



# **National Land Ordinance 1989**

**Ordinance No. 39, 1989**

made under the

*Australian Capital Territory (Self-Government) Act 1988*

## **Compilation No. 5**

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## About this compilation

### This compilation

This is a compilation of the *National Land Ordinance 1989* that shows the text of the law as amended and in force on 27 November 2018 (the *compilation date*).

The notes at the end of this compilation (the *endnotes*) include information about amending laws and the amendment history of provisions of the compiled law.

### Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Legislation Register ([www.legislation.gov.au](http://www.legislation.gov.au)). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the series page on the Legislation Register for the compiled law.

### Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

### Editorial changes

For more information about any editorial changes made in this compilation, see the endnotes.

### Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the series page on the Legislation Register for the compiled law.

### Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

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# An Ordinance relating to National Land

## 1 Short title

This Ordinance may be cited as the *National Land Ordinance 1989*.

## 3 Interpretation

(1) In this Ordinance, unless the contrary intention appears:

***applied provisions*** means the provisions that have effect with respect to National Land by virtue of subsection 5(1).

***Australian public servant*** means an officer or employee within the meaning of the *Public Service Act 1922*, other than a member of the transitional staff within the meaning of the *A.C.T Self-Government (Consequential Provisions) Act 1988*.

***City Area*** means the City Area within the meaning of the *City Area Leases Act 1936* of the Territory as in force immediately before its repeal.

***Planning and Land Management Act*** means the *Australian Capital Territory (Planning and Land Management) Act 1988*.

***relevant pre-Self-Government law*** means each of the following laws, as in force immediately before Self-Government Day:

- (a) the *City Area Leases Ordinance 1936*;
- (b) the City Area Leases Regulations;
- (c) the Crown Lands Act 1884 of the State of New South Wales in its application in the Territory;
- (d) the Dedication by User Limitation Act 1902 of the State of New South Wales in its application in the Territory;
- (e) the *Lakes Ordinance 1976*;
- (f) the *Leases Ordinance 1918*;
- (g) the Leases Regulations;
- (h) the *Leases (Special Purposes) Ordinance 1925*;
- (i) the *Protection of Lands Ordinance 1937*;
- (j) the Public Roads Act 1902 of the State of New South Wales in its application in the Territory;
- (k) the *Recovery of Lands Ordinance 1929*;
- (l) the *Roads and Public Places Ordinance 1937*;
- (m) the *Trespass on Commonwealth Lands Ordinance 1932*.

***Self-Government Day*** means the date of commencement of section 22 of the *Australian Capital Territory (Self-Government) Act 1988*.

***take***, in relation to water, has the same meaning as in the *Water Resources Act 2007* (ACT), as in force on 18 December 2014.

***Territory Act*** means:

- (a) an Act passed by the Legislative Assembly for the Australian Capital Territory; or
- (b) a law that is:
  - (i) an enactment within the meaning of the *Australian Capital Territory (Self-Government) Act 1988* by virtue of section 34 of that Act; or
  - (ii) to be taken to be an enactment by virtue of subsection 10(3) or 12(2) or (3) of the *A.C.T. Self-Government (Consequential Provisions) Act 1988*.

***Territory public servant*** means:

- (a) a member of the public service established by section 54 of the *Australian Capital Territory (Self-Government) Act 1988*; or
- (b) a member of the transitional staff within the meaning of the *A.C.T. Self-Government (Consequential Provisions) Act 1988*.

***water*** has the same meaning as in the *Water Resources Act 2007* (ACT), as in force on 18 December 2014.

- (2) In this Ordinance, unless the contrary intention appears, ***land, management, National Land*** and ***Territory Land*** have the same respective meanings as in the Planning and Land Management Act.

#### **4 Management of National Land**

- (1) With the approval of the Minister, the National Capital Authority is to manage National Land designated in writing by the Minister as land required for the special purposes of Canberra as the National Capital.
- (2) The Minister for Finance and Administration is to manage all other National Land.
- (2A) Despite subsections (1) and (2), the management of National Land does not include the management, or regulation, of the taking of water on National Land.

Note: In relation to the National Capital Authority, see also subsection 6(2) of the *Australian Capital Territory (Planning and Land Management) Act 1988*.

