodged by way of deposit with the application made by that person under this section is, by force of this subsection, forfeit to the Territory.

Power of Minister to grant lease where no bid or application is made

15. If—

- (a) a bid is not received for the right to the grant of a lease of a parcel of land offered for sale by auction;
- (b) an application is not received for the right to the grant of a lease of a parcel of land for which applications have been invited by the Minister; or

- (c) for any other reason a person does not become entitled to the grant of such a lease or such a lease is not granted,

the Minister may, on behalf of the Commonwealth, at any subsequent time, grant a lease under this Act of the parcel of land.

Power to lease without auction or inviting applications

17. (1) The Minister may, on behalf of the Commonwealth, grant a lease of any unleased land under this Act notwithstanding that the right to the lease has not been offered by auction and that applications for the lease have not been invited under section fourteen of this Act.

(2) Application may be made to the Minister for the grant of a lease under this section.

(3) An application under subsection (2)—

- (a) shall specify the purpose for which the land is required;
- (b) may specify the desired size and location of the land; and
- (c) shall be accompanied by the determined fee.

(4) Where a lease is not granted to the applicant within 6 months of the date on which the application is made, there is payable to the applicant, on application by him or her, an amount equal to the determined fee paid by the applicant.

Leases by ballot

17A. (1) The Minister may, by notice in the *Gazette*, declare that specified parcels of land, being parcels of land on which there are no improvements, are parcels of land the right to the grant of a lease of which shall be determined by ballot.

(2) The Minister shall, in the notice referred to in the last preceding subsection, specify—

- (a) the persons who are eligible to make application for inclusion in the ballot;
- (b) the manner and form in which such an application may be made;
- (c) the time within which such an application is to be made;
- (d) the conditions subject to which persons who have made such an application may be admitted to the ballot or excluded from the ballot;

- (e) the date on which the ballot is to be held;
- (f) the manner in which, and the persons in whose presence, the ballot is to be conducted;
- (g) a short description of each of the parcels of land the right to a lease of which is to be determined by the ballot;
- (h) the reserve price for each of the leases of the parcels of land;
- (i) the term to be included in each of the leases of the parcels of land; and
- (j) the provisions, covenants and conditions to be included in each of the leases of the parcels of land including those relating to the payment of any part of the reserve price for the lease that is not paid before the grant of the lease.

(3) A person who becomes, by reason of the conduct of a ballot, entitled to the right to the grant of a lease of a parcel of land shall, within twenty-eight days after he is notified in writing that he has become so entitled or within such further time as the Minister allows—

- (a) pay to the Territory an amount equal to the reserve price for the lease; or
- (b) pay to the Territory an amount that is not less than one-quarter of the reserve price for the lease and sign an agreement that he will pay an amount equal to the difference between the amount paid by him and the reserve price for the lease and interest on the amount payable by him at a specified rate by specified equal monthly instalments over a specified period.

(3A) The instalments to be specified in an agreement referred to in paragraph (b) of the last preceding subsection shall be such that the total amount payable by way of instalments in any period of twelve months shall not be less than Fifty dollars and the period to be so specified shall not exceed thirty-one years.

(4) Where a person who becomes, by reason of the conduct of the ballot, entitled to the right to the grant of a lease of a parcel of land—

- (a) does not, within the time fixed by, or allowed under, the last preceding subsection, pay the amounts referred to in that section; or
- (b) does not, within three months after the date on which the ballot is conducted, accept in writing a lease of the parcel of land,

the person ceases to be entitled to the right to the grant of a lease of the parcel of land.

(5) The right to the grant of a lease of a parcel of land to which a person becomes entitled under this section is not capable of being assigned or charged or passed by operation of law to any other person.

(6) A lease granted to a person who becomes, by reason of the conduct of a ballot under this section entitled to the right to a lease of a parcel of land shall contain a provision that the land included in the lease shall only be used for residential purposes.

(7) Nothing in this section affects the power of the Minister, on behalf of the Commonwealth, to grant under, or in accordance with, any of the preceding provisions of this Act, a lease of a parcel of land which is specified in a notice under subsection (1) of this section.

Staged development leases

17B. (1) The Minister may, by notice in the *Gazette*, determine that specified parcels of land are parcels of land to be developed in successive stages in accordance with this section and may, in the notice, on behalf of the Commonwealth—

- (a) offer for sale by auction; or
- (b) invite applications for,

the right to the grant of leases of those parcels of land.

(2) The Minister shall include in the notice referred to in the last preceding subsection a statement specifying the place at which copies may be obtained of plans showing the location of the parcels of land and of documents containing statements with respect to—

- (a) the distinguishing number allotted to each of the parcels of land;
- (b) the reserve price for each of the leases of the parcels of land;
- (c) the sequence in which leases of the parcels of land are to be granted;
- (d) the term to be included in each of the leases of the parcels of land and the date on which each of those terms is to commence;
- (e) the provisions, covenants and conditions to be included in each of the leases of the parcels of land; and

- (f) the provisions, covenants and conditions to be included in an agreement to be entered into with the Territory in the name of the Commonwealth by the person who becomes entitled to the right to the grant of leases of the parcels of land providing—
- (i) for the development of the parcel of land the lease of which is to be granted first and for the development in specified successive stages of the other parcels of land;
 - (ii) on completion of each stage of the development referred to in the last preceding subparagraph in accordance with the provisions, covenants and conditions applicable in relation to that stage of development, for the termination of the then subsisting lease and for the grant of a lease of the developed parcel of land or developed parcels of land and of the parcel of land next to be developed;
 - (iii) on completion of all stages of the development referred to in subparagraph (i) of this paragraph in accordance with the provisions, covenants and conditions applicable in relation to each of those stages of development, respectively, for the termination of the then subsisting lease and for the grant of one lease of all those parcels of land, being a lease for a specified term commencing on that termination and containing specified provisions, covenants and conditions; and
 - (iv) for the payment by that person, at such respective times as are specified, of the reserve price for each of the leases of the parcels of land other than for the lease which is to be granted first.

(3) Bidding at an auction under this section shall commence at an amount that is not less than the reserve price for the lease which is to be granted first, and a bid of an amount that is less than that reserve price is not an effective bid.

(4) An application shall not be accepted as an application under this section for the right to the grant of leases of the parcels of land unless the amount offered is not less than the reserve price for the lease which is to be granted first.

(5) The person who bids at an auction, or offers by application, the highest amount for the right to the grant of the leases of the parcels of land is, in the succeeding provisions of this section, referred to as “the successful bidder”.

(6) The successful bidder shall, if he became the successful bidder by auction, pay at the time of the auction or, if he became the successful bidder by application, pay within seven days after being notified in writing that he is the successful bidder to the Territory an amount equal to the amount of the bid or offer that made him the successful bidder.

(7) The successful bidder for the right to the grant of the leases of the parcels of land, upon—

- (a) payment, in accordance with the last preceding subsection, of an amount equal to the amount of the bid or offer that made him the successful bidder; and
- (b) executing an agreement containing the provisions, covenants and conditions referred to in paragraph (f) of subsection (2) of this section,

becomes entitled to the grant of the lease which is to be granted first and, subject to this Act and to compliance by him with the provisions, covenants and conditions contained in the agreement, becomes entitled to the grant, at the respective times specified in the agreement, of the successive leases as provided for by the agreement.

Rent

18. (1) In this section, the prescribed date is the first day of January, One thousand nine hundred and seventy-one.

(2) The rent payable, on and after the prescribed date, under a lease granted before the date of commencement of the *City Area Leases Act 1974* is Five cents per annum to be paid if and when demanded by the Minister.

(3) On and after the prescribed date—

- (a) a provision in a lease granted before the prescribed date reserving the rent payable under the lease;
- (b) a covenant in such a lease by the lessee to pay rent or to pay additional rent under the lease; and
- (c) a covenant in such a lease by the lessee or the Commonwealth or any mutual covenant in such a lease by the lessee and the Commonwealth providing for the determination of the lease in the event of the rent payable under the lease remaining unpaid for any period,

cease, subject to subsection (5) of this section, to have any force or effect.

