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## Unit Titles (Amendment) Ordinance 1983

No. 2 of 1983

I, THE GOVERNOR-GENERAL of 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*.

Dated 4 February 1983.

N. M. STEPHEN  
Governor-General

By His Excellency's Command,

MICHAEL HODGMAN  
Minister of State for the Capital Territory

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An Ordinance to amend the *Unit Titles Ordinance 1970*

### Short title

1. This Ordinance may be cited as the *Unit Titles (Amendment) Ordinance 1983*.<sup>1</sup>

### Principal Ordinance

2. In this Ordinance, "Principal Ordinance" means the *Unit Titles Ordinance 1970*.<sup>2</sup>

### Approval of sub-division

3. Section 16 of the Principal Ordinance is amended by omitting sub-sections (4) to (8) (inclusive) and substituting the following sub-sections:

"(4) Where the Minister refuses to approve proposals on the ground that the rent proposed to be reserved under the lease of one or more of the units to which the proposals relate is not reasonable, he shall determine, in the case of each of the units to which the proposals relate, the rent that he considers reasonable in the circumstances of the sub-division and the rent so determined shall be taken to be a reasonable rent for the purposes of paragraph (1) (d).

"(5) In making a determination under sub-section (4) of rents in respect of the leases of units, the Minister shall not cause the aggregate of the amounts of all of the rents to be an amount that is more than the amount of the rent payable, at the date of the determination, under the lease of the parcel.

“(6) Where the Minister makes a determination under sub-section (4), the Minister shall cause to be forwarded to the lessee of the parcel a notice—

- (a) setting out particulars of the determination; and
- (b) including a statement to the effect that, subject to the *Administrative Appeals Tribunal Act 1975*, the lessee is entitled to apply to the Administrative Appeals Tribunal for a review of the determination.

“(7) The validity of a determination made by the Minister under sub-section (4) shall not be taken to be affected by a failure to include in the notice under sub-section (6) relating to that determination a statement of the kind referred to in paragraph (6) (b).

“(8) The lessee of a parcel may apply to the Administrative Appeals Tribunal for a review of a determination made by the Minister under this section.

“(9) Where, in pursuance of sub-section (4), the Minister has determined rents in respect of the leases of units and the aggregate of all of those rents is an amount that is the same as the amount of rent payable, at the date of the determination, under the lease of the parcel, the Administrative Appeals Tribunal shall not, in reviewing that determination, determine the rents in respect of the leases of those units so as to cause the aggregate of the amounts of all of the rents to be an amount other than that payable, at that date, under the lease of the parcel.”

#### Transitional

4. Where before the commencement of this Ordinance—

- (a) a request was made by a lessee of a parcel under sub-section 16 (5) of the Principal Ordinance for a review by the Valuation Review Board of any of the rents specified by the Minister under sub-section 16 (4) of the Principal Ordinance; and
- (b) the Board had not completed that review,

section 16 of the Principal Ordinance continues to apply to and in relation to that review, notwithstanding the amendment of that section by this Ordinance.

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#### NOTES

- 1. Notified in the *Commonwealth of Australia Gazette* on 11 February 1983.
- 2. No. 31, 1970 as amended by No. 10, 1971; No. 31, 1975; No. 46, 1978; No. 93, 1982.