

AUSTRALIAN CAPITAL TERRITORY
CITY AREA LEASES (AMENDMENT) ORDINANCE 1982

No. 56 of 1982

EXPLANATORY STATEMENT

The City Area Leases Ordinance 1936 (the principal Ordinance) provides in section 11A that when the Supreme Court of the Australian Capital Territory makes a provisional order that the purpose clause of a lease be varied the Minister shall determine amounts which represent the value of the lease before and after the order is made. The determinations are made for the purpose of calculating the premium which is to be paid by the lessee. The principal Ordinance provided, in section 11B, for the Minister's determinations to be reviewed by the Valuation Review Board.

The principal Ordinance provided, in section 18B, for appeals to be made to the Valuation Review Board where the rent payable under a lease is varied in accordance with the terms of the lease and the lease does not provide for review of the variation by an arbitrator.

The City Area Leases (Amendment) Ordinance 1982 (the amending Ordinance) repeals sections 11B and 18B of the principal Ordinance and substitutes new sections 11B and 18B which, in effect, transfer to the Administrative Appeals Tribunal the review jurisdiction of the Valuation Review Board.

Details of the Ordinance are as follows:

- . Section 1 provides that the amending Ordinance may be cited as the City Area Leases (Amendment) Ordinance 1982.
- . Section 2 defines "Principal Ordinance" as that expression appears in the amending Ordinance.
- . Section 3 amends the definition of "Secretary" in section 3 of the principal Ordinance so that it refers to the Secretary to the Department of the Capital Territory rather than the Secretary to the Department of the Interior.
- . Section 4 amends section 11A of the principal Ordinance so that a lessee may request a statement of reasons regarding the Minister's determination. It also makes technical amendments which are necessary because the Administrative Appeals Tribunal has jurisdiction to review the determination.

- . Section 5 repeals section 11B of the principal Ordinance and substitutes a new section 11B which allows for an application to be made to the Administrative Appeals Tribunal for a review of a determination made by the Minister under section 11A.
- . Section 6 makes consequential drafting amendments to section 11C and inserts a new section 11C(2) which makes it clear that any refund of premium is to be paid to the person who is the lessee when the Administrative Appeals Tribunal gives its decision (as distinct from the person who was the lessee when the premium was paid).
- . Section 7 repeals section 18B of the principal Ordinance and substitutes a new section 18B which allows an application to be made to the Administrative Appeals Tribunal for a review of the Minister's decision reviewing variations of rent.
- . Section 8 repeals section 18C of the principal Ordinance. Section 18C provided for appeals to be made to the Supreme Court from decisions of the Valuation Review Board.
- . Section 9 amends section 28B by omitting the reference to the Department of the Interior.
- . Section 10 makes transitional provisions which enable the Valuation Review Board to finalise any matters which are before it.

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