(4) On and after the prescribed date, a provision or a covenant in a lease granted before the prescribed date whereby any amount payable under the lease shall be deemed to be rent payable under the lease shall, subject to the next succeeding subsection, cease to have any force or effect and any amount which, but for this subsection, would have been deemed to be rent payable under the lease is recoverable as a debt due and payable to the Territory by the lessee.

(5) Nothing in the last two preceding subsections prevents the enforcement of a provision or a covenant in a lease granted before the prescribed date, being a provision or covenant referred to in either of those subsections, in respect of rent, amounts deemed to be rent, or additional rent, that had become payable before the prescribed date.

Notice of variation

18A. (1) Where the rent payable under a lease is varied in accordance with a term of the lease, the Minister shall cause notice in writing setting out particulars of the variation to be given to the lessee within fourteen days after the date of the variation.

(2) Notice for the purpose of subsection (1) may be given by post.

Review of variations of rent

18B. (1) Where—

- (a) the rent payable under a lease is varied in accordance with a term of the lease; and
- (b) the lease does not include a provision for the submission to arbitration of differences between the parties to the lease regarding variation of the rent payable under the lease,

the lessee may, within 30 days after he receives notification of the variation or within such further period as the Minister allows, serve on the administrative head a request in writing that the Minister review the variation.

(2) The making of a request under subsection (1) does not affect the operation of the variation to which the request relates or prevent the taking of action to implement the variation.

(3) Where a request is made under subsection (1), the Minister shall review the variation to which the request relates and may confirm that variation or set aside that variation and substitute such other variation as the Minister thinks fit.

(4) The Minister shall cause notice in writing of a decision refusing to allow an extension of the period under subsection (1) or a decision on a review under subsection (3) to be given to the lessee.

(5) A notice under subsection (4) shall include a statement to the effect that, subject to the *Administrative Appeals Tribunal Act 1989*, the lessee is entitled to apply to the Tribunal for a review of the decision to which the notice relates.

(6) The validity of a decision of the Minister referred to in subsection (4) shall not be taken to be affected by a failure to comply with subsection (5).

(7) The lessee may apply to the Tribunal for a review of a decision of the Minister—

- (a) refusing to allow an extension of the period under subsection (1); or
- (b) on a review by the Minister under subsection (3).

Payment for improvements

19. (1) In this section, a reference to the amount payable in respect of the improvements on a parcel of land is a reference to—

- (a) where the Minister has, in a notice under section thirteen of this Act offering for sale by auction a parcel of land on which there are improvements or a notice under section fourteen of this Act inviting applications for the grant of a parcel of land on which there are improvements, specified an amount as the value of the improvements—the amount so specified by the Minister;
- (b) where the Minister has not, in such a notice under either of those sections, specified an amount as the value of the improvements— the amount bid, or offered, as the case may be, for the right to the grant of the lease of the parcel of land less the amount paid under paragraph (a) of subsection (14) of section thirteen of this Act or under paragraph (a) of subsection (8) of section fourteen of this Act, as the case may be; and
- (c) where a lease of a parcel of land on which there are improvements is to be granted under section fifteen or seventeen of this Act—the amount determined by the Minister as the value of the improvements.

(2) A person who has become entitled to the grant of a lease of a parcel of land on which there are improvements, may—

- (a) on or before the date of the grant of the lease, pay the amount payable in respect of the improvements on the parcel of land;

- (b) subject to such terms and conditions as the Minister thinks fit, agree to pay the amount payable in respect of the improvements on the parcel of land (together with such interest on that amount as is fixed by the Minister) by such instalments as the Minister determines; or
- (c) on or before the date of the grant of the lease, pay part of the amount payable in respect of the improvements on the parcel of land and execute in favour of the Commonwealth a mortgage of the land included in the lease, in such form as the Minister thinks fit, to secure the payment of the balance of the amount so payable and such interest as is provided for in the mortgage.

(5) A mortgage executed in pursuance of this section may contain such covenants as the Minister thinks fit.

(6) The Minister may, in the name of the Commonwealth, take any such mortgage, and may, in relation to any mortgage so taken, do, for or on behalf of the Commonwealth, any or all of the acts or things which the Commonwealth as mortgagee is empowered, permitted or required to do.

(6A) Where—

- (a) a mortgage executed in pursuance of this section (whether before or after the commencement of this subsection) makes provision for the acceptance of an instalment without further interest if the instalment is paid on or before the due date for its payment; and
- (b) an instalment was, before that commencement, or is, after that commencement, paid after the due date for its payment,

the Minister may, if in his opinion it is desirable to do so, waive on behalf of the Territory payment of the whole or part of the further interest that would, but for the waiver, be payable under the mortgage in respect of that instalment.

(7) Where, prior to the commencement of this Act, the Minister or any other authority or person has purported to take a mortgage of land included in any lease to secure to the Commonwealth or any authority under the Commonwealth the payment of any part of the amount payable for the improvements on the land, that mortgage shall be deemed to be and at all times to have been as valid and effectual for all purposes as if this Act had been in force when the Minister, authority or person purported to take it, and as if it had been taken by the Minister in pursuance of this section.

(8) On and after the first day of January, One thousand nine hundred and seventy-one, this section applies only to and in relation to a lease to the right to

the grant of which a person became entitled before that date, and the references to specified provisions in subsection (1) of this section in its application to and in relation to such a lease shall be read as references to those provisions of the *City Area Leases Act 1936-1969*.

Security for balance of money payable where lease includes improvements

19AA. (1) This section applies to and in relation to the grant of a lease of a parcel of land the right to which a person has become entitled on or after the first day of January, One thousand nine hundred and seventy-one, being a parcel of land on which there are improvements.

(2) Where a person who is entitled to the right to the grant of a lease of a parcel of land to which this section applies has not paid the whole of the amount payable by him in respect of the grant of the lease and has signed an agreement that he will execute a mortgage securing the payment of an amount equal to the unpaid balance of that first-mentioned amount, that person shall, on or before the grant of the lease, execute in favour of the Commonwealth a mortgage of his estate in the parcel of land securing the payment of an amount equal to that balance and interest on that last-mentioned amount.

(3) Where—

- (a) a mortgage executed in pursuance of this section makes provision for the acceptance of an instalment without further interest if the instalment is paid on or before the due date for its payment; and
- (b) an instalment is paid after the due date for its payment,

the Minister may waive on behalf of the Territory payment of the whole or part of the further interest that would, but for the waiver, be payable under the mortgage in respect of that instalment.

Tenant right in improvements

19A. (1) Where, upon the expiration of the term of the lease of land upon which there are improvements, the lessee is granted a further lease of that land, or is granted a lease of any part of that land, he shall not be liable to make any payment to the Territory for the improvements on that land or part.

(2) Where, upon the expiration of the term of a lease of land upon which there are improvements, the lessee is not granted a further lease of the land or is granted a lease of part only of the land, the Territory shall—

- (a) in respect of the land or any part of the land not leased to the lessee, where the land or part has not, prior to the expiration of the term of the

lease, been declared by the Minister to be available for lease—forthwith;

- (b) in respect of the land or any part of the land not leased to the lessee, where the land or part has, prior to the expiration of the term of the lease, been declared by the Minister to be available for lease and a lease thereof is granted, within six months after the expiration of the term of the lease, to a person other than the lessee—upon the grant of the lease to that person; and
- (c) in any other case—upon the expiration of six months after the expiration of the term of the lease,

be liable to pay to the lessee—

- (i) where no part of the land is leased to the lessee, the value of the improvements on the land; or
- (ii) where part of the land is leased to the lessee, the value of the improvements on the part of the land not so leased:

Provided that, if the land or any part thereof is, prior to the expiration of the term of the lease, declared by the Minister to be available for lease, and the lessee does not, within six months after the expiration of the term of the lease, elect to take a further lease of the land or of that part, there shall be deducted from the amount payable to the lessee under this subsection the amount of such expenditure as the Minister determines has been incurred in connexion with the grant to any other person of a lease of the land or that part.

