

No. 33 of 1967

An Ordinance to amend the *Crown Lands Ordinance*
1931-1966, as amended by the *Crown Lands*
Ordinance 1967[Reserved 4 September, 1967]
[Assented to 8 September, 1967]*

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* 1910-1966, as follows:—

1.—(1.) This Ordinance may be cited as the *Crown Lands Ordinance* (No. 2) 1967. Short title
and citation

(2.) The *Crown Lands Ordinance* 1931-1966, as amended by the *Crown Lands Ordinance* 1967, is in this Ordinance referred to as the Principal Ordinance.

(3.) Section 1 of the *Crown Lands Ordinance* 1967 is amended by omitting sub-section (3.).

(4.) The Principal Ordinance, as amended by this Ordinance, may be cited as the *Crown Lands Ordinance* 1931-1967.

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

3. Section 4 of the Principal Ordinance is amended— Parts

(a) by omitting the words and figures—
“Part I.—Preliminary (Sections 1-6).” and inserting in their stead the words and figures—
“Part I.—Preliminary (Sections 1-6A).”;

(b) by omitting the words and figures—
“Division 2A.—Pastoral Homestead Leases (Sections 59A-59X).”;

(c) by omitting the words and figures—
“Division 3.—Agricultural Leases (Sections 60-65A).” and inserting in their stead the words and figures—
“Division 3.—Agricultural Leases (Sections 60-

* Notified in the *Northern Territory Government Gazette* dated 8 September, 1967.

† The date fixed was 8 September 1967 (see *Northern Territory Government Gazette* No. 45 of 8 September 1967, page 239).

- (d) by omitting the words and figures—"Division 5.—Miscellaneous Leases (Sections 69-74c)." and inserting in their stead the words and figures—"Division 5.—Miscellaneous Leases (Sections 69-74d)."; and
- (e) by omitting the words and figures—"Part IV.—Grants in Fee-simple (Sections 98-102)." and inserting in their stead the words and figures—"Part IV.—Grants in Fee-simple (Sections 101-102c).".

Definitions

4. Section 5 of the Principal Ordinance is amended by inserting before the definition of "Crown Lands", the following definition:—

"'agricultural development', in relation to land, means the development of the land for the purpose of cultivation or mixed farming and grazing and the use of the land for cultivation or mixed farming and grazing and includes such other activities as are incidental or ancillary to that development or use of the land;"

How Crown lands may be alienated

5. Section 6 of the Principal Ordinance is amended—

- (a) by omitting from paragraph (a) of sub-section (2.) the word "or" (second occurring);
- (b) by omitting from paragraph (b) of sub-section (2.) the word "or" (second occurring); and
- (c) by inserting after paragraph (b) of sub-section (2.) the following paragraph:—
 "(ba) the granting of an estate in fee simple in pursuance of any Ordinance;"

Land Board

6. Section 9 of the Principal Ordinance is amended—

- (a) by omitting from sub-section (1.) the words "which shall consist of a Chairman and two members selected from available members" and inserting in their stead the words "which shall be an administrative and not a judicial tribunal, constituted in accordance with the succeeding provisions of this section";
- (b) by omitting sub-section (2.) and inserting in its stead the following sub-section:—
 "(2.) The Administrator in Council may, by notice in the *Gazette*, appoint a Chairman and Deputy Chairman of the Board.";
- (c) by omitting from sub-section (3.) the word "four" and inserting in its stead the word "six";

- (d) by omitting sub-sections (5.) and (6.) and inserting in their stead the following sub-section:—

“(5.) When the office of Chairman is vacant or in the event of the absence, illness or other incapacity of the Chairman, the Deputy Chairman shall have powers, exercise the functions and perform the duties of the Chairman.”;
- (e) by omitting from sub-section (7.) the words “the Acting Chairman of the Board” and inserting in their stead the words “the Deputy Chairman”;
- (f) by omitting from sub-section (8.) the words “Acting Chairman of the Board” and inserting in their stead the words “Deputy Chairman”;
- (g) by omitting from sub-section (8.) the words “two persons” and inserting in their stead the words “three persons”;
- (h) by omitting from sub-section (8.) the words “the Chairman” (second occurring) and inserting in their stead the word “him”;
- (i) by inserting after sub-section (8.) the following sub-section:—

