

CROWN LANDS ORDINANCE (No. 2) 1962.

No. 22 of 1963.

An Ordinance to amend the *Crown Lands Ordinance* 1931-1961 as amended by the *Crown Lands Ordinance* 1962.

[Reserved 4th January, 1963.]

[Assented to 28th February, 1963.]*

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* 1910-1961, as follows:—

Short title
and citation.

1.—(1.) This Ordinance may be cited as the *Crown Lands Ordinance (No. 2)* 1962.

(2.) The *Crown Lands Ordinance* 1931-1961, as amended by the *Crown Lands Ordinance* 1962, is in this Ordinance referred to as the Principal Ordinance.

(3.) Section one of the *Crown Lands Ordinance* 1962 is amended by omitting sub-section (3.).

(4.) The Principal Ordinance, as amended by this Ordinance, may be cited as the *Crown Lands Ordinance* 1931-1962.

Commence-
ment.

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

Parts.

3. Section four of the Principal Ordinance is amended by omitting the words and figures—

“Division 5.—Miscellaneous Leases (Sections 69-74A).” and inserting in their stead the words and figures—

“Division 5.—Miscellaneous Leases (Sections 69-74c).”

Division 6.—Town Lands Subdivision Leases (Sections 75-90).”.

Leases to be
in perpetuity.

4. Section fourteen of the Principal Ordinance is amended by omitting the words “(except as regards pastoral and miscellaneous leases and leases under section six A of this Ordinance)” and inserting in their stead the words “(except as regards pastoral leases, leases under section six A of this Ordinance and town lands subdivision leases) ”.

Assent notified in the *Government Gazette* of the Northern Territory on 20th March, 1963 (see *Gazette* No. 12, 1963, p. 58).

† The date fixed was 29th May, 1963 (see *Gazette* No. 22 of 29th May, 1963, p. 112).

5 Section twenty-three of the Principal Ordinance is amended by omitting the words “ (other than miscellaneous leases) ”.

General conditions of leases.

6. Section twenty-three A of the Principal Ordinance is amended by omitting paragraph (c) of sub-section (2.) and inserting in its stead the following paragraph:—

Variation of purposes for which land leased.

“ (c) permitting land included in a miscellaneous lease to be used except as a market garden, plantation, orchard, vineyard, poultry farm, piggery or the like.”

7. After section twenty-five c of the Principal Ordinance the following sections are inserted:—

“ 25CA.—(1.) Subject to sub-section (3.) of this section, where land that is included in any town lands is subject to an agricultural lease or lease of town lands granted in pursuance of this Ordinance or any Ordinance previously in force in the Northern Territory or North Australia or Central Australia or is subject to a miscellaneous lease granted after the commencement of the *Crown Lands Ordinance* 1962, the lessee of that land may apply to the Administrator for approval to subdivide it in order to obtain the grant of a lease under section twenty-five CF of this Ordinance.

Subdivisions for leases under section 25Cr.

“ (2.) An application under the last preceding sub-section—

- (a) shall be in writing;
- (b) shall be signed by the applicant;
- (c) shall be accompanied by a plan showing the manner in which it is proposed to subdivide the land; and
- (d) shall be accompanied by evidence that the applicant is able to provide the financial and other resources necessary for carrying out the work involved in subdividing the land in accordance with the plan.

“ (3.) Sub-section (1.) of this section does not apply to or in relation to any land included in the land described in the Schedule to the *Darwin Lands Acquisition Act* 1945.

“ 25CB.—(1.) On receiving an application in accordance with the last preceding section, the Administrator may—

Procedure on receipt of application for approval to subdivide.

- (a) reject it, if he is not satisfied as to a matter specified in paragraphs (a), (b), (c) or (d) of the next succeeding sub-section;

- (b) return it to the applicant with suggestions for amending the plan accompanying the application, if he is not satisfied as to a matter specified in paragraph (a) or (b) of the next succeeding sub-section or is of the opinion that the plan can be improved; or
- (c) subject to this section, and with the consent of the Minister, approve it or reject it.

“(2.) The Administrator shall not approve such an application unless he is satisfied—

- (a) that 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;
- (b) that undue expense will not be involved in providing electricity and (where applicable) water and sewerage mains to the subdivision;
- (c) that the applicant is able to provide the financial and other resources necessary for carrying out the work involved in subdividing the land in accordance with the plan; and
- (d) that the lease is not liable to be forfeited for non-compliance with the conditions of the lease.