(3) Where, between the date of the expiration of the term 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 Territory derives revenue, part or all of which is attributable to the improvements on that land or part thereof, the Territory shall pay to the lessee, from time to time, as the Minister determines, the 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 Territory in maintenance and other costs in respect of those improvements.

(4) Notwithstanding anything contained in any lease, and subject to the covenants (if any) of the lease with respect to the erection of a building on the land having fully been observed or performed, where 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 the lessee of the value of the improvements on the land comprised in a lease upon the expiration of its term

shall (so far as applicable) 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 Territory in connexion with the determination or surrender of the lease and the grant (if any) of a further lease of the land or any part thereof.

(5) For the purpose of this section—

“improvements” includes buildings and erections, but does not include improvements effected at the cost of the Territory or the Commonwealth unless the Territory or the Commonwealth, as the case requires, has received or is entitled to receive payments for the improvements;

“lessee”, in relation to a lease which has been determined or surrendered or in relation to a lease the term of which has expired, means the person who was the lessee under the lease at the date of the determination or surrender or at the date of the expiration of the term, as the case may be.

(6) In this section, a reference to the value of improvements, in relation to improvements on land, shall be read as a reference to the value of the improvements determined in accordance with section 20.

Determination of value of improvements

20. (1) In this section—

“lessee” has the same meaning as in section 19A;

“market value”, in relation to improvements on land, means the amount by which the improvements increase the value of the lease of the land, assuming that the lease, together with the improvements, were offered for sale at a *bona fide* sale on the day immediately before the prescribed date on such reasonable terms and conditions as a *bona fide* seller would require;

“prescribed date” means, in relation to land the lease of which has expired or has been determined or surrendered, the date of expiry, determination or surrender, as the case requires.

(2) Where compensation is payable under section 19A in respect of improvements, the Minister shall, as soon as practicable after the date that is the

prescribed date in relation to land, by instrument in writing determine, in accordance with this section, the market value of the improvements on the land as at the prescribed date.

(3) Where the compensation is payable by virtue of subsection 19A (2) the Minister shall, in valuing the improvements, assume that the lease of land had been renewed subject to the same covenants and conditions, and for the same term, as the lease the term of which had expired.

(4) Where the compensation is payable by virtue of subsection 19A (4), the Minister shall, in valuing the improvements, assume that the lease of the land had not been determined or surrendered.

(5) Application may be made to the Tribunal for a review of a decision of the Minister determining the value of improvements under this section.

(6) Where the Minister makes a decision determining the value of improvements under this section, the Minister shall, not later than 30 days after the date of the decision, cause a notice in writing to be given to the lessee—

- (a) giving the reasons for the decision; and
- (b) including a statement to the effect that, subject to the *Administrative Appeals Tribunal Act 1989*, the lessee is entitled to apply to the Tribunal for a review of the decision.

(7) The validity of a decision referred to in subsection (5) shall not be taken to be affected by a failure to include in a notice for the purposes of subsection (6) a statement in accordance with paragraph (6) (b).

Failure of person to accept, sign and seal a lease

21. (1) Where a person entitled, under section thirteen, fourteen, fifteen or seventeen of this Act, to the grant of a lease of a parcel of land has, within one month after the date on which a lease of the parcel of land is tendered to him for execution, failed to accept, sign and seal the lease and, in an appropriate case, pay any amount payable by him before the grant of the lease or execute a mortgage to the Commonwealth securing the payment of any unpaid balance of the amount payable by him in respect of the grant of the lease, the Minister may, at any time during which the failure continues, by notice in the *Gazette*, after at least one month's notice (given in accordance with the provisions of this section) of his intention so to do, determine the right of the person to the grant of the lease.

(2) The notice of the intention of the Minister to determine the right of a person to the grant of the lease shall be given in writing and signed by the

Minister and shall be deemed to have been duly given to the person if it is delivered to him or sent by registered letter addressed to him at his last known place of abode or his address given to the Minister at the auction, or in the application, or if it is posted in a conspicuous place on the land to which it relates.

(3) Where the notice of intention is sent by registered letter, it shall be deemed to have been received by the person on the date on which in the ordinary course of post it would have been delivered at his last known place of abode or the address given at the date of the auction, as the case may be.

(4) Where a bid or offer has been made by a person purporting to bid or offer as the agent of another person and the last-mentioned person has not acknowledged to the Minister the authority in that behalf of the person bidding or ratified the bid, the notice of the intention of the Minister to determine the right of the person to the grant of the lease may be given in accordance with the provisions of this section to either of the persons mentioned in this subsection.

(5) A person whose right to the grant of a lease of a parcel of land has been determined under this section shall not have any claim for compensation in respect of the determination or for the recovery of any moneys paid to the Minister in respect of that parcel of land.

Determination of leases

22. (1) Where by virtue of any provision contained in any lease the Territory, on behalf of the Commonwealth, may determine the lease, the lease shall not be determined until fourteen days' notice that the Territory, on behalf of the Commonwealth, intends, in pursuance of the powers contained in the lease, to determine the lease and setting out fully the conditions for failure to comply with which the lease may be determined has been given to the following persons:

- (a) the lessee;
- (b) where the land included in the lease is subject to a mortgage or other encumbrance registered under the Real Property Act—the mortgagee or encumbrancee;
- (c) where any person has any interest, registered under that Act, in the lease or the land—that person; and
- (d) where a caveat lodged under that Act is in force in respect of the land—the caveator.

(2) Any notice by the last preceding subsection required to be given to any person shall be in writing signed by the Minister and shall be deemed to have been duly given if—

- (a) in the case of a lessee—it is delivered to him or sent by registered post addressed to the lessee at his last known place of abode or his address specified in the lease, or if it is posted in a conspicuous place on the land to which it relates; and
- (b) in the case of any person referred to in paragraphs (b), (c) or (d) of that subsection—it is delivered to that person or sent by registered post addressed to him at his address as entered in the Register Book kept under the Real Property Act or appointed in the caveat as the place at which notices relating to the caveat may be served, as the case may be.

(3) The lessee may furnish to the Minister any explanation of the reason why he has not complied with the conditions specified in the notice.

(4) If the Minister is satisfied with the explanation, he may waive the non-compliance and may direct that the conditions be complied with within such time as he thinks fit.

(5) If no explanation is furnished, or if the Minister is not satisfied with the explanation furnished, he may—

- (a) give notice in writing to the lessee to comply with the conditions within such time as he thinks fit; or
- (b) if he considers the non-compliance to have been wilful and that the lessee has made no real effort to comply with the conditions of his lease, by notice in the *Gazette* determine the lease.

(6) If a lessee fails to comply with any direction under subsection (4) or with any notice under paragraph (a) of subsection (5) of this section, the Minister may, by notice in the *Gazette*, determine the lease.

(7) Any notification in the *Gazette* in pursuance of subsection (5) or (6) of this section shall be conclusive evidence of the lease having been determined.

(8) Notice of the determination of the lease shall also be given, in writing signed by the Minister, to the persons referred to in subsection (1) of this section in the manner specified in subsection (2) thereof.

Commencement of term of lease for certain purposes

26. Where a lessee of a parcel of land surrenders his lease for the purpose of being granted, in substitution for the surrendered lease, a lease under this Act of another parcel of land, whether including the first-mentioned parcel or any portion thereof or otherwise, the term of the lease granted in substitution for the surrendered lease shall—

- (a) if only one lease is surrendered or if two or more leases which commenced on the same date are surrendered—be deemed to have commenced on the date of the commencement of the term of the surrendered lease or leases; or
- (b) if two or more leases are surrendered and the dates of the commencement of the terms of those leases differ—be deemed to have commenced on such date as the Minister determines and as is acknowledged by the lessee in the lease granted in substitution for the surrendered leases.

Assignment, mortgage etc. of lease where building required to be erected on the land

28. (1) In this section—

- (a) “building and development covenant” means a covenant in the lease whereby the lessee is required to carry out any works on the land included in the lease or on unleased land adjacent to the land included in the lease; and
- (b) a reference to a covenant in a lease or a covenant contained in a lease includes a reference to a covenant to which a lease is subject.

(2) Where a lease contains a building and development covenant, the lessee may apply to the Minister for a certificate that the building and development covenant has been complied with.

