

DARWIN TOWN AREA LEASES ORDINANCE 1963.

1095

No. 78 of 1963.

An Ordinance to amend the *Darwin Town Area Leases Ordinance 1947-1962*.

[Reserved 2nd October, 1963.]

[Assented to 6th December, 1963.]*

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 *Darwin Town Area Leases Ordinance 1963*.

Short title
and citation.

(2.) The *Darwin Town Area Leases Ordinance 1947-1962* is in this Ordinance referred to as the Principal Ordinance.

(3.) The Principal Ordinance, as amended by this Ordinance, may be cited as the *Darwin Town Area Leases Ordinance 1947-1963*.

2. After section sixteen of the Principal Ordinance the following sections are inserted:—

“16A.—(1.) Subject to this section, the Minister may grant a lease of land to—

Grant of leases
to ex-members
of Armed Forces,
tenants of
dwelling houses
and pensioners.

(a) a person who is a member or ex-member of the Armed Forces;

(b) a person who occupies as a tenant of the Commonwealth a dwelling house erected on that land, or such a person and the spouse of such a person as joint lessees or lessees in common; or

(c) a person who is receiving a pension under the *Social Services Act 1947-1962*.

(2.) A lease of land may be granted under this section notwithstanding that the right to the lease has not been offered by auction and that applications for the lease have not been invited under section fourteen of this Ordinance.

* Assent notified in the *Government Gazette* of the Northern Territory on 17th December, 1963 (see *Gazette* No. 52b, 1963, p. 245).

- (3.) A person is not eligible to receive under this section—
- (a) a grant of a lease of more than one parcel of land;
or
 - (b) a grant of a lease of land if he is already—
 - (i) a lessee under this Ordinance; or
 - (ii) a lessee of a lease of town lands under the
Crown Lands Ordinance 1931-1963.

Grant of leases
to approved
persons.

“ 16B.—(1.) Where a society, association or other organization furnishes to the Administrator an undertaking (being an undertaking that is satisfactory to the Administrator) that it will, on the granting of a lease of land—

- (a) erect on the land leased a house that is intended to be used as the home for the accommodation of an approved person;
- (b) join with another society, association, organization or person in erecting, on the land leased, a house that is intended to be so used;
- (c) make a grant of moneys to an approved person towards meeting the cost of erecting, on the land leased, a house that is intended to be used by the approved person as his home; or
- (d) assist an approved person in erecting, on the land leased, a house that is intended to be used by the approved person as his home and supervise the erection of the house,

the Minister may grant a lease of land to the society, association or other organization or to a person nominated in writing by the society, association or other organization.

(2.) A person is not eligible to be nominated by a society, association or other organization for the purposes of the last preceding sub-section unless he is—

- (a) the approved person for whose accommodation the house is intended to be erected; or
- (b) a person who has entered into an agreement (being an agreement satisfactory to the Administrator) with a society, association or other organization, as the case may be, that he will hold the lease as trustee for that society, association or other organization.

(3.) A lease of land may be granted under this section notwithstanding that the right to the lease has not been offered by auction and that applications for the lease have not been invited under section fourteen of this Ordinance.

(4.) In this section, 'approved person' means a person (not being a person who is a lessee under this Ordinance or a lessee of a lease of town lands under the *Crown Lands Ordinance* 1931-1963) determined by the Administrator, by writing under his hand, to be an approved person for the purposes of this section.

" 16c. The Minister may grant to the Housing Commission established under the *Housing Ordinance* 1959-1962 a lease of land for the purposes of that Commission, notwithstanding that the right to the lease has not been offered by auction and that applications for the lease have not been invited under section fourteen of this Ordinance.

Grant of leases
to Housing
Commission.

" 16d.—(1.) The Minister may grant to a person proposing to manufacture goods in the Territory a lease under this section notwithstanding that the lease has not been offered by auction and that applications for the lease have not been invited under section fourteen of this Ordinance.

Grant of leases
to Housing
Commission.
for industrial
purposes.

