

SPECIAL PURPOSES LEASES ORDINANCE (No. 2) 1963.

No. 19 of 1964.

An Ordinance to amend the *Special Purposes Leases Ordinance 1953-1962*, as amended by the *Special Purposes Leases Ordinance 1963*, and for purposes connected therewith.

[Reserved 6th March, 1964.]

[Assented to 16th April, 1964.]*

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:—

Short title
and citation.

1.—(1.) This Ordinance may be cited as the *Special Purposes Leases Ordinance (No. 2) 1963*.

(2.) The *Special Purposes Leases Ordinance 1953-1962*, as amended by the *Special Purposes Leases Ordinance 1963*, is in this Ordinance referred to as the Principal Ordinance.

(3.) Section one of the *Special Purposes Leases Ordinance 1963* is amended by omitting sub-section (3.).

(4.) The Principal Ordinance, as amended by this Ordinance, may be cited as the *Special Purposes Leases Ordinance 1953-1963*.

Commence-
ment.

2. This Ordinance shall come into operation on the day on which the *Valuation of Land Ordinance 1963* comes into operation.

Definitions.

3. Section three of the Principal Ordinance is amended by omitting the definition of "the Board" and inserting in its stead the following definitions:—

“ ‘the Land and Valuation Review Tribunal’ or ‘the Tribunal’ means the Land and Valuation Review Tribunal established by the *Valuation of Land Ordinance 1963*;

‘the Valuer-General’ means the person for the time being holding, or performing the duties of, the office of Valuer-General under the *Valuation of Land Ordinance 1963*.”.

* Assent notified in the *Government Gazette* of the Northern Territory on 24th April, 1964 (see *Gazette* No. 16A, 1964, p. 64A).

4. Sections twelve to eighteen (inclusive) of the Principal Ordinance are repealed and the following sections inserted in their stead:—

“ 12.—(1.) Where—

- (a) the Administrator has re-appraised the rent payable under a lease;
- (b) the Valuer-General has made a determination under sub-section (2.) of section nineteen of this Ordinance of the value of improvements on land that was included in a lease;
- (c) the Administrator has made a determination under section twenty-one of this Ordinance of a fair rental for improvements on land that was included in a lease; or
- (d) the Valuer-General has made a determination under section thirty-two of this Ordinance of the amount of compensation to be paid by reason of the resumption of land that was included in a lease,

Notice of re-appraisements, determinations, &c.

notice of the re-appraisal or determination shall, as soon as practicable, be given to the lessee or former lessee by the Administrator or the Valuer-General, as the case requires.

“ (2.) A notice under the last preceding sub-section shall be in writing and shall be delivered personally to the person to whom it is to be given or sent by post to the person at his last-known place of residence or business.

“ 13.—(1.) A lessee or former lessee to whom notice—

Objections.

- (a) of the re-appraisal of the rent payable under a lease;
- (b) of a determination under sub-section (2.) of section nineteen or section twenty-one or thirty-two of this Ordinance; or
- (c) of the forfeiture of a lease under section twenty-three of this Ordinance,

is given, may, within twenty-eight days after receipt of the notice, send by post to, or lodge with, the Administrator or Valuer-General, as the case requires, at his office an objection to the re-appraisal, determination or forfeiture specifying the grounds of objection.

“ (2.) The Administrator or Valuer-General shall, within twenty-eight days after receiving an objection, consider the objection and may disallow it or allow it in whole

or in part and shall forthwith give to the objector notice, in accordance with sub-section (2.) of the last preceding section, of his decision on the objection.

Applications
for review.

“ 14.—(1.) An objector who is dissatisfied with—

(a) a decision of the Administrator or the Valuer-General upon an objection to a re-appraisal or determination referred to in sub-section (1.) of section twelve of this Ordinance; or

(b) a decision of the Administrator to disallow an objection to the forfeiture of a lease under section twenty-three of this Ordinance,

may, within twenty-eight days after receipt of the notice of the decision, by writing request the Administrator or the Valuer-General, as the case may be, to refer the decision to the Land and Valuation Review Tribunal for review.

“ (2.) Upon receipt of the request the Administrator or the Valuer-General, as the case may be, shall forthwith refer the decision to the Tribunal.

“ (3.) Upon such a reference, the objector is limited to the grounds stated in the objection.

Powers of
Tribunal.

“ 15.—(1.) Where the Tribunal reviews a decision of the Administrator or the Valuer-General upon an objection to a re-appraisal or determination referred to in sub-section (1.) of section twelve of this Ordinance it has all the powers and functions of the Administrator or the Valuer-General, as the case may be, in making the re-appraisal or determination.

“ (2.) Where the Tribunal reviews a decision of the Administrator to disallow an objection to the forfeiture of a lease under section twenty-three of this Ordinance, it may confirm or annul the notice forfeiting the lease to which the decision relates.

“ (3.) Sections twenty-seven to twenty-nine (inclusive) and section thirty-one of the *Valuation of Land Ordinance* 1963 apply to and in relation to a reference to the Tribunal under this Ordinance and the decision of the Tribunal upon that reference in like manner as they apply to and in relation to a reference to the Tribunal under that Ordinance and the decision of the Tribunal upon that last-mentioned reference.

“ (4.) For the purposes of section twenty-eight of the *Valuation of Land Ordinance* 1963 in its application to a reference to the Tribunal under this Ordinance—

(a) the person requesting the reference;

(b) in the case of a reference of a decision of the Administrator—the Administrator; and

(c) in the case of a reference of a decision of the Valuer-General—the Valuer-General,

are parties to the reference.

“ 16. The validity of a re-appraisal or determination referred to in sub-section (1.) of section twelve of this Ordinance is not affected by—

Validity of determinations.

