

**NORTHERN TERRITORY OF AUSTRALIA**

**CROWN LANDS REGULATIONS 1992**

As in force at 25 May 2023

**Table of provisions**

<b>Part 1</b>	<b>Preliminary</b>	
1	Citation .....	i
2	Commencement .....	i
3	Repeal .....	i
4	Definitions .....	i
<b>Part 2</b>	<b>Leases generally</b>	
<b>Division 1</b>	<b>Lands available for leasing</b>	
7	Land not leased to be advertised again .....	ii
<b>Division 2</b>	<b>Execution and commencement of leases</b>	
8	Commencement of lease .....	ii
9	Covenants of lease under section 5 of Act .....	ii
<b>Division 3</b>	<b>Payment for improvements</b>	
10	Insurance of improvements .....	iii
<b>Division 4</b>	<b>Surrender of leases</b>	
11	Surrender of leases .....	iii
12	Lodging of surrender with Registrar-General .....	iii
13	Amended plan where lease partly surrendered .....	iii
<b>Part 3</b>	<b>Licences</b>	
14	Prescribed conditions for licenses .....	iv
15	Prescribed conditions for classes of licenses .....	iv
<b>Part 4</b>	<b>Estates in fee simple</b>	
50	Application by lessee for grant in fee simple .....	iv
51	Action by Minister on receipt of application .....	iv
52	Where land is available for purchasing .....	iv
<b>Part 5</b>	<b>Miscellaneous</b>	
53	Witnesses' expenses .....	v

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54      Calculation of stock carried on land..... v

**Schedule 1      Prescribed conditions for licenses**

**Schedule 2      Prescribed conditions for classes of  
licenses**

**ENDNOTES**

# NORTHERN TERRITORY OF AUSTRALIA

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As in force at 25 May 2023

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## CROWN LANDS REGULATIONS 1992

### Regulations under the *Crown Lands Act 1992*

#### Part 1 Preliminary

##### 1 Citation

These Regulations may be cited as the *Crown Lands Regulations 1992*.

##### 2 Commencement

These Regulations shall come into operation on the commencement of the *Crown Lands Act 1992*.

##### 3 Repeal

The *Crown Lands Regulations 1931* in force immediately before the commencement of these Regulations are repealed.

##### 4 Definitions

In these Regulations:

***agent*** means a person duly appointed in writing by a person to act as that person's representative.

***applicant*** means a person who has made an application under the Act.

***cattle*** includes camels, horses, asses, mules, bullocks, cows, bulls, and foals and calves over 6 months old.

***lease*** means a lease under the Act.

***stock*** includes cattle, sheep, goats and pigs.

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## **Part 2            Leases generally**

### **Division 1        Lands available for leasing**

#### **7            Land not leased to be advertised again**

Any Crown land that has been advertised in the *Gazette* as available for leasing and that is not the subject of a grant of a lease by the Minister shall remain open for leasing as so advertised unless withdrawn or again advertised by notice in the *Gazette* setting out the conditions for leasing.

### **Division 2        Execution and commencement of leases**

#### **8            Commencement of lease**

Subject to a specific provision contained in a lease, a lease commences on the date of its registration by the Registrar-General.

#### **9            Covenants of lease under section 5 of Act**

A lease granted under section 5 of the Act shall contain the following covenants, conditions and provisions:

- (a) a covenant for the prompt payment of the rent reserved by the lease;
- (b) a condition that the lessee will pay all rates, charges and assessments made, levied, imposed or issued in respect of the leased land whether those rates, charges or assessments are payable at law by the lessee or by the Territory;
- (c) a covenant for the maintenance and delivery up of the premises in good and tenantable repair, fair wear and tear and damage by fire, flood, lightning, storm, tempest and earthquake excepted;
- (d) a covenant that the lessee will not assign, sublet or underlease the premises without the consent of the Minister; and
- (e) a provision for the determination of the lease on 14 days notice.

