

CROWN LANDS ORDINANCE (No. 3) 1971

987

No. 56 of 1971

An Ordinance to amend the *Crown Lands Ordinance* 1931-1970 as amended by the *Crown Lands Ordinance* 1971 and the *Crown Lands Ordinance (No. 2) 1971*

[Reserved 28 September, 1971]

[Assented to 12 November, 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 *Crown Lands Ordinance (No. 3) 1971*. Short title and citation

(2.) The *Crown Lands Ordinance* 1931-1970 as amended by the *Crown Lands Ordinance* 1971 and the *Crown Lands Ordinance (No. 2) 1971* is in this Ordinance referred to as the Principal Ordinance.

(3.) Section 1 of the *Crown Lands Ordinance (No. 2) 1971* is amended by omitting sub-section (4.).

(4.) The Principal Ordinance as amended by this Ordinance may be cited as the *Crown Lands Ordinance* 1931-1971.

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

3 Section 10 of the Principal Ordinance is amended by omitting from sub-section (1.) the words "All applications" and inserting in their stead the words "Subject to this Ordinance, all applications". Procedure on applications for pastoral and agricultural leases

4. Section 16 of the Principal Ordinance is amended— Notice of lands available for leasing

(a) by omitting from sub-section (1.) the words "The Administrator" (first occurring) and inserting in their stead the words "Subject to this Ordinance, the Administrator"; and

(b) by inserting in sub-section (1.) after the words "to be granted the lease," the words "the reservations, covenants, conditions and provisions to be contained in the lease, other than the reserva-

* Notified in the *Northern Territory Government Gazette* No. 46 of 17 November, 1971, page 426.

† The date fixed was 8 December, 1971 (see *Northern Territory Government Gazette* No. 49 of 8 December, 1971, page 445).

tions, covenants, conditions and provisions that are required by this Ordinance or the regulations to be contained in the lease.”.

General conditions of leases

5. Section 23 of the Principal Ordinance is amended by omitting from paragraph (j) the words “, and are specified in the *Gazette* notice that the lands are available for leasing”.

Variation of purposes for which land leased

6. Section 23A of the Principal Ordinance is amended by inserting in sub-section (1.) after the words “the Land and Valuation Review Tribunal,” the words “on application by the lessee of a miscellaneous lease granted in pursuance of section 25DA of this Ordinance or”.

7. After section 25D of the Principal Ordinance the following section is inserted:—

Surrender of lease in exchange for alternative lease

“25DA.—(1.) Notwithstanding anything elsewhere contained in this or any other Ordinance, the holder of an agricultural or miscellaneous lease held under this Ordinance or of a lease held under the *Special Purposes Leases Ordinance* 1953-1971 may, if he has paid all rent due under his lease, apply in writing to surrender his existing lease in exchange for an alternative agricultural, miscellaneous or pastoral lease over Crown Land, over land that is the subject of his existing lease or over land that is partly Crown Land and partly land that is subject of his existing lease.

“(2.) An application made under the last preceding sub-section shall be made to the Minister through the Administrator in Council, and shall specify the area applied for and the reasons in support of the application.

“(3.) Upon receipt of an application made under sub-section (1.) of this section, the Minister may, if he is satisfied that it is desirable that a lease should be granted in pursuance of this section, offer to the lessee a new lease over the area applied for.

“(4.) Where a lessee accepts an offer of a new lease made under the last preceding sub-section and pays the fees and deposit, or the lease grant charges (if any) and reserve price, as the case may be, in respect of the grant of the new lease, he shall surrender his old lease and thereupon the Minister shall grant the new lease.

“(5.) Sections 10, 16 and 72 of this Ordinance do not apply in respect of the granting of a lease in pursuance of this section.

“(6.) A new lease granted in pursuance of this section shall preserve the lessee’s rights (if any) in respect of improvements on any land included in the new lease.”.