

No. 50 of 1968

An Ordinance to amend the *Crown Lands Ordinance*
1931-1968

[Reserved 18 July, 1968]

[Assented to 15 August, 1968]*

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* 1910-1967, as follows:—

1.—(1.) This Ordinance may be cited as the *Crown Lands Ordinance* 1968. Short title
and citation

(2.) The *Crown Lands Ordinance* 1931-1967 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* 1931-1968.

2. Section 5 of the Principal Ordinance is amended— Definitions

- (a) by omitting the definition of “*Gazette*”;
- (b) by omitting the definition of “*Gazette* of the Northern Territory”; and
- (c) by inserting after the definition of “The Commission” the following definition:—
“‘the *Gazette*’ means the *Northern Territory Government Gazette*”.

3. Section 23A of the Principal Ordinance is amended— Variation of
purposes for
which land
leased

- (a) by omitting from paragraph (b) of sub-section (4.) the words “of the Northern Territory”;
- (b) by omitting from sub-section (6.) the words “of the Northern Territory”; and
- (c) by omitting from sub-section (10.) the words “of the Northern Territory”.

4. Section 67 of the Principal Ordinance is amended— Leases of town
lands to be
offered at
auction

- (a) by omitting from sub-section (6.) the words “and in the *Gazette* of the Northern Territory”; and
- (b) by omitting from sub-section (10.) the words “and in the *Gazette* of the Northern Territory”.

* Notified in *Northern Territory Government Gazette* dated 28 August, 1968.

Restricted
auctions

5. After section 67 of the Principal Ordinance, the following section is inserted:—

“67A.—(1.) The Administrator may, by order under his hand, direct that the right to bid at a specified auction for the rights to leases of specified parcels of land shall be restricted to persons included in a specified class of persons.

“(2.) In an order under the last preceding sub-section, the Administrator may direct that a person included in the specified class of persons shall not be entitled to obtain, at the auction specified in the order, the right to a lease of more than one of the parcels of land specified in the order.

“(3.) The Administrator may, by order under his hand, direct that a person shall not be entitled to obtain, at a specified auction, the rights to leases of more than a specified number of specified parcels of land.

“(4.) Where the Administrator makes an order under this section, in relation to an auction, he shall cause a copy of the order to be published in the *Gazette* not less than thirty days or more than ninety days prior to the date of the auction.

“(5.) At an auction in relation to which the Administrator has made an order under sub-section (1.) of this section that includes a direction as provided for by sub-section (2.) of this section—

- (a) a person who becomes the successful bidder for the right to a lease of one parcel of land specified in the order ceases to be eligible to make further bids at the auction;
- (b) a bid for the right to a lease of a parcel of land specified in the order made by a person other than a person included in the class of persons specified in the order is not an effective bid; and
- (c) a bid for the right to a lease of a parcel of land specified in the order made by a person included in that class of persons who has ceased to be eligible to make further bids at the auction is not an effective bid.

“(6.) At an auction in relation to which the Administrator has made an order under sub-section (3.) of this section—

- (a) a person who becomes the successful bidder for the rights to leases to the number, specified in the order, of the parcels of land specified in the order ceases to be eligible to make further bids at the auction; and
- (b) a bid made by a person who has ceased to be eligible to make further bids at the auction is not an effective bid.”.

Reduction of rent
and relief from
conditions in th
case of approved
associations
holding leases
of town lands

6. Section 68J of the Principal Ordinance is amended by omitting from sub-section (4.) the words “the *Government Gazette* of the Northern Territory” and inserting in their stead the words “the *Gazette*”.

7. After section 68J of the Principal Ordinance, the following sections are inserted:—

“68K.—(1.) This section applies to and in relation to the lease of a parcel of land specified in an order made by the Administrator under sub-section (1.) of section sixty-seven A of this Ordinance (being an order that includes a direction as provided for by sub-section (2.) of that section) granted to the successful bidder for the right to the lease at the auction specified in the order.

