

CROWN LANDS ORDINANCE 1971

909

No. 36 of 1971

An Ordinance to amend the *Crown Lands Ordinance 1931-1970*

[Reserved 16 June, 1971]
[Assented to 22 July, 1971]*

BE it ordained by the Legislative Council for the Northern Territory of Australia as follows:—

1.—(1.) This Ordinance may be cited as the *Crown Lands Ordinance 1971*. Short title
and citation

(2.) The *Crown Lands Ordinance 1931-1970* 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 1931-1971*.

2. This Ordinance shall be deemed to have come into operation on the first day of July, 1971. Commencement

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

(a) by inserting, after the definition of “Improvements”, the following definition:—

“‘Lease grant charges’ means the charges payable under section nineteen A of this Ordinance;”

(b) by inserting, after the definition of “Minister”, the following definitions:—

“‘Municipality’ means a municipality constituted and in existence under the *Local Government Ordinance 1954* or that Ordinance as amended;

‘premium’ in relation to the granting of a lease under section 68G or section 68H of this Ordinance, means the difference between—

(a) the amount that, in the opinion of the Administrator, would be the amount payable by a successful

bidder under sub-section (8.) of section 67 of this Ordinance if the right to the lease were offered for sale at public auction under section 67 of this Ordinance; and

(b) the amount determined to be the reserve price under sub-section (1.) of section 68GA of this Ordinance;”;

(c) by inserting, after the definition of “Rental”, the following definitions:—

“Reserve price’, in relation to the right to a lease, means the minimum amount payable, whether in one sum or by instalments, for the right to the lease;

‘Right to a lease’, in relation to a parcel of land, means right, obtained in accordance with this Ordinance, to be granted a lease of that parcel of land under this Ordinance, the *Darwin Town Area Leases Ordinance 1947-1971* or the *Special Purposes Leases Ordinance 1953-1971*;”;

(d) by inserting, after the definition of “The Commission”, the following definition:—

“The Darwin Town Area’ means the land described in the Schedule to the *Darwin Lands Acquisition Act 1945*;”.

4. Section 14 of the Principal Ordinance is repealed and the following section inserted in its stead:—

“14.—(1.) Leases under this Ordinance shall be granted by the Minister in the name of the Queen.

“(2.) The following leases under this Ordinance shall be in perpetuity:—

(a) agricultural leases;

(b) leases of town lands, including leases of town lands for church purposes;

(c) miscellaneous leases.

“(3.) The following leases under this Ordinance shall be subject to re-appraisal of rent in accordance with this Ordinance:—

(a) pastoral leases;

(b) agricultural leases of lands not situated within the Darwin Town Area or a municipality;

(c) miscellaneous leases of lands not situated within the Darwin Town Area or a municipality;

Leases—how granted; which to be perpetual; which to be subject to rental re-appraisal

- (d) leases of town lands not situated within the Darwin Town Area or a municipality, but not including leases of town lands for church purposes;
- (e) leases under Part III A of this Ordinance.

“(4.) The provisions of the last two preceding sub-sections shall not be read as limiting the generality of—

- (a) sub-section (1.) of section ninety-two of this Ordinance;
- (b) section one hundred A of this Ordinance;
- (c) paragraph (k) or (l) of section one hundred B of this Ordinance; or
- (d) section one hundred and twelve of this Ordinance.”.

5. Section 16 of the Principal Ordinance is amended by inserting in sub-section (1.), after the word “thereof”, the words “the reserve price (if any) for the right to be granted the lease,”. Notice of land available for leasing

6. After section 18 of the Principal Ordinance the following sections are inserted:—

“19.—(1.) Subject to sections sixty-seven A, sixty-eight C and sixty-eight GA of this Ordinance, a person shall not obtain under this Ordinance the right to a lease included in any of the following classes of leases until he has paid to the Administrator the reserve price for the right to the lease:— Reserve price

- (a) leases of town lands under this Ordinance, but not including leases of town lands for church purposes;
- (b) miscellaneous leases under this Ordinance;
- (c) town lands sub-division leases under this Ordinance;
- (d) leases under the *Darwin Town Area Leases Ordinance 1947-1971*;
- (e) leases under the *Special Purposes Leases Ordinance 1953-1971* of lands situated within the Darwin Town Area or a municipality.

