

AUSTRALIAN CAPITAL TERRITORY
LAND VALUATION (AMENDMENT) ORDINANCE 1982
LEASES (AMENDMENT) ORDINANCE 1982
COMMONWEALTH DWELLINGS (RENT) (AMENDMENT)
ORDINANCE 1982

106, 107 and 108 of 1982


EXPLANATORY STATEMENT

The Land Valuation Ordinance 1936 provides, amongst other things, that the Land Commissioner (an office established by the Ordinance) may make recommendations in respect of decisions by the Minister relating to offers of leases and determinations of rent of leases under the Leases Ordinance 1918. The Ordinance also provides that an appeal lies to the Land Court (also established by the Ordinance) against the Minister's decisions following these recommendations.

The Land Valuation (Amendment) Ordinance 1982 abolishes the Land Court and enables lessees who would, but for the abolition of the Court, have been able to appeal to the Court to appeal to the Administrative Appeals Tribunal. The Leases (Amendment) Ordinance 1982 gives the Administrative Appeals Tribunal jurisdiction to hear appeals in respect of decisions taken by the Minister when he is requested to re-consider an initial decision.

Details of the amending Ordinances are as follows:

Land Valuation (Amendment) Ordinance 1982

- . Sections 1 and 2 provide the short title and citation of the Principal Ordinance.
 - . Section 3 makes consequential amendments to section 5 of the Principal Ordinance by omitting certain definitions consequential upon the abolition of the Land Court.
 - . Section 4 amends section 7 of the Principal Ordinance so that a lessee may apply to the Administrative Appeals Tribunal for a review of a decision by the Minister following a recommendation made by the Land Commissioner. Section 7 formerly allowed such decisions to be reviewed by the Land Court. The section also makes technical amendments to the section which are consequential upon the Tribunal's jurisdiction.
 - . Section 5 repeals Part III of the Principal Ordinance. Part III dealt with the Constitution and Jurisdiction of the Land Court.
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- Section 6 is a transitional provision which provides that where, immediately before the commencement of the amending Ordinance, a lessee has appealed to the Land Court in respect of a decision by the Minister and the Court has not dealt with the appeal, the lessee may apply to the Administrative Appeals Tribunal for a review of the Minister's decision. The section also sets out the time within which a lessee should lodge his application with the Tribunal.

Leases (Amendment) Ordinance 1982

- Sections 1 and 2 provide the short title and citation of the Principal Ordinance.
- Section 3 amends section 3AA of the Principal Ordinance so that in addition to referring to variations of rent made in pursuance of the Land Valuation Ordinance 1936 the section also refers to variations made in pursuance of section 3AAA.
- Section 4 inserts new sections 3AAA and 3AAB in the Principal Ordinance.
- Section 3AAA allows a lessee to apply to the Minister for a review of a decision by the Minister to offer a lease in substitution for, or on the expiration of an existing lease or to determine the rent payable under a lease. In making these decisions the Minister is to fix rents which do not exceed a "fair rent" for the property. The section also allows a lessee to apply to the Administrative Appeals Tribunal for a review of the Minister's decision and provides that a lessee is to be notified of his right to apply to the Tribunal.
- Section 3AAB defines the expression "fair rent" as that expression appears in section 3AAA.

The Commonwealth Dwellings (Rent) (Amendment) Ordinance 1982 amends the Commonwealth Dwellings (Rent) Ordinance 1961 (the principal Ordinance) so that section 7 of the principal Ordinance refers to both the Land Valuation Ordinance 1936 and the Leases Ordinance 1918. The amendments are consequential upon the Land Valuation (Amendment) Ordinance 1982 and the Leases (Amendment) Ordinance 1982.

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Ord. No. 104/82
Ord. No. 103/82
Ord. No. 102/82