

CROWN LANDS ORDINANCE (No. 3) 1972

1333

No. 58 of 1972

An Ordinance to amend the *Crown Lands Ordinance* 1931 as amended and for other purposes

[Reserved 31 July, 1972]

[Assented to 12 October, 1972]*

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

1.—(1.) This Ordinance may be cited as the *Crown Lands Ordinance (No. 3) 1972*.

Short title
and citation

(2.) The *Crown Lands Ordinance* 1931 as amended is in this Ordinance referred to as the Principal Ordinance.

(3.) The Principal Ordinance as amended by this Ordinance may be cited as the *Crown Lands Ordinance 1931-1972*.

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 by omitting the word and figures “(Sections 69-74D)” and inserting in their stead the word and figures “(Sections 69-74F)”.

Parts

4. Section 5 of the Principal Ordinance is amended by omitting the definition of “premium” and inserting in its stead the following definition:—

Definitions

“‘premium’—

(a) in relation to the granting of a lease under section sixty-five C or section seventy-nine of this Ordinance, means the amount determined by the Administrator to be the premium; and

(b) in relation to the granting of a lease under section sixty-eight G or section sixty-eight H of this Ordinance, means the difference between—

* Notified in the *Northern Territory Government Gazette* No. 43 of 25 October, 1972, page 393.

† The date fixed was 15 November, 1972 (see *Northern Territory Government Gazette* No. 46 of 15 November, 1972, page 411).

- (i) the amount that, in the opinion of the Administrator, would be the amount payable by a successful bidder under sub-section (8.) of section sixty-seven of this Ordinance if the right to the lease were offered for sale at public auction under section sixty-seven of this Ordinance; and
- (ii) the amount determined to be the reserve price under sub-section (1.) of section sixty-eight GA of this Ordinance for the right to the lease;”.

5. Sections 12AA and 12A of the Principal Ordinance are repealed and the following section inserted in their stead:—

Delegation

“12A.—(1.) The Minister or the Administrator may, either generally or in relation to a matter or class of matters by instrument in writing, delegate to a person or authority all or any of his powers or functions under this Ordinance (except this power of delegation).

“(2.) A power or function so delegated may be exercised by the delegate in accordance with the instrument of delegation.

“(3.) A delegation under this section is revocable at will and does not prevent the exercise of a power or function by the Minister or the Administrator.”.

Saving and validation

6.—(1.) Notwithstanding the repeal made by the last preceding section, an instrument of delegation made under section 12A or 12AA of the Principal Ordinance and in force immediately before the commencement of this Ordinance continues in force according to its tenor after that commencement as if made under section 12A of the Principal Ordinance as amended by this Ordinance.

(2.) Where an instrument purports to have been an instrument of delegation made under section 12A or 12AA of the Principal Ordinance and the instrument has not, at the commencement of this Ordinance, been revoked, the instrument shall be deemed to have been at all times before the commencement of this Ordinance and shall be deemed to be at all times after that commencement as valid and effective for all purposes according to its tenor as if made under the Principal Ordinance as amended by this Ordinance and the Principal Ordinance as so amended were in force on the date on which the instrument was made.

7. Section 14 of the Principal Ordinance is amended—
- (a) by omitting paragraph (c) of sub-section (2.);
- (b) by inserting after sub-section (2.) the following sub-section:—
- “(2A.) A miscellaneous lease under this Ordinance shall, as determined by the Administrator and specified in the lease, be granted—
- (a) for such term of years as the Administrator determines; or
- (b) in perpetuity.”; and
- (c) by omitting from sub-section (4.) the words “the last two preceding sub-sections” and inserting in their stead the words “this section”.

Leases—how granted; which to be in perpetuity or subject to rental re-appraisalment

8. Section 65c of the Principal Ordinance is amended—
- (a) by omitting from sub-section (6.) all the words from and including the words “and, if he does so” to the end of the sub-section; and
- (b) by inserting after sub-section (6.) the following sub-sections:—
- “(6A.) If—
- (a) a lessee of an agricultural lease accepts under the last preceding sub-section an offer of an appropriate lease; and
- (b) within the period of thirty days after the date of the offer—
- (i) he surrenders the agricultural lease;
- (ii) he pays to the Administrator the reserve price referred to in sub-section (3.) of this section for the right to that appropriate lease; and
- (iii) he pays to the Administrator the amount of any premium for that appropriate lease,
- the lessee shall have the right to be granted that appropriate lease.
- “(6B.) For the purposes of the last preceding sub-section, the Administrator may, if he thinks fit, determine an amount to be the premium for an appropriate lease.”.