“(2.) The amount of the reserve price required under the last preceding sub-section to be paid for the right to a lease is—

- (a) where the land that is to be the subject of the lease is situated within the Darwin Town Area or a municipality—such amount as is determined by the Administrator; or
- (b) where the land that is to be subject of the lease is not situated within the Darwin Town Area or a municipality—One dollar.

“(3.) Nothing in this section relieves a person who offers or agrees, in a bid at a public auction or otherwise in accordance with this Ordinance, to pay an amount in addition to the reserve price in order to obtain the right to a lease, from the obligation to pay that additional amount before he obtains the right to the lease.”.

Lease grant charges

“19A. A person who has a right, obtained under this Ordinance, to—

- (a) a lease of town lands under this Ordinance;
- (b) a miscellaneous lease under this Ordinance;
- (c) a town lands subdivision lease under this Ordinance;
- or
- (d) a lease under the *Special Purposes Leases Ordinance 1953-1971*,

shall, if the land that is to be subject to the lease is land that is not situated within the Darwin Town Area or a municipality, pay to the Administrator as lease grant charges before the lease is granted—

- (e) the first year's rental under the lease;
- (f) the survey fee fixed by the Administrator for surveying the land; and
- (g) the fee (if any) prescribed for the preparation and registration of the lease.”.

Surrender of lease and grant of new leases on subdivision

7. Section 25c of the Principal Ordinance is amended—

- (a) by omitting paragraph (b) of sub-section (4.) and inserting in its stead the following paragraph:—
 - “(b) in respect of each of the portions into which the land is to be subdivided—
 - (i) the reserve price (if any) for the right to a lease of the portion;
 - (ii) the lease grant charges (if any) for a lease of the portion; and
 - (iii) in the case of a pastoral lease—the fees and deposits to be paid by the lessee in respect of the grants of leases for the subdivided portions of the land.”; and
- (b) by omitting paragraph (c) of sub-section (5.) and inserting in its stead the following paragraph:—
 - “(c) if he has paid the reserve prices, lease grant charges, fees and deposits specified in the notification,”.

8. Section 25CC of the Principal Ordinance is amended by omitting paragraph (b) and inserting in its stead the following paragraph:—

Applicant to be notified of Administrator's decision, &c.

“(b) in respect of each of the lots into which the land is to be subdivided—

- (i) the reserve price for the right to a lease of the lot; and
- (ii) the lease grant charges (if any) for a lease of the lot.”.

9. Section 25CD of the Principal Ordinance is amended—

Applicant to submit detailed proposals for subdivision

(a) by omitting from sub-paragraph (ii) of paragraph (a) of sub-section (2.) the words “the Director of Works” and inserting in their stead the words “the appropriate authority”; and

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

“(3.) for the purposes of the last preceding sub-section ‘the appropriate authority’ means—

- (a) in the case of land within a municipality—the council for the municipality; or
- (b) in any other case—the Director of Works.”.

10. Section 25CF of the Principal Ordinance is amended by omitting from sub-section (1.) the words “on payment of all fees and deposits payable in respect of the new lease” and inserting in their stead the words “if he has paid the reserve price and lease grant charges specified in respect of each such lot in the notification mentioned in section twenty-five CC of this Ordinance.”.

New leases after subdivision

11. After section 25CF of the Principal Ordinance the following section is inserted:—

“25CFA—(1.) Where, within the time referred to in paragraph (c) of section twenty-five CC of this Ordinance, the subdivision of all the land subject to the lease, including the construction of roads and drainage, has not been completed to the satisfaction of the Administrator in accordance with the approved proposals, the lessee shall, if the Administrator has supplied, or supplies, a water service or water and sewerage services for all the parcels of land into which the land subject to the lease is to be subdivided, pay interest at the rate of Eight per centum per annum to the Commonwealth in accordance with sub-section (2.) of this section.

