



NORTHERN TERRITORY OF AUSTRALIA

No. 5 of 1985

AN ACT

To amend the *Crown Lands Act*

[Assented to 1 April 1985]

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 1985*.

2. PRINCIPAL ACT

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

3. PASTORAL LEASES OF UNECONOMIC AREAS

Section 10B of the Principal Act is amended by omitting sub-sections (6) and (7) and substituting the following:

"(6) Where the Minister grants land under sub-section (5), he shall cause to be lodged with the Registrar-General a memorandum, in the form of an instrument under the *Real Property Act*, describing -

- (a) the land to be added to the existing adjoining pastoral lease; and
- (b) any variations of the reservations, covenants, conditions and other provisions of the existing adjoining pastoral lease agreed to by the Minister and the lessee.

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"(7) Upon the lodging of a memorandum under sub-section (6), the Registrar-General shall register the memorandum and, upon the endorsement of the details of the memorandum on the existing adjoining pastoral lease, the lease shall be deemed to extend over the area of the land to be added to the lease, subject to such reservations, covenants, conditions and other provisions as are set out in the memorandum.

"(7A) Where the existing adjoining pastoral lease to which an area of land is to be added pursuant to this section is mortgaged or otherwise encumbered, the mortgage or encumbrance shall, subject to the consent of the mortgagee or encumbrancee, which consent is not to be unreasonably withheld, be deemed to extend over the area of the land to be added, subject to such reservations, covenants, conditions and other provisions as are set out in the memorandum referred to in sub-section (7) which relates to the lease, and the Registrar-General shall endorse the lease and the mortgage or encumbrance accordingly."

4. AGREEMENT FOR EXCHANGE OF PART OF PASTORAL LEASE

Section 59A of the Principal Act is amended by omitting sub-sections (8) and (9) and substituting the following:

"(8) Upon the surrender of a part of a pastoral lease under this section, the Minister shall cause to be lodged with the Registrar-General a memorandum, in the form of an instrument under the *Real Property Act*, describing -

- (a) the part of the land to be excised from a lease of land and added to an adjoining lease of land; and
- (b) any variations of the reservations, covenants, conditions and other provisions of the leases and specified in the notice given under sub-section (5).

"(9) Upon the lodging of a memorandum under sub-section (8), the Registrar-General shall register the memorandum and, upon the endorsement of the details of the memorandum on each lease -

- (a) in the case of the lease where land is to be added - the lease shall be deemed to extend over the area of land to be added, subject to such reservations, covenants, conditions and other provisions as are set out in the memorandum; and

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- (b) in the case of the lease where land is to be excised - the lease shall cease to have any force or effect over or in relation to the area of land to be excised.

"(9A) Where there is in existence a mortgage or encumbrance over a lease referred to in sub-section (9), the mortgage or encumbrance shall, subject to the consent of the mortgagee or encumbrancee, which consent is not to be unreasonably withheld -

- (a) in the case of the lease where land is to be added - be deemed, on and from the endorsement on the lease of the details of the memorandum referred to in that sub-section which relates to the lease, to extend over the area of land to be added, subject to such restrictions, covenants, conditions and other provisions as are set out in the memorandum; and
- (b) in the case of the lease where land is to be excised - cease to have any force or effect over or in relation to the area of land to be excised,

and the Registrar-General shall endorse the lease and the mortgage or encumbrance accordingly."