“(8A.) When the Deputy Chairman has selected under the last preceding sub-section, the Board as thus constituted shall consider and recommend upon or determine the matter or question referred notwithstanding that the office of Chairman is no longer vacant or that the Chairman has ceased to be absent, ill or otherwise incapable of using his powers, exercising his functions and performing his duties.”;
- (j) by omitting from sub-section (9.) the word “Acting” and inserting in its stead the word “Deputy”;
- (k) by inserting in sub-section (9.) after the word “give”, the word “reasonable”;
- (l) by omitting from sub-section (10.) the words “an Acting Chairman under sub-section (7.) of this section in which case that Acting” and inserting in their stead the words “the Deputy Chairman under sub-section (7.) of this section in which case the Deputy”;
- (m) by omitting from sub-section (11.) the words “Acting Chairman of the Board” and inserting in their stead the words “Deputy Chairman acting as Chairman”;
- (n) by omitting from sub-section (11.) the words “one selected member” and inserting in their stead the words “two selected members”;

(o) by omitting sub-section (12.) and inserting in its stead the following sub-section:—

“(12.) The Chairman or Deputy Chairman acting as Chairman shall have a deliberative and a casting vote.”;

(p) by omitting sub-section (13).; and

(q) by inserting in sub-section (14.), after the word “Chairman”, the words “, Deputy Chairman”.

7. After section 9 of the Principal Ordinance the following sections are inserted:—

“9A. The Board shall—

(a) hear and determine any question; and

(b) consider and recommend upon any matter,

which is referred to it by the Minister, the Administrator or the Administrator in Council.

“9B. The Board may, in discharging its functions, exercising its powers and performing its duties under this Ordinance, consult with such persons and make such inquiries as it thinks fit.

“9C. Where at any meeting of the Board it is necessary to hear evidence from any person, the meeting shall be held in public unless the Chairman or the Deputy Chairman acting as Chairman otherwise directs.”.

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

“10.—(1.) All applications for pastoral and agricultural leases shall be made to the Administrator who shall refer them to the Board for its consideration and recommendation.

“(2.) When the Board receives an application or applications for an agricultural lease or pastoral lease, it shall consider the application or applications and shall make a recommendation to the Administrator in Council as to the applicant, if any, to whom an agricultural lease or pastoral lease, as the case may be, should be granted.

“(3.) If an applicant is a resident of the Territory the Board shall, in making a recommendation under the last preceding sub-section, give weight to the fact that he is such a resident.

“(4.) If the Board considers that two or more applicants are equally suitable and that no applicant is more suitable to be granted such a lease, it may decide by lot which applicant it shall recommend.

“(5.) In considering an application under sub-section (2.) of this section, the Board shall give the applicant an opportunity of appearing before the Board and being heard, either personally or by counsel, solicitor or agent, in relation to the application, and the Board may make such inquiries as it thinks fit.

“(6.) Upon a recommendation being made by the Board under sub-section (2.) of this section that an agricultural lease

Questions or matters referred to Board

Consultations and inquiries

Publicity of Board's meetings

Procedure on applications for pastoral and agricultural leases

or pastoral lease be granted to a person, an agricultural lease or pastoral lease, as the case may be, shall be granted to that person in accordance with the recommendation unless the Minister, on the written recommendation of the Administrator in Council accompanied by the reasons for that written recommendation, by notice in the *Gazette* otherwise directs.

“(7.) Within twenty-eight days after a direction has been given by the Minister under the last preceding sub-section, if—

(a) there is any other applicant for an agricultural lease or pastoral lease, as the case may be, of the parcel of land to which the application that was the subject of the direction related; and

(b) the Board is disposed to recommend that a lease be granted to that applicant,

the Board shall make another recommendation under sub-section (2.) of this section.”.

9.—(1.) Section 10A of the Principal Ordinance is repealed.

Repeal of
section 10A

(2.) Notwithstanding the repeal effected by the last preceding sub-section, the provisions of section 10A of the Principal Ordinance shall continue to apply to and in respect of a pastoral lease granted under Division 2 of Part III. of the Principal Ordinance—

(a) that is in existence at the date of commencement of this Ordinance;

(b) has less than ten years of its term remaining;

(c) the whole or a part of the land included in which is, during the currency of the lease, notified by advertisement in the *Gazette* as available for leasing under a pastoral lease; and

(d) the holder of which is an applicant for the new lease.

10. Section 23 of the Principal Ordinance is amended by inserting in paragraph (f) after the word “will”, the words “, subject to this Ordinance,”.

General
conditions of
leases

11. Section 24A of the Principal Ordinance is amended by inserting in sub-section (1.), after the word “lease”, the words “, not being a residence covenant under an agricultural lease,”.

Breach of
covenants

12. Section 24BA of the Principal Ordinance is amended—

(a) by omitting from sub-section (1.) the words “a pastoral homestead lease or”;

(b) by omitting paragraphs (a) and (b) of sub-section (8.); and

(c) by omitting from sub-section (10.) all the words after the words “sub-section (8.) of this section”.