- (3) Nothing in this section shall be taken to limit the performance by the Minister administering the *National Land (Road Transport) Ordinance 2014* of functions under the provisions of Territory laws applied by that Ordinance.

#### **5 Application of laws**

- (1) The provisions of the relevant pre-Self-Government laws have effect with respect to National Land on and after Self-Government Day, subject to:
  - (a) this section; and
  - (b) the modifications specified in the Schedule.
- (2) Unless the contrary intention appears, nothing in the applied provisions shall be taken to have effect:

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- (a) with respect to Territory Land; or
  - (b) so as to make unlawful conduct that is lawful under a Territory Act.
- (3) The applied provisions have effect with respect to National Land as if:
- (a) a reference in any of those provisions to a relevant pre-Self-Government law were a reference to the provisions of that law having effect by virtue of subsection (1); and
  - (b) a reference in any of those provisions to a particular provision of a relevant pre-Self-Government law were a reference to that provision having effect by virtue of subsection (1).
- (4) The applied provisions of the *City Area Leases Ordinance 1936* and the City Area Leases Regulations have effect with respect to National Land as if, unless the contrary intention appears:
- (a) a reference in any of those provisions to land that is Commonwealth land were a reference to National Land; and
  - (b) a reference in any of those provisions to a lease or sub-lease included a reference to a lease or sub-lease that:
    - (i) was granted before Self-Government Day under the corresponding provision of the former Ordinance; and
    - (ii) exists in respect of land that is, on or after Self-Government Day, National Land.
- (5) The applied provisions of the *Lakes Ordinance 1976* have effect with respect to National Land as if:
- (a) a reference in any of those provisions to a lake were a reference to so much of Lake Burley Griffin as is National Land;
  - (b) a reference in any of those provisions to a lake area were a reference to so much of the lake area as is National Land; and
  - (c) a reference in any of those provisions to a member of the Police Force of the Territory were a reference to a police officer.
- (6) The applied provisions of the *Leases Ordinance 1918*, the Leases Regulations and the *Leases (Special Purposes) Ordinance 1925* have effect with respect to National Land as if, unless the contrary intention appears:
- (a) a reference in any of those provisions to Commonwealth land, Crown land, land vested in the Commonwealth or land acquired by the Commonwealth were a reference to National Land; and
  - (b) a reference in any of those provisions to a lease, tenancy or occupation included a reference to a lease, tenancy or occupation that:
    - (i) was granted before Self-Government Day under the corresponding provision of the former Ordinance or Regulations; and
    - (ii) exists in respect of land that is, on or after Self-Government Day, National Land.
- (7) The applied provisions of the *Protection of Lands Ordinance 1937* have effect with respect to National Land as if:
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## Section 5A

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- (a) a reference in any of those provisions to lands or Commonwealth land were a reference to National Land;
  - (b) a reference to an off-street parking area were a reference to such an area that is National Land; and
  - (c) a reference to a public street were a reference to a public street that is National Land.
- (8) The applied provisions of the *Recovery of Lands Ordinance 1929* have effect with respect to National Land as if:
- (a) a reference in any of those provisions to land were a reference to National Land;
  - (b) a reference in any of those provisions to a lease were a reference to a lease of National Land;
  - (c) a reference in any of those provisions to a lease that has been determined included a reference to a lease determined before Self-Government Day in respect of land that is, on or after that day, National Land; and
  - (d) a reference in any of those provisions to a member of the Police Force were a reference to a police officer.
- (9) The applied provisions of the *Roads and Public Places Ordinance 1937* have effect with respect to National Land as if a reference in any of those provisions to a public place, public road or temporary road were a reference to such a place or road that is National Land.
- (10) The applied provisions of the *Trespass on Commonwealth Lands Ordinance 1932* have effect with respect to National Land as if:
- (a) a reference in any of those provisions to land, a road or any other thing belonging to, maintained by, or under the control of, the Commonwealth were a reference to land or a thing that is, or is on, National Land; and
  - (b) a reference in any of those provisions to a member of the Police Force of the Territory were a reference to a police officer.