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

“25cc. The Administrator shall notify the applicant of his decision in writing and, if the Administrator has approved the application, the Administrator shall specify in the notification—

- (a) the reservations, covenants, conditions and provisions that the Minister directs to be included in each new lease granted to the applicant in accordance with section twenty-five CF of this Ordinance;
- (b) the fees and deposits to be paid by the lessee in respect of the grant of each such new lease; and
- (c) the time within which the work of subdividing the land proposed to be subdivided shall be carried out.

Applicant to submit detailed proposals for subdivision.

“25cd.—(1.) Where an application under section twenty-five CA of this Ordinance is approved the applicant may, not later than six months after the date on which the Administrator notifies him in accordance with the last preceding section that his application is approved or such later date as, on good cause

being shown, the Administrator approves by written notice to the applicant, submit in writing to the Administrator—

(a) proposals, in accordance with the approved plan relating to the land to be subdivided—

- (i) for the making of subdivisional surveys;
- (ii) for the construction of roads; and
- (iii) for the construction of drainage works, in respect of that land; and

(b) evidence that he is able to provide the financial and other resources necessary for carrying out the work of subdividing the land in accordance with the proposals.

“(2.) On receiving such proposals, the Administrator may—

(a) by notice in writing to the applicant, reject them if he is not satisfied—

- (i) that the proposals are in accordance with the approved plan;
- (ii) that the specifications for the construction of roads or drainage works are, in the opinion of the Director of Works, of proper standards; or
- (iii) that the applicant has the financial and other resources referred to in paragraph (b) of the last preceding subsection;

(b) return them to the applicant, with suggestions for amending them, if he is not satisfied as to a matter specified in sub-paragraph (i), (ii) or (iii) of the last preceding paragraph or is of the opinion that the proposals can be improved; or

(c) with the consent of the Minister, by notice in writing to the applicant, approve them or reject them.

“25CE.—(1.) Where the Administrator rejects such proposals because he is not satisfied as to a matter specified in sub-paragraph (i), (ii) or (iii) of paragraph (a) of sub-section (2.) of the last preceding section, the applicant may, not later than six months after the date of the rejection, submit further proposals to the Administrator.

Time for
submitting
further
proposals, &c.

“(2.) The Administrator may deal with such further proposals as if they were proposals submitted under the last preceding section, but the last preceding sub-section does not apply in relation to such further proposals.

“ (3.) Where the applicant—

- (a) amends proposals returned under paragraph (b) of sub-section (2.) of the last preceding section and submits them in their amended form within six months after the date on which they are so returned to him; or
 - (b) submits further proposals under sub-section (1.) of this section within six months after the date on which he is notified of the rejection of proposals submitted under the last preceding section,
- the amended proposals or further proposals shall be deemed to have been submitted within the time limited for submitting proposals.

New leases
after
subdivision.

“ 25CF.—(1.) Where—

- (a) within the time referred to in paragraph (c) of section twenty-five CC of this Ordinance, and specified in a notification given under that section or within such further time (if any) as the Administrator permits, the subdivision of any part of the land included in the lease has, to the satisfaction of the Administrator, been completed in accordance with the approved proposals, included the construction of roads and drainage; and
 - (b) all rent due under the lease has been paid,
- the lessee may surrender the lease as to that part of the land and shall be granted a new lease in respect of each lot included in that part of the land on payment of all fees and deposits payable in respect of the new lease.

“ (2.) The new lease shall be a lease of town lands under this Ordinance and shall be granted without first having been offered for sale at public auction.

“ (3.) Where a lease is surrendered under this section as to part of the land included in the lease—

- (a) subject to sub-section (5.) of this section, the lease continues in force in respect of the remaining part of the land included in the lease; and
- (b) the surrender has effect from and including the date of commencement of the last new lease granted under this section in respect of all or portion of the part of the land as to which the lease is surrendered.

“ (4.) A new lease granted under this section—

(a) shall preserve the lessee's rights (if any) in respect of improvements on any land included in the new lease; and

(b) shall, in addition to the matters provided for elsewhere in this Ordinance, contain the reservations, covenants, conditions and provisions that are specified in the notification given under section twenty-five CC of this Ordinance.

“ (5.) Where an application to subdivide land is approved by the Administrator, the existing covenants of the lease to which the land is subject that are inconsistent with approved proposals to subdivide the land are suspended until the expiry of the time within which the work of subdividing the land is required to be carried out or such extension (if any) of that time as the Administrator permits, whichever is the later.