Sale by
mortgagee of
agricultural lease
liable to
forfeiture

Postponement
of rent

13. Section 25 of the Principal Ordinance is amended by omitting the words “, pastoral homestead”.

Remission of
rent in cases
of hardship

14. Section 25A of the Principal Ordinance is amended by omitting the words “, pastoral homestead”.

Improvements in
lieu of rental

15. Section 25B of the Principal Ordinance is amended by omitting the words “or a pastoral homestead lease, not being a lease granted under section forty-eight D or section fifty-nine H of this Ordinance,”.

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

16. Section 25c of the Principal Ordinance is amended by omitting from sub-section (1.) the words “a pastoral homestead lease or”.

New leases
after sub-division

17. Section 25CF of the Principal Ordinance is amended—

- (a) by omitting from paragraph (a) of sub-section (1.) the word “included” (second occurring) and inserting in its stead the word “including”; and
- (b) by omitting from sub-section (8.) the words “, 1886 of the State of South Australia in its applications to the Northern Territory as amended by the *Real Property Ordinance 1918-1955*,”.

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

Surrender of
pastoral lease or
part thereof in
exchange for
agricultural lease

“25CG.—(1.) Where a lessee under a pastoral lease is using land included in the lease for agricultural development he may apply in writing to the Administrator for permission to surrender the lease as to the land so used in exchange for an agricultural lease or leases of that land.

“(2.) An application under the last preceding sub-section shall be accompanied by—

- (a) a plan showing the area of each parcel of land in respect of which the applicant seeks an agricultural lease; and
- (b) a statement—
 - (i) indicating whether any work or improvements, additional to the work or improvements already performed or made, are needed in order to make each parcel of land referred to in the last preceding paragraph immediately capable of successful agricultural development by the lessee under an agricultural lease;
 - (ii) giving particulars of any such additional work or improvements; and

- (iii) giving particulars of the kind of agricultural development that the applicant proposes to undertake on each such parcel of land if an agricultural lease is granted to him in respect of the parcel of land.

“(3.) The Administrator shall refer the application, plan and statement to the Board for its consideration and recommendation.

“(4.) In considering the application, plan and statement the Board shall have regard to—

- (a) whether the lessee has failed to comply with a covenant of the lease;
- (b) whether the operations of the lessee on the land in respect of which he seeks an agricultural lease or leases have shown that if an agricultural lease or leases were granted to the lessee in respect of that land the lessee would have a reasonable prospect of carrying on agricultural development on that land successfully.

“(5.) The Board shall consider an application referred to it under this section and shall make a recommendation to the Administrator as to whether an agricultural lease or agricultural leases referred to in the application should be granted and, if it makes a recommendation that such a lease or leases be granted, as to the description of the land in respect of which the lease or leases should be granted and the reservations, covenants, conditions and provisions that the proposed lease or leases should contain.

“(6.) The Board shall not, under the last preceding subsection, recommend the grant of—

- (a) an agricultural lease the area of which exceeds one hundred thousand acres; or
- (b) an agricultural lease the area of which exceeds fifty thousand acres unless the Board certifies that in all the circumstances there is good reason why the area of the lease should exceed fifty thousand acres.

“(7.) Upon a recommendation being made under subsection (5.) of this section the Administrator may by notice in writing addressed to the applicant at his residential address and served by post advise the applicant—

- (a) of the description of the land in respect of which the Minister is prepared to grant an agricultural lease or leases;
- (b) of the amount of rent payable for the first period of the proposed lease or leases and the periods

at which the rental or rentals would be subject to re-appraisal; and

- (c) of the reservations, covenants, conditions and provisions that the proposed lease or leases would contain.

“(8.) An applicant may, at any time within three months of the date on which the notice under sub-section (7.) of this section is served on him or within such further time as the Administrator allows, in writing addressed to the Administrator, elect to accept an agricultural lease or leases in the terms specified in the notice.

“(9.) Upon receiving an election under the last preceding sub-section, the Administrator shall notify the Minister that he has received the election.

“(10.) When the Minister has been notified by the Administrator that an applicant has elected to accept an agricultural lease or leases, the Minister shall, upon the applicant surrendering his pastoral lease as to all or the relevant part of the land included in it, as the case may be, grant to the applicant an agricultural lease or leases according to the particulars contained in the notice served on the applicant under sub-section (7.) of this section.

“(11.) Where, in pursuance of an election made under this section, an applicant surrenders his pastoral lease as to all or the relevant part of the land included in the lease, any improvements on the land surrendered remain the property of the applicant.”.

Surrender of leases and grant of consolidated lease

19. Section 25D of the Principal Ordinance is amended by omitting from sub-section (1.) all the words from and including the words “(not being a pastoral homestead lease)” to and including the words “that first mentioned lease” (first occurring) and inserting in their stead the words “under this Ordinance and is also the lessee, under another lease or other leases of the same kind as the first mentioned lease, of land which adjoins the first mentioned land”.