### 5A Occupancy of buildings

- (1) Where, under an applied provision, the Commonwealth grants a lease of land with improvements, a person may occupy or use, or permit another person to occupy or use, the improvements whether or not a certificate or other instrument permitting occupancy or use of the improvements has been issued under the Building Act or any of the laws repealed by that Act.
- (2) Nothing in subsection (1) prevents the application of the Building Act to:
- (a) the alteration, after the grant of the lease, of the improvements which were on the land at the time of the grant of the lease; or
  - (b) the construction, after the grant of the lease, of other improvements on the land.
- (3) In this section:

***Building Act*** means the *Building Act 1972* of the Territory.



## 6 Arrangements with Territory

- (1) The Minister may, on behalf of the Commonwealth, enter in to an arrangement with the Territory with respect to the administration of the applied provisions by the Territory on behalf of the Commonwealth.
- (2) Without limiting the generality of subsection (1), an arrangement may provide for the services of Territory public servants to be made available to the Minister for the exercise of powers or the performance of functions under the applied provisions.

## 7 Regulations

The Minister may make regulations, not inconsistent with this Ordinance, prescribing matters:

- (a) required or permitted by this Ordinance to be prescribed; or
- (b) necessary or convenient to be prescribed for carrying out or giving effect to this Ordinance.

## 8 Transitional

- (1) Where:
  - (a) immediately before Self-Government Day, a person held an office or position under a provision of a relevant pre-Self-Government law; and
  - (b) the provision is an applied provision;the person shall, on and after Self-Government Day, be taken to hold the office or position under the applied provision.
- (2) Where:
  - (a) at any time before Self-Government Day:
    - (i) an instrument was made, granted or issued;
    - (ii) any other act or thing was done; or
    - (iii) a decision was made;under, or for the purposes of, a provision of a relevant pre-Self-Government law;
  - (b) immediately before Self-Government Day the instrument, act, thing or decision had effect in relation to land that is, on or after that day, National Land; and
  - (c) the provision is an applied provision;the instrument, act, thing or decision has effect on and after Self-Government Day in relation to that land as if it had been made, granted, issued, done or made under, or for the purposes of, the applied provision.
- (3) A reference in an instrument referred to in subsection (2) to land or a matter related to land (being land that is, on or after Self-Government Day, National Land) shall, except in relation to matters occurring before that day, be read as a reference to National Land or a matter related to National Land, as the case may be.

**9 Effect of amendments made by the *Australian Capital Territory National Land Amendment (Diplomatic Leases) Ordinance 2015***

- (1) This section applies to a lease of land that was:
  - (a) granted to the Government of a foreign country, or to an accredited agent of that Government, under the *Leases (Special Purposes) Ordinance 1925* (as applied by this Ordinance) before the commencement day; and
  - (b) in force immediately before the commencement day.
- (2) To avoid doubt, the amendment of this Ordinance made by item 1 of Schedule 1 to the *Australian Capital Territory National Land Amendment (Diplomatic Leases) Ordinance 2015* does not affect either of the following:
  - (a) the validity of the lease on and after the commencement day;
  - (b) the ability of the leased land to be used for a diplomatic, consular or official purpose of the Government of another foreign country, if such use falls within the purpose specified in the lease.

- (3) In this section:

***commencement day*** means the day item 1 of Schedule 1 to the *Australian Capital Territory National Land Amendment (Diplomatic Leases) Ordinance 2015* commences.

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## **Schedule—Modifications of Applied Provisions**

(subsection 5(1))

### ***City Area Leases Ordinance 1936***

#### **Section 2—**

Omit the section.

#### **Subsection 3(1) (definition of “lease”)—**

Omit paragraphs (b) and (c), substitute the following word and paragraph:

“or (b) a lease granted under a repealed ordinance and continued in force by subsection 2(2) of the *City Area Leases Act 1936* of the Territory;”.

#### **Subsection 3(1) (definition of “lessee”)—**

Omit “registered proprietor of a lease”, substitute “proprietor of a lease, whether or not the person is the registered proprietor of the lease, and”.

#### **Subsection 3(1) (definition of “Real Property Ordinance”)—**

Omit the definition, substitute the following definition:

“***Real Property Act*** means the *Real Property Act 1925* of the Territory;”.

#### **Subsection 3(1) (definition of “repealed Ordinance”)—**

Omit the definition, substitute the following definition:

“***repealed Ordinance*** means an Ordinance repealed by subsection 2(1) of the *City Area Leases Act 1936* of the Territory;”.