“ (6.) On the surrender under this section of a lease as to any part of the land included in the lease, the covenants and conditions of the lease may be varied by the Administrator by writing under his hand to the extent that is, in the opinion of the Administrator, made necessary or convenient by reason of the surrender, and the lease has effect as so varied.

“ (7.) Where the covenants of a lease are suspended, or varied under sub-section (5.) or (6.) of this section, the Administrator shall forward to the Registrar-General notice thereof.

“ (8.) Upon receipt of a notice referred to in the last preceding sub-section, the Registrar shall enter in the Register Book of Crown Leases, kept in pursuance of the Real Property Act, 1886 of the State of South Australia in its applications to the Northern Territory as amended by the *Real Property Ordinance* 1918-1955, and on the lessee's copy of the lease or other instrument evidencing his title to the leased land, the date of the notice, the date and hour of the production to him of the notice and particulars of the suspension or variation specified in the notice.

“ (9.) In this section, 'lot' means one of the allotments into which land included in a lease to which this section applies is subdivided in accordance with a plan that accompanies an application approved by the Administrator.”

8 Section twenty-six of the Principal Ordinance is amended—

Lessee may transfer, &c., lease.

(a) by inserting in sub-section (2.) after the word “lease” (first occurring) the words “, a miscellaneous lease”; and

(b) by inserting in sub-section (3.) after the word "who" the words " , pursuant to the last preceding sub-section,".

Re-appraisal
of rents, &c.

9. Section thirty-two of the Principal Ordinance is amended by inserting in sub-section (1A.) after the word "under" the words "a miscellaneous lease or".

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

Preferential
claim of lessee
to new lease.

"40.—(1.) Where lands that are or include lands subject to an existing pastoral lease have been advertised in the *Gazette* as available for leasing under a new pastoral lease or a pastoral homestead lease, the Land Board shall, in making a recommendation in accordance with section ten A of this Ordinance, give preference to the holder of the existing lease if he is an applicant and is not unsuitable to be the lessee of the lease applied for; but where the lands included in the existing lease are subdivided into several blocks and the lands included in each of the blocks have been advertised in the *Gazette* as available for leasing, the Land Board shall, in making such a recommendation, give preference to the holder of the existing lease in respect only of that block for which he elects to be given preference.

"(2.) The last preceding sub-section applies whether the existing lease is under this Ordinance or under any Act of the State of South Australia or Ordinance previously in force in the Northern Territory or North Australia or Central Australia."

Outgoing
lessee.

11. Section forty-one of the Principal Ordinance is amended by inserting after the word "Act" the words "of the State of South Australia".

The
Administrator
may determine
occupation of
outgoing lessee.

12. Section forty-four of the Principal Ordinance is amended by inserting after the word "Act" the words "of the State of South Australia".

Repeal of
section 60A.

13. Section sixty A of the Principal Ordinance is repealed.

14. After section sixty-five A of the Principal Ordinance the following section is inserted in Division 3 of Part III. of the Principal Ordinance:—

Surrender of
agricultural
lease in
exchange for
new
agricultural
lease.

"65B.—(1.) Where, under section five of the *Freehold Titles Ordinance* 1962, land included in an agricultural lease under this Division has been declared to be agricultural land,

the lessee may make application in writing to the Administrator to surrender the lease in exchange for a new agricultural lease under this Division.

“(2.) If such an application is made, the Administrator shall consider—

- (a) the total area of land included in all agricultural leases of which the applicant is the lessee;
- (b) whether it is desirable that part or all of that land should, by surrender of one or more of those leases, be made available for leasing under this Ordinance;
- (c) whether it is desirable that the applicant should be granted a new lease—
 - (i) of land included in his existing leases;
 - (ii) of land not included in his existing leases; or
 - (iii) of land partly included in his existing leases and partly not included in his existing leases;
- (d) whether the applicant has complied with the covenants, terms and conditions contained in the lease; and
- (e) such other matters as the Administrator thinks fit.

“(3.) The Administrator may enter into negotiations with an applicant as to the area of land to be included in a new lease granted under this section, or the terms and conditions to be contained in such a new lease, or both, but the Minister shall not be bound by such negotiations.

“(4.) Where the Administrator, after considering the matters set out in sub-section (2.) of this section, is of the opinion that, in order to enable the applicant to acquire an agricultural lease of agricultural land comprising an economic farm area, it is necessary or convenient that the applicant be granted a new agricultural lease in exchange for the surrender of his existing agricultural lease, the Administrator may, with the approval of the Minister, notify the applicant that the Minister is prepared to grant a new agricultural lease in exchange for the applicant's existing agricultural lease.

