

AGRICULTURAL DEVELOPMENT LEASES ORDINANCE (No. 2) 1963.

1137

No. 10 of 1964.

An Ordinance to amend the *Agricultural Development Leases Ordinance* 1956-1961, as amended by the *Agricultural Development Leases Ordinance* 1963, and for purposes connected therewith.

[Reserved 28th January, 1964.]

[Assented to 12th March, 1964.]*

BE it ordained by the Legislative Council for the Northern Territory of Australia, in pursuance of the powers conferred by the *Northern Territory (Administration) Act* 1910-1962, as follows:—

1.—(1.) This Ordinance may be cited as the *Agricultural Development Leases Ordinance (No. 2) 1963*.

Short title and citation.

(2.) The *Agricultural Development Leases Ordinance* 1956-1961, as amended by the *Agricultural Development Leases Ordinance* 1963, is in this Ordinance referred to as the Principal Ordinance.

(3.) Section one of the *Agricultural Development Leases Ordinance* 1963 is amended by omitting sub-section (3.).

(4.) The Principal Ordinance, as amended by this Ordinance, may be cited as the *Agricultural Development Leases Ordinance* 1956-1963.

2. This Ordinance shall come into operation on the day on which the *Valuation of Land Ordinance* 1963 comes into operation.

Commencement.

3. Section three of the Principal Ordinance is amended by adding at the end thereof the following definitions:—

Definitions.

“ ‘the Land and Valuation Review Tribunal’ or ‘the Tribunal’ means the Land and Valuation Review Tribunal established by the *Valuation of Land Ordinance* 1963;

“ ‘unimproved capital value’ has the same meaning as in the *Valuation of Land Ordinance* 1963.”.

* Assent notified in the *Government Gazette* of the Northern Territory on 8th April, 1964 (see *Gazette* No. 14, 1964, p. 54).

Tenant's rights
in
improvements.

4. Section twelve of the Principal Ordinance is amended by omitting sub-section (2.) and inserting in its stead the following sub-sections:—

“(2.) Where the Administrator does not, in accordance with the last preceding sub-section, grant permission to the lessee to take down, remove or carry away any fixtures or erections referred to in that sub-section, the Administrator shall determine the value of those fixtures or erections and shall give to the lessee notice, in writing, of the determination.

“(2A.) Where the Administrator determines the value of fixtures or erections under the last preceding sub-section, an amount equal to that value or, if that value is varied under this Ordinance, an amount equal to the value of the fixtures or erections as finally determined under this Ordinance, is payable to the lessee out of moneys appropriated by the Parliament and available for the purpose.”.

Grant of
Agricultural
leases.

5. Section fourteen of the Principal Ordinance is amended by inserting after sub-section (4.) the following sub-section:—

“(4A.) Where the Administrator refuses his consent to an application for consent to transfer a lease on the ground specified in paragraph (c) of the last preceding sub-section, he shall give notice of the refusal, in writing, to the lessee and the proposed transferee.”.

Reduction in
rent of land
retained.

6. Section fifteen of the Principal Ordinance is amended—

(a) by inserting after the word “unimproved” the word “capital”; and

(b) by adding at the end thereof the following sub-section:—

“(2.) The Administrator shall give to the lessee notice, in writing, of a determination under the last preceding sub-section.”.

Determination
of land to be
resumed.

7. Section seventeen of the Principal Ordinance is amended by omitting sub-section (4.).

Resumption of
land
determined.

8.—(1.) Section eighteen of the Principal Ordinance is amended—

(a) by omitting sub-section (1.) and inserting in its stead the following sub-section:—

“(1.) Where—

(a) the Administrator gives, under the last preceding section, notice of a determination under that section and the lessee does not, within twenty-eight days after receipt of the notice, object to the determination;

- (b) the Administrator gives, under section twenty-five of this Ordinance, notice of his decision upon an objection to a determination under the last preceding section and the lessee does not, within twenty-eight days after receipt of the notice, request the Administrator to refer the decision to the Land and Valuation Review Tribunal for review; or
- (c) the lessee requests the Administrator under section twenty-five B of this Ordinance to refer his decision upon an objection to a determination under the last preceding section to the Tribunal for review and the review is finally determined,

the Minister may, by notice in the *Gazette*, resume from the lease or leases concerned the land specified in the determination or, if the determination is varied under this Ordinance, the land finally determined under this Ordinance to be the land to be resumed.”;

- (b) by inserting in sub-section (3.), after the word “unimproved”, the word “capital”; and
- (c) by inserting after sub-section (3.) the following sub-section:—

“(3A.) The Administrator shall give to the lessee notice, in writing, of a determination under the last preceding sub-section.”.