Interest to be paid where subdivision not completed within approved time for subdividing

“(2.) The amount on which the interest shall be calculated is the amount determined by the Administrator to be the cost to the Commonwealth of supplying that water service or those

water and sewerage services and the interest shall be calculated monthly and payable quarterly from the day after the date on which—

- (a) the time referred to in paragraph (c) of section twenty-five CC of this Ordinance expires; or
- (b) the Administrator has supplied that water service or those water and sewerage services,

whichever is the later, until the day on which the subdivision of all of the land subject to the lease is completed to the satisfaction of the Administrator in accordance with the proposals.”.

Surrender of
leases and
grant of
consolidated
lease

12. Section 25D of the Principal Ordinance is amended—

- (a) by omitting paragraph (b) of sub-section (4.) and inserting in its stead the following paragraph:—
“(b) the reserve price (if any) for the right to the new lease and the lease grant charges (if any) for the new lease or, in the case of an application for a new pastoral lease, the fees and deposit payable in respect of the grant of the new lease.”; and
- (b) by omitting paragraph (c) of sub-section (5.) and inserting in its stead the following paragraph:—
“(c) if he has paid the reserve price, lease grant charges, fees and deposits specified in the notification,”.

Re-appraisalment
of rent, &c.

13. Section 32 of the Principal Ordinance is amended—

- (a) by omitting sub-section (1.) and inserting in its stead the following sub-section:—
“(1.) A lease of a kind specified in sub-section (3.) of section fourteen of this Ordinance is subject to re-appraisalment by the Administrator—
(a) if the lease is an agricultural lease, pastoral lease, miscellaneous lease or lease under Part III A of this Ordinance—every ten years; or
(b) if the lease is a lease of town lands, not being a lease of town lands for church purposes—every fourteen years.”; and
- (b) by adding at the end thereof the following sub-section:—
“(6.) None of the preceding provisions of this section applies to or in relation to a lease of a kind not specified in sub-section (3.) of section fourteen of this Ordinance.”.

14. After section 32 of the Principal Ordinance the following sections are inserted:—

“33.—(1.) This section applies to and in relation to the following leases under this Ordinance:—

Rent under
certain leases
where subject
land is within
municipality &c.

- (a) agricultural leases;
- (b) miscellaneous leases;
- (c) leases of town lands;
- (d) town lands subdivision leases.

“(2.) If the land subject to a lease to which this section applies is land situated within the Darwin Town Area or a municipality, the annual rent payable in respect of the leased land is Ten cents if and when demanded by the Minister.

“(3.) Where a change occurs in the status of the land subject to such a lease, so that land not situated within a municipality becomes land situated within a municipality, or land situated within a municipality becomes land not situated within a municipality, then the lessee shall be entitled to a refund of rent overpaid, or shall pay rent, as the case requires, in respect of the period from the date of the change to the end of the then current annual rental period, the amount of the refund or the rent being calculated as if the rent in respect of the first mentioned period were payable on a day to day basis.

“(4.) Subject to sub-section (5.) of this section—

- (a) a provision in such a lease determining the rent payable under the lease;
- (b) a covenant in such a lease by the lessee to pay rent or to pay additional rent under the lease; or
- (c) a covenant in such a lease by the lessee or any mutual covenant by the lessee and the Commonwealth providing for the determination of the lease in the event of the rent payable under the lease remaining unpaid for any period,

shall cease to have any force or effect during such period commencing on or after the date of commencement of the *Crown Lands Ordinance 1971* as the land subject to the lease is land situated within the Darwin Town Area or a municipality.

“(5.) Nothing in this section prevents the enforcement of any covenant by a lessee to pay rent or additional rent where any amount of rent payable under his lease in respect of a period during which the land subject to the lease was not situated within the Darwin Town Area or a municipality remains unpaid for such period as is specified in the lease.

“(6.) The provisions of sections fourteen, fifteen and thirty-two of this Ordinance that relate to rental payable in respect of a lease are subject to the provisions of this section.

Rent under lease of town lands or miscellaneous lease where subject land is not within municipality, &c.

“33A.—(1.) Subject to this Ordinance, the annual rent payable in respect of land leased under a lease of town lands or a miscellaneous lease is Five per centum of the unimproved capital value of the land as determined from time to time if—

- (a) the lease is a lease of town lands and the land is not situated within a municipality; or
- (b) the lease is a miscellaneous lease and the land is not situated within the Darwin Town Area or a municipality.

