

NORTHERN TERRITORY OF AUSTRALIA

CROWN LANDS REGULATIONS 1992

As in force at 16 March 2016

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NORTHERN TERRITORY OF AUSTRALIA

As in force at 16 March 2016

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The *Crown Lands Regulations 1931* in force immediately before the commencement of these Regulations are repealed.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

(1) In these Regulations, unless the contrary intention appears:

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.

grazing licence means a licence under section 88 of the Act.

lease means a lease under the Act.

licence means a licence under the Act.

miscellaneous licence means a licence under section 91 of the Act.

occupation licence means a licence under section 90 of the Act.

stock includes cattle, sheep, goats and pigs.

- (2) A reference in these Regulations to a form by number is a reference to a form so numbered in the Schedule.

Part 2 Leases generally

Division 1 Lands available for leasing

5 Rental for first period of lease

Where the Minister determines under section 28(1) of the Act that no rent is payable in respect of the first 10 years of a lease the Minister may also determine, for the purposes of section 50 of the Act, that the lease is a lease subject to reappraisal of rent and that that section shall apply as if the Minister had fixed rent payable in respect of the first 10 years of the lease.

6 Rent payable pending reappraisal

Where, under section 50 of the Act, the reappraisal of rent payable under a lease has been deferred, rent in respect of the lease, if any, shall continue to be payable at the same rate as was payable during the immediately preceding 10 year period of the lease until the reappraisal, notwithstanding that that 10 year period has expired.

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.

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*.

Part 3 Licences

Division 1 Grazing licences

14 Application for grazing licences

- (1) An application for a grazing licence shall be made in writing to the Minister and shall be signed by either the applicant or his or her agent.
- (2) An application for a grazing licence shall set out:
 - (a) the full name and address of the applicant;
 - (b) the occupation of the applicant; and
 - (c) the situation, description and area of land in respect of which the application is made.
- (3) An applicant shall forward with his or her application:
 - (a) the prescribed application fee; and
 - (b) the amount payable as rent under subregulation (4).

- (4) The amount payable as rent shall be \$500 for the 12 month period of the licence commencing on the day on which the grazing licence is issued pursuant to regulation 19.

15 Power of Minister to approve application

- (1) Where a person applies for a grazing licence the Minister may:
- (a) approve the application;
 - (b) refuse the application; or
 - (c) return the application for amendment in such manner as specified by the Minister.
- (2) If an application referred to in subregulation (1)(c) is amended in the manner so specified and returned to the Minister, the Minister shall approve the application.

16 Conditions of grazing licence

Where the Minister approves an application for a grazing licence, the Minister:

- (a) shall include a condition in the licence prescribing the maximum number and type of stock which may be depastured on the land in respect of which the licence is granted; and
- (b) may include any other conditions in the licence which the Minister may think necessary or desirable in any particular case.

17 Notice of approval or refusal of application

- (1) Where the Minister approves or refuses an application for a grazing licence, the Minister shall forthwith notify the applicant in writing accordingly.
- (2) The Minister shall, when notifying an applicant under subregulation (1) that his or her application for a grazing licence has been approved, specify in the notification the conditions referred to in regulation 16.

18 Right of applicant on receipt of notice that application granted

- (1) Where an applicant receives a notice under regulation 17 that his or her application has been approved the applicant is entitled, subject to the conditions set out in the notice, to graze stock on the land in respect of which the application was made.

- (2) A person who commences to graze stock on the land in accordance with subregulation (1) shall be deemed to have accepted a licence upon the conditions set out in the notice.

19 Issue of grazing licence

- (1) The Minister shall, as soon as practicable after the Minister has notified the applicant that his or her application has been approved, issue to the applicant a grazing licence.
- (2) A grazing licence shall:
- (a) be in a form approved by the Minister;
 - (b) specify the conditions of the licence; and
 - (c) be for a period of 12 months as specified on the licence.

20 Applicant may not accept conditions

Subject to regulation 18(2), an applicant may, within 30 days after the date of receipt of a notification under regulation 17(1) that his or her application has been approved, inform the Minister in writing that he or she is not prepared to accept a grazing licence which includes all or any of the conditions set out in the notification, and his or her application shall, on receipt of the notice, be deemed to have been withdrawn.

21 Refund of rent after application refused or withdrawn

Where an application for a grazing licence is refused or withdrawn, the amount of the first year's rent lodged with the application shall be refunded to the applicant.