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## **Division 3      Payment for improvements**

### **10      Insurance of improvements**

- (1) Where the lessee is allowed to pay for improvements by instalments, it is a covenant of his or her lease that the lessee insures from the commencement of the lease, and keeps insured until he or she has made payment in full for the improvements, in the full value thereof against fire, storm, flood or other event, with an insurance office approved by the Minister, all such improvements which are liable to be destroyed or damaged.
- (2) Any such insurance shall be in the joint names of the lessee and the Minister.
- (3) The lessee shall lodge the policy of every such insurance with the Minister within 30 days after the issue thereof.
- (4) The lessee shall forward to the Minister the receipts for the premiums payable in respect of every such policy within 30 days after they are due.
- (5) All sums of money received under any such insurance shall be laid out in reinstating the improvements in respect of which the insurance is received.

## **Division 4      Surrender of leases**

### **11      Surrender of leases**

For section 27(f) of the Act, the surrender of a lease or part of a lease must be in the appropriate form and must be given to the Minister for the Minister's acceptance, together with the prescribed fee.

### **12      Lodging of surrender with Registrar-General**

On acceptance of a surrender of a lease, or part of a lease, the Minister shall cause the form of surrender to be lodged with the Registrar-General for registration.

### **13      Amended plan where lease partly surrendered**

When a lease has been partly surrendered the Minister shall cause to be prepared a new plan delineating the amended boundaries of the lease and shall cause a copy of that plan to be lodged with the Registrar-General for registration under the *Land Title Act 2000*.

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## **Part 3 Licences**

### **14 Prescribed conditions for licenses**

For section 92(2)(a) of the Act, the conditions in Schedule 1 are prescribed.

### **15 Prescribed conditions for classes of licenses**

For section 92(2)(b) of the Act, the conditions in Schedule 2 are prescribed for each class of licence specified opposite.

## **Part 4 Estates in fee simple**

### **50 Application by lessee for grant in fee simple**

- (1) An application by a lessee for the grant of an estate in fee simple in the whole or a part of the land comprised in the lessee's lease must be made in writing to the Minister.
- (2) An estate in fee simple in part only of a lease referred to in subregulation (1) shall not be granted until the land is surveyed at the applicant's expense.

### **51 Action by Minister on receipt of application**

On receipt of an application under regulation 50 for a grant in fee simple, the Minister shall cause an inspection to be made of the area applied for and decide whether the application should be approved or refused or approved in an amended form.

### **52 Where land is available for purchasing**

- (1) Where the Minister advertises that an estate in fee simple in Crown land is available for purchase, the Minister shall specify in the advertisement the conditions of the purchase including the amount of the deposit to be paid.
- (2) A person who makes application to the Minister to purchase an estate in fee simple advertised as available for purchase shall pay the deposit specified in the advertisement to the Minister at the time he or she makes the application.
- (3) Where the Minister does not accept a persons application to purchase referred to in subregulation (2), the amount of the deposit shall be refunded to that person.

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## **Part 5                    Miscellaneous**

### **53                    Witnesses' expenses**

- (1) Subject to subregulation (2), a person who is summoned by the Minister as a witness under section 98 of the Act shall be paid the same fees and expenses as that person would be entitled to receive had he or she been summoned as a witness to appear before the Supreme Court.
- (2) An employee within the meaning of the *Public Sector Employment and Management Act 1993* shall not be entitled to payment under this regulation unless that employee is on leave of absence on the day on which he or she gives evidence.

### **54                    Calculation of stock carried on land**

In calculating the number of stock carried on any land, 5 head of sheep shall, for the purposes of these Regulations, be reckoned as one head of cattle.

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## Schedule 1 Prescribed conditions for licenses