#### **Subsection 3(1) (definition of “the Building Controller”)—**

Omit “*Building Ordinance 1972*”, substitute “*Building Act 1972* of the Territory”.

#### **Subsection 3(1) (definition of “the Secretary”)—**

Omit the definition, substitute the following definition:

“***the Secretary*** means the Secretary of the Department.”.

#### **Paragraphs 3(3)(a), (b) and (c)—**

Omit the paragraphs, substitute the following paragraphs:

- “(a) who was the proper authority under the repealed Canberra Building Regulations, as in force at the relevant time;
- (b) who was the proper authority or a deputy proper authority under the repealed *Building Ordinance 1964*, as in force at the relevant time; or
- (c) who was or is, at the relevant time, the proper authority or a deputy proper authority under the repealed *Building Ordinance 1964* in its continued

application by virtue of subsection 4(3) of the *Building Act 1972* of the Territory.”.

**Section 4—**

Omit the section, substitute the following section:

**“4. Application**

This Ordinance applies only with respect to National Land that is in the City Area.”.

**Section 5—**

Omit all the words following “land”.

**Subsection 6(1)—**

Omit “may, by notice in the *Gazette*,”, substitute “may”.

**Subsection 11A(11)—**

Omit “, Department of the Capital Territory”, substitute “of the Department”.

**Section 17AA—**

After section 17A, insert—

**“17AA. Minister’s power to grant leases under special arrangements**

(1) This section applies to land that the Minister, by notice published in the *Gazette*, determines should, in the public interest, be dealt with under this section.

“(2) The Minister may, on behalf of the Commonwealth—

- (a) enter into a contract for the grant of a lease of land to which this section applies; and
- (b) grant such a lease for such period, not exceeding 99 years, as the Minister determines.

“(3) In exercising the powers given by subsection (2), the Minister—

- (a) is not obliged to comply with any of the requirements of sections 12A, 13, 14 and 17; and
- (b) may proceed by way of auction, tender or direct negotiation, as the Minister thinks fit.”.

**Subsection 19(8)—**

Omit “—1969”, substitute “, as in force immediately before 1 January 1971”.

**Section 28AA—**

Omit the section.

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**Subparagraph 28DA(2)(d)(ii) and subsection 28DA(3)—**

Omit “*Real Property Ordinance 1925-1970*”, substitute “Real Property Act”.

**Subsection 29(3)—**

Omit “*Real Property Ordinance 1925*”, substitute “Real Property Act”.

**Subsection 30(2)—**

Omit “may, with the consent of the Minister,”, substitute “may”.

**Subsections 31(6) to (10) (inclusive)—**

Omit the subsections, substitute the following subsections:

- “(6) Proceedings under subsection (5) may be commenced at any time within 6 months after the commencement of the erection of the fence.
- “(7) Subsection (5) applies only where both parcels of land are leased at the time of the commencement of the erection of the fence.
- “(8) Where land referred to in subsection (1) or (2) adjoins Territory Land leased under the *City Area Leases Act 1936* of the Territory, subsections (1) to (7) (inclusive) have effect with respect to the adjoining Territory Land as if it were National Land leased under this Ordinance.”.

**Paragraphs 32(1)(a), (b) and (c)—**

Omit the paragraphs, substitute the following paragraphs:

- “(a) of the kind referred to in regulation 69A of the repealed Canberra Building Regulations, as in force when the certificate was issued;
- (b) of the kind referred to in regulation 69A of the repealed Canberra Building Regulations in its continued application, by virtue of subsection 4(3) of the *Building Act 1972* of the Territory, when the certificate was issued; or
- (c) issued under subsection 53(2) or (3) of the *Building Act 1972* of the Territory.”.

**Section 32—**

Add at the end the following subsection:

- “(3) Where land leased under this Ordinance adjoins Territory Land leased under the *City Area Leases Act 1936* of the Territory, subsections (1) and (2) have effect with respect to the adjoining Territory Land as if it were National Land leased under this Ordinance.”.