Consent to transfer, &c. of leases

20. Section 27 of the Principal Ordinance is amended by omitting sub-sections (2.) and (3.).

Position of mortgagee

21. Section 29 of the Principal Ordinance is amended—

- (a) by omitting from sub-section (1.) the words “Subject to the next two succeeding sub-sections, where” and inserting in their stead the word “Where”; and
- (b) by omitting sub-sections (2.) and (3.) and inserting in their stead the following sub-section:—

“(2.) If the mortgagee fails to transfer the lease within the period during which he may, in pursuance of the last preceding sub-section, remain in possession, the Administrator may, by notice in writing to the mortgagee, forfeit the lease.”

22. Section 30 of the Principal Ordinance is amended by omitting sub-sections (2.), (3.), (4.) and (5.).

Provision in case of devolution

23. Section 32 of the Principal Ordinance is amended—

Re-appraisalment of rent &c.

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

“(1.) The rental payable under a lease under this Ordinance (other than a town lands subdivision lease) shall, subject to sub-section (7.) of this section, be subject to re-appraisalment by the Administrator—

(a) every ten years in the case of an agricultural lease, pastoral lease or miscellaneous lease; and

(b) every fourteen years in the case of a lease of town lands.”;

(b) by omitting from sub-section (1A.) the words “every fourteen years”;

(c) by omitting sub-section (2.);

(d) by omitting from sub-section (4.) the words “or pastoral homestead”;

(e) by inserting, after paragraph (b) of sub-section (4.), the following paragraph:—

“(ba) where land included in the lease is being used for agricultural development, the rent that would be payable in respect of the land that is being so used if it were the subject of an agricultural lease.”;

(f) by omitting sub-section (6.); and

(g) by omitting sub-section (7.).

24. Section 36 of the Principal Ordinance is amended—

Valuation of improvements

(a) by omitting paragraphs (a) and (b) of sub-section (1.) and inserting in their stead the words “the Administrator shall require the Valuer-General to determine the value of the improvements”; and

(b) by omitting from sub-section (2.) the words “the Administrator or”.

25 Section 37 of the Principal Ordinance is amended by inserting in paragraph (j) after the word “improvements” (first occurring), the words “as varied from time to time by the Administrator under section thirty-seven A of the Ordinance”.

Terms and conditions of pastoral leases

26. After section 37 of the Principal Ordinance the following section is inserted:—

Variation of
development
requirements

“37A.—(1.) A lessee under a pastoral lease may at any time apply in writing to the Administrator to have the requirements of the lease relating to developmental work and improvements to be carried out or effected on the leased land varied to the extent specified in the application.

“(2.) The applicant may, in his application, make suggestions, proposals and recommendations in respect of all or any of such requirements.

“(3.) Upon receiving an application under this section, the Administrator shall refer it to the Board for consideration and recommendation.

“(4.) The Board shall consider the application and shall make such recommendations to the Administrator as it thinks fit.

“(5.) Upon receiving a recommendation from the Board under the last preceding sub-section, the Administrator may, by notice in writing, advise the applicant—

- (a) of the extent, if any, to which the Administrator is prepared to vary the requirements; and
- (b) of any consequent variation in the rent payable under the lease.

“(6.) The applicant may, at any time within three months of the date on which the notice under the last preceding sub-section is served on him or within such further time as the Administrator allows, notify the Administrator in writing that he is prepared to accept the variations of the requirements and the rent as specified in the notice.

“(7.) Upon receiving a notification under the last preceding sub-section, the Administrator shall, by notice in writing to the lessee, vary the requirements of the lease and the rent payable under the lease in accordance with the notice referred to in sub-section (5.) of this section and the lease shall have effect as so varied.”.

Restrictions
applying to
pastoral leases

27. Section 38A of the Principal Ordinance is amended—

- (a) by omitting from sub-section (2.) the words “is granted under section forty-eight D of this Ordinance” and inserting in their stead the words “was granted under section forty-eight D of the *Crown Lands Ordinance 1931-1966*, as amended by the *Crown Lands Ordinance 1967*”; and
- (b) by omitting from paragraph (a) of sub-section (12.) the words “or trustee in which the executor, administrator or trustee” and inserting in their stead the words “or person on whom it has devolved by operation of law in which he”.

28. Section 38B of the Principal Ordinance is amended by omitting from sub-section (9.) the words "Register-General" and inserting in their stead the words "Registrar-General".

Reconstruction
of associated
companies

29. Insert after section 39A of the Principal Ordinance the following section:—

"40.—(1.) The Minister, the Administrator or the Administrator in Council may, from time to time, as he considers necessary, refer to the Board for consideration and recommendation such of the following matters in relation to a pastoral lease as he considers appropriate:—

Board's
report on
stocking, &c.

