

NORTHERN TERRITORY OF AUSTRALIA
CROWN LANDS AMENDMENT ACT (No. 3) 1980
No. 59 of 1980
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THE NORTHERN TERRITORY OF AUSTRALIA

No. 59 of 1980

AN ACT

To amend the Crown Lands Act and for other purposes

[Assented to 22 December 1980]

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 (No. 3) 1980.

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. REPEAL OF CERTAIN ACTS

The Acts listed in Schedule 1 are repealed.

5. SAVINGS

(1) A lease referred to in section 8(2) and a town lands subdivision lease, being a lease in force immediately before the commencement of this Act, continues, subject to sub-section (2), section 8(3), section 12 and the provisions of the lease, as a lease under the Principal Act as amended by this Act, but an action that can be taken in respect of a lease granted under the Principal Act as amended by this Act can be taken in respect of a lease so continued in force.

(2) A lease referred to in section 8(2) and a town lands subdivision lease shall be read as though, on the commencement of this Act, a provision had been inserted into the lease that, subject to

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section 23G of the Principal Act as amended by this Act, the law applying to the lease would be the law in force immediately before the commencement of this Act.

(3) Where, immediately before the commencement of this Act, a person had the right to be granted a lease of town lands in the town of Yulara, the Minister shall grant him a lease of those lands under the Principal Act as amended by this Act.

(4) Where, immediately before the commencement of this Act, an amount of money was payable under the Freehold Titles Act, it ceases to be payable if it had not then been paid and was not then due, but -

(a) it remains payable as though that Act had not been repealed if it was then due and had not been paid; and

(b) it is not refundable if it has been paid.

6. CERTAIN INTERESTS PRESERVED

Nothing in this Act derogates the legal or equitable rights of any person that existed in or in relation to land immediately before a grant of an estate in fee simple in that land by or under section 8 (other than the rights of the Crown in right of the Territory as the lessor of the land), and those rights shall continue and may be enforced against the grantee of the land in the same manner as they could have been enforced immediately before the grant.

7. DEFINITION

In this Act, unless the contrary intention appears, "certificate of title" means a certificate of title issued under the Real Property Act.

8. FREEHOLDING OF EXISTING LEASES

(1) Subject to this Act, where, upon the commencement of this Act, a person is the lessee under, or has the right to be granted -

(a) a lease under section 112A of the Crown Lands Act or under Division 4 of Part III of the Crown Lands Act;

(b) a lease under the Darwin Town Area Leases Act;

(c) a lease under the Church Lands Leases Act; or

(d) a lease, granted under section 10 of the Crown Lands Act or under Division 1, 2, 3 or 5 of Part III of the Crown Lands Act, of an area of land that does not exceed 150 square kilometres,

an estate in fee simple in so much of the leased land as is not a road that is open to and used by the public is, by this Act, granted to that person and the Registrar-General shall, without application,

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without deed of grant and without charge, but subject to this Act, in due course issue to that person, or his successor in title, a certificate of title thereto.

(2) Sub-section (1) does not apply in respect of a lease -

(a) that is specified in Part I of Schedule 2;

(b) that is a lease of the whole or a part of an area of land that is described in Part II of Schedule 2;

(c) of land in respect of which there was in force, immediately before the commencement of this Act, an approval or consent to subdivide granted in pursuance of an application under an Act; or

(d) that is a lease of town lands in the town of Yulara.

(3) The Minister may, in his discretion, after the commencement of this Act, in the name of the Territory, grant an estate in fee simple in so much of an area of land, or part of an area of land, referred to in sub-section (2)(a), (b) or (c) as is not a road that is open to and used by the public.

(4) Subject to sub-section (5), where an estate in fee simple is granted by or under this section, the lease of the land the subject of the grant is surrendered and ceases to have effect.

(5) The Registrar-General shall, without charge, in due course, issue to a person to whom an estate in fee simple in land is granted under sub-section (3), a certificate of title in respect of the land.