22 Minister's power to forfeit grazing licence

- (1) Where the holder of a grazing licence has failed to comply with a condition of the licence, the Minister may:
- (a) by notice in writing to the holder of the licence, direct him or her to comply with the conditions of the licence:
 - (i) forthwith; or
 - (ii) within a period specified in the notice; or
 - (b) by notice published in the *Gazette*, forfeit the licence.
- (2) If the holder of a grazing licence fails to comply with a notice under subregulation (1)(a) the Minister may, by notice published in the *Gazette*, forfeit the licence.

23 Surrender of grazing licence

- (1) The holder of a grazing licence may, by notice in writing, surrender the licence in respect of the land, or a part of the land, the subject of the licence.
- (2) Where a licence is surrendered under subregulation (1):
 - (a) compensation for improvements (if any) on the land; or
 - (b) a refund of any fee or rental,is not payable to the person who held the surrendered licence.

24 Renewal of grazing licence

- (1) A grazing licence may, at the discretion of the Minister, be renewed from time to time for a period not exceeding 12 months.
- (2) The holder of a grazing licence may make application for renewal of the licence at any time within 30 days before the date of the expiry of the licence.
- (3) An application for the renewal of a grazing licence shall be accompanied by the prescribed renewal fee and the amount payable as rent under regulation 14(4).
- (4) The Minister may approve an application for the renewal of a grazing licence upon the same conditions as those to which the original licence was subject or upon other conditions or may refuse the application.
- (5) For the purposes of regulations 17, 18, 19, 20 and 21, an application for the renewal of a grazing licence shall be deemed to be an application for a grazing licence.
- (6) An official receipt showing the amount of the renewal fee payable in pursuance of subregulation (3) and the total amount of the rent payable for the whole period of the renewal shall be sufficient proof that the licence has been renewed.

25 Holder of grazing licence may apply for grant of further licence

- (1) The holder of a grazing licence may:
 - (a) re-apply for the grant of a further licence in respect of the land, or part of the land, the subject of his or her licence; or
 - (b) apply for the grant of a further licence in respect of land which includes the land the subject of his or her licence,

at any time, but not sooner than 30 days before the date of the expiry of that licence.

- (2) Where the Minister approves an application for the grant of a licence referred to in subregulation (1), the Minister may include in that licence the same conditions as in the former licence or other conditions.

Division 2 Occupation licences

26 Conditions of occupation licence

Subject to the Act and these Regulations, an occupation licence may be granted on such conditions as the Minister considers necessary or desirable and are specified in the licence.

27 Applications for occupation licences

An application for an occupation licence shall be made in writing to the Minister, shall be signed by the applicant or his or her agent, and shall set out:

- (a) the full name and address of the applicant;
- (b) the occupation of the applicant;
- (c) a description of the area in respect of which the application is made; and
- (d) the purpose for which the licence is required.

28 Procedure on application

- (1) Where a person applies for an occupation licence the Minister may:
- (a) approve the application;
 - (b) refuse the application; or
 - (c) return the application for amendment in such manner as specified by the Minister.
- (2) If an application referred to in subregulation (1)(c) is amended in the manner so specified and returned to the Minister, the Minister shall approve the application.
- (3) The Minister shall, as soon as practicable after the Minister has approved an application, issue to the applicant an occupation licence in respect of the application.

29 Land to be used for purpose specified in licence

The land included in an occupation licence shall be used only for the purposes for which it is granted.

30 Grazing of stock

It is a condition of an occupation licence that the holder of the licence shall not graze stock on the land included in the licence except where the Minister, being of the opinion that the grazing of a number of stock is necessary to carry out the purposes of the licence, has granted prior permission in writing to graze that number of stock to the holder of the licence and he or she acts in accordance with the permission.

31 Area included in licence

The Minister may, in his or her discretion, fix the area to be included in an occupation licence.

32 Term of occupation licence

- (1) The term of an occupation licence must be specified in the licence and must not exceed 5 years.
- (2) The licence may from time to time be extended, but the total term of the licence must not exceed 5 years.

33 Erection of buildings etc.

- (1) It is a condition of an occupation licence that the holder of the licence shall not erect or set up on the land included in the licence any building, machinery, equipment or other improvement except where the Minister, being of the opinion that such an improvement is necessary for the purposes of the licence, has granted prior permission in writing to him or her to do so.
- (2) The permission of the Minister referred to in subregulation (1) may be subject to such terms as the Minister thinks fit in relation to the taking down, removal and carrying away of the building, machinery, equipment or other improvement and the payment or otherwise of an amount to the holder of the licence as compensation for such an improvement not capable of being taken down, removed or carried away or which the Minister does not permit to be taken down, removed or carried away.