- (a) the number of stock depastured on the leased land;
- (b) the quantity and quality of natural grasses, herbage and other kinds of stock feed available on the leased land;
- (c) the availability of watering places for stock on the leased land;
- (d) the extent of soil erosion on the leased land and the likelihood of further soil erosion; and
- (e) such other matters as he thinks fit.

"(2.) The Board shall consider the matters and shall make a report containing such recommendations as it thinks fit."

30 Insert after section 40 of the Principal Ordinance, as amended by this Ordinance, the following section:—

"40A.—(1.) Subject to this section, a lessee under a pastoral lease may use the whole or any part of the leased land for agricultural development.

Agricultural
development on
pastoral leases

"(2.) A lessee under a pastoral lease who desires to use the whole or any part of the leased land for agricultural development shall, before commencing to do so, notify the Administrator in writing of his intention so to do.

"(3.) The lessee under a pastoral lease who has notified the Administrator in accordance with the last preceding sub-section shall, on or before the thirtieth day of March in each year, furnish the Administrator with a written report giving details of the extent to which he has used the land for agricultural development during the preceding twelve months and the types, quantity and value of agricultural produce disposed of by him during that period.

"(4.) If the Administrator is satisfied that a lessee under a pastoral lease has failed to comply with the requirements of either of the last two preceding sub-sections, the Administrator may, by notice in writing to the lessee, forfeit the lease."

31. Sections 48, 48A, 48B, 48C, 48D, 48DA, 48E, 49, 49A, 50, 51, 52, 53, 53A, 54, 55 and 56 of the Principal Ordinance are repealed and the following sections inserted in their stead:—

Surrender of
pastoral lease
in exchange
for new
pastoral lease

“48.—(1.) The lessee under a pastoral lease may, at any time between the commencement of the twentieth and the expiration of the fortieth year of the lease, apply in writing to the Administrator for permission to surrender the lease in exchange for a new pastoral lease of the whole or a specified part of the land included in the existing lease.

“(2.) The applicant may, in his application, make suggestions, proposals and recommendations in respect of developmental work and improvements to be carried out or effected on the leased land in the event of the new pastoral lease applied for being granted.

“(3.) Upon receiving an application under this section, the Administrator shall refer it to the Board for consideration and recommendation.

“(4.) The Board shall consider the application and, in particular, shall consider—

- (a) the total area of land held under pastoral leases by the applicant;
- (b) whether it is desirable that part of the land subject to the existing lease should be surrendered to the Crown and made available for separate leasing under this Ordinance; and
- (c) whether the applicant has complied with the terms, covenants, conditions and provisions of the existing lease,

and, if the Board is satisfied that the applicant—

- (d) is qualified by experience to take up the new pastoral lease applied for; and
- (e) has sufficient finance or financial backing for that purpose,

it shall recommend to the Administrator that a pastoral lease of the whole or a specified part of the land included in the existing lease be granted to the applicant.

“(5.) Upon receiving a recommendation from the Board under the last preceding sub-section, the Administrator may, with the consent of the Minister, by notice in writing addressed to the applicant at his residential address and served by post, advise the applicant—

- (a) of the description of the land in respect of which the Minister is prepared to grant a new pastoral lease;
- (b) of the term, not exceeding fifty years, for which the Minister is prepared to grant a new pastoral lease;

- (c) of the amount of rent payable for the first period of the proposed lease and the periods at which the rental would be subject to re-appraisal;
- (d) of the covenants that the proposed lease would contain relating to minimum developmental work and minimum improvements; and
- (e) of the other reservations, covenants, conditions and provisions that the proposed lease would contain.

“(6.) An applicant may, at any time within three months of the date on which the notice under the last preceding sub-section is served on him or within such further time as the Administrator allows, in writing addressed to the Administrator, elect to accept a new pastoral lease in the terms specified in the notice.

“(7.) Upon receiving an election made under the last preceding sub-section, the Administrator shall notify the Minister that he has received the election.

“(8.) When the Minister has been notified by the Administrator that an applicant has elected to accept a new pastoral lease, the Minister shall, upon the applicant surrendering his existing lease, grant to the applicant a pastoral lease according to the particulars contained in the notice served on the applicant under sub-section (5.) of this section.

“(9.) A pastoral lease granted under sub-section (8.) of this section shall preserve the lessee’s rights in respect of improvements on land that was included in the surrendered lease and is included in the first mentioned lease.

“49. Where—

- (a) a pastoral lease granted under the last preceding section does not include all of the land that was included in the surrendered lease; and
- (b) the lessee has made or erected improvements or has paid to the Commonwealth the value of the improvements on the land included in the surrendered lease but not included in the first mentioned lease,

Compensation for improvements on surrendered land

the lessee is entitled to be paid, as compensation for the improvements, an amount equal to the value of the improvements at the date of the surrender.”