“(2.) Nothing in this section prevents the enforcement of any covenant by the lessee of a lease of town lands or a miscellaneous lease to pay additional rent where any amount of rent payable under the lease remains unpaid for such period as is specified in the lease.”

Conversion of agricultural leases

15. Section 65c of the Principal Ordinance is amended—

(a) by omitting paragraph (b) of sub-section (3.) and inserting in its stead the following paragraph:—

“(b) offer to the lessee of the agricultural lease, in exchange for it, an appropriate lease or appropriate leases that the Minister is prepared to grant on the surrender of the agricultural lease, and inform the lessee of the agricultural lease of—

- (i) the reserve price or prices for the right to the appropriate lease or the appropriate leases;
- (ii) the lease grant charges (if any) for the appropriate lease or the appropriate leases; and
- (iii) the terms and conditions to be contained in the appropriate lease or appropriate leases.”; and

(b) by omitting sub-section (6.) and inserting in its stead the following sub-sections:—

“(6.) A lessee of an agricultural lease to whom an offer has been made under sub-section (3.) of this section may, within thirty days after the date of the offer, accept the offer and, if he does so and, within that period—

- (a) surrenders his lease; and
- (b) pays to the Administrator the reserve price or prices mentioned in paragraph (b) of sub-section (3.) of this section,

he shall have the right to be granted the appropriate lease or appropriate leases to which the offer relates.

“(7.) A lessee of an agricultural lease who has such a right shall, if he has paid the lease grant charges (if any) for the appropriate lease or appropriate leases, be granted the lease or leases to which the right relates”.

16. Section 67 of the Principal Ordinance is amended by omitting sub-sections (1.) to (8.), inclusive, and inserting in their stead the following sub-sections:—

Auctions of
rights to leases
of town lands

“(1.) The right to a lease of town lands, except where otherwise provided in this Ordinance, shall, in the first instance, be offered for sale at public auction.

“(2.) The Administrator may offer at public auction the right to a lease of any unleased town lands.

“(3.) Bidding at the auction shall be by capital sum representing the value placed by the bidder on the right to be granted a lease of the town lands.

“(4.) The Administrator shall determine the reserve price of each right to a lease of town lands that is to be offered at the auction.

“(5.) The Administrator shall cause notice of the auction to be published in the *Gazette* not less than thirty days or more than ninety days prior to the date of the auction and shall specify in the notice—

- (a) the date, time and place of the auction;
- (b) the situation and description of each parcel of land the right to a lease of which is to be offered at the auction;
- (c) the purpose for which each parcel of land may be used;
- (d) in respect of each parcel of land, the term of the lease;
- (e) in respect of each parcel of land situated within a municipality, that the annual rent payable will be Ten cents, if and when demanded by the Minister;
- (f) in respect of each parcel of land not situated within a municipality—
 - (i) the unimproved capital value of the parcel, being the unimproved capital value as determined by the Valuer-General;
 - (ii) that the annual rent payable will be Five per centum of the unimproved capital value of the parcel as determined from time to time; and

- (iii) that the successful bidder will be required to pay rent in advance in respect of a period specified in the notice, being a period of not less than one year;
- (g) in respect of any improvements on any parcel of land—
 - (i) a description of them;
 - (ii) the amount, being their value as determined by the Administrator, payable for them; and
 - (iii) the period within which, and the terms, including interest, upon which, the successful bidder will be required to pay for them; and
- (h) in respect of each parcel of land to be offered, the reserve price for the right to a lease.

“(6.) Where such a notice specifies a parcel of land as land the right to a lease of which is to be offered at an auction, the Administrator may, at any time before the right to a lease of that parcel of land is offered at that auction, direct that it shall not be offered at that auction; and, if he does so, that right shall not be offered at that auction.

“(7.) If the right offered at the auction is the right to the lease of a parcel of land not situated within a municipality, the successful bidder shall at the time of the auction pay to the Administrator the survey fee fixed by the Administrator for surveying the parcel of land.

“(8.) The successful bidder shall, at the time of the auction, pay to the Administrator the amount of the bid that made him the successful bidder.”.

