

DARWIN TOWN AREA LEASES ORDINANCE 1971

791

No. 22 of 1971

An Ordinance to amend the *Darwin Town Area Leases Ordinance 1947-1970*

[Reserved 24 March, 1971]
[Assented to 13 May, 1971]*

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

- 1.—(1.) This Ordinance may be cited as the *Darwin Town Area Leases Ordinance 1971*. Short title
and citation
- (2.) The *Darwin Town Area Leases Ordinance 1947-1970* 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 1947-1971*.
2. This Ordinance shall come into operation on a date to be fixed by the Administrator by notice in the *Gazette*.† Commencement
3. Section 2 of the Principal Ordinance is amended by omitting the definition of “municipality”. Definitions
4. Section 11A of the Principal Ordinance is amended by omitting from sub-section (2.) the words “and, in the case of a lease of land not situated within a municipality, the amount of the unimproved capital value as at the date of the application”. Conversion of
term of lease
to perpetuity
5. Section 13 of the Principal Ordinance is amended— Auctioning of
leases
 - (a) by omitting from paragraph (e) of sub-section (5.) the words “situated within a municipality”;
 - (b) by omitting paragraph (f) of sub-section (5.); and
 - (c) by omitting from sub-section (13.) the words “rent or other”.

* Notified in the *Northern Territory Government Gazette* No. 20 of 19 May, 1971, page 168.

† The date fixed was 1 July, 1971 (see *Northern Territory Government Gazette* No. 26 of 30 June, 1971, page 227).

Power to invite applications for leases

- 6** Section 14 of the Principal Ordinance is amended—
- (a) by omitting from paragraph (e) of sub-section (1.) the words "situated within a municipality"; and
 - (b) by omitting paragraph (f) of sub-section (1.).

Rent

- 7.** Section 18 of the Principal Ordinance is amended—
- (a) by omitting from sub-section (1.) all the words after the words "under this Ordinance" and inserting in their stead the words "is Ten cents if and when demanded by the Minister"; and
 - (b) by omitting sub-sections (2.), (3.) and (4.) and inserting in their stead the following sub-sections:—
 - "(2.) A provision in a lease determining the rent payable under the lease has no force or effect.
 - "(3.) A covenant by the lessee to pay rent or to pay additional rent under the lease has no force or effect.
 - "(4.) A covenant by the lessee or the Commonwealth or any mutual covenant by the lessee and the Commonwealth providing for the determination of the lease in the event of the rent payable under the lease remaining unpaid for any period has no force or effect."

Repeal of section 18A

- 8.** Section 18A of the Principal Ordinance is repealed.

Payment for improvements

- 9.** Section 19 of the Principal Ordinance is amended by omitting from paragraph (b) of sub-section (4.) the words "rent or other".

Determination of right to grant of lease

- 10.** Section 22 of the Principal Ordinance is amended—
- (a) by inserting in sub-section (1.) after the words "sixteen A," the words "sixteen AA,";
 - (b) by omitting from sub-section (1.) the words "rent or other" (twice occurring); and
 - (c) by omitting from sub-section (4.) the words "rent or other".

Relief from conditions in the case of approved associations

- 11.** Section 24 of the Principal Ordinance is amended—
- (a) by omitting paragraph (a) of sub-section (1.);
 - (b) by omitting paragraph (c) of sub-section (1.);

(c) by omitting from sub-section (1.) the words "the reduction, grant of relief or remission" and inserting in their stead the words "the grant of relief"; and

(d) by omitting from sub-section (3.) the words "the reduction, grant of relief or remission" and inserting in their stead the words "the grant of relief".

12. Section 25 of the Principal Ordinance is repealed.

Repeal of section 25

13. Section 29AB of the Principal Ordinance is amended by omitting from sub-section (2.) the words ", and, in addition, where the land is not within a municipality, the annual rent payable in respect of that land under the new lease".

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

14. Section 29AE of the Principal Ordinance is amended by inserting in paragraph (a) of sub-section (1.) after the words "in paragraph (c)" the words "of sub-section (1.)".

New leases after subdivision

15. Section 29AF of the Principal Ordinance is amended—

(a) by inserting in sub-section (1.) after the words "in paragraph (c)" the words "of sub-section (1.)"; and

Interest to be paid where subdivision not completed within approved time for subdividing

(b) by inserting in paragraph (a) of sub-section (2.) after the words "in paragraph (c)" the words "of sub-section (1.)".

16. Sections 33 and 34 of the Principal Ordinance are repealed.

Repeal of sections 33 and 34

17.—(1.) A lessee of land not within the Municipality of Darwin who has paid rent in respect of the land comprised in his lease is entitled to a refund of any rent paid by him in respect of the period, calculated from day to day, commencing after the date on which this Ordinance comes into operation.

Transitional

(2.) The amendments effected by this Ordinance do not operate to prevent the enforcement of a covenant by a lessee to pay rent or additional rent in respect of a period before the commencement of this Ordinance.

