



NORTHERN TERRITORY OF AUSTRALIA

No. 34 of 1984

AN ACT

To amend the *Crown Lands Act*

[Assented to 20 July 1984]

BE it enacted by the Legislative Assembly of the Northern Territory of Australia, with the assent as provided by the *Northern Territory (Self-Government) Act 1978* of the Commonwealth, as follows:

1. SHORT TITLE

This Act may be cited as the *Crown Lands Amendment Act 1984*.

2. COMMENCEMENT

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

3. PRINCIPAL ACT

The *Crown Lands Act* is in this Act referred to as the Principal Act.

4. ADMINISTRATION OF CROWN LANDS

Section 7 of the Principal Act is amended by adding at the end the following:

"(2) Subject to this Act and the Regulations and any other Act, Crown lands may be managed, regulated or controlled in such manner and by such persons as the Minister directs."

5. REPEAL

Section 13 of the Principal Act is repealed.

Crown Lands Amendment

6. METHODS OF DISPOSAL OF CROWN LANDS

Section 15 of the Principal Act is amended -

- (a) by inserting before sub-section (1) the following:

"(1A) In this section 'Crown land' does not include land held for an estate in fee simple that is registered under the *Real Property Act* in the name of the Territory."; and

- (b) by inserting in sub-section (1)(a), after "pastoral lease", the words "of Crown land".

7. NOTICE OF LANDS AVAILABLE, &c.

Section 16 of the Principal Act is amended -

- (a) by omitting from sub-section (1)(e) all words after and including "submission of tenders" and substituting "submission of tenders and the place where they must be submitted"; and

- (b) by inserting after sub-section (3) the following:

"(3A) Where a notice referred to in sub-section (1) relating to the sale of land by tender specifies a date as the closing date for the submission of tenders, the Minister may before that closing date, by notice in the *Gazette*, specify a later date as the closing date for the submission of those tenders and that later date so specified shall be the closing date accordingly.

"(3B) The Minister may include in a proposal for the sale by tender of an estate in fee simple in or a lease of Crown land an invitation for tenderers to submit proposals to the Minister in relation to the use of the land, the terms and conditions to which the sale will be subject and the covenants, if any, that will apply.

"(3C) A tender for the purchase of an estate in fee simple in or a lease of Crown land may indicate the date until which the offer to purchase remains open but, notwithstanding that such a date is indicated, the offer may be withdrawn at any time before it is accepted.

"(3D) Where the Minister proposes to sell an estate in fee simple in or a lease of Crown land by tender, he may, before accepting an offer by tender, negotiate with a tenderer the terms and conditions to which the sale will be subject and the covenants, if any, that will apply.

Crown Lands Amendment

"(3E) The Minister is not bound to accept the highest, or any, tender for the purchase of an estate in fee simple in or a lease of Crown land offered for sale in pursuance of this section."

8. VARIATION OF LEASE PROVISIONS

Section 23H of the Principal Act is amended by inserting after "vary a" the words "reservation in or covenant, condition or".

9. NEW SECTION

The Principal Act is amended by inserting after section 23J the following:

"23K. NOTING VARIATION OF LEASE

"(1) A variation of a reservation in or a term, covenant, condition, requirement or provision of a lease (including a variation referred to in section 37A, 39 or 61) does not have effect until notice in writing of the variation, in a form approved and signed by the Minister, is produced to the Registrar-General.

"(2) Upon receipt of a notice referred to in sub-section (1), the Registrar-General shall enter in the Register Book of Crown Leases kept under the *Real Property Act* the date and hour of the production to him of the notice and particulars of the variation made."

10. RE-APPRAISEMENT OF RENT, &c.

Section 32(4) of the Principal Act is amended by omitting from paragraph (ba) "the subject of an agricultural lease;" and substituting "a lease used for agricultural purposes;"

11. POWER OF MINISTER TO GRANT, &c., EASEMENTS

Section 36B of the Principal Act is amended -

(a) by omitting sub-section (1) and substituting the following:

"(1) A power conferred on the Minister by a law of the Territory to grant an estate in fee simple in Crown land or a lease of Crown land or reserved or dedicated land includes a power to grant an easement annexed to the land comprised in the estate so granted or the lease or to reserve an easement in gross over that land.";

(b) by inserting in sub-section (2), after "reserve", the words "over leased land"; and

(c) by adding at the end the following:

Crown Lands Amendment

"(3) The power of the Minister to grant an easement annexed to land granted for an estate in fee simple may be exercised at any time.