Restricted
auctions

17. Section 67A of the Principal Ordinance is amended by inserting, after sub-section (2.), the following sub-section:—

“(2A.) In an order under sub-section (1.) of this section that includes a direction under sub-section (2.) of this section, the Administrator may further direct that—

- (a) bidding for each right to a lease shall commence at one-fourth of the reserve price for that right; and
- (b) the person who makes the highest bid for the right to a lease, being a bid less than the reserve price but equal to or greater than one-fourth of the reserve price, shall become the successful bidder if—
 - (i) he is otherwise qualified under this section to make an effective bid for the right to that lease; and

- (ii) he agrees in writing to pay, within the time specified in the further direction, and either in cash or by such instalments as are so specified, the amount by which the reserve price exceeds his highest bid, together with interest at the rate so specified on so much of that amount as remains unpaid from time to time.”.

18. Section 68 of the Principal Ordinance is amended—

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

“(1.) If the right to a lease of town lands has been offered for sale by public auction and has not been sold, the right to the lease may be allotted by the Administrator to any person who has applied for it, upon payment by that person of the reserve price for the right to the lease.”;

- (b) by omitting from sub-section (2.) the words “a lease” and inserting in their stead the words “the right to a lease”; and

- (c) by omitting from sub-section (3.) the words “the lease” (second occurring) and inserting in their stead the words “the right to the lease”.

Right to lease of town lands may be allotted if not sold at auction

19. Section 68A of the Principal Ordinance is repealed and the following section inserted in its stead:—

“68A.—(1.) Subject to this section, the Minister may grant a lease of town lands to a person who is a member or ex-member of the Armed Forces.

Grant of lease to member or ex-member of Armed Forces

“(2.) A lease may be granted under this section notwithstanding that the right to the lease has not been offered by auction and that the land has not been made available for leasing under section sixteen of this Ordinance.

“(3.) A person is not eligible to receive under this section—

- (a) a grant of a lease of more than one parcel of land;
or

- (b) a grant of a lease if he is already—

- (i) a lessee of a lease of town lands under this Ordinance; or
(ii) a lessee under the *Darwin Town Area Leases Ordinance* 1947 or that Ordinance as amended.

“(4.) Land leased under this section shall not be used for any other purpose than the purpose specified in the lease.”.

Grant of leases to approved persons

20 Section 68E of the Principal Ordinance is amended by omitting from sub-section (1.) the word "block", whenever occurring, and inserting in its stead the word "parcel".

Grant of leases for industrial purposes

21. Section 68G of the Principal Ordinance is amended—

(a) by omitting from sub-paragraph (v) of paragraph (c) of sub-section (5.) the words "Twenty-five thousand pounds" and inserting in their stead the words "Fifty thousand dollars"; and

(b) by omitting from sub-section (9.) the definition of "premium".

22. After section 68G of the Principal Ordinance the following section is inserted:—

Reserve prices to be paid for rights to certain leases

"68GA.—(1.) Before a lease is granted under section sixty-eight A, sixty-eight B, sixty-eight D, sixty-eight E, sixty-eight F, sixty-eight G or sixty-eight H of this Ordinance, the Administrator shall determine an amount to be the reserve price for the right to the lease.

"(2.) The Administrator may recommend that the Minister grant a lease under section sixty-eight A, sixty-eight B, sixty-eight D, sixty-eight E or sixty-eight H of this Ordinance without payment of any amount for the right to the lease, or after payment of such amount for that right (being an amount less than the reserve price) as the Administrator specifies in his recommendation.

"(3.) The Minister shall consider the recommendation and shall then determine the amount (if any) to be paid by the applicant for the right to the lease and inform the Administrator accordingly.

"(4.) The Administrator shall inform the applicant of the Minister's determination, and on payment by the applicant of the amount (if any) so determined the applicant shall have a right to the lease.

"(5.) The Administrator may inform an applicant for a lease of a parcel of town lands within a municipality under section sixty-eight A, sixty-eight B, sixty-eight D or sixty-eight E of this Ordinance that the applicant may obtain the right to the lease if—

(a) he pays an amount not less than one-fourth of the reserve price; and

(b) he agrees in writing to pay, within such time as the Administrator specifies, and either by cash or by such instalments as the Administrator specifies, the amount by which the reserve price exceeds the amount mentioned in paragraph (a)

of this sub-section, together with interest, at such rate as the Administrator specifies, on so much of the amount as remains unpaid from time to time;

and, if the Administrator does so inform the applicant and the applicant complies with those conditions, the applicant shall have the right to the lease.