32. Section 48F of the Principal Ordinance is amended by omitting the words “of this Ordinance” and inserting in their stead the words “of the *Crown Lands Ordinance* 1931-1966, as amended by the *Crown Lands Ordinance* 1967”.

Failure to comply with developmental and improvement conditions to be referred to Board

33 Section 59 of the Principal Ordinance is amended by inserting, in sub-section (2.), after the word “section”, the words “or section 25CG of this Ordinance”.

Surrender of leases

Repeal of
Division 2A of
Part III. and
saving

34.—(1.) Division 2A of Part III. of the Principal Ordinance is repealed.

(2.) Notwithstanding the repeal effected by the last preceding sub-section, each pastoral homestead lease granted under the Division referred to in that sub-section and in existence immediately before the commencement of this Ordinance shall continue in force and shall have effect according to its tenor and the provisions of the Principal Ordinance shall, insofar as they are applicable, continue to apply to and in respect of each such pastoral homestead lease.

(3.) A lessee under a pastoral homestead lease granted under Division 2A of Part III. of the Principal Ordinance and in existence immediately before the commencement of this Ordinance may, at any time during the currency of the lease, apply in writing to the Administrator for permission to surrender the lease in exchange for a pastoral lease of the whole or a specified part of the land included in the existing lease.

(4.) For the purposes of sections 48 and 49 of the Principal Ordinance, as amended by this Ordinance, such an application shall be deemed to be an application under that section 48 by a lessee under a pastoral lease and shall be dealt with accordingly.

35. Sections 60, 61, 62 and 63 of the Principal Ordinance are repealed and the following sections inserted in their stead:—

“60. Subject to this Ordinance, the maximum area which may be included in any one agricultural lease is fifty thousand acres.

“61.—(1.) Subject to this section, a person shall not—

- (a) hold agricultural land which exceeds an area of one hundred thousand acres;
- (b) have a beneficial interest in agricultural land which exceeds an area of one hundred thousand acres; or
- (c) hold agricultural land and, at the same time, have a beneficial interest in agricultural land the total area of which land exceeds one hundred thousand acres.

Penalty: Ten dollars for each day or part of a day during which the offence continues.

“(2.) Notwithstanding the provisions of the last preceding sub-section a person may apply to the Administrator for approval to hold or have a beneficial interest in agricultural land in excess of one hundred thousand acres but not exceeding two hundred thousand acres.

Maximum
area of
agricultural
lease

Restrictions
on holding
agricultural
land

“(3.) The Administrator shall refer an application made under the last preceding sub-section to the Board for its consideration and recommendation.

“(4.) Where an application is referred to the Board under the last preceding sub-section the Board shall consider the application and if it is satisfied that—

- (a) the land to be the subject of the agricultural leases in respect of which the application is made is held by the applicant under a pastoral lease; and
- (b) the applicant has developed other land formerly the subject of such pastoral lease and has sold to persons or companies in which the applicant has neither a direct nor an indirect interest, at least an area of agricultural land equal to or in excess of the area of agricultural land in excess of one hundred thousand acres which is the subject of the application,

it shall recommend to the Administrator that the approval be granted.

“(5.) The Administrator may, at any time, by notice in writing to a person, not being an incorporated company, who holds, or has a beneficial interest in, agricultural land, require that person to make and cause to be delivered to the Administrator, within such time as is specified in the notice, a statutory declaration stating particulars of the area of agricultural land which, on a date specified in the notice, that person held or in which he had, on that date, a beneficial interest.

“(6.) The Administrator may, at any time, by notice in writing to a person, being a shareholder in an incorporated company which holds, or has a beneficial interest in, agricultural land—

- (a) require that person to make and cause to be delivered to the Administrator, within such time as is specified in the notice, a statutory declaration stating particulars of the area of agricultural land which, on a date specified in the notice, that person held or in which that person had, on that date, a beneficial interest; or
- (b) require that person to make and cause to be delivered to the Administrator, within such time as is specified in the notice, a statutory declaration stating whether a share in the company registered in his name is held on behalf of himself or another person and, if held on behalf of another person, the name and residential address of that other person.

“(7.) A person shall not fail to comply with the requirements of a notice given to him under either of the last two preceding sub-sections.

Penalty: Two hundred dollars.

“(8.) The Registrar-General of the Northern Territory shall not register the transfer of an agricultural lease or the sub-lease of the whole or a part of the land comprised in an agricultural lease if the transfer or sub-lease would result in the transferee or sub-lessee infringing the provisions of sub-section (1.) of this section.