regulation 14

- 1 The licensee must obtain any approvals, permits or other licenses required under any other Act that are necessary for the purpose for which the licence was granted.
- 2 The licence is not transferable to another person unless the licensee has the written approval of the Minister.
- 3 The licensee must ensure the land the subject of the license is maintained in a clean and tidy state to the satisfaction of the Minister.
- 4 The licensee must take all reasonable measures to prevent the introduction or spread of weeds on the land the subject of the licence.
- 5 The licensee must notify the Minister and any other relevant authority if any of the following occur on the land the subject of the licence as soon as practicable after the occurrence:
  - (a) an incident involving the health or safety of a person;
  - (b) a potential or actual contamination, pollution or environmental harm or damage to the land.
- 6 At the end of the term of the licence, the licensee must remove any improvements made to the land the subject of the licence and any fittings, machinery, equipment or other chattels stored on that land.
- 7 The licensee has no right to compensation for any improvements to the land the subject of the licence.
- 8 The Minister may inspect the land the subject of the licence at any time during the term of the licence.
- 9
  - (1) If, at any time during the term of a licence or at the end of the term of a licence, the licensee fails to observe or carry out the licensee's obligations under the licence, the Minister may enter onto the land the subject of the licence and do any thing necessary to remedy the licensee's failure.
  - (2) The licensee is responsible for any costs incurred by the Minister in relation to subclause (1).



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- 10 (1) The licensee must obtain and maintain a policy of public risk insurance in relation to the land the subject of the licence.
- (2) The licensee must show evidence of the policy at the request of the Minister.
- 11 The licensee conducts the activities for the purpose for which the licence was granted on the land the subject of the licence at the licensee's own risk.
- 12 (1) The licensee indemnifies the Territory with respect to any harm or damage caused to the land, any water on or under the land, infrastructure or other improvements, or operations relating to the use of the land, on account of any activities carried out under the licence.
- (2) The indemnity extends to the acts and omissions of any of the licensee's agents or contractors.
- (3) The indemnity does not apply to the extent that:
- (a) compensation is provided under another clause of the licence; or
- (b) a grossly negligent or wilful act or omission of the owner has contributed to the harm or damage.
- 13 (1) To the extent permitted by a law of the Territory, the licensee releases the Territory from any claim by the licensee in respect of:
- (a) death or injury of any person employed or engaged by the licensee; or
- (b) loss or damage caused to the licensee's personal property, and any consequential loss.
- (2) Subclause (1) does not apply to a grossly negligent or wilful act or omission of the Territory that contributed to the death, injury, loss or damage.

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## Schedule 2 Prescribed conditions for classes of licenses

regulation 15

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	<b>Class of licence</b>		<b>Conditions</b>
1	Licence that provides for rights in relation to the supply of services	(1)	If the licensee engages in construction work to enable the service to be supplied or conveyed through, under, on, across or above the land the subject of the licence, the licensee must, on the completion of the work, prepare and provide the following to the Minister:  (a) a record or the details of the work;  (b) the location of the work that enabled the service to be supplied or conveyed through, under, on, across or above the land.
		(2)	The expenses incurred in preparing and providing the information required under subclause (1) are at the licensee's own cost and not payable by or recoverable from the Territory.
2	Licence that provides for taking natural substances	(1)	The licensee must not remain on the land the subject of the licence after taking and removing the substance or material without the Minister's written approval.
		(2)	The Minister may, at any time during the term of the licence and in the 12 month period following the end of the term of the licence, request a report from the licensee showing the volume or amount of the substance or material taken by the licensee and the licensee must provide the report to the Minister on the Minister's request.
3	Licence granted on land that has improvements		A licensee must maintain, repair and keep in repair the improvements on the land the subject of the licence to the satisfaction of the Minister.
4	Licence granted on land that has natural bushland or	(1)	A licensee must ensure that damage to the land the subject of the licence is minimal.
		(2)	The licensee must not remove any trees from the land the subject of the licence

Class of licence	Conditions
other vegetation	unless the licensee has the written approval of the Minister.
	(3) If the land the subject of a licence is within a fire protection zone under the <i>Bushfires Management Act 2016</i> , the licensee is required to establish a firebreak on the land in accordance with that Act.
	(4) If the land the subject of a licence is within an emergency response area under the <i>Fire and Emergency Act 1996</i> , the licensee is required to create and maintain a firebreak on the land in accordance with that Act.