(2.) Section eighteen of the Principal Ordinance continues to apply, notwithstanding the amendments effected by the last preceding sub-section, in a case where notice of a determination under section seventeen of the Principal Ordinance had been given before the commencement of this Ordinance.

9. Section twenty of the Principal Ordinance is amended by adding at the end thereof the following sub-section:—

“(3.) Where the Administrator determines the rights to be granted to a lessee under the last preceding sub-section and the terms and conditions subject to which those rights are to be granted, he shall give notice in writing of the determination to the lessee.”.

Access and water rights as regards land not resumed.

Variations of
covenants upon
partial
surrender or
resumption.

10. Section twenty-one of the Principal Ordinance is amended—

- (a) by omitting sub-section (3.);
- (b) by omitting from sub-section (4.) the words “, and the Land Court, on appeal against the determination, may alter the date so fixed”; and
- (c) by adding at the end thereof the following sub-section:—

“(5.) The Administrator shall give to the lessee notice, in writing, of a determination under sub-section (2.) of this section.”

Compliance
with covenants
and conditions.

11.—(1.) Section twenty-four of the Principal Ordinance is amended—

- (a) by omitting from paragraph (b) of sub-section (3.) and from sub-section (4.) the words “by notice in the *Gazette*” and inserting in their stead the words “by notice in writing to the lessee”; and
- (b) by omitting sub-sections (5.) to (11.) (inclusive).

(2.) Section twenty-four of the Principal Ordinance continues to apply, notwithstanding the amendments effected by the last preceding sub-section, in a case where a notice had been given under sub-section (1.) of that section before the commencement of this Ordinance.

12.—(1.) Section twenty-five of the Principal Ordinance is repealed and the following sections are inserted in its stead:—

Objections.

“25.—(1.) A person to whom notice—

- (a) of a determination under section twelve, fifteen, seventeen, eighteen, twenty or twenty-one of this Ordinance;
- (b) of refusal to consent to the transfer of a lease under section fourteen of this Ordinance; or
- (c) of the forfeiture of a lease under section twenty-four of this Ordinance,

is given, may, within twenty-eight days after receipt of the notice, send by post to, or lodge with, the Administrator at his office an objection to the determination, refusal or forfeiture, specifying the grounds of objection.

“(2.) The Administrator shall, within twenty-eight days after receipt of an objection, consider the objection and may disallow it or allow it in whole or in part, and shall forthwith give to the objector notice of his decision upon the objection.

“ (3.) Where a determination made by the Administrator under section fifteen, sub-section (3.) of section eighteen or sub-section (2.) of section twenty of this Ordinance is varied upon an objection to it duly made under this section and the decision upon the objection is not referred to the Tribunal, the determination as so varied shall be taken to be the determination of the Administrator made under the section or sub-section as the case may be.

“ 25A.—(1.) An objector who is dissatisfied with—

Applications for review.

- (a) a decision of the Administrator upon an objection to a determination referred to in paragraph (a), or a refusal referred to in paragraph (b), of sub-section (1.) of the last preceding section; or
- (b) a decision of the Administrator to disallow an objection to the forfeiture of a lease under section twenty-four of this Ordinance, may, within twenty-eight days after receipt of the notice of the decision, by writing request the Administrator to refer the decision to the Land and Valuation Review Tribunal for review.

“ (2.) Upon receipt of the request, the Administrator shall forthwith refer the decision to the Tribunal.

“ (3.) Upon such a reference, the objector is limited to the grounds stated in the objection.

“ 25B.—(1.) Where the Tribunal reviews a decision of the Administrator upon an objection to a determination referred to in paragraph (a) of sub-section (1.) of section twenty-five of this Ordinance, it has all the powers and functions of the Administrator in making the determination.

Powers of Tribunal.

“ (2.) Where the Tribunal reviews a decision of the Administrator upon an objection to a refusal referred to in paragraph (b) of sub-section (1.) of section twenty-five of this Ordinance, it may confirm the refusal or consent to the transfer of lease to which the refusal relates, and a consent of the Tribunal so given shall, for the purposes of the *Crown Lands Ordinance 1931-1963*, be deemed to be the consent of the Administrator.

“ (3.) Where the Tribunal reviews a decision of the Administrator to disallow an objection to the forfeiture of a lease under section twenty-four of this Ordinance, it may confirm or annul the notice forfeiting the lease to which the decision relates.

