

AUSTRALIAN CAPITAL TERRITORY

COMMONWEALTH DWELLINGS (RENT) ORDINANCE 1961.

EXPLANATORY MEMORANDUM

No. 18 of 1961

This Ordinance confers upon the Minister the authority to vary the rents of residential promises belonging to the Commonwealth in the Australian Capital Territory which are subject to weekly or fortnightly tenancies.

On the 26th February, 1961, the Minister for the Interior announced that the Government had decided to increase the rents of a substantial number of Commonwealth-owned houses and flats in Canberra. The announced increases were to take effect as from 6th April, 1961. Tenants were notified individually by post of the new rents which would be applicable under the proposal.

There was a great deal of public opposition to the proposed increases and doubts were expressed as to the validity of the action that was being taken. The acknowledgements of tenancy, which are signed by tenants at the commencement of a tenancy, did not provide specifically a right in the Commonwealth to vary the rents and there was no legislative authority for the action. Acting on advice received from the Solicitor-General, the Minister postponed the application of the increased rents.

This Ordinance is intended only as an instrument for the implementation of the Government's decision announced by the Minister in February. Consideration is being given to the law applicable to short term tenancies of Commonwealth premises and it is intended that comprehensive legislation on the subject will replace this Ordinance in the near future.

Orders varying the rents pursuant to section 4 will be made shortly after the Ordinance comes into operation and it is intended that notices to tenants will be posted at least 21 days before the date specified as the commencing date of the orders.