“(5.) A notification under the last preceding sub-section shall specify—

- (a) the land to be included in the new lease;
- (b) the provisions, reservations, covenants and conditions to be contained in the new lease; and
- (c) the amount of the rent to be paid in respect of the first period of the new lease.

“(6.) If the applicant informs the Administrator in writing, within three months after the date on which he receives the notification or such further period as the Administrator in writing approves, that he will surrender the existing agricultural lease in exchange for the grant of the new agricultural lease referred to in the notification, the Minister shall grant the new agricultural lease in accordance with the notification.

“(7.) If the applicant does not so inform the Administrator within the time specified in the last preceding sub-section, his application is deemed to have been withdrawn and his existing agricultural lease continues in force.

“(8.) A new agricultural lease granted under this section may include—

- (a) a portion only of the land included in the surrendered agricultural lease;
- (b) the whole or a portion of that land and in addition Crown land that is not included in an existing lease; or
- (c) Crown land that is not included in an existing lease.

“(9.) Subject to this section, the lessee of an agricultural lease surrendered under this section is entitled to compensation for all improvements on such portion (if any) of the land included in the lease as is not included in the new agricultural lease granted in exchange for the surrender.

“(10.) The amount of the compensation shall be the amount which the Administrator determines to be the value of the improvements on the day immediately following the day on which the agricultural lease is surrendered.

“(11.) Where the value of any improvements referred to in sub-section (9.) of this section is payable by the lessee to the Commonwealth, the amount of the compensation shall not include any amount in respect of such portion of that value as, at the date of the surrender, remains unpaid.”.

**Leases of town
lands to be
offered at
auction.**

15. Section sixty-seven of the Principal Ordinance is amended by omitting from sub-section (1.) the word “Division” and inserting in its stead the word “Ordinance”.

**Unsold leases
may be allotted.**

16. Section sixty-eight of the Principal Ordinance is amended by adding at the end thereof the following sub-sections:—

“(2.) A person, to whom a lease is so allotted, may, if the prior consent in writing of the Administrator has been obtained, assign the right to the lease to another person.

“(3.) All rights, powers and obligations (including the power to assign the right to the lease) conferred or imposed by this Ordinance shall be deemed to have been assigned to the assignee and the assignee shall, for the purposes of this section, be deemed to be, and to have been, the person to whom the Administrator allotted the lease.”.

17. Division 5 of Part III. of the Principal Ordinance is repealed and the following Divisions are inserted in its stead:—

“*Division 5.—Miscellaneous Leases.*

“69. Leases under this Division shall be called miscellaneous leases. Miscellaneous leases.

“70. Subject to this Ordinance, the Minister may grant a miscellaneous lease of any unleased Crown lands, being lands— Power to grant miscellaneous leases.

(a) within the boundaries of a town and not set apart as town lands; or

(b) not within the boundaries of a town and not classified as agricultural lands.

“71. The purpose of a lease granted under this Division shall be the utilization of the land included in the lease as a market garden, plantation, orchard, vineyard, poultry farm, piggery or the like. Purpose of miscellaneous lease.

“72.—(1.) Miscellaneous leases, except where otherwise provided in this Division, shall, in the first instance, be offered for sale at public auction. Miscellaneous leases to be offered at auction.

“(2.) The Administrator shall for the purpose of payment of rent determine the unimproved value of each parcel of land to which the right to a lease is offered by auction under this section.

“(3.) Sub-sections (3.) and (4.) and (6.) to (17.) inclusive of section sixty-seven of this Ordinance apply to and in relation to each such parcel of land and each miscellaneous lease offered by auction under this section.

“73.—(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 grant of a miscellaneous lease of any unleased land in respect of which the Minister may grant a miscellaneous lease under section seventy of this Ordinance. Power to invite applications for leases.

“(2.) The Administrator shall, for the purpose of the payment of rent, determine the unimproved capital value of each parcel of land in respect of which applications for the grant of a miscellaneous lease are invited, and shall determine the value of the improvements (if any) on each parcel of land.

“(3.) Applications shall be made in such form and contain such particulars and be subject to such conditions as the Administrator directs.

“(4.) Each applicant for a lease under this section shall, in his application, state the unimproved value placed by him upon the land, or the value placed by him upon the improvements thereon, or both, as the Administrator requires.

“(5.) Other things being equal, a lease of the land may be granted to the person placing the highest unimproved value upon the land, or the highest value upon the improvements, or both, as the case may be.