(a) a failure to give notice of the re-appraisal or determination;

(b) the lodging of an objection to the re-appraisal or determination;

(c) a failure to give notice of a decision upon an objection to the re-appraisal or determination; or

(d) a reference to the Tribunal of a decision upon an objection to the re-appraisal or determination.

“ 17.—(1.) When the Tribunal gives a decision upon a matter referred to it under this Ordinance, it shall, at the same time, certify the amount which, in its opinion, would be a reasonable amount to be paid by the Valuer-General or the Administrator or by the other party to the reference, as the case may be, in respect of costs incurred by the reference to the Tribunal.

Certificate as to costs.

“ (2.) An amount so certified is recoverable by the Valuer-General or the Administrator or the other party to the reference as the case may be in any court of competent jurisdiction.”

5. Section nineteen of the Principal Ordinance is amended—

Lessee's rights in improvements.

(a) by omitting sub-section (2.) and inserting in its stead the following sub-sections:—

“ (2.) Where a lessee of land upon which there are improvements applies under this Ordinance for a further lease of the land but is not granted a further lease of the whole of the land, the Administrator shall require the Valuer-General to determine the value of the improvements, if any, on that part of the land in respect of which the lessee is not granted a further lease.

“ (2A.) Where the Valuer-General determines the value of improvements under the last preceding sub-section, the Commonwealth shall pay to the lessee an amount equal to that value or, if that value is varied under this Ordinance, an amount equal to the value of the improvements as finally determined under this Ordinance.”; and

- (b) by omitting from sub-section (3.) the words "Where, upon the expiration of a lease of land upon which there are improvements, the former lessee" and inserting in their stead the words "Where a lessee of land upon which there are improvements".

Payment for improvements and certain works.

6. Section twenty A of the Principal Ordinance is amended by omitting from paragraphs (a) and (b) the words "immediately upon" and inserting in their stead the words "as soon as practicable after".

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

7. Section twenty-one of the Principal Ordinance is amended—

- (a) by omitting all the words after the words "some of them," and inserting in their stead the words "the Administrator shall determine a fair rental for the improvements so used"; and
- (b) by adding at the end thereof the following sub-section:—

"(2.) Where the Administrator determines a fair rental for improvements under the last preceding sub-section, the Commonwealth shall pay to the former lessee an amount equal to that fair rental or, if that fair rental is varied under this Ordinance, an amount equal to the fair rental of the improvements as finally determined under this Ordinance, less the amount of such expenditure as has been incurred by the Commonwealth by way of maintenance of, or in connexion with, those improvements."

Forfeiture.

8. Section twenty-three of the Principal Ordinance is amended by omitting from sub-section (1.) the words "by notice in the *Gazette*" and inserting in their stead the words "by notice in writing to the lessee, in the manner specified in sub-section (2.) of section twelve of this Ordinance,".

9. Section twenty-four of the Principal Ordinance is repealed and the following section inserted in its stead:—

"24.—(1.) Where—

- (a) the Administrator gives a notice under the last preceding section forfeiting a lease and the lessee does not, within twenty-eight days after receipt of the notice, object to the forfeiture of the lease;
- (b) the Administrator gives, under section thirteen of this Ordinance, notice of his decision to disallow

Notice of forfeitures of leases.

an objection to the forfeiture of a lease under the last preceding section and the objector does not, within twenty-eight days after receipt of the notice, request the Administrator to refer the decision to the Land and Valuation Review Tribunal for review; or

- (c) upon the review of a decision to disallow an objection to the forfeiture of a lease under the last preceding section, the Tribunal confirms the notice forfeiting the lease,

the Administrator may cause notice of the forfeiture to be published in the *Gazette* and in the *Government Gazette* of the Northern Territory.

“(2.) The forfeiture of a lease under the last preceding section is not effective until a notice of the forfeiture is published in the *Government Gazette* of the Northern Territory in pursuance of the last preceding sub-section.

“(3.) A notice published in the *Government Gazette* of the Northern Territory in pursuance of sub-section (1.) of this section—

- (a) has the same effect as a re-entry and recovery of possession by, or on behalf of, the Crown; and
(b) is conclusive evidence that the lease to which the notice relates has been forfeited.”.

10. Section twenty-five of the Principal Ordinance is amended by omitting from sub-section (1.) the words “section twenty-three of this Ordinance” and inserting in their stead the words “the last preceding section”.

Copy of notice to be forwarded to Registrar.

11 Section thirty-two of the Principal Ordinance is amended—

Commonwealth to pay compensation.

- (a) by omitting from sub-section (1.) the words “the Commonwealth shall pay to the former lessee of the land such amount as is determined by the Administrator” and inserting in their stead the words “the Administrator shall require the Valuer-General to determine the amount to be paid to the former lessee”; and
(b) by adding at the end thereof the following sub-section:—

“(3.) Where the Valuer-General determines an amount of compensation under sub-section (1.) of this section, the Commonwealth shall pay to the former lessee an amount equal to that amount of compensation or, if that amount

of compensation is varied under this Ordinance, an amount equal to the amount of compensation as finally determined under this Ordinance.”.

Transitional.

12. The Principal Ordinance continues to apply notwithstanding the amendments effected by this Ordinance—

- (a) in a case where an appeal to the Appeal Board under section thirteen of the Principal Ordinance was pending immediately before the commencement of this Ordinance;
 - (b) in a case where the liability of the Commonwealth to make a payment under section nineteen, twenty, twenty-one or thirty-two of the Principal Ordinance had arisen, and the payment had not been made, before the commencement of this Ordinance; and
 - (c) in a case where a notice under sub-section (2.) of section twenty-three of the Principal Ordinance was given before the commencement of this Ordinance.
-