(6) Where a certificate of title issued in respect of land, an estate in fee simple in which is granted by or under this section, notifies the existence of a part of a road across or on the land -

(a) that land notified as a road is, and shall be deemed always to have been, excluded from the grant of the estate in fee simple; and

(b) land that, by virtue of sub-section (1) or (3), was not included in the grant because it formed part of a road open to and used by the public but is not part of a road that is notified on the certificate of title, is and shall be deemed always to have been, part of the land in respect of which the estate in fee simple was granted.

9. LAND IS LAND UNDER REAL PROPERTY ACT

Land in respect of which an estate in fee simple is granted by or under section 8 is, by virtue of that grant, land brought under the provisions of the Real Property Act, notwithstanding that the Registrar-General did not, on the date of the grant, issue to the person to whom the estate in fee simple was granted, a certificate of title in respect of the land.

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10. FREEHOLD SUBJECT TO EXISTING INTERESTS

(1) The grant of an estate in fee simple in land by or under section 8 is subject to -

- (a) a reservation to the Crown of all minerals, mineral substances and ores in or upon the land including gems, stones, sands, valuable earths and fossil fuels, together with the right to authorize any person to enter upon the land to explore for, mine or otherwise recover and remove them or any of them and to do all things necessary or convenient for those purposes; and
- (b) a reservation of all easements over the land immediately before the commencement of this Act, including easements in favour of the Commonwealth.

(2) An instrument creating or dealing with an interest in a Crown lease has effect, upon the grant of an estate in fee simple in the land the subject of the lease by or under section 8, as though the fee simple had been granted before the instrument was made and the instrument related accordingly to the estate in fee simple.

(3) An instrument purporting to create or deal with an interest in a Crown lease, being an instrument that was made after the grant of an estate in fee simple in the land the subject of the lease by or under section 8, but before the expiration of 14 days after the Registrar-General issues a certificate of title to the land, has effect as though it related accordingly to the estate in fee simple.

(4) Where a memorial of a current instrument relating to a Crown lease was entered on the lease when an estate in fee simple in the land the subject of the lease was granted by or under section 8, the Registrar-General shall, subject to sub-section (5), enter a memorial of the instrument on the certificate of title.

(5) The Registrar-General may, in his discretion, register an instrument before he issues a certificate of title to land, the estate in fee simple in which was granted by or under section 8, and issue the certificate of title accordingly.

(6) The power of the Registrar-General under sub-section (5) includes power to register in the Register Book of Crown Leases an instrument that was made after the estate in fee simple in the land the subject of the instrument was granted, even if the instrument refers to the estate in fee simple.

11. ADDITIONAL RESTRICTION

Where, immediately before the commencement of this Act, section 32 of the Darwin Town Area Leases Act applied to and in relation to land in respect of which, by or under section 8, an estate in fee simple is granted or in respect of which an estate in fee simple was granted under the Freehold Titles Act, that section shall continue to

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apply to and in relation to the land as though the estate in fee simple were a lease of land subject to the first-mentioned Act and the grantee and his successors in title respectively were lessees under that Act.

12. EXISTING TOWN LANDS SUBDIVISION LEASES

(1) Where, upon the commencement of this Act, a person is the lessee under, or has the right to be granted, a town lands subdivision lease, the right of a person, upon surrender of the lease as to all or part of the land contained in the lease, to be granted a new lease in respect of a lot included in the part of the land surrendered on payment of the reserve price and lease grant charges, if any, payable in respect of the new lease shall be read as a right to be granted an estate in fee simple in respect of that lot on payment of the purchase price and the amount, if any, payable under section 18A of the Principal Act as amended by this Act in respect of the lot.

(2) Where, immediately before the commencement of this Act, the consent of the Minister given under section 116A(2) of the Principal Act was current in respect of the right referred to in that section to assign a Crown lease, that consent shall continue to have effect in respect of the town lands subdivision lease to which it related as though that consent were an agreement under section 22 of the Principal Act as amended by this Act binding the Minister to grant the estate in fee simple, at the direction of the developer, to a person or persons other than the developer.

13. EXISTING ESTATES IN FEE SIMPLE

(1) A covenant that, immediately before the commencement of this Act, was in force by virtue of section 22A of the Freehold Titles Act ceases to have effect.