“(6.) If two or more applicants place the same unimproved value on a parcel of land, or the same value on the improvements, or both, as the case may be, and are otherwise equally eligible as lessees, the Administrator may determine by ballot or otherwise the applicant to whom the lease may be granted.

“(7.) The successful applicant under this section for the grant of a lease shall, before the lease is granted, pay to the Commonwealth a sum representing the difference (if any) between the unimproved capital value of the land as determined by the Administrator and the unimproved value placed on the land by the successful applicant in his application.

“(8.) The Administrator may, by notice in the *Gazette*, declare any unleased land referred to in a notice under subsection (1.) of this section to be no longer available for leasing.

“74. If—

- (a) the highest unimproved value of the land or the highest value for the improvements thereon bid at auction (or as the case may be) is less than the reserve value of the land or of the improvements thereon; or
- (b) the highest unimproved value of the land or the highest value for the improvements thereon, or both, placed by an applicant in his application for a miscellaneous lease is less than the unimproved value of the land or the value of the improvements thereon, or both, as determined by the Administrator,

Power to grant miscellaneous leases where amount offered is less than reserve value.

the Minister may at any time thereafter grant a miscellaneous lease of the land.

“ 74A. If—

- (a) no bid is received for the right to a miscellaneous lease of land offered by auction; or
- (b) no application is received for the grant of a miscellaneous lease of land for which applications have been invited by the Administrator,

Power of Minister to grant lease where no offer made.

the Minister may, at any time thereafter, grant a miscellaneous lease of that land.

“ 74B.—(1.) Subject to this Ordinance, the annual rental payable in respect of the land in a miscellaneous lease shall be at the rate of Five pounds per centum per annum of the unimproved value of the land as determined from time to time under section thirty-two of this Ordinance.

Rent.

“ (2.) Nothing in this section shall prevent the enforcement of any covenant by the lessee of 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.

“ 74C. In addition to the matters provided in Division 1 of this Part, miscellaneous leases may contain reservations, covenants, conditions and provisions as follows:—

Terms of miscellaneous leases.

- (a) a covenant to erect on the land leased, within such time as is notified in the conditions on which the land is offered, a dwelling house to a value specified in those conditions; and
- (b) a covenant to fence the land leased, to the satisfaction of the Administrator, within such time as is notified in those conditions.

“ Division 6.—Town Lands Subdivision Leases.

“ 75. In this Division, unless the contrary intention appears—

Definitions.

- ‘ application ’ means an application made in response to an invitation under section seventy-six of this Ordinance;
- ‘ approved plan ’ means a plan that accompanies an application approved by the Administrator;
- ‘ lot ’ means one of the allotments into which land included in a town lands subdivision lease is subdivided in accordance with the approved plan relating to that land;

- 'new lease' means a lease granted, in accordance with section eighty-five of this Ordinance, under the *Darwin Town Area Leases Ordinance 1947-1961* or this Ordinance, of a part of the land contained in a town lands subdivision lease;
- 'proposed' means proposed in an application;
- 'subject land' means land that is the subject of an application, in accordance with this Ordinance, for a town lands subdivision lease;
- 'the Darwin Town Area' means the land described in the Schedule to the *Darwin Lands Acquisition Act 1945*;
- 'town' means the Darwin Town Area or any town constituted and defined in accordance with the provisions of this Ordinance or in accordance with the provisions of any law in force in the Northern Territory prior to the commencement of this Ordinance;
- 'town lands' means lands in the Darwin Town Area or any other lands set apart as town lands in accordance with the provisions of this Ordinance or in accordance with the provisions of any law in force in the Northern Territory prior to the commencement of this Ordinance;
- 'town lands subdivision lease' means a lease granted in pursuance of section seventy-nine of this Ordinance.

Administrator
may invite
applications
for lease.

" 76.—(1.) Where the Administrator is of the opinion that town lands, being Crown lands that are not leased, are suitable for subdivision for residential or business purposes, or both, he may, by notice in the *Gazette*, invite applications for a town lands subdivision lease of those town lands.

" (2.) The notice shall specify a closing date for the applications.

" (3.) The Administrator may, by notice in the *Gazette*, declare any unleased land referred to in a notice under subsection (1.) of this section to be no longer available for leasing.

Applications.

" 77. An application—

- (a) shall be in writing;
- (b) shall be signed by the applicant;
- (c) shall be accompanied by a plan showing the manner in which it is proposed to subdivide the subject land;

- (d) shall be accompanied by evidence that the applicant is able to provide the financial and other resources necessary for carrying out the work involved in subdividing the subject land in accordance with the plan; and
- (e) shall be lodged with the Administrator on or before the specified closing date.