(2A) Subject to section 28AA, where, on an application under subsection (2), the Minister is satisfied that the building and development covenant has been complied with, the Minister shall issue a certificate to that effect.

(2B) Subject to this section, where a lease contains a building and development covenant, the lease or an interest in the lease is not capable of being transferred or assigned, either at law or in equity—

- (a) otherwise than in the case of the death of the lessee;

- (b) otherwise than in pursuance of an order made by the Family Court of Australia or any other court having jurisdiction under the *Family Law Act 1975* of the Commonwealth;
- (c) otherwise than by virtue of the operation of any law relating to bankruptcy or insolvency; or
- (d) unless the lessee has obtained—
 - (i) a certificate under subsection (2A); or
 - (ii) the consent of the Minister under this section as in force at any time before the commencement of the *City Area Leases Act (No. 2) 1973*.

(2C) Subject to this section, where a lease contains a building and development covenant, the lease or an interest in the lease shall not be capable of being mortgaged unless—

- (a) the lessee has obtained a certificate under subsection (2A); or
- (b) the mortgage is required by the lessee—
 - (i) to enable the lessee to repay money borrowed by the lessee for the purpose of acquiring the lease;
 - (ii) to secure money borrowed by the lessee for the purpose of acquiring the lease; or
 - (iii) to enable the lessee to comply with the building and development covenant in the lease.

(3) The Minister may, on payment of the determined fee, consent to a legal or an equitable transfer or assignment of a lease or an interest in a lease where he is satisfied that the transferee—

- (a) intends to comply with the building and development covenants in the lease; and
- (b) has given such security (if any) therefore as the Minister thinks fit.

(4) A lessee may appeal to the Supreme Court from the refusal of the Minister to grant a certificate under subsection (2A) or the refusal of the Minister to grant his consent under subsection (3).

(5) The Supreme Court shall hear and determine an appeal under this section.

(6) On an appeal under this section, the Supreme Court—

- (a) may direct the Minister to grant a certificate under subsection (2A) or grant his consent under subsection (2C) or (3), as the case may be; or
- (b) may dismiss the appeal.

Minister not to issue certificate under section 28 in certain circumstances

28AA. (1) Subject to subsection (2), the Minister shall not issue a certificate under subsection 28 (2A) in respect of a building and development covenant to which a lease under the *Unit Titles Act 1970-1975* is subject unless he is satisfied in the case of every other lease in respect of the same sub-division that is subject to a similar covenant that the covenant has been complied with.

(2) Notwithstanding subsection (1), the Minister may issue a certificate under subsection 28 (2A) in respect of a building and development covenant referred to in subsection (1) where he is satisfied that the building and development covenant has been complied with and that an occupier of the unit that is held under the lease will not, as occupier, be substantially inconvenienced by works being carried out, or that are to be carried out, in compliance with a similar covenant to which the lease of the common property or another unit contained in the same sub-division under the *Unit Titles Act 1970-1975* is subject.

Restriction on transfer of leases of land with dwelling-houses

28A. (1) This section applies to a lease—

- (a) granted before the date of commencement of this section and containing a covenant by the lessee restricting the right of the lessee to transfer or agree to transfer his interest in the land or in any portion thereof, or to hold or agree to hold the same in trust, during the period of five years after the date of the lease, and a provision permitting the determination of the lease upon breach of that covenant; or
- (b) granted on or after the date of commencement of this section and containing an agreement by the parties that this section shall apply to the lease.

(2) Subject to this section, a lease to which this section applies or any interest in the lease is not, during the period of five years after the date of the lease, capable of being transferred or assigned either at law or in equity.

(3) The last preceding subsection does not apply—

- (a) where the lessee or his predecessor in title has at any time made an offer in writing to the Commonwealth to surrender the lease, and to obtain the consent in writing of all registered mortgagees and encumbrancees to the surrender, in consideration of payment by the Territory of compensation in accordance with the next succeeding subsection, and the offer has not been accepted within one month after the date on which it was made; or
- (b) so as to prevent a transfer or assignment of a lease or of an interest therein—
 - (i) by operation of law or by will;
 - (ii) by way of mortgage;
 - (iii) by a mortgagee in pursuance of a power of sale as mortgagee; or
 - (iv) in pursuance of an order made by the Family Court of Australia or any other court having jurisdiction under the *Family Law Act 1975* of the Commonwealth.

(4) Where a lease to which this section applies is surrendered, and the surrender is accepted by the Territory on behalf of the Commonwealth, then, notwithstanding the provisions of subsection (4) of section nineteen A of this Act, the Territory is liable to pay to the lessee by way of compensation an amount determined in accordance with the next succeeding subsection to be the replacement value, as at the date on which the offer to surrender the lease was made, of the improvements on the land, less an amount representing any depreciation or obsolescence of those improvements.

(5) The amount so payable to the lessee shall be determined by agreement between the Minister and the lessee, or, in default of agreement, by arbitration under the laws in force in the Territory relating to arbitration.

(6) A certificate signed by the Minister and certifying that the lessee under a lease specified in the certificate has duly made an offer in accordance with paragraph (a) of subsection (3) of this section but that the offer has not been accepted within one month after the date on which it was made is conclusive evidence that the transfer or assignment of the lease is no longer prevented or restricted by this section.

(7) A lease to which this section applies which was granted before the date of commencement of this section shall, on and after that date, operate as if the

covenant, and the provision for determination of the lease, referred to in paragraph (a) of subsection (1) of this section were not included in the lease.

Restrictions on transfer etc. of certain leases

28B. (1) This section applies to and in relation to—

- (a) a lease of a parcel of land specified in an order made by the Minister under subsection 13 (3) (being an order that includes a direction as provided for by subsection 13 (3A)) granted to the successful bidder for the right to the lease at the auction specified in the order; and
- (b) a lease of a parcel of land granted under section 17 to a person included in a class of persons specified by the Minister, for the purposes of this paragraph, by instrument in writing published in the *Gazette*.

(2) Except as provided by this section, a transaction entered into, without the consent of the Minister, before the expiration of the prescribed period after the date of commencement of a lease to which this section applies by virtue of which a person—

- (a) takes a transfer or assignment of the lease;
- (b) purchases the lease or an interest in the lease;
- (c) takes an option for the purchase of the lease or an interest in the lease;
- (d) otherwise acquires the lease or an interest in the lease; or
- (e) acquires, whether by virtue of a sub-lease or otherwise, the right to occupy the parcel of land held under the lease or a part of that parcel, for a period, whether with or without a right of occupation for a further period or further periods, or at will,

contravenes this section and is void and of no effect.

(3) Nothing in the last preceding subsection prevents—

- (a) the acquisition of a lease by way of gift;
- (b) the acquisition of a lease on sale under a writ or warrant of execution issued out of a court;
- (c) the vesting in the personal representative of a deceased person, in his capacity as such, of a lease or an interest in a lease;

- (d) any transaction that vests a lease, or an interest in a lease, in a trustee of the estate of a deceased person, in a trustee in bankruptcy or in a new trustee under an instrument, in his capacity as trustee;
- (e) a transaction that is without consideration in money or money's worth and the purpose of which is to vest a lease, or an interest in a lease, in a person beneficially entitled to the lease or interest under or by virtue of a will or intestacy;
- (f) the execution of a deed of assignment under Part XI of the *Bankruptcy Act 1924-1960*³ of the Commonwealth, or of a deed of arrangement under Part XII of that Act;
- (g) a transaction—
 - (i) by way of discharge of a mortgage or sub-mortgage; or
 - (ii) by way of transfer or assignment of a mortgage to a guarantor who, in pursuance of the terms of his guarantee, has repaid the whole or part of the moneys due under the mortgage; or
- (h) a transaction entered into in pursuance of an order made by the Family Court of Australia or any other court having jurisdiction under the *Family Law Act 1975* of the Commonwealth.