"(4) The power of the Minister to reserve an easement in gross over land granted for an estate in fee simple may be exercised only at the time of granting the estate.

"(5) Where an easement referred to in this section is granted or reserved over Crown land as servient tenement or a licence is granted under section 110 over such land, the Minister shall not -

(a) in the case of Crown land which is not the subject of a lease - grant a lease of, or an estate in fee simple in, that land; or

(b) in the case of Crown land which is the subject of a lease - grant another lease of, or an estate in fee simple in, that land,

unless at the time of granting the lease or estate in fee simple he reserves from that lease or estate in fee simple an easement of the same nature and for the same benefit as that granted or reserved.

"(6) Nothing in this section empowers the Minister to acquire land or an interest in land."

12. NEW SECTIONS

The Principal Act is amended by inserting after section 36E the following:

"36EA. DESCRIPTION OF CERTAIN EASEMENTS, &c.

"(1) Without limiting the power that he may have under any other law in force in the Territory, but subject to section 36G, the proprietor of an easement or easement in gross of a type described in a certificate of title or Crown lease registered under the *Real Property Act* by a description in Schedule 2 shall have the use and benefit of the easement or easement in gross for the purposes specified in relation to that description and, for those purposes, has for himself and his agents, servants and workmen, all the powers described in that Schedule in relation to that use.

"(2) A pipe, duct, wire, pole or other thing attached to or constructed on land to which an easement or easement in gross referred to in sub-section (1) relates for or in relation to a relevant purpose described in Schedule 2 shall be deemed not to be a fixture to the land for the purpose of giving the proprietor of the land a proprietary interest in it.

Crown Lands Amendment

"36EB. POWERS OF OTHERS IN RELATION TO EASEMENTS IN GROSS

"A person to or for whom an easement in gross is granted or reserved under this Division may allow any other person (himself or by his agents, servants or workmen) to enter on and do anything on the land to which the easement relates that the person to or for whom it was granted or reserved can do as the proprietor of the easement, and the proprietor of the land shall not hinder or obstruct a person entering on or doing anything on the land in pursuance of the authority of the proprietor of the easement."

13. CONDITIONS AS TO EASEMENTS

Section 36G of the Principal Act is amended by omitting all words after "easement" and substituting "or easement in gross is subject to the conditions, if any, specified in the grant or reservation".

14. RESTRICTIONS APPLYING TO PASTORAL LEASES

Section 38A(1) of the Principal Act is amended by omitting "10 dollars" and substituting "\$100".

15. REPEAL

Section 39A of the Principal Act is repealed.

16. REPEAL

Section 58 of the Principal Act is repealed.

17. REPEAL AND SUBSTITUTION

Section 110 of the Principal Act is repealed and the following substituted:

"110. LICENCES RELATING TO SUPPLY OF SERVICES

"(1) The Minister may grant to the Commonwealth, a municipality constituted under the *Local Government Act* or a statutory public authority of the Commonwealth or the Territory a licence to go onto Crown land, other than Crown land in respect of which a lease is in force, and construct thereon such work as is specified in the licence, for the purpose of supplying to, through or across that land a service of a kind referred to in Schedule 2.

"(2) A licence granted under sub-section (1) is subject to such terms and conditions as the Minister thinks fit and specifies in the licence.

"(3) Notwithstanding anything contained in this Act, this section extends to land reserved under section 103.

Crown Lands Amendment

"110A. FEES, TERMS AND CONDITIONS

"(1) The fees payable in respect of a licence (other than a licence granted under section 109A or 110) are the fees prescribed in the Regulations or such other fees, not exceeding those, if any, so prescribed, as the Minister thinks fit and specifies in the licence.

"(2) A licence granted under this Act (other than a licence granted under section 109A or 110) is subject to such terms and conditions as are prescribed in the Regulations or such other terms and conditions, not inconsistent with those, if any, so prescribed, as the Minister thinks fit and specifies in the licence."

18. DECLARATION OF ROUTES FOR TRAVELLING STOCK

Section 113 of the Principal Act is amended by omitting "one mile" and substituting "1,610 metres".

19. POWER OF EJECTION

Section 118(1) of the Principal Act is amended by inserting after "has been forfeited" the words "or otherwise determined".