**Section 37—**

Omit the section, substitute the following section:

**“37. Certain provisions not to apply**

The applied provisions of the *Leases Ordinance 1918* do not have effect with respect to land that—

- (a) is leased under this Ordinance; or
- (b) is subject to a lease continued in force by subsection 2(2) of the *City Area Leases Act 1936* of the Territory and is, on or after Self-Government Day, National Land.”.

### ***City Area Leases Regulations***

#### **Regulation 2 (definition of “the Ordinance”)—**

Omit the definition, substitute the following definition:

“*the Ordinance* means the applied provisions of the *City Area Leases Ordinance 1936*.”.

#### **Regulation 3—**

Omit the regulation.

#### **Subregulation 10(1)—**

Omit “, Department of the Capital Territory, Canberra,”, substitute “of the Department”.

#### **Subregulation 10(2)—**

Omit “, Department of the Capital Territory,”.

#### **The Schedule—**

Omit the Schedule.

### ***Lakes Ordinance 1976***

#### **Paragraph 21(8)(b)—**

Repeal the paragraph, substitute:

- (b) an Australian public servant or a Territory public servant;
- (ba) a member of the staff of an authority established for a public purpose by or under a Territory Act or a law of the Commonwealth;

#### **At the end of section 22—**

Add:

- (3) The Minister may, in an authority under subsection (2), specify the conditions, if any, to which the authority is subject.
- (4) An authority under subsection (2) applies to the members of the association of persons to whom it is given and to all other persons to whom it is expressed to apply.

#### **Paragraphs 23(1)(a), (b) and (c)—**

Repeal the paragraphs, substitute:

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- (a) a member of the association; or
- (b) a person to whom the authority is expressed to apply;

**Paragraph 23(2)(b)—**

Repeal the paragraph, substitute:

- (b) an Australian public servant or a Territory public servant;
- (ba) a member of the staff of an authority established for a public purpose by or under a Territory Act or a law of the Commonwealth;

**Paragraph 27(3)(b)—**

Repeal the paragraph, substitute:

- (b) an Australian public servant or a Territory public servant;
- (ba) a member of the staff of an authority established for a public purpose by or under a Territory Act or a law of the Commonwealth;

**Section 36—**

Omit “A person”, substitute “(1) A person”.

**At the end of section 36—**

Add:

- (2) Subsection (1) does not apply to a person to whom an authority in force under subsection 22(2) applies.

**Subsection 38(5)—**

Omit “sub-sections (2) and (3)”, substitute “subsections (3) and (4)”.

**Subsection 38(6)—**

Omit “sub-sections (2) and (3)”, substitute “subsections (3) and (4)”.

**Subsection 38(6)—**

Omit “sub-section (1)”, substitute “subsection (2)”.

**Section 39—**

Repeal the section, substitute:

**39 Light to be carried by small power boats**

A power boat that is:

- (a) less than 5 metres long; and
  - (b) under way, or anchored, on a lake between the hours of sunset and sunrise;
- must show a white light visible at a distance of 1.50 kilometres.

### 39A Light to be carried by sailing vessels

Subsections 38(3), (4), (5) and (6) apply in relation to a sailing vessel that is under way, or anchored, on a lake between the hours of sunset and sunrise as if that vessel were a boat to which section 38 applies.

### Section 51—

Repeal the section, substitute:

### 51 Appeals

- (1) Applications may be made to the Administrative Appeals Tribunal (the *Tribunal*) established by the *Administrative Appeals Tribunal Act 1975* of the Commonwealth for a review of the following decisions of the Minister:
  - (a) making a determination under subsection 14(2) in relation to compensation for damage to land;
  - (b) refusing to approve the anchoring of a buoy or the erection of a wharf or jetty under subsection 19(1);
  - (c) imposing conditions on an approval under subsection 19(1);
  - (d) refusing to authorise or approve the conduct of a function under subsection 22(2);
  - (e) imposing conditions on an authority under subsection 22(2);
  - (f) refusing to grant or renew a permit to moor a boat under section 25;
  - (g) refusing to authorise the use of a power boat under subsection 26(1);
  - (h) imposing conditions on an authority under subsection 26(1);
  - (i) imposing further conditions, or varying or revoking a condition imposed, on an authority under subsection 26(2);
  - (j) revoking an authority under subsection 26(3);
  - (k) refusing to grant a permit to use a hovercraft under subsection 29(1);
  - (l) imposing conditions on the grant of a permit under subsection 29(1).
- (2) Where the Minister makes a decision referred to in subsection (1), the Minister must, within 28 days, cause notice in writing of the decision to be given to the person whose interests are affected by the decision.
- (3) A notice under subsection (2) must:
  - (a) include a statement to the effect that, subject to the *Administrative Appeals Tribunal Act 1975* of the Commonwealth, application may be made to the Tribunal for review of the decision to which the notice relates; and
  - (b) except where subsection 28(4) of that Act applies—include a statement to the effect that a person whose interests are affected by the decision may request a statement of reasons pursuant to section 28 of that Act.
- (4) The validity of a decision referred to in subsection (1) is not taken to be affected by a failure to comply with subsection (3).



