

Jervis Bay Territory Leases Amendment Ordinance 2015 (No. 1)

Ordinance

I, General the Honourable Sir Peter Cosgrove AK MC (Ret’d), Governor‑General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Ordinance.

Dated 10 December 2015

Peter Cosgrove

Governor‑General

By His Excellency’s Command

Paul Fletcher

Minister for Territories, Local Government and Major Projects

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1 Name

 This is the *Jervis Bay Territory Leases Amendment Ordinance 2015 (No. 1)*.

2 Commencement

 (1) Each provision of this Ordinance specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

| Commencement information |
| --- |
| Column 1 | Column 2 | Column 3 |
| Provisions | Commencement | Date/Details |
| 1. The whole of this Ordinance | 17 December 2015. | 17 December 2015 |

Note: This table relates only to the provisions of this Ordinance as originally made. It will not be amended to deal with any later amendments of this Ordinance.

 (2) Any information in column 3 of the table is not part of this Ordinance. Information may be inserted in this column, or information in it may be edited, in any published version of this Ordinance.

3 Authority

 This Ordinance is made under the *Jervis Bay Territory Acceptance Act 1915.*

4 Schedules

 Each instrument that is specified in a Schedule to this Ordinance is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Ordinance has effect according to its terms.

Schedule 1—Amendments

Leases Ordinance 1992

1 Section 4

Insert:

***lease*** has the meaning given by section 4A.

2 After section 4

Insert:

4A Meaning of *lease*

 A reference in this Ordinance (other than sections 3, 5, 6 and 23AA) to a ***lease*** is a reference to a lease granted under subsection 5(1).

3 Section 5

Before “The Minister”, insert “(1)”.

4 At the end of section 5

Add:

 (2) To avoid doubt, subsection (1) does not limit the Minister’s power to grant, or to have granted, a lease of Territory land (including Blocks 124 to 149 in Deposited Plan 9271/1) otherwise than under subsection (1).

5 After section 23

Insert:

23AA Modification of ACT Residential Tenancies Act in its application to certain leases, licences and other arrangements

 (1) This section applies to a lease, licence or other arrangement (a ***relevant lease***) involving land in the Territory if the relevant lease:

 (a) is a residential tenancy agreement to which the ACT Residential Tenancies Act applies; and

 (b) was not granted under subsection 5(1) of this Ordinance; and

 (c) is a lease, licence or other arrangement in which the Commonwealth, or a person on behalf of the Commonwealth, is:

 (i) the lessor (other than a sublessor); or

 (ii) the licensor (other than a sublicensor); or

 (iii) the grantor of a right or permission to possess, occupy or use land that is owned by the Commonwealth.

 (2) The ACT Residential Tenancies Act applies in relation to the relevant lease as if:

 (a) a reference in section 35 of that Act to the ACAT were a reference to a court of competent jurisdiction; and

 (b) a reference in clauses 84, 90, 92 and 93 of Schedule 1 to that Act to the tribunal were a reference to a court of competent jurisdiction.

Note 1: The Federal Circuit Court of Australia has jurisdiction to hear and determine Commonwealth tenancy disputes between the parties to a relevant lease (see section 10AA of the *Federal Circuit Court of Australia Act 1999*).

Note 2: Each court of the Australian Capital Territory also has jurisdiction in and in relation to the Territory (see section 4D of the *Jervis Bay Territory Acceptance Act 1915*).

 (3) In this section:

***ACT Residential Tenancies Act*** means the *Residential Tenancies Act 1997* (ACT), as in force in the Territory under section 4A of the *Jervis Bay Territory Acceptance Act 1915*.