

CROWN LANDS ORDINANCE

(No. 4) 1970

No. 80 of 1970

An Ordinance to amend the *Crown Lands Ordinance 1931-1969* as amended by the *Crown Lands Ordinance 1970*, the *Crown Lands Ordinance (No. 2) 1970* and the *Crown Lands Ordinance (No. 3) 1970*

[Reserved 11 December, 1970]

[Assented to 24 December, 1970]*

It is 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. 4) 1970*. Short title
and citation

(2.) The *Crown Lands Ordinance 1931-1969* as amended by the *Crown Lands Ordinance 1970*, the *Crown Lands Ordinance (No. 2) 1970* and the *Crown Lands Ordinance (No. 3) 1970* is in this Ordinance referred to as the Principal Ordinance.

(3.) Section 1 of the *Crown Lands Ordinance (No. 3) 1970* is amended by omitting sub-section (4.).

(4.) The Principal Ordinance as amended by this Ordinance may be cited as the *Crown Lands Ordinance 1931-1970*.

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

3. After section 22 of the Principal Ordinance the following sections are inserted:—

“22A.—(1.) A person having a right to a lease may, after paying all moneys due to the Commonwealth, surrender that right at any time. Surrender of
right to a
lease

“(2.) The regulations may prescribe the manner in which, in accordance with this section, a right to a lease may be surrendered.

* Notified in the *Northern Territory Government Gazette* No. 52 of 30 December, 1970, page 374.
† The date fixed was 1 January, 1971 (see *Northern Territory Government Gazette* No. 52 of 30 December, 1970, page 374).

Refund on
surrender of
right to a
lease

“22B.—(1.) In this section—

‘right to a lease of town lands’ means a right to be granted a lease of town lands that is possessed by—

- (a) a person who has obtained the right to a lease of town lands at an auction at which the right has been offered, but has not been granted the lease; or
- (b) a person to whom such a right to be granted a lease of town lands passes by devolution, operation of law or assignment with the prior consent of the Administrator.

“(2.) The Administrator may, subject to the next succeeding sub-section, authorize the refund to a person who surrendered or who, on or after the first day of May, 1968, and before the commencement of the *Crown Lands Ordinance (No. 4) 1970* surrendered the right to a lease of town lands of an amount not exceeding the amount paid by the person for or in respect of the right to the lease.

“(3.) The last preceding sub-section does not authorize the refund of an amount unless—

- (a) the conditions subject to which the right to the lease was obtained included a condition that the lease would be a lease—
 - (i) for one single building only, that building to be a house;
 - (ii) for one single building only, that building to be a block of flats not more than two storeys high containing not more than six flats; or
 - (iii) for one single building only, that building to be either a house or a block of flats not more than two storeys high containing not more than six flats;
- (b) the person to whom the right to the lease was granted has been unable, for reasons which, in the opinion of the Administrator, warrant the refund, to comply with the condition of the grant requiring the erection of a building on the land; and
- (c) the surrender of the right to the lease is made before the Administrator has, in pursuance of section 67 of this Ordinance, given notice of his intention to determine the right of the person to the lease.

“(4.) For the purposes of this section, the amount paid by a person for or in respect of the right to the lease does not include any amount paid as survey fees or by way of rent or any amount determined by the Administrator for administrative costs.”.

4. Section 23 of the Principal Ordinance is amended by adding at the end thereof the following sub-sections:—

General
conditions
of leases

“(2.) The Administrator may, subject to the next succeeding sub-section, authorize the refund to a person who surrenders who, on or after the first day of May, 1968, and before the commencement of the *Crown Lands Ordinance (No. 4) 1970*, surrendered a lease of town lands of an amount not exceeding the amount paid by the person for or in respect of the grant of the lease.

“(3.) The last preceding sub-section does not authorize the refund of an amount unless—

(a) the lease was a lease—

- (i) for one single building only, that building to be a house;
- (ii) for one single building only, that building to be a block of flats not more than two storeys high containing not more than six flats; or
- (iii) for one single building only, that building to be either a house or a block of flats not more than two storeys high containing not more than six flats; and

(b) the lessee has been unable, for reasons which, in the opinion of the Administrator, warrant the refund, to comply with the covenant of the lease requiring the erection of a building on the land comprised in the lease.

“(4.) For the purposes of this section, the amount paid by a person for or in respect of the grant of the lease does not include any amount paid as survey fees or by way of rent or any amount determined by the Administrator for administrative costs.”.