## ***Leases Ordinance 1918***

### **Section 3—**

Omit “and the *Land Valuation Ordinance 1936*”.

### **Subsection 3AA(1)—**

Omit “or the *Land Valuation Ordinance 1936*”.

### **Subsections 3AAA(1) and (3)—**

Omit “, after the commencement of the *Leases (Amendment) Ordinance 1982*,”.

### **Section 4A—**

Add at the end the following subsection:

- “(4) Where National Land leased under this Ordinance adjoins Territory Land leased under the *Leases Act 1918* of the Territory, subsections (2) and (3) have effect with respect to the adjoining Territory Land as if it were National Land leased under this Ordinance.”.

## ***Leases Regulations***

### **Regulation 3 (definition of “Returned Soldier”)—**

Omit the definition.

### **Regulation 3 (definition of “The Ordinance”)—**

Omit the definition, substitute the following definitions:

“*the Ordinance* means the applied provisions of the *Leases Ordinance 1918*;

*veteran* has the same meaning as in the *Veterans’ Entitlements Act 1986*.”.

### **Paragraph 9(1)(d)—**

Omit “returned soldier”, substitute “veteran”.

## ***Leases (Special Purposes) Ordinance 1925***

### **Section 2—**

Omit the section.

### **Subsection 3(2)—**

Repeal the subsection, substitute:

- (2) Subject to this Ordinance, the Minister may grant to the Government of a foreign country, or to an accredited agent of that Government, a lease of land that is National Land for any or all of the following purposes:

- (a) a diplomatic, consular or official purpose of that Government or of the Government of another foreign country;
  - (b) the purpose of an official residence for an accredited agent of that Government or of the Government of another foreign country.
- (2A) A lease of land granted under subsection (2) may, but need not, include terms relating to the following:
- (a) sub-leasing the whole or a part of the land for a purpose mentioned in subsection (2);
  - (b) entering into other arrangements with respect to the whole or a part of the land for a purpose mentioned in subsection (2);
  - (c) sub-dividing the land for a purpose mentioned in subsection (2).
- (2B) A lease of land granted under subsection (2) may, but need not, relate to the whole or a part of premises that would otherwise be used for business or residential purposes.

**Subsections 5AA(1) and (2)—**

Omit “*Real Property Ordinance 1925-1930*”, substitute “*Real Property Act 1925 of the Territory*”.

**Subsection 5AB(1)—**

Omit the subsection, substitute the following subsection:

- “(1) This section applies only in relation to a lease granted under subsection 3(1) or (3).”.

**Section 5AC—**

Omit the section, substitute the following section:

**“5AC. Application of sections 5AD, 5A and 5B**

Sections 5AD, 5A and 5B apply only in relation to a lease granted under section 3(2).”.

**Subsections 6(1) and (2)—**

Omit “*City Area Leases Ordinance 1924-1925*”, substitute “applied provisions of the *City Area Leases Ordinance 1924*”.

**Subsection 6(5)—**

Omit the subsection, substitute the following subsection:

- “(5) Where land referred to in subsection (1) adjoins Territory Land leased under—
- (a) the *City Area Leases Act 1924* of the Territory; or
  - (b) the *Leases (Special Purposes) Act 1925* of the Territory;
- subsections (1) to (4) (inclusive) have effect with respect to the adjoining Territory Land as if it were National Land leased under this Ordinance.”.