(4) Consent may be given to a transaction referred to in subsection (2) of this section if it is not reasonably practicable for the lessee of the parcel of land to which the transaction relates to occupy the parcel—

- (a) by reason of a change in the place at which he is carrying on business or is employed having occurred after he became the lessee of the parcel of land;
- (b) for a reason related to the health of the lessee or a member of his family or otherwise related to his family; or
- (c) by reason of some other event related to the lessee or his family having occurred after he became the lessee of the parcel of land.

(4A) The last preceding subsection shall not be taken—

- (a) to limit the classes of transactions to and in relation to which subsection (2) of this section applies; or
- (b) to limit the discretion of the Minister to give or refuse consent to any transaction to or in relation to which subsection (2) of this section applies.

(5) The consent of the Minister to a transaction may be given by the Minister personally or by a person authorized by the Minister to consent to transactions under this section.

(6) Where a person, other than the Minister, refuses to consent to a transaction referred to in subsection (2) of this section, the applicant for the consent may request the Minister to review that refusal.

(7) A request under the last preceding subsection shall—

- (a) be in writing;
- (b) state the grounds for the request; and
- (c) be served on the administrative head.

(8) The Minister, after consideration of the grounds stated in the request, the application made for consent to the transaction and any information furnished in support of that application, and after making any further enquiries he thinks fit, may consent or refuse to consent to the transaction.

(9) The decision of the Minister under the last preceding subsection is final.

(10) For the purposes of this section, “the prescribed period”, in relation to a lease of a parcel of land, means—

- (a) in the case of a transaction of a kind referred to in paragraph (e) of subsection (2) of this section—the period specified in relation to the parcel in the order made by the Minister under section thirteen of this Act in which the parcel was specified;
- (b) in the case of a transaction in respect of a lease of the kind referred to in paragraph (1) (b)—the period (if any) specified by the Minister in the instrument specifying a class of persons for the purposes of that paragraph; or
- (c) in any other case—a period of 5 years.

Prohibited transactions

28C. Where a transaction referred to in subsection (2) of the last preceding section has been entered into subject to the consent of the Minister being obtained—

- (a) the transaction shall not be taken to contravene that section if the consent of the Minister is, upon application made within three months

after the date of the transaction, given to the transaction within six months after that date; and

- (b) the transaction does not have any effect unless the consent of the Minister is given to the transaction or until that consent is given to the transaction.

Contracts to evade prohibited transactions

28D. Where a person—

- (a) enters into a contract or agreement purporting to do, whether presently or at some future time, or upon the happening of a contingency, anything referred to in paragraphs (a) to (e) (inclusive) of subsection (2) of section twenty-eight B of this Act; or
- (b) enters into a transaction, or makes a contract or arrangement, whether orally or in writing, for the purpose of or which has the effect of, in any way, whether directly or indirectly, defeating, evading, avoiding or preventing the operation of section twenty-eight B of this Act in any respect,

the contract, agreement or transaction contravenes this section and is void and of no effect.

Restrictions on transfer etc. of leases where reserve price for the lease not paid by lessee in full

28DA. (1) Subject to this section, a lease that contains an acknowledgement and a covenant in accordance with subsection (4) of section twelve A of this Act is not capable of being transferred or assigned at law or in equity.

(2) The last preceding subsection does not operate so as to prevent—

- (a) the transfer or assignment of the lease by operation of law;
- (aa) the transfer or assignment of the lease in pursuance of an order made by the Family Court of Australia or any other court having jurisdiction under the *Family Law Act 1975* of the Commonwealth;
- (b) the transfer or assignment of the lease by way of gift;
- (c) the transfer or assignment of the lease made in the course of the administration of the estate of a deceased person;
- (d) the transfer or assignment of the lease to a person who has become entitled to the right to the transfer or assignment—

- (i) on a sale under a writ or warrant of execution issued by a court;
- (ii) on a sale by a mortgagee in the exercise of a power of sale conferred by the mortgage or by the *Real Property Act 1925-1970*; or
- (iii) on a sale by the trustee of the estate of a bankrupt, by the trustee of a composition or scheme of arrangement under Division 6 of Part IV of the *Bankruptcy Act 1966-1970* of the Commonwealth, by the trustee of a deed of arrangement, a deed of assignment or a composition under Part X of that Act or by the trustee of the estate of a deceased person in respect of which an order has been made under Part XI of that Act.

(3) Where—

- (a) a lease contains an acknowledgement and a covenant in accordance with subsection (4) of section twelve A of this Act; and
- (b) the liability under the agreement referred to in the acknowledgement to make payment to the Territory has been discharged,

the Minister shall issue to the lessee an instrument in writing stating that that liability has been discharged and, upon registration of the instrument under the *Real Property Act 1925-1970*, subsection (1) of this section ceases to apply to or in relation to that lease.

(4) The provisions of this section are in addition to, and do not derogate from, the provisions of section twenty-eight A and section twenty-eight B of this Act.

Registration of instruments relating to prohibited transactions

28E. (1) The Registrar of Titles for the purposes of the Real Property Act may, upon submission to him for registration of an instrument relating to a transaction in connexion with a lease to which section twenty-eight B of this Act applies, require such evidence as he deems necessary that the transaction to which the instrument relates is not in contravention of that section or of the last preceding section, and may refuse to register the instrument until that evidence is submitted to him.

(2) Notwithstanding section twenty-eight B of this Act or the last preceding section, where an instrument relating to a transaction that is in contravention of either of those sections is registered under the Real Property Act, a person who becomes registered as proprietor of an estate or interest in land under the Real Property Act by virtue of the registration of the instrument

has, subject to the provisions of the Real Property Act, a good and valid title to the estate or interest in the land.

Recovery of payments under void transactions

28F. (1) Where moneys have been paid under or in connexion with a transaction that is void by virtue of section twenty-eight B or twenty-eight D of this Act, an amount equal to the moneys so paid is recoverable in a court of competent jurisdiction from the person to whom or on whose account the moneys were paid, or from the estate of that person, as a debt due to the person by whom or on whose account the moneys were paid.

(2) Moneys shall not be taken not to have been paid under or in connexion with a transaction for the purposes of the last preceding subsection by reason only of the fact that the transaction was entered into subject to the consent of the Minister being obtained and the moneys were paid before the Minister refused to consent to the transaction.

False statement

28G. A person shall not make to the Minister or to a person authorized by the Minister to give consents under section twenty-eight B of this Act a statement, whether oral or in writing, relating to an application for consent to a transaction under that section, that is, to the knowledge of the person, false or misleading in a material particular.

Penalty: Two hundred dollars.

Land leased to be held as undivided parcel but may be sub-let

29. (1) Subject to section thirty of this Act, each parcel of land included in a lease shall at all times be held and occupied by or under the lessee as one undivided parcel.

(2) Subject to this Act, the land may be sub-let and the lease and any interest therein may be assigned, transferred or mortgaged.

(3) Notwithstanding any provision of the *Real Property Act 1925*, where a lease to which this subsection applies includes a covenant, not being a covenant authorized or required by this Act, that the lessee will not, within a period specified in the covenant, transfer or assign by way of sale the lease or any interest in the lease except with the consent of the Minister—

- (a) the covenant has no effect; and
- (b) the lease has, and shall be taken always to have had, the same effect as it would have had if the covenant had not been included in the lease.

(4) Subsection (3) applies to a lease granted under this Act on or after 1 January 1974.

(5) A right acquired, or liability incurred, before the commencement of the *City Area Leases (Amendment) Act 1979* in respect of the breach of a covenant referred to in subsection (3), is, by force of this subsection, discharged.

Power of lessee to sub-let portion of building or land in certain cases

30. (1) Any portion of a building erected on a parcel of land included in a lease may, subject to the lease and any sub-lease of the land, be sub-let separately from the remainder of that building.

(2) Where a portion of a building is sub-let separately from the remainder of the building, any portion of the parcel of land on which the building is erected may, with the consent of the Minister, be sub-let with the portion of the building separately from the remainder of the parcel of land, provided that that portion of the parcel of land adjoins that portion of the parcel of land on which the portion of the building is erected.

Effect of provisions in sub-leases drafted for operation of rent payable under sub-leases

30A. (1) For the purposes of this section—

- (a) the prescribed date is the first day of January, One thousand nine hundred and seventy-one; and
- (b) a reference to ground rent shall be read as a reference to rent under the relevant lease under this Act.