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**ENDNOTES**
**1****KEY**

Key to abbreviations

<b>amd = amended</b>	<b>od = order</b>
<b>app = appendix</b>	<b>om = omitted</b>
<b>bl = by-law</b>	<b>pt = Part</b>
<b>ch = Chapter</b>	<b>r = regulation/rule</b>
<b>cl = clause</b>	<b>rem = remainder</b>
<b>div = Division</b>	<b>renum = renumbered</b>
<b>exp = expires/expired</b>	<b>rep = repealed</b>
<b>f = forms</b>	<b>s = section</b>
<b>Gaz = Gazette</b>	<b>sch = Schedule</b>
<b>hdg = heading</b>	<b>sdiv = Subdivision</b>
<b>ins = inserted</b>	<b>SL = Subordinate Legislation</b>
<b>lt = long title</b>	<b>sub = substituted</b>
<b>nc = not commenced</b>	

**2****LIST OF LEGISLATION*****Crown Lands Regulations (SL No. 24, 1992)***

Notified	26 June 1992
Commenced	26 June 1992

***Statute Law Revision Act (No. 2) 1998 (Act No. 92, 1998)***

Assent date	11 December 1998
Commenced	ss 7 and 11: 13 January 1999 ( <i>Gaz G1</i> , 13 January 1999, p 6); ss 6 and 15: 10 March 1999 ( <i>Gaz G9</i> , 10 March 1999, p 2); s 3: 1 April 1999 ( <i>Gaz S15</i> , 1 April 1999); s 25: 20 September 1999; rem: 11 December 1998

***Land Title (Consequential Amendments) Act 2000 (Act No. 45, 2000)***

Assent date	12 September 2000
Commenced	1 December 2000 (s 2)

***Statute Law Revision Act 2003 (Act No. 12, 2003)***

Assent date	18 March 2003
Commenced	18 March 2003

***Crown Lands Amendment Regulations 2016 (SL No. 3, 2016)***

Notified	16 March 2016
Commenced	16 March 2016

***Statute Law Amendment (Territory Economic Reconstruction) Act 2021 (Act No. 19, 2021)***

Assent date	31 August 2021
Commenced	pt 6: 2 October 2021; rem: 29 September 2021 ( <i>Gaz G39</i> , 29 September 2021, p 1)

**Crown Lands Amendment Regulations 2023 (SL No. 10, 2023)**

Date made	11 May 2023
Commenced	25 May 2023 (r 2, s 2 <i>Statute Law Amendment (Territory Economic Reconstruction) Act 2022</i> (Act No. 5, 2022) and (Gaz G11, 25 May 2023, p 2)

**3 GENERAL AMENDMENTS**

General amendments of a formal nature (which are not referred to in the table of amendments to this reprint) are made by the *Interpretation Legislation Amendment Act 2018* (Act No. 22, 2018) to: rr 1, 3, 13 and 53.

**4 LIST OF AMENDMENTS**

r 4	amd No. 10, 2023 r 4
rr 5 – 6	rep Act No. 19, 2021, s 41
r 11	amd No. 3, 2016, r 3
r 13	amd Act No. 45, 2000, s 12
pt 3 hdg	sub No. 10, 2023, r 5
pt 3	
div 1 hdg	rep No. 10, 2023, r 5
rr 14 – 15	sub No. 10, 2023, r 5
rr 16 – 25	rep No. 10, 2023, r 5
pt 3	
div 2 hdg	rep No. 10, 2023, r 5
rr 26 – 31	rep No. 10, 2023, r 5
r 32	amd No. 3, 2016, r 4
	rep No. 10, 2023, r 5
rr 33 – 36	rep No. 10, 2023, r 5
r 37	rep No. 3, 2016, r 5
pt 3	
div 3 hdg	rep No. 10, 2023, r 5
rr 38 – 42	rep No. 10, 2023, r 5
r 43	amd No. 3, 2016, r 6
	rep No. 10, 2023, r 5
rr 44 – 48	rep No. 10, 2023, r 5
r 49	rep No. 3, 2016, r 7
r 50	amd No. 3, 2016, r 8
r 53	amd Act No. 12, 2003, s 19
r 55	rep Act No. 92, 1998, s 6(5)
r 56	rep No. 3, 2016, r 9
sch	rep No. 3, 2016, r 10
sch 1 – 2	ins No. 10, 2023, r 6