

CROWN LANDS ORDINANCE 1965

No. 38 of 1965

An Ordinance to amend the *Crown Lands Ordinance* 1931-1964, and for other purposes

[Reserved 16th August, 1965.]

[Assented to 21st October, 1965.]*

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:—

Short title and citation.

1.—(1.) This Ordinance may be cited as the *Crown Lands Ordinance* 1965.

(2.) The *Crown Lands Ordinance* 1931-1964 is in this Ordinance referred to as the Principal Ordinance.

(3.) The Principal Ordinance, as amended by this Ordinance, may be cited as the *Crown Lands Ordinance* 1931-1965.

Commencement.

2. This Ordinance shall come into operation on a date to be fixed by the Administrator by notice in the *Gazette*.†

Notice as to experimental farms.

3. Section sixteen A of the Principal Ordinance is amended by inserting in paragraph (b) of sub-section (2.), after the words “in accordance with paragraph (f)”, the words “of sub-section (1.)”.

Surrender of lease and grant of new leases on sub-division

4. Section twenty-five c of the Principal Ordinance is amended by inserting in sub-section (1.), after the word “lease” (first occurring), the words “or a lease of town lands”.

Sub-divisions for leases under section 25cr.

5. Section twenty-five CA of the Principal Ordinance is amended—

(a) by omitting from sub-section (1.) the words “included in any town lands” and inserting in their stead the words “within any town site”; and

(b) by inserting after sub-section (3.) the following sub-section:—

“(4.) For the purposes of this section, ‘town site’ means the land in—

(i) a town as defined in the *Town Planning Ordinance* 1964-1965; or

* Assent notified in the *Government Gazette* of the Northern Territory on 27th October, 1965 (see *Gazette* No. 46, 1965, p. 177).

† The date fixed was 22nd December, 1965 (see *Government Gazette* No. 55 of 22nd December, 1965, p. 207).

- (ii) an area which, by virtue of regulations made under that Ordinance, is subject to the provisions of that Ordinance as if it were such a town.”.

6. Section twenty-five CB of the Principal Ordinance is amended—

Procedure on receipt of application for approval to sub-divide.

- (a) by omitting from sub-section (1.) the words “in accordance with the last preceding section”;
- (b) by omitting from paragraph (a) of sub-section (1.) the words “paragraphs (a), (b), (c) or (d) of the next succeeding sub-section;” and inserting in their stead the words “paragraphs (b), (c) or (d) of sub-section (2.) of this section;”;
- (c) by omitting from paragraph (b) of sub-section (1.) the words “the next succeeding sub-section” and inserting in their stead the words “sub-section (2.) of this section”;
- (d) by inserting after sub-section (1.) the following sub-sections:—

“ (1A.) The Administrator shall refer to the Board all applications except those which he rejects or returns to the applicant under the last preceding sub-section.

‘ (1B.) The Board shall consider each application so referred to it and shall advise the Administrator whether or not, in the opinion of the Board, the applicant’s plan is consistent with the principles for the time being governing the use of land in the town in which the land contained in the lease is situated and the town planning construction and development of that town.

“ (1C.) Where an application is not approved and the applicant requests the Administrator to refer the application to the Administrator’s Council, the Administrator shall refer the application accordingly and the question whether the application shall, subject to the consent of the Minister, be approved or rejected shall be decided by the Administrator in Council.”;

- (e) by omitting from sub-section (2.) the word “such”;

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

“ (3.) In this section—

‘ application ’ means an application under the last preceding section;

‘ the Board ’ means the Town Planning Board constituted by the *Town Planning Ordinance 1964-1965*.”.

New leases
after
sub-division.

7. Section twenty-five CF of the Principal Ordinance is amended by omitting sub-section (3.) and inserting in its stead the following sub-section:—

“ (3.) Subject to sub-section (5.) of this section, where a lease is surrendered under this section as to part of the land included in the lease, the lease continues in force in respect of the remaining part of the land included in the lease.”.

Definitions.

8. Section thirty-six A of the Principal Ordinance is amended by omitting from the definition of “ easement in gross ” the words “ of the Commonwealth ” and “ of the Crown or the Commonwealth ”.

Conversion of
agricultural
lease.

9. Section sixty-five C of the Principal Ordinance is amended by inserting in sub-section (5.), after the word “ offered ”, the words “ under sub-section (3.) of this section ”.

Conversion of
miscellaneous
leases.