(2) Subject to this section, a term, provision or covenant in a sub-lease entered into before the prescribed date that makes provision whereby the amount payable under the sub-lease by the sub-lessee to the sub-lessor, whether by way of rent or otherwise, is to be, or may be, increased or decreased in the event of—

- (a) a variation in the annual ground rent payable in respect of the premises comprised in the sub-lease;
- (b) a variation in the rates so payable; or
- (c) a variation in the annual ground rent or rates so payable,

shall, on and after the prescribed date, be read and construed and has effect—

- (d) as if any amount that was payable before the prescribed date by the sub-lessor as ground rent in respect of the premises had been payable as rates; and
- (e) as if—
 - (i) in the case of a term, provision or covenant referring to ground rent only—the reference to ground rent were a reference to rates; or
 - (ii) in the case of a term, provision or covenant referring to ground rent or rates—the reference to ground rent or rates were a reference to rates.

(3) The last preceding subsection does not prevent the making by the sub-lessor and sub-lessee under a sub-lease of an agreement in writing having an effect that is inconsistent with the last preceding subsection and, if such an agreement is made—

- (a) the agreement has effect according to its tenor; and
- (b) the last preceding subsection shall be deemed not to have applied, and not to apply, to or in relation to the sub-lease.

(4) On an application by the sub-lessor or the sub-lessee under a sub-lease entered into before the prescribed date containing a term, provision or covenant that makes provision whereby the amount payable under the sub-lease by the sub-lessee to the sub-lessor, whether by way of rent or otherwise, is to be, or may be increased or decreased in the event of a variation referred to in paragraph (a), (b) or (c) of subsection (2) of this section, the Supreme Court may, if it is satisfied that the application of that subsection to and in relation to the sub-lease is not, or would not be, in all circumstances of the case, just and equitable, by order direct that that subsection shall be deemed not to have applied, and is not to apply, to and in relation to the term, provision or covenant and, in that case, the term, provision or covenant in the sub-lease shall be deemed to have continued, and to continue, to have effect as if this section had not been made.

(5) Where—

- (a) subsection (2) of this section has effect in relation to a sub-lease; and
- (b) the sub-lease confers on the sub-lessee the right to exercise an option to renew the sub-lease,

that right shall be read and construed as a right to exercise an option to renew the sub-lease as it has effect by virtue of that subsection.

- (6) This section binds the Crown in its capacity as a sub-lessee.

Fences

31. (1) The Minister may, by notice in writing to a lessee, require the lessee to erect a fence on the boundary or any portion of the boundary of the land included in his lease.

(2) Where the boundary to be fenced is a common boundary between two parcels of land included in different leases, the Minister may, by notice in writing to each of the lessees, require them jointly to erect the fence.

(3) A notice under this section shall specify the fence to be erected and the portion of the boundary upon which it is to be erected.

(4) If a fence in compliance with the notice is not erected within one month after the date of the notice—

- (a) the Minister may, at the cost of the lessee, cause the fence to be erected; and
- (b) the lessee shall pay to the Minister on demand the amount fixed by the Minister as the cost of erecting the fence or as the proportion payable by the lessee of that cost.

(5) Where, in any building plan or design prepared or approved by the proper authority, or any plans and specifications approved by the Building Controller, for buildings or other structures to be erected on land subject to this Act, a fence is shown or provided for on the common boundary or portion of the common boundary between two parcels of land, the lessee of either of the parcels of land shall have the right, power and authority to erect, maintain and use a fence in the position shown upon the plan or design, and the lessee who has erected any such fence may recover in any Court of competent jurisdiction from the lessee of the other parcel of land half the cost of the erection of the fence, less depreciation (if any) up to the time when proceedings may be commenced.

(6) Proceedings under subsection (5) may be commenced at any time within 6 months after the commencement of the erection of the fence.

(7) Subsection (5) applies only where both parcels of land are leased at the time of the commencement of the erection of the fence.

Party-walls

32. (1) In this section, “party-wall” means a wall or structure designed for the common use of two or more buildings and erected or to be erected upon a

common boundary or portion of a common boundary between two parcels of land subject to this Act, and extending laterally into each of such parcels of land, and includes any wall, wholly or partly used for the support of two or more buildings and erected in connexion with a building in respect of which there is applicable a certificate—

- (a) of the kind referred to in regulation 69A of the Canberra Building Regulations as in force at the time of the issue of the certificate under the *Buildings and Services Act 1924* or under that Act as subsequently amended;
- (b) of the kind referred to in regulation 69A of the Canberra Building Regulations as in force at the time of the issue of the certificate under the *Building Ordinance 1964*² or under that Ordinance as subsequently amended or of those regulations in their continued application as provided for by section four of the *Building Act 1972*; or
- (c) issued under subsection (2) or (3) of section fifty-three of the *Building Act 1972*.

(2) Where in any building plan or design prepared or approved by the proper authority, or in plans and specifications approved by the Building Controller, for buildings to be erected on land subject to this Act a party-wall is shown or provided for on the common boundary or portion of the common boundary between two parcels of land—

- (a) the lessee of each of the parcels of land shall, during the continuance of his lease, have the right, power and authority—
 - (i) to erect, maintain and use a party-wall in the position shown upon the building plan or design; and
 - (ii) to use for the support of the building or buildings provided for in or shown upon the building plan or design and erected upon the parcel of land of which he is lessee any party-wall so erected;
- (b) the lessees of the two parcels of land may agree as to the lessee by whom the party-wall shall be erected and in what proportions the cost of erection shall be borne by them;
- (c) where a lessee of one parcel of land has at his own expense erected a party-wall, the lessee of the other parcel of land shall forthwith after commencing the erection of a building on the other parcel of land pay to the first-mentioned lessee a proportion of the cost of the erection of the party-wall;

- (d) in default of agreement between lessees as to the apportionment of the cost of erecting a party-wall, the Minister may at the request of either lessee determine the cost of erecting the party-wall, and the proportion of the cost to be borne by each lessee;
- (e) where any period has elapsed between the date of completion of the party-wall by the lessee of one parcel of land and the date of the commencement of the erection of a building on the other parcel of land, a reasonable allowance shall be made for depreciation of the party-wall in determining the proportion payable by the other lessee of the cost of erection of the party-wall; and
- (f) the amount agreed upon or determined by the Minister as payable by one lessee to another lessee under this section shall be a debt due and recoverable by the other lessee in any Court of competent jurisdiction.

Land to be kept clean

35. (1) The land included in a lease shall at all times be kept by the lessee clean, tidy, and free from debris, dry herbage, rubbish, carcasses of animals and other unsightly or offensive matter.

(2) Upon a non-compliance with this section, the Minister may at the cost of the lessee cause any matter or thing to be removed from the land and restore the land to a clean and tidy condition.

(3) The lessee shall pay to the Minister on demand the amount fixed by the Minister as the cost incurred by the Minister by reason of the failure of the lessee to comply with subsection (1) of this section.

Application of *Leases Act 1918*

37. The *Leases Act 1918*, other than section 2A of that Act, shall not apply to any land included in a lease under this Act or any repealed Act.

Refund of amounts paid for the grant of a lease in certain cases

37A. (1) The Minister may, subject to the next succeeding subsection, authorize the refund to a person who has surrendered a lease granted under this Act or whose lease has been determined in accordance with this Act of an amount not exceeding the amount paid by the person for or in respect of the grant of the lease.

(2) The last preceding subsection does not authorize the refund of an amount unless—

- (b) the lease was a lease for residential purposes; and

- (c) the person to whom the lease was granted has been unable, for reasons which, in the opinion of the Minister, warrant the refund, to comply with the covenants of the lease requiring the erection of a building on the land comprised in the lease.

(3) The Minister may, subject to the next succeeding subsection, authorise the refund to a person who surrenders the right to the grant of a lease under this Act of a parcel of land and of an amount not exceeding the amount paid by the person for or in respect of the grant of the lease.