(2) Where a covenant referred to in sub-section (1) is noted on a certificate of title, the Registrar-General shall, without application and without charge, in due course, note on the certificate of title that it has ceased to have effect by reason of this section.

14. INTERPRETATION

Section 5 of the Principal Act is amended -

- (a) by omitting from the definition of "Crown Lands" the words "other than" and substituting ", and including an estate in fee simple that is registered in the name of the Territory, but does not include";
- (b) by omitting the definitions of "Experimental farm", "premium", "Reserve price" and "Right to a lease";
- (c) by omitting from the definition of "Lease grant charges" the words "section 19A" and substituting "section 23D";

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(d) by omitting the definition of "Reserve price" and substituting the following:

"reserve price', in relation to the sale of, or an interest in, land, means the minimum amount payable, whether in one sum or by instalments, for the land or interest;"; and

(e) by omitting the definition of "Suburban lands".

15. PROCEDURE ON APPLICATIONS FOR PASTORAL LEASES

Section 10 of the Principal Act is amended -

(a) by omitting from sub-section (1) "and agricultural";

(b) by omitting from sub-sections (2) and (6) "an agricultural lease or" (first occurring) and substituting "a";

(c) by omitting from sub-sections (2) and (6) "an agricultural lease or pastoral lease, as the case may be," and substituting "a lease"; and

(d) by omitting from sub-section (7)(a) "an agricultural lease or pastoral lease, as the case may be," and substituting "a pastoral lease".

16. REPEAL AND SUBSTITUTION OF HEADINGS AND SECTIONS

The Principal Act is amended by omitting the heading to Part III, the heading to Division 1 of Part III and sections 14 to 23B inclusive and substituting:

"PART III - ESTATES IN FEE SIMPLE AND LEASES

"Division 1 - Alienation of Land

"14. POWER TO ALIENATE LAND

"(1) Subject to this Act, the Minister may, in the name of the Territory by instrument in the prescribed form, grant an estate in fee simple in or a lease of Crown land.

"(2) A power to grant under sub-section (1) an estate in fee simple includes a power to grant an estate in fee simple to the Territory and, subject to section 14A, an estate in fee simple so granted or otherwise obtained by the Territory shall not merge with the radical title to the land.

"(3) A reference in this Act to the grant of an estate in fee simple in land shall include, where the Territory is the registered proprietor of an estate in fee simple in land, a reference to the transferring of the estate in fee simple in that land under the Real Property Act.

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"14A. CERTAIN LAND TO REVERT

"(1) Where the Territory is the registered proprietor of an estate in fee simple in land in which no other person has a registered interest, the Minister may, by instrument accompanied by the duplicate copy of the certificate of title, direct the Registrar-General to cancel the certificate of title in respect of the land and the Registrar-General shall cancel the certificate of title accordingly and destroy the duplicate copy.

"(2) Where a certificate of title is cancelled in accordance with sub-section (1), the land to which it relates is, on that cancellation, unalienated Crown land.

"15. METHODS OF DISPOSAL OF CROWN LANDS

"(1) Subject to this Act, the Minister shall not -

- (a) grant a pastoral lease except upon application; or
- (b) grant an estate in fee simple in, or a lease other than a pastoral lease of, Crown land unless he has first -
 - (i) invited applications for that estate or lease, as the case may be, in that land; or
 - (ii) offered that estate or lease, as the case may be, in that land for sale by auction, tender or ballot.

"(2) Notwithstanding sub-section (3), where the Minister, by instrument in writing, so determines, he may grant an estate in fee simple in, or a lease other than a pastoral lease of, Crown land without complying with sub-section (1)(b) in relation to that land.

"(3) The Minister may grant an estate in fee simple in, or a lease of, land without complying with sub-section (1)(b) where he does so -

- (a) upon the recommendation of the Board;
- (b) in pursuance of a provision of a lease for a purpose other than pastoral purposes, being a lease to which that land is subject; or
- (c) for the purpose only of exercising a power to add to an area of land that is the subject of an existing estate in fee simple or lease an area of adjoining or nearby land.