“ (4.) Sections twenty-seven to twenty-nine (inclusive) of the *Valuation of Land Ordinance* 1963 apply to and in relation to a reference to the Tribunal under this Ordinance and the decision of the Tribunal upon that reference in like manner as they apply to and in relation to a reference to the Tribunal under that Ordinance and the decision of the Tribunal upon that last-mentioned reference.

“ (5.) For the purposes of section twenty-eight of the *Valuation of Land Ordinance* 1963 in its application to a reference to the Tribunal under this Ordinance—

- (a) in the case of a reference concerning a refusal of consent referred to in paragraph (b) of sub-section (1.) of section twenty-five of this Ordinance—the lessee, the proposed transferee and the Administrator; and
- (b) in the case of any other reference—the person requesting the reference and the Administrator, are parties to the reference.

“ (6.) Where a decision upon an objection to a determination made by the Administrator under section fifteen, sub-section (3.) of section eighteen or sub-section (2.) of section twenty of this Ordinance is duly referred under the last preceding section to the Tribunal for review and the determination is varied upon the review, the determination as so varied shall be taken to be the determination of the Administrator made under that section or sub-section, as the case may be.

“ 25c.—(1.) Where—

- (a) the Administrator gives a notice under section twenty-four of this Ordinance forfeiting a lease and the lessee does not, within twenty-eight days after receipt of the notice, object to the forfeiture of the lease;
- (b) the Administrator gives, under section twenty-five of this Ordinance, notice of his decision to disallow an objection to the forfeiture of a lease under section twenty-four of this Ordinance and the objector does not, within twenty-eight days after receipt of the notice, request the Administrator to refer the decision to the Tribunal for review; or
- (c) upon the review of a decision to disallow an objection to the forfeiture of a lease under section twenty-four of this Ordinance, the Tribunal confirms the notice forfeiting the lease,

the Administrator may cause notice of the forfeiture of the lease to be published in the *Gazette* and in the *Government Gazette* of the Northern Territory.

“(2.) The forfeiture of a lease under section twenty-four of this Ordinance is not effective until a notice of the forfeiture is published in the *Government Gazette* of the Northern Territory in pursuance of the last preceding sub-section.

“(3.) A notice published in the *Government Gazette* of the Northern Territory in pursuance of sub-section (1.) of this section—

- (a) has the same effect as a re-entry and recovery of possession by, or on behalf of, the Crown; and
- (b) is conclusive evidence that the lease to which the notice relates has been forfeited.

“(4.) The Administrator shall forward to the Registrar-General for the Northern Territory a copy of each notice of the forfeiture of a lease published in the *Government Gazette* of the Northern Territory in pursuance of sub-section (1.) of this section.

“(5.) The receipt of a copy of a notice of the forfeiture of a lease forwarded to him under the last preceding sub-section is sufficient proof of the forfeiture to the Registrar-General, and he shall, immediately upon receipt of the notice—

- (a) endorse on the Register kept by him a memorandum of the forfeiture; and
- (b) call in the copy of the lease for cancellation.

“25D. The validity of a determination referred to in paragraph (a) of sub-section (1.) of section twenty-five of this Ordinance is not affected by—

Validity of determinations of rent, &c.

- (a) a failure to give notice of the determination;
- (b) the lodging of an objection to the determination;
- (c) a failure to give notice of a decision upon an objection to the determination; or
- (d) a reference to the Tribunal of a decision upon an objection to the determination.

“25E.—(1.) When the Tribunal gives its decision upon a reference to it under this Ordinance it shall, at the same time, certify the amount which, in its opinion, would be a reasonable amount to be paid by the Administrator or by the other party to the reference, as the case may be, in respect of costs incurred by the reference to the Tribunal.

“(2.) An amount so certified is recoverable as a debt payable by the Administrator or the other party to the reference, as the case may be, in any court of competent jurisdiction.

Service of
notices.

“25F. A notice required by this Ordinance to be given by the Administrator to a person may be delivered personally to that person or sent by post to that person at his last-known place of residence or business.”.

(2.) Section twenty-five of the Principal Ordinance continues to apply, notwithstanding the repeal effected by the last preceding sub-section—

- (a) in a case where notice of a determination under section seventeen of the Principal Ordinance had been given before the commencement of this Ordinance; and
- (b) in a case where notice of the forfeiture of a lease under section twenty-four of the Principal Ordinance had been given before the commencement of this Ordinance.

Regulations.

13. Section twenty-eight of the Principal Ordinance is amended by omitting paragraph (f).