“(6.) Subject to sub-sections (4.) and (5.) of this section, an applicant for a lease under section sixty-eight A, sixty-eight B, sixty-eight D, sixty-eight E, sixty-eight F, sixty-eight G or sixty-eight H of this Ordinance shall not obtain the right to the lease until he has paid the reserve price.

“(7.) Where an application for a lease has been made and the lease, if granted, is to be granted under section sixty-eight H of this Ordinance, the Administrator may, if he thinks fit, determine an amount to be the premium for the lease; and, if he does so, the applicant shall not obtain the right to the lease until the applicant has paid the premium in addition to the reserve price.

“(8.) This section does not affect the operation of sub-section (8.) of section sixty-eight G of this Ordinance.”

23. After section 68H of the Principal Ordinance the following sections are inserted:—

“68HA. Where a lease of town lands is granted before the person to whom it is granted has paid all the amount of the reserve price (if any) for the right to the lease, the lease instrument shall contain a covenant under which the lessee covenants to pay the part of the amount that is unpaid as at the date on which the lease is granted, together with interest thereon, in accordance with the written agreement under which he has undertaken to do so.”

Security for part of reserve price, &c., unpaid when lease granted

“68HB.—(1.) Where, under this Ordinance, a person has obtained the right to a lease of town lands by paying a portion of the amount of the reserve price and agreeing in writing to pay the remainder of the reserve price within such time as the Administrator has approved, either in cash or by such instalments as the Administrator has approved, the lease is not capable of being transferred or assigned either at law or in equity until the full amount of the reserve price has been paid.

Restriction on transfer, &c., of lease where reserve price not paid in full

“(2.) The last preceding sub-section does not apply so as to prevent a transfer or assignment of a lease or of an interest in a lease—

- (a) by operation of law or by will;
- (b) by way of mortgage; or

(c) by a mortgagee in pursuance of a power of sale as mortgagee.”.

24. Section 72 of the Principal Ordinance is repealed and the following section inserted in its stead:—

Right to miscellaneous lease to be offered at auction

“72.—(1.) The right to a miscellaneous lease, except where otherwise provided in this Ordinance, shall, in the first instance, be offered for sale at public auction.

“(2.) The Administrator shall require the Valuer-General to determine the unimproved capital value of each parcel of land the right to a lease of which is to be offered at auction under this section.

“(3.) Sub-sections (3.) to (17.) inclusive of section sixty-seven of this Ordinance apply to and in relation to each such parcel of land and each right to a lease offered or to be offered at auction under this section as if, in those sub-sections—

- (a) a reference to the right to a lease of town lands were a reference to the right to a miscellaneous lease; and
- (b) a reference to land situated or not situated (as the case may be) within a municipality were a reference to land situated or not situated (as the case requires) within the Darwin Town Area or a municipality.”.

Power to invite applications for miscellaneous leases

25. Section 73 of the Principal Ordinance is amended—

(a) by omitting sub-sections (1.) and (2.) and inserting in their stead the following sub-section:—

“(1.) Subject to this section, the Administrator may, by notice in the *Gazette*, in a newspaper published in Darwin and in a newspaper published in Alice Springs, invite applications for the right to a miscellaneous lease of any parcel of unleased land and shall specify in the notice—

- (a) the date on which the applications close;
- (b) the situation and description of the land offered for lease;
- (c) the purposes for which the land may be used;
- (d) the term of the lease;
- (e) in respect of each parcel of land situated within the Darwin Town Area or a municipality, that the annual rent payable will be Ten cents, if and when demanded by the Minister;

(f) in respect of each parcel of land not situated within the Darwin Town Area or a municipality—

- (i) the unimproved capital value of the parcel;
- (ii) that the annual rent payable will be Five per centum of the unimproved capital value of the parcel as determined from time to time; and
- (iii) that the successful applicant will be required to pay rent in advance in respect of a period specified in the notice, being a period of not less than one year;

(g) in respect of any improvements on the land—

- (i) a description of them;
- (ii) the amount payable for them; and
- (iii) the period within which, and the terms, including interest, upon which, the successful applicant will be required to pay for them; and

(h) in respect of each parcel, the reserve price for the right to a lease.”; and

(b) by inserting in sub-section (7B.), after the word “person” (first occurring) the words “and upon payment by that person of the reserve price and lease grant charges (if any),”.

