

No. 3 of 1973

AN ORDINANCE

To amend the *City Area Leases Ordinance 1936-1971*.

I, THE GOVERNOR-GENERAL in and over the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Ordinance under the *Seat of Government (Administration) Act 1910-1972*.

Dated this sixteenth day of February, 1973.

PAUL HASLUCK
Governor-General.

By His Excellency's Command,

KEP ENDERBY
Minister of State for the Capital Territory.

CITY AREA LEASES ORDINANCE 1973

1.—(1.) This Ordinance may be cited as the *City Area Leases Ordinance 1973*.^{*} Short title
and citation.

(2.) The *City Area Leases Ordinance 1936-1971*[†] is in this Ordinance referred to as the Principal Ordinance.

(3.) The Principal Ordinance, as amended by this Ordinance, may be cited as the *City Area Leases Ordinance 1936-1973*.

2. Section 3 of the Principal Ordinance is amended—

(a) by omitting from sub-section (1.) the definition of “proper authority”;

(b) by inserting in that sub-section after the definition of “sub-lessee” the following definition:—

“‘the Building Controller’ has the same meaning as in the *Building Ordinance 1972*; and

(c) by adding at the end thereof the following sub-section:—

“(3.) A reference in this Ordinance 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 Ordinance 1924* or under that Ordinance as subsequently amended;

Interpretation.

^{*} Notified in the *Commonwealth Gazette* on 22 February 1973.

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

- (b) who, at the relevant time, was the proper authority or a deputy proper authority under the *Building Ordinance* 1964 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 in its continued application as provided for by section four of the *Building Ordinance* 1972.

Assignment, mortgage, &c., of lease where building required to be erected on land.

3. Section 28 of the Principal Ordinance is amended—

- (a) by inserting in paragraph (a) of sub-section (1.) after the words “the proper authority” the words “, or in accordance with plans and specifications approved by the Building Controller,”;
- (b) by inserting in paragraph (c) of that sub-section after the words “design” the words “or those plans and specifications”;
- (c) by inserting in sub-section (2.) after the words “proper authority” the words “, or in accordance with plans and specifications approved by the Building Controller”;
- (d) by adding at the end of that sub-section the words “or those plans and specifications”.

Fences.

4. Section 31 of the Principal Ordinance is amended by inserting in sub-section (5.), after the words “proper authority”, the words “, or any plans and specifications approved by the Building Controller,”.

Party-walls.

5. Section 32 of the Principal Ordinance is amended—

- (a) by omitting from sub-section (1.) all the words from and including the words “a certificate of completion” and inserting in their stead the words “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 Ordinance* 1924 or under that Ordinance 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 or under that Ordinance as subsequently amended or of those regulations in their continued application as provided for by section four of the *Building Ordinance* 1972; or
 - (c) issued under sub-section (2.) or (3.) of section fifty-three of the *Building Ordinance* 1972.”; and
- (b) by inserting in sub-section (2.) after the words “proper authority” the words “, or in plans and specifications approved by the Building Controller,”.