34 Commencement of licence

An occupation licence shall commence on the day on which the licence is issued.

35 Forfeiture of licence

Where a holder of a licence fails to comply with any term or condition of his or her licence, the Minister may inform the holder of the licence of such default and the licence shall thereupon be and become forfeited.

36 Inspection of licences

Every holder of an occupation licence shall, when requested to do so, produce his or her licence for inspection to the Minister and a holder of a licence who refuses to produce his or her licence when required under this regulation shall be liable to have that licence cancelled.

Division 3 Miscellaneous licences

38 Applications for miscellaneous licences

An application for a miscellaneous licence shall be made in writing to the Minister and shall set out:

- (a) the full name and address of the applicant;
 - (b) the occupation of the applicant;
 - (c) a description of the area applied for; and
 - (d) the purpose for which the licence is required,
- and shall be accompanied by the prescribed fee.

39 Procedure on application

- (1) Where a person makes an application for a miscellaneous licence the Minister may:
 - (a) approve the application;
 - (b) refuse the application; or
 - (c) return the application for amendment as specified by the Minister.
- (2) If the application referred to in subregulation (1)(c) is amended in the manner so specified and returned to the Minister, the Minister shall approve the application.

- (3) The Minister shall, as soon as practicable after the Minister has approved an application, issue to the applicant a miscellaneous licence in respect of the application.

40 Location of licensee on land

It is a condition of a miscellaneous licence that the holder of the licence shall not locate himself or herself on the land to which the licence relates except where the Minister, being of the opinion that location on the land is necessary to carry out the purpose of the licence, has granted prior permission in writing to the holder of the licence to do so and he or she acts in accordance with the permission.

41 Period of licence

Miscellaneous licences may be granted for terms of 3, 6 or 12 months, and shall commence on the day on which the licence is issued.

42 Production of miscellaneous licence

Where the Minister requires the holder of a miscellaneous licence to produce the licence to the Minister the holder of the licence shall forthwith produce the licence in accordance with the requirement.

43 Engagement of labour

It is a condition of a miscellaneous licence that the holder of the licence may not engage a person to provide labour for the purposes of the licence unless the holder:

- (a) gives the person a certificate containing the following details:
 - (i) the name and address of the person;
 - (ii) the licence number and date of issue of the licence;
 - (iii) the signature of the holder; and
- (b) gives the Minister a copy of the certificate.

44 Only material mentioned to be removed

The holder of a miscellaneous licence may take and remove from the land included in his or her licence only that substance or material for which the licence is issued.

45 Return of material taken under miscellaneous licence

The Minister may require the holder of a miscellaneous licence to furnish a return in such form and at such times as the Minister thinks fit setting forth the amount of material taken from the land included in the licence.

46 Royalties

The Minister may determine a royalty on the material removed from the land to which a miscellaneous licence relates, and the amount of the royalty, if any, and the time and place of payment shall be specified in the licence.

47 Refusal of miscellaneous licence when royalty fixed

Where a royalty is determined under regulation 46 in respect of a miscellaneous licence, the holder of the licence may refuse to accept the licence and the Minister shall, upon that refusal, refund to the holder of the licence the fee paid by him or her in respect of the licence.

48 Minister's power to forfeit miscellaneous licence

Where the holder of a miscellaneous licence has failed to comply with:

- (a) a condition of the licence; or
- (b) a requirement of, or under, this Division,

the Minister may, by notice in writing to the holder specifying the failure, forfeit the licence.

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.

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.

ENDNOTES

1 KEY

Key to abbreviations

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

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</i> G1, 13 January 1999, p 6); ss 6 and 15: 10 March 1999 (<i>Gaz</i> G9, 10 March 1999, p 2); s 3: 1 April 1999 (<i>Gaz</i> S15, 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)

| | |
|-------------|---------------|
| Assent date | 16 March 2016 |
| Commenced | 16 March 2016 |

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 11 | amd No. 3, 2016, r 3 |
| r 13 | amd Act No. 45, 2000, s 12 |
| r 32 | amd No. 3, 2016, r 4 |
| r 37 | rep No. 3, 2016, r 5 |
| r 43 | amd No. 3, 2016, r 6 |
| 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 |