26. Section 74 of the Principal Ordinance is amended—

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

“(1.) If the right to a miscellaneous lease has been offered for sale by public auction and has not been sold, the right to the lease may be allotted by the Administrator to any person who has applied for it, upon payment by that person of the reserve price for the right to the lease.”.

(b) by omitting from sub-section (2.) the words “a lease” and inserting in their stead the words “the right to a lease”; and

(c) by omitting from sub-section (3.) the words “the lease” (second occurring) and inserting in their stead the words “the right to the lease”.

Right to
miscellaneous
lease may be
allotted if not
sold at auction

Repeal of
section 74B

Administrator
may invite
applications
for town lands
subdivision lease

27. Section 74B of the Principal Ordinance is repealed.

28. Section 76 of the Principal Ordinance is amended—

(a) by omitting from sub-section (1.) the words “a town lands subdivision lease” and inserting in their stead the words “the right to a town lands subdivision lease”; and

(b) by omitting sub-section (2.) and inserting in its stead the following sub-section:—

“(2.) The notice shall specify—

(a) the date on which the applications close;

(b) the situation and description of the town lands to be included in the town lands subdivision lease;

(c) if the town lands are situated within the Darwin Town Area or a municipality—the reserve price for the right to the town lands subdivision lease and the Administrator’s estimate of the total amount of the reserve prices for all the rights to leases of the allotments into which, in the opinion of the Administrator, the town lands will be subdivided; or

(d) if the town lands are not situated within the Darwin Town Area or a municipality—the reserve price for the right to the town lands subdivision lease, the rent that will be payable under that lease and the lease grant charges that will be payable in respect of the grant of that lease.”.

Applicant to be
notified of
Administrator’s
decision, &c.

29. Section 79 of the Principal Ordinance is amended—

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

“(b) in respect of each lot to be included in a new lease—

(i) the reserve price for the right to a lease of the lot; and

(ii) the lease grant charges (if any) for a lease of the lot.”;

(b) by omitting paragraph (b) of sub-section (4.) and inserting in its stead the following paragraph:—

“(b) the reserve prices and lease grant

charges specified in the notification shall be payable by him in respect of the new leases,";

(c) by omitting from sub-section (4.) the words "and shall be granted" and inserting in their stead the words "and shall have the right to be granted"; and

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

"(5.) An applicant who has such a right shall, if he has paid the lease grant charges (if any) for the town lands subdivision lease, be granted the lease to which the right relates."

30. Section 85 of the Principal Ordinance is amended by omitting from sub-section (1.) the words "on payment of all fees and deposits" and inserting in their stead the words "on payment of the reserve price and lease grant charges (if any).".

New leases
after subdivision

31. Section 86 of the Principal Ordinance is amended by adding at the end thereof the following sub-sections:—

Extension of
term of town
lands subdivision
lease

"(2.) If the term of the lease is extended under the last preceding sub-section and the Administrator has supplied or supplies a water service or water and sewerage services to all the allotments into which the subject land is to be subdivided, the lessee shall pay interest at Eight per centum per annum to the Commonwealth in accordance with sub-section (3.) of this section.

"(3.) The amount on which the interest shall be calculated is the total of all the reserve prices specified by the Administrator in relation to the subdivision under sub-section (1.) of section seventy-nine of this Ordinance less the total of all the reserve prices so specified that relate to allotments in respect of which the lessee under the town lands subdivision lease has obtained a new lease or the right to a new lease and the interest shall be calculated monthly and payable quarterly from the date on which—

(a) the term of the lease expired; or

(b) the Administrator supplies that water service or those water and sewerage services.

whichever is the later, until the day on which the work of subdivision is completed or the period for which the term of the lease is extended expires, whichever is the earlier."