"(4) Notwithstanding sub-section (3), the Minister may grant a lease of land without complying with sub-section (1)(b) where he does so for the purpose only of consolidating existing leases or of subdividing or renewing an existing lease.

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"(5) The Minister shall cause notice of each determination made for the purposes of sub-section (2) to be published in the Gazette within 60 days after the date on which the determination was made.

"(6) Without limiting the generality of sub-section (1)(b)(ii) or (2) -

(a) a ballot conducted for the purposes of sub-section (1) may be a ballot to determine eligibility -

(i) to bid at an auction; or

(ii) to tender; or

(b) a ballot may be conducted for the purposes of determining the right of a person to purchase land or an interest in land at a fixed price.

"16. NOTICE OF LANDS AVAILABLE, &c.

"(1) Where the Minister proposes -

(a) to invite applications for a lease or for the grant of an estate in fee simple; or

(b) to sell an estate in fee simple in or a lease of Crown land by auction, ballot or tender,

he shall give notice in the Gazette of -

(c) in the case of an inviting of applications - the closing date for receipt of applications and the place where applications must be lodged;

(d) in the case of a sale by auction or ballot - the date, time and place at which the auction or ballot will be conducted;

(e) in the case of a sale by tender - the closing date for the submission of tenders, the place where tenders must be submitted and the date, on which and the time and place at which tenders will be considered;

(f) a general description of the lands and the nature of the interests that will be sold; and

(g) the place at which a member of the public may obtain details of the lands and the interests that will be sold.

"(2) A notice referred to in sub-section (1) shall be published in the Gazette not earlier than 3 months or later than one month before the applications are to close or the sale is to take place, as the case may be.

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"(3) Where the Minister proposes to include in a lease a provision by virtue of which the lessee may acquire or claim a right to an estate in fee simple or another lease, the description, referred to in sub-section (1)(f), of the nature of the interests that will be sold shall include a reference to that right.

"(4) The Minister may withdraw land from sale at any time before a person obtains, or obtains a right to, an estate in fee simple in or a lease of that land, notwithstanding that he has given notice under sub-section (1) in relation to that land.

"17. PROCEDURES AT AUCTIONS, &c.

"(1) The Minister shall determine -

- (a) the procedures to be followed in conducting an auction or ballot or in calling for tenders in relation to the sale of an interest in Crown land; and
- (b) the persons who will be eligible to bid at such an auction, to participate in such a ballot or to submit tenders for such a purpose.

"(2) For the purposes of sub-section (1)(b), the Minister may -

- (a) compile waiting lists of persons who want land; and
- (b) determine factors to be considered in determining a person's position on such a waiting list and the weight to be given to each of those factors.

"(3) The conduct of an auction or ballot in relation to the sale of an interest in Crown land shall be open to the public.

"17A. APPLICATIONS FOR LEASES OR FREEHOLD

"Where the Minister invites applications for a lease or an estate in fee simple -

(a) an application -

- (i) shall be in a form approved by the Minister; and
- (ii) shall be accompanied by a deposit of such amount as the Minister, in the notice under section 16 in relation to the estate in fee simple or lease, specifies;

(b) notice of the names of the successful applicants together with particulars of the lands to be granted or leased to them and the rentals and any other particulars the Minister thinks necessary shall be published in the Gazette and in a newspaper circulating in the area in which the land is situated; and

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(c) all moneys deposited by an unsuccessful applicant shall be repaid to him within 21 days after his application is rejected.

"18. PURCHASE PRICE

"(1) The Minister may determine that a purchase price is payable in respect of an estate in fee simple or a lease, with or without improvements, and, where he does so, he shall fix the purchase price or the reserve price, or determine the manner in which the purchase price shall be fixed, and may determine the amount or the percentage of the purchase price or reserve price that shall be paid by a successful purchaser on entering into a contract for the purchase of the estate in fee simple or the lease.

"(2) For the purposes of sub-section (1), the Minister may require the Valuer-General to make a valuation of an area of land or of a proposed lease.

"18AA. PAYMENT OF DEPOSIT

"Where the Minister has determined under section 18 that a deposit is payable in respect of the grant of an estate in fee simple or a lease, a person shall, on entering into a contract for the purchase of the land or the lease, as the case may be, pay that deposit to the Territory and, if he does not complete the purchase as required by the contract, the deposit shall be forfeited to the Territory.