“(9.) The Administrator may, at any time, by notice in writing to an incorporated company which holds, or has a beneficial interest in, agricultural land—

(a) require that a director, the secretary or the attorney (if any) of the company make and cause to be delivered to the Administrator, within such time as is specified in the notice, a statutory declaration stating particulars of the area of agricultural land which, on a date specified in the notice, the company held or in which the company had, on that date, a beneficial interest; or

(b) require that a director, the secretary or the attorney (if any) of the company make and cause to be delivered to the Administrator, within such time as is specified in the notice, a statutory declaration stating the name and residential address of every shareholder of the company and the number of shares held by each shareholder.

“(10.) Where the requirements of a notice given to a company under the last preceding sub-section are not complied with, every director of the company, the secretary of the company and, in the case of a foreign company, the attorney of the company, is guilty of an offence punishable, on conviction, by a fine not exceeding Two hundred dollars.

“(11.) A notice under sub-section (2.), (3.) or (6.) of this section shall be served personally or by post and, if served by post, shall be addressed, in the case of an individual, to his last-known place of residence, and in the case of a company, to its registered office in the Territory.

“(12.) Where—

(a) a person holds, or has a beneficial interest in, agricultural land; and

(b) the spouse of that person also holds, or has a beneficial interest in, agricultural land,

each of them shall, for the purposes of this section, be deemed to hold, or have a beneficial interest in, all the agricultural land

which either of them holds or in which either of them has a beneficial interest.

“(13.) Where—

(a) a person holds shares in an incorporated company or shares in an incorporated company are held on behalf of that person; and

(b) the spouse of that person also holds shares in that company or shares in that company are held on behalf of that spouse,

each of them shall, for the purposes of this section, be deemed to hold all the shares in that company held by or on behalf of either of them.

“(14.) The last two preceding sub-sections do not apply in relation to spouses who are living apart under a decree or order of judicial separation, whether made in the Territory or not.

“(15.) When a person has been convicted of an offence under sub-section (1.) of this section or the Administrator is otherwise satisfied that the person has contravened that sub-section, the Administrator may by notice in writing to that person and, if that person is not the holder of the lease or of all the leases to be forfeited, to the holder or holders of that lease, or those leases, forfeit a lease or leases which that person holds or in which that person has a beneficial interest, of so much agricultural land as will leave a residue of agricultural land which that person may hold or be beneficially interested in, or both, without contravening the provisions of that sub-section.

“(16.) Where a person has been convicted of an offence against sub-section (4.) or (7.) of this section or the Administrator is otherwise satisfied that a requirement of a notice under sub-section (2.), (3.) or (6.) of this section has not been complied with, the Administrator may by notice in writing forfeit any agricultural lease held by the person to whom the notice under sub-section (2.), (3.) or (6.) was given.

“(17.) This section does not apply—

(a) to agricultural land held by an executor, administrator or person on whom it has devolved by operation of law in which he has not a beneficial interest; or

(b) to agricultural land held by a person, or in which that person has a beneficial interest, by right of survivorship as next of kin, devisee or legatee of a deceased person until one year after the date upon which that person acquired the land or the beneficial interest in the land, or until the expiration of such further period as the Administrator approves for the purpose of enabling

that person to dispose of so much of the land or so much of his beneficial interest in that land as will enable the person to comply with the provisions of sub-section (1.) of this section.

“(18.) A mortgagee under a mortgage of agricultural land is not deemed to be beneficially interested in the agricultural land subject to the mortgage—

- (a) unless he is in possession of the land and has been so for more than two years;
- (b) unless the mortgage has been foreclosed; or
- (c) if the Administrator has given his written consent for the mortgagee to remain in possession of the land for a period, specified by the Administrator, after the foreclosure of the mortgage and that period has not expired.

“(19.) For the purposes of this section—

- (a) a person who holds or has a beneficial interest in agricultural land, jointly or in common with one or more other persons, is deemed to hold or to have a beneficial interest in an area of that land which bears the same proportion to the whole area of that land as that person's undivided share in the lease, leases or interest bears to the whole of that lease, those leases or that interest;
- (b) a person who is a shareholder in an incorporated company which holds or is beneficially interested in agricultural land is deemed to have a beneficial interest in an area of that land which bears the same proportion to the total area of that land as his interest in the capital of the company bears to the paid-up share capital of the company;
- (c) agricultural land held by an incorporated company is deemed to include all agricultural land held by any other incorporated company which consists substantially of the same shareholders;
- (d) an incorporated company is deemed to consist substantially of the same shareholders as does another incorporated company if not less than one half of its paid-up capital is held by or on behalf of shareholders of the other company; and
- (e) shares in an incorporated company held by or on behalf of another incorporated company shall be deemed to be held by shareholders of that other company, and those shareholders shall be deemed to hold those shares in the same respective proportions as their respective interests in the capital of the last mentioned company bear to the paid-up share capital of that company.