“ 78.—(1.) On receiving an application in accordance with the last preceding section, the Administrator may—

Procedure on
respect of
applications.

- (a) reject it, if he is not satisfied as to a matter specified in paragraph (a) or (b) of sub-section (3.) of this section;
- (b) return it to the applicant with suggestions for amending the plan contained in the application, if he is not satisfied as to a matter specified in paragraph (a) of sub-section (3.) of this section or is of the opinion that the plan can be improved; or
- (c) subject to this section, and with the consent of the Minister, approve it or reject it.

“ (2.) An application submitted with a plan giving effect to suggestions made under the last preceding sub-section shall be deemed to have been lodged on or before the closing date if it is submitted on or before such date as the Administrator specified in writing when he returned the application under the last preceding sub-section.

“ (3.) The Administrator shall not approve an application unless he is satisfied—

- (a) that the applicant's plan is consistent with the principles for the time being governing the use of land in the town in which the subject land is situated and the town planning construction and development of that town; and
- (b) that the applicant is able to provide the financial and other resources necessary for carrying out the work involved in subdividing the subject land in accordance with the plan.

“ (4.) The Administrator shall not approve an application unless the applicant—

- (a) is the only applicant for a lease of the subject land;
- (b) is in the opinion of the Administrator more likely than any other applicant to carry out satisfactorily the subdivision of the subject land; or

- (c) has been selected by ballot out of two or more applicants who in the opinion of the Administrator are more likely than all other applicants, and as among themselves are equally likely, to carry out satisfactorily the subdivision of the subject land.

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

“ 79.—(1.) The Administrator shall notify the applicant of his decision in writing and, if the Administrator has approved the application, the Administrator shall specify in the notification—

- (a) the reservations, covenants, conditions and provisions that the Minister directs to be included in each new lease granted to the applicant; and
 (b) the fee and deposit to be paid by the lessee in respect of the grant of each such new lease.

“ (2.) The applicant shall, within twenty-one days after the notification, state in writing to the Administrator whether or not he wishes to proceed with his application.

“ (3.) An applicant who does not comply with the requirement of the last preceding sub-section shall be deemed to have withdrawn his application.

“ (4.) An applicant who states in writing to the Administrator in accordance with sub-section (2.) of this section that he wishes to proceed with his application shall be deemed to have agreed that—

- (a) the reservations, covenants, conditions and provisions specified in the notification shall be included in each new lease granted to him; and
 (b) the fee and deposit specified in the notification shall be payable by him in respect of each such new lease,

and shall be granted a town lands subdivision lease of the town lands in respect of which his application is approved by the Administrator.

Lease to contain certain conditions.

“ 80. In addition to matters provided for in Division 1 of this Part, a town lands subdivision lease shall contain—

- (a) a condition that the lessee shall comply with sections eighty-two and eighty-four of this Ordinance; and
 (b) a condition that if proposals submitted under section eighty-two of this Ordinance are rejected the lease shall be forfeited unless the lessee submits amended proposals or further proposals, as

the case may be, within the time limited under section eighty-three for submitting such proposals and the amended proposals or further proposals so submitted are approved by the Administrator.

“ 81. Subject to section eighty-six of this Ordinance, a town lands subdivision lease shall be for a period of five years or such shorter period as the Minister determines.

Term of lease.

“ 82.—(1.) Where a town lands subdivision lease of land is granted the lessee shall, not later than six months after the date of the commencement of the lease, or such later date as, on good cause being shown, the Administrator approves by written notice to the applicant, submit in writing to the Administrator—

Lessee to submit detailed proposals for subdivision.

(a) proposals, in accordance with the approved plan relating to that land—

- (i) for the making of subdivisional surveys;
- (ii) for the construction of roads; and
- (iii) for the construction of drainage works, in respect of that land; and

(b) evidence that he is able to provide the financial and other resources necessary for carrying out the work of subdividing that land in accordance with the proposals.

“ (2.) On receiving such proposals, the Administrator may—

(a) by notice in writing to the lessee, reject them, if he is not satisfied—

- (i) that the proposals are in accordance with the approved plan; or
- (ii) that the lessee is able to provide the financial and other resources referred to in paragraph (b) of the last preceding sub-section;

(b) return them to the lessee with suggestions for amending them, if he is not satisfied as to a matter specified in sub-paragraph (i) or (ii) of the last preceding paragraph or is of the opinion that the proposals can be improved; or

(c) with the consent of the Minister, by notice in writing to the lessee, approve them or reject them.