"18A. COSTS OF SURVEY, &c.

"The Minister may determine that the person to whom an estate in fee simple or a lease is granted shall pay an amount towards the costs of -

(a) surveying the land the subject of the grant; and

(b) preparation and registration of the grant,

and, where he does so, he may fix that amount or determine the manner in which the amount shall be fixed.

"Division 2 - Estates in Fee Simple

"19. RESERVATIONS AND RESTRICTIVE COVENANTS

"(1) The power of the Minister to grant an estate in fee simple includes power to grant it subject to such reservations (including the reservation of easements) and restrictive covenants, if any, as he thinks fit.

"(2) At any time while the Territory is the registered proprietor of an estate in fee simple in land, the Minister may, by instrument lodged with the Registrar-General, declare that the land is or shall cease to be subject to a reservation, easement or restrictive covenant and, upon the instrument being so lodged, the land shall be or cease to be, as the case may be, subject accordingly.

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"(3) A reservation or restrictive covenant in favour of the Crown or the Territory is not and does not become ineffective by reason only that the Territory is or becomes the registered proprietor of the land that is the subject of the reservation, easement or covenant.

"20. RESERVATION OF MINERALS

"The ownership of an estate in fee simple, whether acquired under this or any other Act, shall be, and the certificate of title to the land shall be construed as the land being subject to a reservation to the Crown of all minerals, mineral substances and ores in or upon the land included in the grant, including gems, stones, sands, valuable earths and fossil fuels, together with the right to authorize any person to enter upon the land to explore for and to mine or otherwise recover and remove them and to do all things necessary or convenient for those purposes.

"20A. WATER RIGHTS

"The ownership of an estate in fee simple, whether acquired under this or any other Act, does not of itself confer upon the owner any property in, or the right to the use or flow or to the control of, the water at any time in any lake, spring or watercourse on, in or under the land comprised in the estate or contained by, or forming part of, the boundaries of that land.

"21. MAXIMUM SIZE OF FREEHOLD GRANT

"The Minister shall not grant an estate in fee simple in an area of land that is larger than 150 square kilometres.

"22. DEVELOPMENT AGREEMENTS

"(1) The power of the Minister to sell land includes power to enter into an agreement relating to the development of that land or of land that includes that land.

"(2) An agreement entered into under sub-section (1) shall include a provision that the party undertaking the development shall lodge with the Minister a bond, in a form and in an amount satisfactory to the Minister, as security that he will complete the development.

"(3) Where the Minister enters into an agreement under sub-section (1), he may -

- (a) thereupon grant the estate in fee simple in the land; or
- (b) grant a licence to go onto the land and carry out the development, and bind himself to grant the estate in fee simple upon completion of the development, or progressively upon completion of the various stages of development, or otherwise, including the grant, at the direction of the developer, to a person or persons other than the developer.

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"(4) Where the Minister enters into an agreement under subsection (1) binding the proprietor of an estate in fee simple in land to subdivide the land, the land that is so required to be subdivided shall, while it is not so subdivided, be exempt from payment of rates under the Local Government Act.

"22A. GRANT BEFORE PAYMENT

"Where the Minister grants an estate in fee simple to a person who is required to pay, but has not paid in full, in relation to the grant a purchase price or an amount under section 18A, the Minister shall secure the outstanding balance, together with interest at such rate as is agreed between the parties, owing by mortgage.

"Division 3 - Leases

"23. CLASSES OF CROWN LEASES

"Subject to this Act, a Crown lease that is granted under this Act shall be -

- (a) a pastoral lease;
- (b) a lease for a term of years for a purpose other than pastoral purposes; or
- (c) a lease in perpetuity.

