

THE TERRITORY FOR THE SEAT OF GOVERNMENT.

REGULATIONS UNDER THE LEASES ORDINANCE 1918-1927^(a).

PURSUANT to the powers conferred upon it by the *Leases Ordinance* 1918-1927, the Federal Capital Commission, appointed under the *Seat of Government (Administration) Act* 1924-1928, hereby makes the following Regulations to come into force forthwith.

Dated this twenty-eighth day of March, 1929.

The Common Seal of the Federal Capital Commission was
hereunto affixed in the presence of—

J. H. BUTTERS, Chief Commissioner.

(L.S.)

C. S. DALEY, Secretary.

LEASES REGULATIONS 1929.

Short title.

1. These Regulations may be cited as the Leases Regulations 1929.

Repeal.

2. (1) The Leases Regulations made on the 13th day of November, 1919, and the Regulations amending those Regulations made on the 21st day of December, 1922, the 6th day of April, 1923, the 9th day of March, 1926, the 4th day of March, 1929, are repealed.

(2) The repeal of the Regulations mentioned in the last preceding sub-regulation shall not—

(a) affect any right, privilege, obligation or liability acquired, accrued or incurred under those Regulations;

(b) affect any penalty, forfeiture or punishment incurred in respect of any offence committed against those Regulations; or

(c) affect any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment,

and any such right shall continue as is acquired under these Regulations, and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture, or punishment may be imposed, as if these Regulations had not been made.

Definitions.

3. In these Regulations, unless the contrary intention appears—

“Land” means any land vested in the Commonwealth by virtue of the Seat of Government Acceptance Act or acquired by the Commonwealth under the *Lands Acquisition Act* 1906-1916 and includes all improvements thereon.

“Returned Soldier” means a person who is or has been a member of the Australian Naval or Military Forces and who has returned from Naval or Military service outside Australia.

“The Ordinance” means the Leases Ordinance 1918-1927.

“The Regulations” means the Leases Regulations 1929 as amended from time to time.

Power of
Commission to
grant leases.

4. Any land of which, in the opinion of the Commission, immediate possession is not required by the Commonwealth may be leased.

Purposes for
which land may
be leased.

5. Leases may be granted for grazing, fruit-growing, horticultural, agricultural, residential, or business purposes or any other purpose approved by the Commission.

Assessment
of leasable
lands.

6. The Commission may from time to time cause assessments to be made of the value of lands which may be leased.

(a) The *Leases Ordinance* 1918-1927 comprises the *Leases Ordinance* 1918 (No. 2 of 1918), as amended by the *Leases Ordinance* 1919 (No. 7 of 1919), by the *Leases Ordinance* 1923 (No. 7 of 1923), by the *Leases Ordinance* (No. 2, 1923 (No. 1 of 1924), by the *Leases Ordinance* 1925 (No. 4 of 1925), by the *Leases Ordinance* 1926 (No. 12 of 1926), and by the *Leases Ordinance* 1927 (No. 10 of 1927).

7. No person shall hold under lease land of a greater assessed value than £8,000 (exclusive of the value of buildings, fences, dams, ground tanks, wells and bores). Value of land which may be leased.

"Assessed value" for the purposes of this Regulation shall mean the assessed value as at the date of commencement of the lease.

8. Applications for leases shall be invited by notice in the *Gazette*, and shall be in such form as the Commission directs. Land available for lease to be notified in *Gazette*.

9. (1) Upon receipt of an application from any person for the grant of a lease or for the consent of the Commission to the assignment of a lease the Commission after making such inquiries as it deems advisable upon any one or more of the following matters:— Conditions in respect to grant, &c., of leases.

- (a) the ability of the applicant or proposed assignee to carry out the conditions of the lease;
- (b) other lands (whether within or outside the Territory) owned, leased, or managed by the applicant or proposed assignee;
- (c) whether the applicant or proposed assignee resides or intends to reside in the Territory;
- (d) whether the applicant or proposed assignee is a returned soldier; and
- (e) any other matters which it thinks fit, shall determine whether the applicant or the proposed assignee as the case may be is eligible to become a lessee.

(2) A lease shall not be granted to any person unless the Commission previously determines that he is eligible to become a lessee.

10. The Commission may if it thinks fit, without inviting applications for a lease, grant a lease to any person who previously owned land in the Territory or who is or has been a lessee of land in the Territory. Leases to persons who have already held leases.

11. The Commission may, if it thinks fit, invite applications for leases from returned soldiers only. Leases to Returned Soldiers.

12. (1) Notwithstanding anything contained in these Regulations, the Commission may, if it thinks fit, by notice in the *Gazette*, invite applications for leases in the form of tenders. Tenders for lease of land.

(2) Tenders shall be in such form as the Commission directs and shall state the amount of rental offered.