10. Section seventy-four D of the Principal Ordinance is amended—

(a) by omitting from sub-section (1.) the definition of “ former lease ” and inserting in its stead the following definition:—

“ former lease ” means a lease which was granted as a miscellaneous lease before the twenty-ninth day of May, 1963, and which was in force on that date;

(b) by omitting from sub-section (4.) the words “ the last preceding sub-section ” and inserting in their stead the words “ sub-section (2.) of this section ”;

(c) by inserting in paragraph (b) of sub-section (4.), before the word “ offer ”, the words “ if he is satisfied that the former lessee has complied with the terms and conditions of, and has adequately developed the land comprised in, the former lease,”; and

(d) by inserting in sub-section (6.), after the word “ shall ”, the words “ when the offered lease is granted to him, forthwith ”.

11. Section seventy-eight of the Principal Ordinance is amended—

Procedure on receipt of applications.

- (a) by omitting from sub-section (1.) the words “in accordance with the last preceding section”;
- (b) by omitting from paragraph (a) of sub-section (1.) the words “paragraph (a) or (b)” and inserting in their stead the words “paragraph (b)”;
- (c) by inserting after sub-section (2.) the following sub-sections:—

“(2A.) The Administrator shall refer to the Board all applications except those which he rejects or returns to the applicant under sub-section (1.) of this section.

“(2B.) The Board shall consider each application so referred to it and shall advise the Administrator whether or not, in the opinion of the Board, the applicant’s plan is consistent with the principles for the time being governing the use of land in the town in which the land contained in the lease is situated and the town planning construction and development of that town.

“(2C.) Where an application is not approved and the applicant requests the Administrator to refer the application to the Administrator’s Council, the Administrator shall refer the application accordingly and the question whether the application shall, subject to the consent of the Minister, be approved or rejected shall be decided by the Administrator in Council.”; and

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

“(5.) In this section—

‘application’ means an application under the last preceding section;

‘the Board’ means the Town Planning Board constituted by the *Town Planning Ordinance 1964-1965*.”.

12. Section eighty-five of the Principal Ordinance is amended by omitting sub-section (3.) and inserting in its stead the following sub-section:—

New leases after sub-division.

“(3.) Where a town lands sub-division lease is surrendered under this section as to part of the land included in the lease, the lease continues in force in respect of the remaining part of the land included in the lease.”.

Control and
management
of reserved
land.

13 Section one hundred and three B of the Principal Ordinance is amended—

- (a) by omitting from sub-section (1.) the words “the last preceding section” and inserting in their stead the words “section one hundred and three of this Ordinance”; and
- (b) by omitting from sub-section (2.) the words “the last preceding section” and inserting in their stead the words “section one hundred and three of this Ordinance”.

Licences in
respect of
reserved land.

14. Section one hundred and nine A of the Principal Ordinance is amended—

- (a) by inserting after sub-section (1.) the following sub-sections:—

“ (1A.) The Administrator or a person authorized by him may grant to the holder of a mission lease, for a period not exceeding twelve months, a licence authorizing the use and occupation, for a purpose specified in sub-section (1c.) of this section, of land which has been reserved for the use and benefit of the aboriginal inhabitants of the Northern Territory.

“ (1B.) A licence shall not be granted under the last preceding sub-section except in respect of land adjoining the land included in the mission lease.

“ (1C.) A licence may be granted under sub-section (1A.) of this section for the purpose of the mission lease or any purpose ancillary to that purpose.”; and

- (b) by inserting after sub-section (3.) the following sub-section:—

“ (4.) For the purposes of this section, ‘mission lease’ means a lease which—

- (a) has been granted under the *Special Purposes Leases Ordinance 1953-1963* or the *Aboriginals Ordinance 1918-1953*;

- (b) is in force; and

- (c) contains a reservation in favour of the aboriginal inhabitants of the Northern Territory.”.

15 Notwithstanding section two of the *Crown Lands Ordinance (No. 3) 1963*, that Ordinance shall be deemed to have come into operation on the nineteenth day of March, One thousand nine hundred and sixty-four.

Commence-
ment of *Crown
Lands
Ordinance
(No. 3) 1963.*

16.—(1.) Section six of the *Crown Lands Ordinance 1964* is amended by inserting after the word “inserting” the words “, in *Division 5* of Part III,”.

Amendment of
the *Crown
Lands
Ordinance 1964.*

(2.) The amendment effected by the last preceding subsection shall be deemed to have come into operation on the date of commencement of the *Crown Lands Ordinance 1964*.