Restrictions
on transfer
&c. of certain
leases

“(2.) Except as provided by this section, a transaction entered into, without the consent of the Administrator, before the expiration of a period of five years after the date of commencement of a lease to which this section applies contravenes this section and has no effect either at law or in equity if, by virtue of the transaction a person—

- (a) takes a transfer or assignment of the lease;
 - (b) purchases the lease or an interest in the lease;
 - (c) takes an option for the purchase of the lease or an interest in the lease; or
 - (d) otherwise acquires the lease or an interest in the lease,
- from the successful bidder; or
- (e) acquires from the successful bidder, whether by virtue of a sub-lease or otherwise, the right to occupy the parcel of land held under the lease or a part of that parcel, for a period, whether with or without a right of occupation for a further period or further periods, or at will.

“(3.) Nothing in the last preceding sub-section prevents—

- (a) the acquisition of a lease on sale under a writ or warrant of execution issued out of a court;
- (b) the vesting in the personal representative of a deceased person, in his capacity as such, of a lease or an interest in a lease;
- (c) the vesting of a lease, or an interest in a lease, in a trustee of the estate of a deceased person, in a trustee in bankruptcy or in a new trustee under an instrument, in his capacity as trustee;
- (d) a transaction that is without consideration in money or money's worth and the purpose of which is to vest a lease, or an interest in a lease, in a person beneficially entitled to the lease or interest under or by virtue of a will or intestacy;
- (e) the acquisition of a lease sold by a trustee of the estate of a deceased person or by a trustee in bankruptcy;
- (f) the execution of a deed of assignment or of a deed of arrangement under Part X. of the *Bankruptcy Act* 1966;

(g) a transaction—

- (i) by way of discharge of a mortgage or sub-mortgage; or
- (ii) by way of transfer or assignment of a mortgage to a guarantor who, in pursuance of the terms of his guarantee, has repaid the whole or part of the moneys due under the mortgage;

(h) the acquisition of a lease sold by a mortgagee in exercise of a power of sale.

“(4.) Consent may be given to a transaction referred to in sub-section (2.) of this section if it is not reasonably practicable for the lessee of the parcel of land to which the transaction relates to occupy the parcel—

- (a) by reason of a change in the place at which he is carrying on business or is employed having occurred after he became the lessee of the parcel of land;
- (b) for a reason related to the health of the lessee or a member of his family or otherwise related to his family; or
- (c) by reason of some other event related to the lessee or his family having occurred after he became the lessee of the parcel of land.

“(5.) The last preceding sub-section shall not be taken—

- (a) to limit the classes of transactions to and in relation to which sub-section (2.) of this section applies; or
- (b) to limit the discretion of the Administrator to give or refuse consent to any transaction to or in relation to which sub-section (2.) of this section applies.

“(6.) The consent of the Administrator to a transaction may be given by the Administrator personally or by a person authorized by the Administrator to consent to transactions under this section.

“(7.) Where a person, other than the Administrator, refuses to consent to a transaction referred to in sub-section (2.) of this section, the applicant for the consent may request the Administrator to review that refusal.

“(8.) A request under the last preceding sub-section shall—

- (a) be in writing;
- (b) state the grounds for the request; and
- (c) be lodged with, or served by post on, the Administrator.

“(9.) The Administrator, after consideration of the grounds stated in the request, the application made for consent to the transaction and any information furnished in support of that application, and after making any further inquiries he thinks fit, may consent or refuse to consent to the transaction.

"68L. Where a transaction referred to in sub-section (2.) of the last preceding section has been entered into subject to the consent of the Administrator being obtained—

Prohibited
transactions

- (a) the transaction shall not be taken to contravene that section if the consent of the Administrator is, upon application made within three months after the date of the transaction, given to the transaction within six months after that date; and
- (b) the transaction does not have any effect unless the consent of the Administrator is given to the transaction or until that consent is given to the transaction."

8. Section 106E of the Principal Ordinance is amended—

Notice of
forfeiture of
leases

- (a) by omitting from sub-section (2.) the words "of the Northern Territory";
 - (b) by omitting from sub-section (3.) the words "of the Northern Territory"; and
 - (c) by omitting from sub-section (4.) the words "of the Northern Territory".
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