Time for
submitting
further
proposals, &c.

“ 83.—(1.) Where the Administrator rejects such proposals because he is not satisfied as to a matter specified in subparagraph (i) or (ii) of paragraph (a) of sub-section (2.) of the last preceding section, the lessee may, not later than six months after the date of the rejection, submit further proposals to the Administrator.

“(2.) The Administrator may deal with such further proposals as if they were proposals submitted under the last preceding section, but the last preceding sub-section does not apply in relation to such further proposals.

“(3.) Where the applicant—

(a) amends proposals returned under paragraph (b) of sub-section (2.) of the last preceding section and again submits them within six months of the date on which they are returned to him under that paragraph; or

(b) submits further proposals under sub-section (1.) of this section within six months of the date on which he is notified of the rejection of proposals submitted under the last preceding section,

the proposals or further proposals shall be deemed to have been submitted within the time limited in sub-section (1.) of the last preceding section for submitting proposals.

Restriction on
us of land
until proposals
are approved.

“ 84. Until proposals for subdividing land contained in a town lands subdivision lease have been approved by the Administrator the lessee of such land shall not use the land except for the purpose of preparing such proposals for submission to the Administrator.

New leases
after
subdivision.

“ 85.—(1.) Where—

(a) the subdivision of any part of the land included in a town lands subdivision lease has, to the satisfaction of the Administrator, been completed, including the construction of roads and drainage; and

(b) all rent due under the lease has been paid,

the lessee may surrender the lease as to that part of the land and shall be granted a new lease in respect of each lot included in that part of the land on payment of all fees and deposits payable in respect of the new lease.

“(2.) The new lease shall be—

(a) where the land included in the new lease is in the Darwin Town Area, a lease under the *Darwin Town Area Leases Ordinance 1947-1961*; or

(b) in any other case, a lease of town lands under this Ordinance,

and shall be granted without first having been offered for sale at public auction.

“ (3.) Where a town lands subdivision lease is surrendered under this section as to part of the land included in the lease—

(a) the lease continues in force in respect of the remaining part of the land included in the lease; and

(b) the surrender has effect from and including the date of commencement of the last new lease granted under this section in respect of all or portion of the part of the land as to which the lease is surrendered.

“ (4.) A new lease granted under this section—

(a) shall preserve the lessee's rights (if any) in respect of improvements on any land included in the new lease; and

(b) shall, in addition to the matters provided for elsewhere in this Ordinance, contain the reservations, covenants, conditions and provisions that are specified in the notification given under subsection (1.) of section seventy-nine of this Ordinance.

“ 86. Where at the expiration of a town lands subdivision lease the work of subdivision is not completed and the Administrator is of the opinion that the lessee would suffer hardship if the term of the lease were not extended, the Minister may extend the term of the lease for a period of not more than one year.

Extension of term of town lands subdivision lease.

“ 87. Where, at the date on which—

(a) a town lands subdivision lease is forfeited; or

(b) the term (including any extension) of such a lease expires,

No right to improvements if subdivision not completed.

the lessee has not completed the work of subdivision to the satisfaction of the Administrator, the lessee is not entitled to compensation for the value of any improvements on the land included in the lease.

“ 88.—(1.) The lessee of a town lands subdivision lease may, with the consent of the Administrator, transfer or mortgage the lease.

Transfer or mortgage of lease under this Part.

“ (2.) Except as allowed by this section, the lessee shall not transfer his lease, or transfer or sublet the leased land, or otherwise part with the possession of the leased land.

Consent to such transfer or mortgage.

“ 89.—(1.) An application for consent to transfer or mortgage a town lands subdivision lease shall be made in writing to the Administrator.

“ (2.) The Administrator may in his absolute discretion grant or refuse his consent to a transfer or mortgage.

“ (3.) Any refusal by the Administrator in pursuance of the last preceding sub-section shall not be called in question or be subject to review in any court on any account whatever but shall be final and conclusive for all purposes.

Provisions not applicable to leases under this Part.

“ 90. The provisions of section twenty-four AA, twenty-five C, twenty-five D, twenty-six and sub-section (8.) of section thirty-one of this Ordinance do not apply to or in relation to town lands subdivision leases.”

Saving.

18. Notwithstanding the repeal effected by the last preceding section, a miscellaneous lease granted before the date on which this Ordinance comes into operation and in force immediately before that date shall continue in force and be subject to the provisions of the Principal Ordinance as if this Ordinance had not come into operation.

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

Restrictions on holding of land by aliens.

