

No. 11 of 1964.

An Ordinance to amend the *Crown Lands Ordinance* 1931–1962 as amended by the *Crown Lands Ordinance* 1963.

[Reserved 28th January, 1964.]

[Assented to 19th March, 1964.]*

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

1.—(1) This Ordinance may be cited as the *Crown Lands Ordinance* (No. 2) 1963. Short title and citation.

(2) The *Crown Lands Ordinance* 1931–1962, as amended by the *Crown Lands Ordinance* 1963, is in this Ordinance referred to as the Principal Ordinance.

(3) Section one of the *Crown Lands Ordinance* 1963 is amended by omitting sub-section (3.).

(4) The Principal Ordinance, as amended by this Ordinance, may be cited as the *Crown Lands Ordinance* 1931–1963.

2. Section four of the Principal Ordinance is amended by omitting the words and figures “Sections 66–68F” and inserting in their stead the words and figures “Sections 66–68J”. Parts.

3. Section fifty-nine of the Principal Ordinance is amended by adding at the end thereof the following sub-section:— Surrender of leases.

“(2) Where a part of a lease is surrendered in accordance with this section, the amount of the rent payable on the unsurrendered part of the lease is the amount which is the same proportion of the amount of the rent payable on the lease immediately before the part was surrendered as the area of the unsurrendered part of the lease is of the area of the lease immediately before the part was surrendered.”

4. Section sixty-five A of the Principal Ordinance is amended by adding at the end thereof the following sub-section:— Surrender of agricultural leases.

“(3) Where a part of a lease is surrendered in accordance with this section, the amount of the rent payable on the unsurrendered part of the lease is the amount which is the same proportion of the amount of the rent payable on the lease

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

immediately before the part was surrendered as the area of the unsurrendered part of the lease is of the area of the lease immediately before the part was surrendered.”.

Grant of leases
to tenants
occupying
dwelling houses.

5. Section sixty-eight c of the Principal Ordinance is amended—

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

“ (1.) Where a person occupies as a tenant of the Commonwealth a dwelling house erected on town lands, the Minister may grant—

(a) to the person; or

(b) to the person and the spouse of the person, as joint lessees or lessees in common,

a lease for residential purposes of the land on which the dwelling house is erected notwithstanding that the lease has not been offered by auction under section sixty-seven of this Ordinance.”; and

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

“ (3.) Nothing in this section authorizes the grant of a lease to a person or to the husband or wife of a person who is the lessee under a lease of town lands under this Ordinance or the lessee of a lease of land under the *Darwin Town Area Leases Ordinance* 1947-1962.”.

6. After section sixty-eight G of the Principal Ordinance the following sections are inserted in Division 4 of Part III:—

General power
to grant leases
of town lands
without
auction, &c.

“ 68H. The Minister may grant a lease of any unleased town land for business or residential purposes or for both business and residential purposes notwithstanding—

(a) that notice, in relation to the land, has not been given in accordance with section sixteen of this Ordinance; or

(b) that a lease of the land has not been offered by auction under section sixty-seven of this Ordinance.

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

“ 68J.—(1.) Notwithstanding anything contained in this or in any other Ordinance, where land is leased under a lease of town lands, the Administrator may, in respect of any period, whether commencing before, at, or after the giving of the approval, approve of—

(a) the reduction of the rent payable by the lessee under the lease if the lessee is an approved association;

(b) the grant of relief, to the lessee, if the lessee is an approved association, from compliance, wholly or in part, with a covenant or condition to which the lease is subject; or

(c) the reduction or remission of the rent, where, in the opinion of the Administrator, undue hardship would be caused to the lessee by payment of the rent payable under the lease,

and thereupon the liability and obligation of the lessee under the lease shall, in respect of that period, be discharged to the extent of the reduction, grant of relief or remission approved.

“(2.) A grant of relief approved in pursuance of the last preceding sub-section may be absolute or subject to such conditions as the Administrator thinks fit.

“(3.) Upon the exercise of a power under this section, the Administrator shall send by post or deliver or cause to be sent by post or delivered to the lessee, a memorandum specifying the reduction, grant of relief or remission he has approved and any such memorandum which purports to be signed by or on behalf of the Administrator, shall be conclusive evidence of the facts stated therein.

“(4.) For the purposes of this section ‘ approved association ’ means any society, association or other body which is not carried on for profit or gain to the individual members thereof and which the Administrator declares, by notice in the *Government Gazette* of the Northern Territory, to be, for the purposes of this section, an approved association.”
