



AUSTRALIAN CAPITAL TERRITORY

Landlord and Tenant (Amendment) Act 1997

No. 16 of 1997

An Act to amend the *Landlord and Tenant Act 1949*

[Notified in ACT Gazette S136: 29 May 1997]

The Legislative Assembly for the Australian Capital Territory enacts as follows:

Short title

1. This Act may be cited as the *Landlord and Tenant (Amendment) Act 1997*.

Commencement

2. This Act commences on the day on which it is notified in the *Gazette*.

Principal Act

3. In this Act, “Principal Act” means the *Landlord and Tenant Act 1949*.¹

Repeal

4. Section 5 of the Principal Act is repealed.

Application of Act

5. Section 6 of the Principal Act is amended by adding at the end the following subsection:

“(3) An order under subsection (2) has no effect insofar as it would, but for this subsection, apply to premises occupied by a person who entered into occupation under a lease granted by the Territory, the Executive, a Minister, the Commonwealth, a Commonwealth Minister or a public authority of the Territory or the Commonwealth.”.

Receipts to be given for payments by way of a bond or of rent

6. Section 57 of the Principal Act is amended—

- (a) by omitting “A person” and substituting “Subject to subsection (2), a person”; and
- (b) by adding at the end the following subsection:

“(2) This section does not apply in respect of a payment by way of a bond or rent that is made to the Territory, a Minister or a public authority of the Territory.”.

Insertion

7. Before section 62A of the Principal Act the following section is inserted in Part IIA:

Application

“62AW. This Part does not apply in relation to prescribed premises in respect of which a lease has been granted by the Territory, the Executive, a Minister, the Commonwealth, a Commonwealth Minister or a public authority of the Territory or the Commonwealth.”.

Court to consider hardship

8. Section 71 of the Principal Act is amended—

- (a) by omitting from subsection (1) “On the hearing” and substituting “Subject to subsection (4), on the hearing”; and
- (b) by adding at the end the following subsection:

“(4) Subsection (1) does not apply in relation to prescribed premises in respect of which a lease has been granted by the Territory, the Executive, a Minister, the Commonwealth, a Commonwealth Minister or a public authority of the Territory or the Commonwealth.”.

Exclusion of premises let for short term from operation of Part

9. Section 87 of the Principal Act is amended by adding at the end the following subsection:

“(6) A certificate issued under this section has no effect insofar as it would, but for this subsection, apply to premises occupied by a person who entered into occupation under a lease granted by the Territory, the Executive, a Minister or a public authority of the Territory.”.

Exclusion of certain premises from operation of Part

10. Section 88 of the Principal Act is amended by inserting after subsection (7) the following subsection:

“(7A) A certificate issued under this section has no effect insofar as it would, but for this subsection, apply to premises occupied by a person who entered into occupation under a lease granted by the Territory, the Executive, a Minister, the Commonwealth, a Commonwealth Minister or a public authority of the Territory or the Commonwealth.”.

NOTE

Principal Act

1. Reprinted as at 30 November 1996.

[Presentation speech made in Assembly on 26 February 1997]

© Australian Capital Territory 1997