(4) The last preceding subsection does not authorize the refund of an amount unless—

- (b) the conditions subject to which the right to the grant of the lease was obtained included a condition that the lease would be a lease for residential purposes;
- (c) the Minister is satisfied that reasons exist that justify the refund; and
- (d) the surrender of the right to the grant of the lease is made before the Minister has, in pursuance of section twenty-one of this Act, given notice of his intention to determine under that section the right of the person to the grant of the lease.

Determined fee

37B. The Minister may, by notice in writing in the *Gazette*, determine fees for the purposes of this Act.

Regulations

38. The Executive may make regulations, not inconsistent with this Act, prescribing all matters which are required or permitted to be prescribed, or which are necessary or convenient to be prescribed, for carrying out or giving effect to this Act, and in particular prescribing matters providing for and in relation to—

- (a) the periods for which leases may be granted;
- (b) the forms of leases and the covenants and conditions to be contained therein;
- (c) the method of recovering moneys due and unpaid under leases;
- (d) the determination of leases for non-fulfilment of covenants or conditions;
- (e) the method of recovering land on the determination of leases;

- (f) the easements and other rights and privileges which may be included in any lease as appurtenant to the land included in the lease;
 - (g) the imposition, by way of damages recoverable summarily as a debt due to the Territory, of a fine, whether in substitution for or in addition to the determination of the lease or not, not exceeding Ten dollars or, where the breach is a continuing breach, of Ten dollars per day for every day the breach continues, for the breach by a lessee of any covenant contained in his lease.
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THE SCHEDULE

Section 2

ORDINANCES REPEALED BY THIS ACT

City Area Leases Ordinance 1924 (No. 8 of 1924)
City Area Leases Ordinance (No. 2) 1924 (No. 13 of 1924)
City Area Leases Ordinance 1925 (No. 10 of 1925)
City Area Leases Ordinance 1926 (No. 5 of 1926)
City Area Leases Ordinance (No. 2) 1926 (No. 9 of 1926)
City Area Leases Ordinance (No. 3) 1926 (No. 18 of 1926)
City Area Leases Ordinance 1929 (No. 13 of 1929)
City Area Leases Ordinance 1934 (No. 20 of 1934)
City Area Leases Ordinance 1935 (No. 1 of 1935)
City Area Leases Ordinance (No. 2) 1935 (No. 17 of 1935)

NOTES

1. The *City Area Leases Act 1936* as shown in this reprint comprises Act No. 31, 1936 amended as indicated in the Tables below.

Citation of Laws—The *Self-Government (Citation of Laws) Act 1989* (No. 21, 1989) altered the citation of most Ordinances so that after Self-Government day they are to be cited as Acts. That Act also affects references in ACT laws to Commonwealth Acts.

Table 1

Table of Ordinances

Ordinance	Number and year	Date of notification in <i>Gazette</i>	Date of commencement	Application, saving or transitional provisions
<i>City Area Leases Ordinance 1936</i>	31, 1936	23 July 1936	23 July 1936	
<i>City Area Leases Ordinance (No. 2) 1936</i>	38, 1936	17 Sept 1936	17 Sept 1936	—
<i>City Area Leases Ordinance (No. 3) 1936</i>	40, 1936	24 Sept 1936	24 Sept 1936	—
<i>City Area Leases Ordinance 1938</i> as amended by <i>Ordinances Revision Ordinance 1938</i>	21, 1938	9 June 1938	9 June 1938	—
<i>City Area Leases Ordinance 1947</i>	35, 1938	15 Dec 1938	15 Dec 1938	—
<i>City Area Leases Ordinance 1947</i>	14, 1947	11 Dec 1948	11 Dec 1948	S. 3
<i>City Area Leases Ordinance 1950</i>	18, 1950	21 Dec 1950	21 Dec 1950	—
<i>City Area Leases Ordinance 1951</i>	8, 1951	9 Aug 1951	9 Aug 1951	—
<i>City Area Leases Ordinance 1957</i>	18, 1957	19 Dec 1957	19 Dec 1957	—
<i>Ordinances Revision Ordinance 1959</i>	21, 1959	23 Dec 1959	31 Dec 1959	—
<i>City Area Leases Ordinance 1961</i>	12, 1961	13 July 1961	S. 11: 13 July 1961 Remainder: 29 Mar 1962 (see <i>Gazette</i> 1962, p. 1041)	S. 12
<i>City Area Leases Ordinance 1963</i>	18, 1963	19 Sept 1963	19 Sept 1963	—
<i>City Area Leases Ordinance 1964</i>	7, 1964	21 Aug 1964	21 Aug 1964	S. 7 (2)
<i>Ordinances Revision (Decimal Currency) Ordinance 1966</i>	19, 1966	23 Dec 1966	23 Dec 1966	—
<i>City Area Leases Ordinance 1967</i>	13, 1967	24 May 1967	24 May 1967	—
<i>City Area Leases Ordinance 1968</i>	3, 1968	14 Mar 1968	14 Mar 1968	—
<i>City Area Leases Ordinance (No. 2) 1968</i>	28, 1968	19 Dec 1968	19 Dec 1968	—

NOTES—continued

Table of Ordinances—continued

Ordinance	Number and year	Date of notification in <i>Gazette</i>	Date of commencement	Application, saving or transitional provisions
<i>City Area Leases Ordinance 1969</i>	25, 1969	2 Oct 1969	2 Oct 1969	—
<i>City Area Leases Ordinance 1970</i>	45, 1970	17 Dec 1970	1 Jan 1971	Ss. 2 (2), 23 (2), 28 and 29 S. 3 (2)
<i>City Area Leases Ordinance 1971</i>	11, 1971	25 Mar 1971	25 Mar 1971	
<i>City Area Leases Ordinance 1973</i>	3, 1973	22 Feb 1973	22 Feb 1973	—
<i>City Area Leases Ordinance (No. 2) 1973</i>	58, 1973	19 Dec 1973	19 Dec 1973	S. 3
<i>City Area Leases Ordinance 1974</i>	13, 1974	11 Apr 1974	11 Apr 1974	—
<i>City Area Leases Ordinance (No. 2) 1974</i>	19, 1974	30 May 1974	30 May 1974	—
<i>City Area Leases Ordinance (No. 3) 1974</i>	25, 1974	17 July 1974	17 July 1974	—
<i>City Area Leases Ordinance (No. 4) 1974</i>	50, 1974	24 Oct 1974	24 Oct 1974	—
<i>City Area Leases Ordinance (No. 5) 1974</i>	56, 1974	12 Dec 1974	12 Dec 1974	—
<i>City Area Leases Ordinance 1975</i>	32, 1975	1 Oct 1975	1 Oct 1975	—
<i>City Area Leases Ordinance 1976</i>	12, 1976	29 Mar 1976	29 Mar 1976	—
<i>City Area Leases Ordinance (No. 2) 1976</i>	25, 1976	10 June 1976	10 June 1976	S. 3
<i>City Area Leases (Amendment) Ordinance 1977</i>	57, 1977	24 Oct 1977	24 Oct 1977	—
<i>Ordinances Revision (Metric Conversion) Ordinance 1977</i>	64, 1977	22 Dec 1977	22 Dec 1977	—
<i>City Area Leases (Amendment) Ordinance 1978</i>	18, 1978	13 July 1978	13 July 1978	—
<i>City Area Leases (Amendment) Ordinance 1979</i>	23, 1979	9 Aug 1979	9 Aug 1979	—
<i>City Area Leases (Amendment) Ordinance 1982</i>	56, 1982	13 July 1982	13 July 1982	S. 10
<i>City Area Leases (Amendment) Ordinance 1983</i>	54, 1983	10 Nov 1983	10 Nov 1983	—
<i>City Area Leases (Amendment) Ordinance (No. 2) 1983</i>	57, 1983	25 Nov 1983	25 Nov 1983	—
<i>City Area Leases (Amendment) Ordinance 1984</i>	39, 1984	2 Aug 1984	2 Aug 1984	—
<i>Magistrates Court Ordinance 1985</i>	67, 1985	19 Dec 1985	1 Feb 1986 (see <i>Gazette</i> 1986, No. G3, p. 265)	Ss. 36 and 37

