

# FREEHOLD TITLES ORDINANCE (No. 2) 1970

677

No. 83 of 1970

An Ordinance to amend the *Freehold Titles Ordinance* 1963-1969 as amended by the *Freehold Titles Ordinance* 1970

[Reserved 10 December, 1970]

[Assented to 24 December, 1970]\*

**B**E it ordained by the Legislative Council for the Northern Territory of Australia as follows:—

1.—(1.) This Ordinance may be cited as the *Freehold Titles Ordinance* (No. 2) 1970.

Short title  
and citation

(2.) The *Freehold Titles Ordinance* 1963-1969 as amended by the *Freehold Titles Ordinance* 1970 is in this Ordinance referred to as the Principal Ordinance.

(3.) Section 1 of the *Freehold Titles Ordinance* 1970 is amended by omitting sub-section (3.).

(4.) The Principal Ordinance as amended by this Ordinance may be cited as the *Freehold Titles Ordinance* 1963-1970.

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

Commencement

3. Section 3 of the Principal Ordinance is amended by inserting after the definition of "lessee" the following definition:—

Definitions

"'municipality' means a municipality constituted and in existence under the *Local Government Ordinance* 1954-1969;".

4. Section 6A of the Principal Ordinance is amended—

(a) by inserting in sub-paragraph (ii) of paragraph (a) after the words "sixteen A," the words "sixteen AA,"; and

Rejection of  
certain applica-  
tions where lease  
commenced less  
than five years  
before applica-  
tion made

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

"(2.) The Administrator shall also reject an application under section four of this Ordinance if—

\* 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).

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- (a) the lease in respect of which the application is made is a lease granted in pursuance of the *Darwin Town Area Leases Ordinance 1947-1970*; and
- (b) the reserve price (if any) for the right to be granted the lease or the amount (if any) required to be paid in respect of the grant of the lease has not, as at the date of the application, been paid in full.”.

Grant, rejection or further consideration of application

5. Section 7 of the Principal Ordinance is amended by omitting from sub-section (3.) all the words after the word “notification” and inserting in their stead the words “the purchase price, administrative fee or conversion fee payable in respect of the grant of an estate in fee simple of the land in respect of which the Minister is prepared to grant such an estate and, where the Administrator specifies a purchase price, the terms of payment of the purchase price.”.

Application to be granted or further consideration given unless lessee in breach of condition, &c.

6. Section 9 of the Principal Ordinance is amended—

- (a) by omitting paragraph (b) and inserting in its stead the following paragraph:—
  - “(b) the lessee has paid—
    - (i) the purchase price, administrative fee or conversion fee; and
    - (ii) all other amounts, payable in respect of the grant of an estate in fee simple of the land.”; and
- (b) by adding at the end thereof the following sub-section:—

“(2.) In paragraph (b) of the last preceding sub-section, ‘paid’, in relation to the purchase price, includes ‘agreed to pay, in accordance with the terms determined by the Administrator under sub-section (3.) of section fourteen of this Ordinance’.”.

7. After section 14 of the Principal Ordinance the following sections are inserted:—

Administrative fee or conversion fee to be payable for fee simple grant of land within a municipality but no purchase price

“14A.—(1.) In respect of the grant of an estate in fee simple made after the commencement of the *Freehold Titles Ordinance (No. 2) 1970*—

- (a) an administrative fee is payable, but no purchase price is payable, if the land to be included in the estate is within a municipality and is any portion or all of the land included in an existing lease granted in pursuance of the *Darwin Town Area Leases Ordinance 1947*; and

- (b) a conversion fee is payable, but no purchase price is payable, if the land to be included in the estate is land within a municipality and is any portion or all of the land included in an existing lease under the *Church Lands Leases Ordinance* 1947.

“(2.) The administrative fee shall be the amount determined by the Administrator to be the reasonable cost to the Commonwealth of the preparation and registration of a certificate of title with respect to the land the subject of the grant.

“(3.) The conversion fee shall be the amount determined by the Administrator to be what the reserve price would have been if the land to be included in the estate in fee simple had been unleased land on the date of commencement of the *Darwin Town Area Leases Ordinance* (No. 3) 1970 and the right to a lease of that land had been offered by auction under section thirteen of the *Darwin Town Area Leases Ordinance* 1947-1970 on the date of the application for the grant of the estate in fee simple.

“(4.) Subject to this section, a purchase price is payable in respect of the grant of an estate in fee simple made under this Ordinance.

“14B. As from the date of commencement of the *Freehold Titles Ordinance* (No. 2) 1970, the following provisions apply to and in relation to the payment of the purchase price payable in respect of the grant of an estate in fee simple of land within a municipality, being land of which a grant in fee simple was made under this Ordinance before that date and which, immediately before the grant was made, was included in a lease granted in pursuance of the *Darwin Town Area Leases Ordinance* 1947 or the *Church Lands Leases Ordinance* 1947:—

Further instalments of purchase price not payable in certain cases

- (a) all amounts paid in payment of all or part of the purchase price shall be retained by the Commonwealth;
- (b) all amounts due to be paid in payment of all or part of the purchase price before that date shall, if unpaid, continue to be payable; and
- (c) all amounts due to be paid in payment of all or part of the purchase price on or after that date shall, as from that date, cease to be payable.”.

8. Section 15 of the Principal Ordinance is amended—

- (a) by inserting in sub-section (2.), after the words “the prescribed time is”, the words “in a case where a purchase price is payable in respect of the grant of an estate in fee simple”; and

Applicant to advise within the prescribed time if he is prepared to accept proposed grant

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(b) by inserting after sub-section (2.) the following sub-section:—

“(2A.) For the purposes of sub-section (1.) of this section, the prescribed time is, in a case where an administrative or conversion fee is payable in respect of the grant of an estate in fee simple—the period of sixty days next succeeding the date on which the applicant receives the notification under section seven of this Ordinance.”.

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