“ 101.—(1.) Subject to this section, an alien friend may inherit or otherwise take by representation, acquire, hold, convey, assign, devise, bequeath or otherwise dispose of land held in fee simple in the same manner as if he were a natural born subject of Her Majesty.

“ (2.) A person shall not execute any instrument by which a person conveys, transfers, grants, assures, or agrees to convey, transfer, grant or assure to an alien any legal or equitable estate of freehold, or any legal or equitable estate of leasehold for a term of years exceeding one year in land held in fee simple, unless the instrument bears a certificate, signed by the Administrator or by a person authorized by him to sign certificates under this section, certifying that the Administrator or the authorized person consents to the transaction intended to be effected or evidenced by the instrument.

“ (3.) A person shall not present or lodge for registration an instrument which does not bear a certificate as required by this section.

“ (4.) A person who knowingly contravenes this section shall be guilty of an offence and liable on summary conviction to a fine of not more than Two hundred pounds.

“ (5.) An instrument executed or title obtained in contravention of this section shall not be void, but an estate in land acquired by an alien in contravention of this section shall be liable to forfeiture as provided in this section.

“ (6.) Where an alien is the owner of any estate in land acquired in contravention of this section the Supreme Court may in an action brought by the Administrator order that that estate be forfeited to the Crown.

“ (7.) The Administrator shall, as soon as conveniently may be, sell any estate in land forfeited to the Crown under this section, and shall dispose of the money received on such sale as follows:—

- (a) firstly, in payment of any money secured on the land;
- (b) secondly, in payment to the Commonwealth of an amount equal to the costs as between solicitor and client, of or incidental to the proceedings for forfeiture, less any costs of or incidental to those proceedings which have already been paid to the Administrator by the alien;
- (c) thirdly, in payment to the Commonwealth of an amount equal to the expenditure incurred by the Administrator in connexion with the sale of the land;
- (d) fourthly, in payment of any money owing by the alien to the Crown; and
- (e) fifthly, in payment of the balance to the alien.

“ (8.) An officer of the Crown to whom an instrument is presented for registration or stamping shall not be concerned to inquire whether the instrument has been executed in breach of this section or not.

“ (9.) This section shall not apply in any case where an alien has, pursuant to any treaty or international agreement, the right to hold land in the Territory as if he were a British subject.”

20. Section one hundred and three A of the Principal Ordinance is amended—

- (a) by omitting from sub-section (1.) the word “ Administrator ” and inserting in its stead the words “ Administrator in Council ”;
- (b) by omitting from sub-section (2.) the word “ Administrator ” and inserting in its stead the words “ Administrator in Council ”; and

Appointment and powers of trustees of lands reserved for recreation or amusement of the public, &c.

- (c) by omitting from sub-section (5.) the word "Administrator" and inserting in its stead the words "Administrator in Council".

Constitution of
counties and
hundreds and
setting apart
of town lands.

21. Section one hundred and eleven of the Principal Ordinance is amended by omitting from sub-section (3.) the words "and may by Proclamation set apart as suburban lands any Crown land adjoining a town or site for a town".

Land for
church
purposes.

22. Section one hundred and twelve A of the Principal Ordinance is amended—

- (a) by omitting from sub-section (1.) the words "or other religious";

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

"(2.) The land in respect of which any lease is granted under this section shall be used solely for church purposes.

"(2A.) For the purposes of this section, land shall be deemed not to be used solely for church purposes unless it is used solely—

(a) as a site for a church; or

(b) as a site for a church and for a residence for—

(i) clergy or ministers of religion; or

(ii) members of a charitable or educational institution conducted by a religious denomination.";

- (c) by omitting from sub-section (3.) the words "one acre" and inserting in their stead the words "five acres";

- (d) by omitting from sub-section (4.) the words "or other religious"; and

- (e) by adding at the end thereof the following sub-sections:—

"(5.) On the determination of a lease granted under this section (whether by forfeiture, surrender or otherwise) the Commonwealth shall pay to the lessee, for the improvements effected on the land comprised in the lease, such amount as is determined by the Administrator to be

the value of the improvements to the Commonwealth immediately after the termination of the lease.

“(6.) The last preceding sub-section shall not apply where the lessee surrenders the lease for the purpose of obtaining, under this Ordinance or any other law in force in the Territory, a new lease of land which includes the land on which the improvements are situated, and obtains such a new lease.”.

23 Section one hundred and thirty-one of the Principal Regulations. Ordinance is amended by omitting sub-sections (2.) and (3.).