“(20.) In this section—

- (a) “agricultural land” means land held under an agricultural lease or agricultural leases granted under this or any other Ordinance; and
- (b) “shares” includes stock and “shareholder” includes stockholder.”.

36. Section 64 of the Principal Ordinance is amended—

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

Terms and conditions of agricultural leases

“(a) a covenant by the lessee that he will comply with any directions relating to stocking on the leased land, given to him by the Administrator by notice in writing from time to time;

(b) a covenant by the lessee that he will comply with the requirements of the lease as to developmental work and improvements as varied from time to time by the Administrator under section sixty-five of the Ordinance, and during the continuance of the lease, maintain developmental work and improvements on the land comprised in the lease to the satisfaction of the Administrator;”;

- (b) by omitting sub-section (2.).

37. Section 65 of the Principal Ordinance is repealed and the following section inserted in its stead:—

“65.—(1.) A lessee under an agricultural lease may at any time apply in writing to the Administrator to have the requirements of the lease relating to developmental work and improvements to be carried out or effected on the leased land varied to the extent specified in the application.

Variation of development requirements

“(2.) The applicant may, in his application, make suggestions, proposals and recommendations in respect of all or any of such requirements.

“(3.) Upon receiving an application under this section, the Administrator shall refer it to the Board for consideration and recommendation.

“(4.) The Board shall consider the application and shall make such recommendations to the Administrator as it thinks fit.

“(5.) Upon receiving a recommendation from the Board under the last preceding sub-section, the Administrator may, by notice in writing, advise the applicant—

- (a) of the extent, if any, to which the Administrator is prepared to vary the requirements; and

(b) of any consequent variation in the rent payable under the lease.

“(6.) The applicant may, at any time within three months of the date on which the notice under the last preceding sub-section is served on him or within such further time as the Administrator allows, notify the Administrator in writing that he is prepared to accept the variations of the requirements and the rent as specified in the notice.

“(7.) Upon receiving a notification under the last preceding sub-section, the Administrator shall, by notice in writing to the lessee, vary the requirements of the lease and the rent payable under the lease in accordance with the notice referred to in sub-section (5.) of this section and the lease shall have effect as so varied.”.

Power to grant miscellaneous leases

38. Section 70 of the Principal Ordinance is amended by omitting all the words after the words “Crown lands” and inserting in their stead the words “other than town lands”.

Repeal of sections 98 and 99

39. Sections 98 and 99 of the Principal Ordinance are repealed.

Resumption and reservation of Crown land

40. The Principal Ordinance is amended by inserting after sub-section (2.) of section 103 the following sub-section:—

“(2A.) A parcel of land shall not be resumed for cultivation purposes if—

- (a) it is the subject of an agricultural lease; or
- (b) it is included in land the subject of a pastoral lease and part of the land the subject of that pastoral lease has been cultivated or developed for cultivation, and the lessee *bona fide* intends to cultivate or to develop that parcel of land for cultivation.”.

41. Sections 105A and 106 of the Principal Ordinance are repealed and the following section inserted in their stead:—

Compensation for resumption

“106.—(1.) Where land included in a lease is resumed under section one hundred and three of this Ordinance, the lessee shall be entitled to compensation for any improvements on the resumed land that are the property of the lessee and—

- (a) if part only of the leased land is resumed, for any depreciation in the value of the lease by reason of the resumption; or
 - (b) if the whole of the leased land is resumed, for the loss of the lease,
- assessed in accordance with the succeeding provisions of this section.

“(2.) If the lease specifies the manner in which and the matters in respect of which compensation shall be assessed, the compensation shall be assessed in the manner and with respect to the matters so specified.

“(3.) In any case other than that to which the last preceding sub-section applies, the Administrator shall require the Valuer-General to assess the compensation referred to in this section.

“(4.) In making an assessment under this section, the Valuer-General shall—

- (a) not take into account any increased value of the resumed land arising from the construction of any public works or from any proposal to construct any public works; and
- (b) set off any increase, by reason of any such construction or proposal, in the value of any part of the leased land that is not resumed against the amount at which he would otherwise have assessed compensation.

“(5.) The Valuer-General shall give the lessee notice in writing of an assessment under this section.

“(6.) As soon as practicable after the resumption, the Administrator shall pay to the lessee an amount equal to the compensation assessed in accordance with this section or, if that compensation is varied under this Ordinance, an amount equal to the compensation as finally determined under this Ordinance.”.

42. Section 106A of the Principal Ordinance is amended— **Objections**

- (a) by omitting paragraph (c) of sub-section (1.); and
 - (b) by omitting from paragraph (e) of sub-section (1.) the words “one hundred and five A or”.
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