NOTES—continued**Table of Ordinances—continued**

Ordinance	Number and year	Date of notification in <i>Gazette</i>	Date of commencement	Application, saving or transitional provisions
<i>City Area Leases (Amendment) Ordinance 1986</i>	16, 1986	13 June 1986	13 June 1986	—
<i>City Area Leases (Amendment) Ordinance (No. 2) 1986</i>	20, 1986	30 June 1986	1 July 1986	—
<i>City Area Leases (Amendment) Ordinance 1987</i>	48, 1987	16 Sept 1987	16 Sept 1987	—
<i>Interim Territory Planning Ordinance 1988</i>	88, 1988	21 Dec 1988	Ss. 1 and 2: 21 Dec 1988 Remainder: 31 Jan 1989 (see <i>Gazette</i> 1989, No. S38)	—
<i>Self-Government (Consequential Amendments) Ordinance 1989</i>	38, 1989	10 May 1989	Ss. 1 and 2: 10 May 1989 Remainder: 11 May 1989 (see s. 2 (2) and <i>Gazette</i> 1989, No. S164)	—

Self-Government day 11 May 1989

NOTES—continued

Table 2

Table of Acts

Act	Number and year	Date of notification in <i>Gazette</i>	Date of commencement	Application, saving or transitional provisions
<i>Interim Planning (Consequential Amendments) Act 1990</i>	60, 1990	24 Dec 1990	Ss. 1 and 2: 24 Dec 1990 Remainder: 12 Mar 1991 (see s. 2 (2) and <i>C'wealth Gazette</i> 1991, No. S62)	—
<i>City Area Leases (Amendment) Act 1991</i>	12, 1991	3 Apr 1991	Ss. 1 and 2: 3 Apr 1991 Remainder: 26 Apr 1991 (see <i>Gazette</i> 1991, No. S34)	S. 8
as repealed by <i>Land (Planning and Environment) (Consequential Provisions) Act 1991</i>	118, 1991	15 Jan 1992	sch 2 commenced 2 April 1992	

Table of Amendments

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision	How affected
S. 3	am. No. 21, 1938; No. 12, 1961; No. 45, 1970; No. 3, 1973; No. 56, 1982; No. 20, 1986; No. 38, 1989
S. 4	am. No. 38, 1989
S. 7	rep. No. 25, 1969
S. 8A	ad. No. 3, 1968 am. No. 28, 1968; No. 64, 1977
S. 9	am. No. 7, 1964 rs. No. 12, 1976; No. 57, 1977
S. 9A	ad. No. 7, 1964 am. No. 19, 1966; No. 13, 1967; No. 45, 1970 rep. No. 12, 1976 ad. No. 57, 1977
S. 9B	ad. No. 7, 1964 am. No. 19, 1966; No. 45, 1970; No. 12, 1976 rs. No. 57, 1977
S. 9C	ad. No. 7, 1964 rs. No. 57, 1977
Ss. 9CA-9CD	ad. No. 57, 1977
S. 9D	ad. No. 56, 1974

NOTES—continued**Table of Amendments—continued**

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision	How affected
S. 9E	ad. No. 56, 1974 am. No. 67, 1985
S. 10	am. No. 48, 1987
S. 11	rep. No. 21, 1959
S. 11A	ad. No. 38, 1936 am. No. 40, 1936; No. 45, 1970; No. 56, 1982; No. 88, 1988; No. 38, 1989; Act No. 60, 1990; No. 12, 1991
S. 11B	ad. No. 45, 1970 rs. No. 56, 1982 am. No. 38, 1989; Act No. 12, 1991
S. 11C	ad. No. 45, 1970 am. No. 56, 1982; No. 38, 1989 rs. Act No. 12, 1991
Ss. 11D-11F	ad. Act No. 12, 1991
S. 12	am. No. 45, 1970
S. 12A	ad. No. 45, 1970 am. No. 13, 1974; No. 23, 1979; No. 38, 1989
S. 13	am. No. 18, 1950 rs. No. 12, 1961 am. No. 18, 1963; No. 7, 1964; No. 45, 1970; No. 25, 1974; No. 18, 1978; No. 57, 1983; No. 38, 1989
S. 14	am. No. 14, 1947; No. 18, 1950 rs. No. 12, 1961 am. No. 45, 1970; No. 25, 1974; No. 25, 1976; No. 38, 1989
S. 15	rs. No. 12, 1961 am. No. 45, 1970; No. 38, 1989
S. 16	rep. No. 12, 1961
S. 17	am. No. 20, 1986; No. 38, 1989
S. 17A	ad. No. 18, 1957 am. No. 12, 1961; No. 45, 1970; No. 38, 1989
S. 17B	ad. No. 45, 1970 am. No. 38, 1989
S. 18	am. No. 38, 1936 rs. No. 12, 1961 am. No. 19, 1966 rs. No. 45, 1970 am. No. 13, 1974; No. 38, 1989
S. 18A	ad. No. 13, 1974
S. 18B	ad. No. 13, 1974 rs. No. 56, 1982 am. No. 38, 1989
S. 18C	ad. No. 13, 1974 rep. No. 56, 1982
S. 19	am. No. 12, 1961; No. 28, 1968; No. 45, 1970; No. 38, 1989
S. 19AA	ad. No. 45, 1970

City Area Leases Act 1936

NOTES—continued

Table of Amendments—continued

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision	How affected
	am. No. 38, 1989
S. 19A.....	ad. No. 21, 1938
	am. No. 12, 1961; No. 7, 1964; No. 16, 1986; No. 38, 1989
S. 20	am. No. 12, 1961
	rep. No. 45, 1970
	ad. No. 16, 1986
	am. No. 38, 1989
S. 21	rs. No. 12, 1961
	am. No. 45, 1970
S. 22	am. No. 38, 1989
S. 23	am. No. 21, 1959
	rep. No. 45, 1970
S. 24	rep. No. 21, 1959
S. 25	am. No. 7, 1964; No. 19, 1966
	rep. No. 45, 1970
S. 26	am. No. 45, 1970
S. 27	rep. No. 45, 1970
S. 28.	am. No. 21, 1938; No. 11, 1971; Nos. 3 and 58, 1973; No. 13, 1974; No. 32, 1975; No. 54, 1983; No. 39, 1984; No. 20, 1986
S. 28AA.....	ad. No. 32, 1975
S. 28A.....	ad. No. 8, 1951
	am. No. 54, 1983; No. 38, 1989
S. 28B.....	ad. No. 18, 1963
	am. No. 7, 1964; No. 56, 1982; No. 54, 1983; No. 39, 1984; No. 38, 1989
Ss. 28C, 28D	ad. No. 18, 1963
S. 28DA	ad. No. 45, 1970
	am. No. 54, 1983; No. 38, 1989
Ss. 28E, 28F	ad. No. 18, 1963
S. 28G.....	ad. No. 18, 1963
	am. No. 19, 1966
S. 29	am. No. 23, 1979
S. 30A.....	ad. No. 11, 1971
	am. No. 38, 1989
S. 31	am. No. 21, 1938; No. 3, 1973; No. 38, 1989
S. 32	am. No. 21, 1938; No. 3, 1973
Ss. 33, 34.....	rep. No. 45, 1970
S. 36	rep. No. 45, 1970
	ad. No. 19, 1974
	rep. No. 50, 1974
S. 37	rs. No. 38, 1989
S. 37A.....	ad. No. 21, 1938
	rep. No. 21, 1959
	ad. No. 12, 1961
	am. No. 45, 1970

NOTES—continued**Table of Amendments—continued**

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision	How affected
S. 37B.....	ad. No. 20, 1986
S. 38	am. No. 19, 1966; No. 38, 1989
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2. Ss. 3 (3) and 32 (1)—	The <i>Building Ordinance 1964</i> was repealed by the <i>Building Act 1972</i> (No. 26, 1972).
3. S. 28B (3)—	The <i>Bankruptcy Act 1924</i> of the Commonwealth was repealed by the <i>Bankruptcy Act 1966</i> of the Commonwealth (No. 33, 1966).