20. REGULATIONS

Section 131(1) of the Principal Act is amended -

(a) by inserting after paragraph (b) the following:

"(ba) the grounds for the determination by the Minister of licences under this Act and the manner of their determination;"; and

(b) by omitting from paragraph (e) "100 dollars" and substituting "\$1,000".

21. NEW SCHEDULE

The Principal Act is amended by adding after the First Schedule the following:

"SCHEDULE 2

Section 36EA

"Easements and Easements in Gross.

Description

Sewerage easement.

Purpose

Supplying or conveying to, through or across the land a sewerage service.

Crown Lands Amendment

Power

To break the surface of, dig, open up and use the land for the purpose of laying down, fixing, taking up, repairing, relaying or examining pipes for the purposes of the easement and of using and maintaining those pipes, and to enter the land at any time (if necessary with vehicles and equipment) for the purposes of the easement or exercising these powers.

Description

Water supply easement

Purpose

Supplying or conveying to, through or across the land a water service.

Power

To break the surface of, dig, open up and use the land for the purpose of laying down, fixing, taking up, repairing, relaying or examining pipes for the purposes of the easement and of using and maintaining those pipes, and to enter the land at any time (if necessary with vehicles and equipment) for the purposes of the easement or exercising these powers.

Description

Drainage easement.

Purpose

Draining water, sewerage or other effluents from, through or across the land.

Power

To break the surface of, dig, open up and use the land for the purpose of laying down, fixing, taking up, repairing, relaying or examining drains or drainage pipes for the purposes of the easement and of using and maintaining such drains and pipes, and to enter the land at any time (if necessary with vehicles and equipment) for the purposes of the easement or exercising these powers.

Crown Lands Amendment

Description

Electricity supply easement.

Purpose

Supplying or conveying to, through or across the land an electricity service.

Power

For the purposes of the easement -

- (a) to enter on and pass, either with or without motor or other vehicles, along or over the land;
 - (b) to construct and lay -
 - (i) under the surface of the land, ducts, pipes, conductors, cables, wires and other works; and
 - (ii) on the surface of the land, incidental or ancillary works for the transmission of electricity (including, without limiting the generality of the foregoing, manholes and cable markers);
 - (c) without limiting the generality hereof, to erect on a portion of the land so designated in the plan on the certificate of title or Crown lease, to a height not exceeding 4 metres, or such other height as is shown in the plan, from the surface of the land, poles, equipment for transforming electricity and incidental or ancillary works (including such walls or other structures as the proprietor of the easement considers necessary);
 - (d) to break the surface of, dig, open up and use the land for the purposes of the easement or exercising these powers;
 - (e) to inspect, repair, alter, remove and replace works referred to in these powers; and
 - (f) to transmit electricity by means of any such works.
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Crown Lands Amendment

Description

Electronic communications easement.

Purpose

Supply or convey to, through or across the land a communications service by electronic means.

Power

For the purposes of the easement -

- (a) to enter on and pass, either with or without motor or other vehicles, along or over the land;
 - (b) to construct and lay -
 - (i) under the surface of the land, ducts, pipes, conductors, cables, wires and other works; and
 - (ii) on the surface of the land, incidental or ancillary works for the transmission of telecommunication services (including, without limiting the generality of the foregoing, manholes and cable markers);
 - (c) to break the surface of, dig, open up and use the land for the purposes of the easement or exercising these powers; and
 - (d) to inspect, repair, alter, remove and replace any works referred to in these powers.
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Description

Energy supply easement.

Purpose

Supplying or conveying to, through or across the land gas, liquid fuels or water or other liquids in such a form as to be capable of conveying energy.

Crown Lands Amendment

Power

To break the surface of, dig, open up and use the land for the purpose of laying down, fixing, taking up, repairing, relaying or examining pipes for the purposes of the easement and of using and maintaining those pipes, and to enter the land at any time (if necessary with vehicles and equipment) for the purposes of the easement or exercising these powers.

Description

General service easement.

Purpose

All of the purposes of -

- (a) a sewerage easement;
- (b) a water supply easement;
- (c) a drainage easement;
- (d) an electricity supply easement;
- (e) an electronic communications easement;
and
- (f) an energy supply easement.

Power

All of the powers in this Schedule relating to the purposes of the easement."

