

SPECIAL PURPOSES LEASES ORDINANCE 1962.

No. 36 of 1963.

An Ordinance to amend the *Special Purposes Leases Ordinance* 1953-1961.

[Reserved 6th March, 1963.]

[Assented to 30th April, 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* 1910-1961, as follows:—

Short title
and citation.

1.—(1.) This Ordinance may be cited as the *Special Purposes Leases Ordinance* 1962.

(2.) The *Special Purposes Leases Ordinance* 1953-1961 is in this Ordinance referred to as the Principal Ordinance.

(3.) The Principal Ordinance, as amended by this Ordinance, may be cited as the *Special Purposes Leases Ordinance* 1953-1962.

Commence-
ment.

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

3. Section nineteen of the Principal Ordinance is repealed and the following sections are inserted in its stead:—

Lessee's
rights in
improvements.

“ 19.—(1.) Where, upon the expiration of a lease of land on which there are improvements, the former lessee is granted under this Ordinance a further lease of that land or of any part of that land, he is not liable to make any payment to the Commonwealth in respect of the improvements on that land or part.

“ (2.) Where, upon the expiration of a lease of land upon which there are improvements, the former lessee applies for a further lease of that land but is not granted a further lease of the whole of that land, the Commonwealth shall pay to the former lessee the value of the improvements on any land, included in the expired lease, in respect of which the former lessee is not granted a further lease.

* Assent notified in the *Government Gazette* of the Northern Territory on 22nd May, 1963 (see *Gazette* No. 21, 1963, p. 106).

† The date fixed was 10th July, 1963 (see *Government Gazette* No. 28 of 10th July, 1963, p. 139).

“(3.) Where, upon the expiration of a lease of land upon which there are improvements, the former lessee does not apply for a further lease of that land he may, within fourteen days from the date of the expiry of the lease, elect to remove those improvements from the land or to apply for compensation in respect thereof.

“(4.) Upon application by a former lessee for compensation in accordance with an election under the last preceding sub-section, the Commonwealth is liable to pay to him such amount as is, in the opinion of the Administrator, the value to the Commonwealth of the improvements on the land.

“(5.) An election made under sub-section (3.) of this section confers on the former lessee a right to enter upon the land and to remove the improvements but that right subsists only for a period of three months after the date of the election or for such longer period as the Administrator allows.

“20.—(1.) In this section and the next succeeding section, ‘works’ means works which are not improvements by reason only of the fact that they are not works which are suitable to the land but which, having been executed, add to the leasing value of the land.

Lessee's rights in certain works.

“(2.) Upon the expiration of a lease the Commonwealth shall pay to the former lessee such amount as is, in the opinion of the Administrator, the value to the Commonwealth of such works as are upon any land, included in the expired lease, in respect of which the former lessee is not granted a further lease, whether or not he applies for a further lease.

“20A. Where the Commonwealth is required under section nineteen of this Ordinance or the last preceding section to pay for improvements or works, it shall make the payment to the former lessee—

Payment for improvements and certain works.

(a) immediately upon the expiration of the lease, where the liability of the Commonwealth arises because the whole or a part of the land which was included in the expired lease is not made available for further leasing to any person; or

(b) in any other case, immediately upon the granting to any person other than the lessee of a lease of the whole or a part of the land which was included in the expired lease and on which there are improvements or works.”.

4 Section twenty-one of the Principal Ordinance is amended by omitting the words “shall pay to the former lessee a fair rental, as determined by the Administrator,” and inserting in their stead the words “shall pay to the former lessee such amount as is determined by the Administrator to be a fair rental”.

Income from improvements to be paid to former lessee in certain circumstances.

5. After section twenty-five of the Principal Ordinance the following section is inserted:—

Lessee's
rights as to
improvements
when lease
forfeited or
surrendered.

“26.—(1.) Where a lease of land is forfeited in accordance with this Ordinance or is surrendered the former lessee may, within fourteen days of the forfeiture or of the surrender, elect to remove from the land buildings on the land or to apply for compensation in respect thereof.

“(2.) Upon application by a former lessee for compensation in accordance with an election under the last preceding sub-section, the Commonwealth is liable to pay to the former lessee such amount as is, in the opinion of the Administrator, the value to the Commonwealth of the buildings on the land.

“(3.) An election made under sub-section (1.) of this section confers on the former lessee a right to enter upon the land and to remove the buildings but that right subsists only for a period of three months after the date of the election or for such longer period as the Administrator allows.”.