**Section 9—**

Omit the section, substitute the following section:

**“9. Certain provisions not to apply**

Nothing in the applied provisions of the *Leases Ordinance 1918* or the *City Area Leases Ordinance 1936* has effect with respect to land leased under this Ordinance.”.

***Protection of Lands Ordinance 1937***

**Section 2 (definition of “authorized officer”)—**

Omit “an officer”, substitute “a person”.

**Section 2 (definition of “Motor Traffic Ordinance”)—**

Omit the definition, substitute the following definition:

“*Motor Traffic Act* means the *Motor Traffic Act 1936* of the Territory;”.

**Section 2 (definitions of “off-street parking area”, “public street” and “vehicle”)—**

Omit “Motor Traffic Ordinance”, substitute “Motor Traffic Act”.

**Subsection 7(2)—**

Insert “the applied provisions of” before “the *Roads and Public Places Ordinance 1937*”.

**Paragraph 10(2)(a)—**

Omit “other”.

**Paragraph 10(2)(b)—**

Insert “the applied provisions of” before “the *Roads and Public Places Ordinance 1937*”.

**Section 16—**

Insert “of the Department” after “Secretary”.

***Recovery of Lands Ordinance 1929***

**The Schedule (the headings to Forms A, B, C, D and E)—**

Omit “*Recovery of Lands Ordinance 1929*”, substitute “*Recovery of Lands Ordinance 1929* (provisions applied to National Land by the *National Land Ordinance 1989*)”.

***Roads and Public Places Ordinance 1937***

**Section 2 (definition of “authorized officer”)—**

Omit “an officer”, substitute “a person”.

**Subsection 15G(2)—**

Omit the subsection.

**Subsection 15G(3)—**

Omit the definition of “presidential member”.

**Sections 15S and 15T—**

Omit the sections.

***Trespass on Commonwealth Lands Ordinance 1932***

**Section 3 (definitions of “carriageway”, “off-street parking area”, “public street” and “vehicle”)—**

Omit “Motor Traffic Ordinance”, substitute “Motor Traffic Act”.

**Section 3 (definitions of “the Commissioner of Police” and “the Police Ordinance”)—**

Omit the definitions.

**Section 3 (definition of “the Motor Traffic Ordinance”)—**

Omit the definition, substitute the following definition:

“*the Motor Traffic Act* means the *Motor Traffic Act 1936* of the Territory;”.

**Sections 3B and 3C—**

Omit the sections.

**Subparagraph 4(2)(a)(ii)—**

Omit the subparagraph, substitute the following subparagraph:

“(ii) which is in the City Area; or”.

**Paragraph 6(a)—**

Omit “Minister of State for the Interior”, substitute “, the Minister”.

**Paragraphs 8A(2)(e) and 8A(3)(c)—**

Omit all the words from and including “duties” to and including “authority” (second occurring), substitute:

“duties as—

- (i) an Australian public servant;
- (ii) a Territory public servant; or

(iii) an employee of an authority of the Commonwealth or the Territory;  
or in discharging an obligation owed by that person or any other person to  
the Commonwealth, the Territory or such an authority”.

**Subsections 8B(1) and 8C(1)—**

Omit “of the Interior”.

## Endnotes

Endnote 1—About the endnotes

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## Endnotes

### Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes

Endnote 2—Abbreviation key

Endnote 3—Legislation history

Endnote 4—Amendment history

### Abbreviation key—Endnote 2

The abbreviation key sets out abbreviations that may be used in the endnotes.

### Legislation history and amendment history—Endnotes 3 and 4

Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

### Editorial changes

The *Legislation Act 2003* authorises First Parliamentary Counsel to make editorial and presentational changes to a compiled law in preparing a compilation of the law for registration. The changes must not change the effect of the law. Editorial changes take effect from the compilation registration date.

If the compilation includes editorial changes, the endnotes include a brief outline of the changes in general terms. Full details of any changes can be obtained from the Office of Parliamentary Counsel.

### Misdescribed amendments

A misdescribed amendment is an amendment that does not accurately describe the amendment to be made. If, despite the misdescription, the amendment can be given effect as intended, the amendment is incorporated into the compiled law and the abbreviation “(md)” added to the details of the amendment included in the amendment history.

If a misdescribed amendment cannot be given effect as intended, the abbreviation “(md not incorp)” is added to the details of the amendment included in the amendment history.

