

No. 25 of 1966

An Ordinance to amend the *Control of Roads Ordinance 1953-1964*

[Reserved 30th March, 1966.]

[Assented to 30th June, 1966.]*

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 1910-1965*, as follows:—

1.—(1.) This Ordinance may be cited as the *Control of Roads Ordinance 1966*.

Short title
and citation

(2.) The *Control of Roads Ordinance 1953-1964* is in this Ordinance referred to as the Principal Ordinance.

(3.) The Principal Ordinance, as amended by this Ordinance, may be cited as the *Control of Roads Ordinance 1953-1966*.

2. Section 16 of the Principal Ordinance is repealed and the following section inserted in its stead:—

“16.—(1.) Where the Commonwealth has acquired land or an estate or interest in land for the purpose of making or opening a new road or altering an existing road, the Administrator may agree with the person from whom that land or that estate or interest in land was acquired that, in satisfaction in whole or in part of any compensation, the person shall receive the grant of a corresponding estate or interest in specified land of the Crown or the Commonwealth adjoining the land which or the estate or interest in which was acquired.

Agreement for
exchange

“(2.) An agreement made under this section does not come into operation until it is approved by the Minister.

“(3.) In this section, ‘compensation’ means an amount of money ascertained in accordance with the *Lands Acquisition Act 1955-1957* or any other law in force in the Northern Territory to be the amount which a person is entitled to receive in respect of the acquisition by the Commonwealth of land or an estate or interest in land.”.

3. Section 24 of the Principal Ordinance is repealed and the following section inserted in its stead:—

Land to be
offered to
adjoining
owners

“24.—(1.) Where any land of the Crown or the Commonwealth comprises—

- (a) a former road or part of a road that has been closed under this Ordinance; or
- (b) a road or part of a road that it is proposed to close under this Ordinance,

the Administrator may agree with a person who has an estate or interest in land adjoining the first-mentioned land that the person shall, after the road or part of a road has been so closed, be granted an estate or interest in the first-mentioned land of a like nature to his estate or interest in the adjoining land—

- (c) for such amount as is specified in the agreement; or
- (d) if his estate or interest in the adjoining land is a lease granted by or on behalf of the Crown or the Commonwealth, on the resumption of such part of the adjoining land as is specified in the agreement.

“(2.) Where each of two or more parcels of land adjoining land comprising a former road or part of a road that has been closed under this Ordinance is held for an estate in fee simple or leasehold from the Crown and the parcels are not so held by the same person, the Administrator may give notice to all the persons holding the parcels that he is prepared to dispose of the second-mentioned land.

“(3.) Each notice shall be in writing and shall specify the estate in the land which the Administrator is prepared to offer and the amount for which he is prepared to dispose of that estate.

“(4.) Where notices have been given under sub-section (2.) of this section and two or more of the persons notified inform the Administrator in writing, within twenty-eight days after the date on which the last of the notices was given, that they desire to acquire the land specified in the notices, the Administrator shall invite each person who so informs him to tender for an estate in that land of like nature to the estate held by the person in his adjoining parcel of land.

“(5.) If the Administrator receives only one tender of an amount that is not less than the price specified in the notices he shall accept the tender and if he receives more than one such tender he shall accept the tender of the person tendering the highest amount.

“(6.) If a tender under the last preceding sub-section is accepted the tenderer is entitled to be granted an estate in the

land in respect of which the tender is made of like nature to the estate held by the tenderer in his adjoining parcel of land.”.

4. Section 27 of the Principal Ordinance is repealed and the following section inserted in its stead:—

“27. —(1.) Where an agreement made under section sixteen or sub-section (1.) of section twenty-four of this Ordinance or made under sub-section (5.) of the last-mentioned section by the acceptance of a tender entitles a person to be granted a leasehold estate, the estate shall be granted by amending the person’s lease of the land adjoining the land to be granted so that the land comprising the former road or part of a road is included in the land that is subject to the lease, with such alteration of the reservations, covenants, conditions and provisions of the existing lease as are specified in the agreement.

Administrator
or Minister
empowered to
amend
existing lease

“(2.) The Administrator or the Minister, as the case requires, is empowered to amend an existing lease to incorporate additional land in the lease and to do all other things necessary to give effect to the last preceding sub-section.

“(3.) An amendment of an existing lease under this section shall be effected by lodging with the Registrar-General a memorandum describing the land incorporated and the alterations in the reservations, covenants, conditions and provisions specified in the agreement.

“(4.) The Registrar-General shall register a memorandum lodged under the last preceding sub-section and shall endorse upon the original lease in the Register of Crown Leases a note referring to the memorandum and stating that further land has been incorporated in the lease.”.

5. The Second Schedule to the Principal Ordinance is repealed.

Repeal of
second
Schedule