Conversion of agricultural leases

9. Section 68c of the Principal Ordinance is amended by omitting sub-section (3.) and inserting in its stead the following sub-section:—

Grant of lease of town lands to person occupying dwelling house

“(3.) Nothing in this section authorizes the grant to a person of a lease of town lands under this section so that that

person or the spouse of that person becomes, by the grant either alone or as a joint tenant or tenant in common, the lessee of more than one such lease or of such a lease and a lease under the *Darwin Town Area Leases Ordinance 1947*, or under that Ordinance as amended.”.

Power to invite applications for leases

10. Section 73 of the Principal Ordinance is amended by omitting from sub-section (1.) the words “in a newspaper published in Darwin and in a newspaper published in Alice Springs.”.

Further miscellaneous lease may be granted on expiry of miscellaneous lease

11. After section 74D of the Principal Ordinance the following sections are inserted in Division 5 of Part III.:—

“74E.—(1.) When a miscellaneous lease for a term of years expires, the Minister may grant to the former lessee a further miscellaneous lease of all or part, as the Minister determines, of the land subject to the expired lease.

“(2.) Sections seventy-two, seventy-three and seventy-four of this Ordinance do not apply to a further miscellaneous lease granted under this section.

Improvements—miscellaneous lessee's rights

“74F.—(1.) Where, upon the expiration of a miscellaneous lease of land on which there are improvements, the former lessee is granted under the last preceding section a further miscellaneous lease of that land or of part of that land, he is not liable to make any payment to the Commonwealth in respect of the improvements on the land in respect of which the further lease is granted.

“(2.) Where a lessee under a miscellaneous lease in respect of land upon which there are improvements applies under this Ordinance for a further miscellaneous lease in respect of that land but is not so granted a further miscellaneous lease or is so granted a further miscellaneous lease in respect of part only of that land, the Administrator shall require the Valuer-General to determine the value of the improvements, if any, on that land, or on the part of that land, as the case may be, in respect of which the lessee is not granted a further lease.

“(3.) Upon the determination by the Valuer-General of the value of improvements under the last preceding sub-section, the Commonwealth shall pay to the lessee an amount equal to that value or, if that value is varied under this Ordinance, an amount equal to the value of the improvements as finally determined under this Ordinance.

“(4.) Where a lessee under an expired miscellaneous lease of land upon which there are improvements does not apply for a further miscellaneous lease of that land, he may, within fourteen days after the date of expiry of the lease, elect either to

remove those improvements from the land or not to remove them and apply for compensation in respect of leaving them on that land.

“(5.) Upon application by a former lessee for compensation in accordance with an election under the last preceding sub-section, the Commonwealth is liable to pay to him such amount as is, in the opinion of the Administrator, the value to the Commonwealth of the improvements.

“(6.) An election to remove improvements made under sub-section (4.) of this section confers on the former lessee a right to enter upon the land and to remove the improvements, but that right subsists only for a period of three months after the date of the election or for such longer period as the Administrator allows.”.

12. Section 76 of the Principal Ordinance is amended by inserting after sub-section (2.) the following sub-section:—

Administrator may invite applications for town lands subdivision lease

“(2A.) The notice may state that the successful applicant will be required to construct water and sewerage works in respect of the lands to be subdivided.”.

13. Section 79 of the Principal Ordinance is amended—

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

(a) by inserting in sub-section (4.) after the words “and shall” the words “, subject to sub-section (6.) of this section, ”; and

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

“(6.) The Administrator may, if he thinks fit, determine an amount to be the premium for a town lands subdivision lease, and, if he does so, the applicant shall not obtain the right to the town lands subdivision lease until he has paid, in addition to the reserve price, that premium.”.

14. After section 81 of the Principal Ordinance the following section is inserted:—

“81A. Rates are not payable under any law of the Northern Territory in respect of land that is the subject of a town lands subdivision lease.”.

Exemption from rates

15. Section 82 of the Principal Ordinance is amended—

Lessee to submit detailed proposals for subdivision

(a) by omitting from sub-paragraph (ii) of paragraph (a) of sub-section (1.) the word “and”; and

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(b) by inserting after sub-paragraph (iii) of paragraph (a) of sub-section (1.) the following sub-paragraph:—

“(iv) if the applicant is required to construct water and sewerage works in respect of that land—for the construction of those works; and”.