**Endnote 2—Abbreviation key**

ad = added or inserted	o = order(s)
am = amended	Ord = Ordinance
amdt = amendment	orig = original
c = clause(s)	par = paragraph(s)/subparagraph(s) /sub-subparagraph(s)
C[x] = Compilation No. x	pres = present
Ch = Chapter(s)	prev = previous
def = definition(s)	(prev...) = previously
Dict = Dictionary	Pt = Part(s)
disallowed = disallowed by Parliament	r = regulation(s)/rule(s)
Div = Division(s)	reloc = relocated
ed = editorial change	renum = renumbered
exp = expires/expired or ceases/ceased to have effect	rep = repealed
F = Federal Register of Legislation	rs = repealed and substituted
gaz = gazette	s = section(s)/subsection(s)
LA = <i>Legislation Act 2003</i>	Sch = Schedule(s)
LIA = <i>Legislative Instruments Act 2003</i>	Sdiv = Subdivision(s)
(md) = misdescribed amendment can be given effect	SLI = Select Legislative Instrument
(md not incorp) = misdescribed amendment cannot be given effect	SR = Statutory Rules
mod = modified/modification	Sub-Ch = Sub-Chapter(s)
No. = Number(s)	SubPt = Subpart(s)
	<u>underlining</u> = whole or part not commenced or to be commenced

## Endnotes

### Endnote 3—Legislation history

### Endnote 3—Legislation history

Name	Registration	Commencement	Application, saving and transitional provisions
National Land Ordinance 1989 (No. 39 of 1989)	10 May 1989 (gaz 1989, No S160)	11 May 1989 (s 2 and gaz 1989, No S164)	
National Land (Amendment) Ordinance 1993 (No. 2 of 1993)	24 Nov 1993 (gaz 1993, No GN46)	24 Nov 1993 (s 2)	—
National Land (Parking) (Consequential Amendments) Ordinance 1994 (No. 3 of 1994)	2 Mar 1994 (gaz 1994, No GN8)	s 3: 2 Sept 1994 (s 2)	—
National Land (Amendment) Ordinance 1997 (No. 1 of 1997)	11 June 1997 (gaz 1997, No GN23)	11 June 1997 (s 2)	—
National Land (Amendment) Ordinance (No. 2) 1997 (No. 3 of 1997)	19 Sept 1997 (gaz 1997, No S365)	19 Sept 1997 (s 2)	—
National Land (Amendment) Ordinance 1998 (No. 1 of 1998)	18 Nov 1998 (gaz 1998, No GN46)	s 4: 2 Apr 1992 (s 2(2)) s 5 and 6: 18 Nov 1998 (s 2(1))	—
National Land (Parking) Repeal Ordinance 2014	20 Feb 2014 (F2014L00167)	Sch 1 (item 1): 21 Feb 2014 (s 2)	—
National Land Amendment (Water Management) Ordinance 2014	2 Dec 2014 (F2014L01622)	18 Dec 2014 (s 2)	—
Australian Capital Territory National Land Amendment (Diplomatic Leases) Ordinance 2015 (No. 8 of 2015)	30 Oct 2015 (F2015L01728)	31 Oct 2015 (s 2(1) item 1)	—
Australian Capital Territory National Land Amendment (Lakes) Ordinance 2018	26 Nov 2018 (F2018L01611)	Sch 1: 27 Nov 2018 (s 2(1) item 1)	—

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Arts, Environment and Territories Legislation Amendment Act 1992	130, 1992	24 Oct 1992	s 5(2) and Sch 2: 24 Oct 1992 (s 2)	s 5(2)



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**Endnote 4—Amendment history**

<b>Provision affected</b>	<b>How affected</b>
s 2 .....	rep LA s 48D
s 3 .....	am. No. 1, 1998; F2014L01622
s 4 .....	rs. Act No. 130, 1992
	am. No. 2, 1993; No. 3, 1994; No. 1, 1997; No. 1, 1998; F2014L00167; F2014L01622
s 5A .....	ad. No. 1, 1998
s 9 .....	ad No 8, 2015
<b>Schedule</b>	
Schedule .....	am. No. 3, 1997; No 8, 2015; F2018L01611