(2.) An application under this section shall be in writing signed by the applicant and shall be lodged with the Administrator.

(3.) An application for the grant of land under this section shall contain—

- (a) the proposals of the applicant in relation to—
 - (i) the type of manufacturing to be undertaken;
 - (ii) the location of the land to be leased;
 - (iii) the amount to be invested in buildings and equipment;
 - (iv) the number of persons to be employed;
 - (v) the location of markets for the goods to be manufactured;
 - (vi) the date when construction of the buildings will commence; and
 - (vii) the date when the manufacturing of goods will commence;
- (b) the opinion of the applicant in relation to the extent of markets for the goods proposed to be manufactured, and reasons for that opinion;
- (c) the applicant's reason for not obtaining an estate in fee simple, or a lease of land otherwise than under this section; and

(d) any other matters the applicant considers relevant for the purposes of the application.

(4.) The Administrator in Council shall consider the application and shall make such recommendations to the Minister in relation to the application as the Administrator in Council thinks fit.

(5.) The Administrator in Council shall, in considering the application, take into account—

(a) the matters contained in the application in pursuance of sub-section (3.) of this section;

(b) the amount of the premium for the proposed lease;

(c) the opinions of the Administrator as to whether the proposals of the applicant to manufacture goods, if carried out, would or would not—

(i) contribute substantially to the economic development of the Territory and the welfare of the people of the Territory;

(ii) within a reasonable time, establish the industry of manufacturing those goods in the Territory on a permanent and economic basis;

(iii) be detrimental to existing industries in the Territory;

(iv) establish the industry of manufacturing those goods on a commercial scale in a part of the Territory not adequately served by an existing industry; and

(v) result in the investment in the Territory of an amount of not less than Twenty-five thousand pounds or such lesser amount as the Administrator in Council thinks appropriate having regard to all the circumstances; and

(d) such other matters as the Administrator in Council thinks relevant.

(6.) Nothing in this section authorizes the grant of a lease to a person who has previously been granted a lease under this section.

(7.) Where land is leased under this section a premium is payable in cash by the lessee on the granting of the lease.

(8.) In this section—

‘for industrial purposes’ means for the purposes of constructing and operating on the land leased a factory for making goods for sale by means of power-driven machinery;

‘premium’ in relation to a lease of land, means the amount that, in the opinion of the Administrator, would be the amount payable by a successful bidder under sub-section (6.) of section thirteen of this Ordinance if the land were offered for sale at public auction under that section.”.

3. Section nineteen of the Principal Ordinance is amended—

Payment for improvements.

(a) by inserting in paragraph (c) of sub-section (2.), after the word “sixteen”, the words “sixteen A, sixteen B, sixteen C, sixteen D”; and

(b) by inserting in paragraph (b) of sub-section (4.), after the word “sixteen”, the words “sixteen A, sixteen B, sixteen C, sixteen D”.

4. Section twenty-one of the Principal Ordinance is amended by inserting in sub-section (1.), after the word “sixteen”, the words “sixteen A, sixteen B, sixteen C, sixteen D”.

Payment of survey fees.

5. Section twenty-two of the Principal Ordinance is amended by inserting in sub-section (1.), after the word “sixteen”, the words “sixteen A, sixteen B, sixteen C, sixteen D”.

Determination of right to grant of lease.

6. Section twenty-nine AC of the Principal Ordinance is amended—

Applicant to submit detailed proposals for subdivision.

(a) by omitting from sub-paragraph (i) of paragraph (a) of sub-section (2.) the word “or”;

(b) by omitting from sub-paragraph (ii) of paragraph (a) of sub-section (2.) the words “the Director of Works of proper standard” and inserting in their stead the words “the appropriate authority of proper standard; or”;

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

“(3.) For the purposes of the last preceding sub-section ‘the appropriate authority’ means—

(a) in the case of land within the municipality of Darwin—the Darwin City Council; or

(b) in any other case—the Director of Works.”.