(3) If in respect of the grant of a lease of a parcel of land for which applications in the form of tenders have been invited the highest amount of rental offered by any applicant whom the Commission determines is eligible to become a lessee is less than the reserve rental, the Commission may at any time thereafter, without inviting further applications, grant a lease of that parcel of land at the reserve rental.

(4) "Reserve rental" means the rental fixed by the Commission as the lowest rental at which the Commission is prepared to grant a lease of the land.

13. If two or more applicants for a lease of the same land are, in the opinion of the Commission, equally eligible to become lessees, the Commission may determine by ballot or otherwise the applicant to whom the lease shall be granted. Ballot for land.

14. The Commission shall not be bound to grant a lease to any applicant and may before a lease is granted— Commission not bound to grant lease.

- (a) revoke the notice inviting applications; or
- (b) invite fresh applications for leases on the same or other conditions.

15. If an application for the grant of a lease of a parcel of land for which applications have been invited under the Regulations is not received from any person whom the Commission determines is eligible to become a lessee, the Commission may, without inviting further applications, at any time thereafter grant a lease of that parcel of land. Commission may grant lease at any time after inviting applications.

16. Notwithstanding anything contained in the Regulations, the Commission may, without inviting applications, grant a lease under the Ordinance to any person— Commission may dispense with applications when land leased for certain periods.

- (a) upon a weekly, fortnightly, monthly or quarterly tenancy; or
- (b) for a period not exceeding twelve calendar months; or
- (c) for a period not exceeding twelve calendar months and thereafter upon a weekly, fortnightly, monthly or quarterly tenancy.

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| Leases of land on which houses are erected. | <p>17. (1) Notwithstanding anything contained in the Regulations, the Commission may, without inviting applications, grant to any person, for any period not exceeding twenty-five years, a lease under the Ordinance of any land on which a dwelling house is erected.</p> <p>(2) A lease shall be granted under this Regulation for residential purposes only.</p> |
| Deposits with applications. | <p>18. The Commission may require any applicant for a lease to deposit as security with his application a sum fixed by the Commission, and may determine the conditions governing the disposal of the sum deposited.</p> |
| Leases not to be assigned, transferred, or sublet without permission. | <p>19. Except with the previous consent in writing of the Commission a lessee shall not—</p> <p>(a) assign his lease;</p> <p>(b) sublet the leased land; or</p> <p>(c) part with the possession of the leased land,</p> <p>and any assignment, sublease, agreement or arrangement in contravention of this regulation shall be void.</p> |
| Conditions in respect to assignment of leases. | <p>20. (1) Consent to the assignment of a lease shall not be given unless the Commission previously determines that the proposed assignee is eligible to become a lessee.</p> <p>(2) Subject to the last preceding sub-regulation the Commission may in any case under the last preceding regulation refuse consent or may grant consent unconditionally or subject to such conditions as the Commission determines.</p> |
| Recovery of moneys due under lease. | <p>21. Where moneys are due and unpaid under a lease, the Commission may sue for and recover from the lessee the amount of the moneys due before a Court of competent jurisdiction.</p> |
| Determination of leases. | <p>22. The Commission may at any time, on failure by a lessee to fulfil all or any of the conditions of his lease or on contravention by the lessee of any provision of the Regulations, determine the lease.</p> |
| Recovery of possession of land after determination of lease. | <p>23. If after a lease has been determined the lessee or any person apparently in occupation or possession of the land fails on demand by or on behalf of the Commission to deliver up possession thereof, any Police or Stipendiary Magistrate or two or more Justices of the Peace sitting as a Court of Summary Jurisdiction, and having jurisdiction with respect to the trial of offences committed within the Territory, may, on the application of the Commission or of any person acting in that behalf for the Commission, issue a Warrant authorizing any member of the Police Force of the Commonwealth or State, within a period of not more than thirty days from the date of the Warrant, to enter on the land by force, and with such assistance as is necessary, and deliver possession thereof to the Commission.</p> |
| Resumption of land for public purposes. | <p>24. (1) The Commission, by notice in writing to the lessee, may resume any portion of the land which is required for any public purposes of the Commonwealth or the Commission:</p> <p>Provided however that should the lease be for a term greater than five years a notification of such resumption shall be published in the <i>Gazette</i>.</p> |
| Compensation for land resumed. | <p>(2) The Commission may pay compensation in respect of any improvements effected by the lessee on the land resumed in pursuance of last last preceding sub-regulation.</p> |
| Leases for Recreation and Sports Grounds. | <p>25. (1) The Commission may, without inviting applications therefor, by notice in the <i>Gazette</i>, grant a lease to trustees for the residents of the Territory, or any part thereof, of any land for use by the said residents as a recreation and sports ground.</p> <p>(2) Any lease granted in pursuance of this Regulation shall be for a period not exceeding twenty-five years, and shall, notwithstanding anything contained in these Regulations, be upon such terms and conditions as the Commission determines.</p> |