"23A. GENERAL CONDITIONS OF LEASES

"Subject to section 23B, leases under this Act (other than leases under section 6A) shall contain reservations, covenants, conditions, and provisions, as follows:

- (a) a reservation of a right of entry and inspection;
- (b) a reservation of all minerals, mineral substances and ores in or upon the land, including gems, stones, sands, valuable earths and fossil fuels;
- (c) a reservation of a power of resumption;
- (d) a covenant to pay the rent annually in advance;
- (e) a covenant by the lessee that he will, subject to this Act, use the land only for the purposes for which it is leased;
- (f) a provision that the lessee, having paid all rent due by him may at any time, in manner prescribed, surrender the lease;
- (g) a provision that the lease shall be liable to forfeiture if the rent is unpaid for 6 months or more;

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- (h) a provision that the lease shall, subject to this Act, be liable to forfeiture for non-compliance on the part of the lessee with any covenant or condition of the lease; and
- (j) any other reservations, covenants, conditions and provisions which are prescribed, or which are considered by the Minister to be necessary under the circumstances of any particular case.

"23B. FIXING OF RENTAL

"(1) The Minister may determine that rental is not payable in respect of a lease other than a pastoral lease.

"(2) Subject to this Act the Minister shall, before any land is offered for leasing, unless rental is not payable in respect of the lease, fix the rental payable in respect of the first period of the lease.

"(3) Where rental is payable in respect of a lease, that rental is subject to reappraisal in accordance with this Act.

"23C. REDUCTION OF RENTAL

"A lease may contain a provision for or in relation to reduction of rent.

"23D. LEASE GRANT CHARGES

"(1) Subject to sub-section (2), the Minister shall not grant a lease to a person until that person has paid in full as lease grant charges -

- (a) if a purchase price is payable in respect of the lease - that purchase price;
- (b) if an amount is payable under section 18A in respect of the lease - that amount; and
- (c) if rental is payable in respect of the lease - the first year's rental.

"(2) The Minister may grant a lease to a person who is required to pay, but has not paid in full, in relation to the lease a purchase price or an amount under section 18A, but, where he does so, he shall secure the outstanding balance owing, together with interest at such rate as is agreed between the parties, by lease covenant or by mortgage.

"23E. EXEMPTION FROM RATES

"Where, in pursuance of a covenant contained in a lease, the lessee is required to subdivide land that is the subject of a lease, that land is, while it is not so subdivided, exempt from payment of rates under the Local Government Act.

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"23F. FAILURE TO EXECUTE LEASE

"(1) Where a person is offered a lease and he fails, within such time as the Minister allows him, to execute the lease or to pay an amount that is due and owing in respect of the lease, the Minister may, by notice in writing given to that person, revoke the agreement for the lease and retain all or part of the moneys that the person has already paid in respect of the lease.

"(2) Where the Minister retains money in respect of a lease in pursuance of sub-section (1) in circumstances where, if the lease had been executed, all or part of those moneys would be payable to an outgoing lessee, the Minister may pay all or part of those moneys to that outgoing lessee.

"23G. REVOCATION OF AGREEMENT FOR A LEASE

"A person who has an agreement for a lease may, at any time before the lease is granted, by notice in writing to the Minister, and after paying all moneys due and payable under the agreement, revoke the agreement.

"23H. VARIATION OF LEASE PROVISIONS

"The Minister may, in his discretion, on application in writing by the lessee, vary a provision of a lease.

"23J. MINISTER MAY GRANT A MORATORIUM

"The power to vary a provision of a lease includes power to vary a provision for the purpose of allowing a moratorium."

17. BREACH OF COVENANTS

Section 24A(1) of the Principal Act is amended by omitting "not being a residence covenant under an agricultural lease,".

18. SUB-LEASE FOR ABORIGINAL COMMUNITIES

Section 24B(1) of the Principal Act is amended by omitting "section 23(1)(f)" and substituting "section 23A(e)".

19. AMENDMENT OF SECTIONS 25 and 25A

Sections 25 and 25A of the Principal Act are amended by omitting "pastoral, agricultural or miscellaneous lease" and substituting "lease under this Act".

20. SURRENDER OF LEASE AND GRANT OF NEW LEASES ON SUBDIVISION

Section 25C of the Principal Act is amended -

(a) by omitting from sub-section (1) "(other than a lessee under a lease of town lands)";

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(b) by omitting sub-section (4)(b)(i) and substituting the following:

"(i) the purchase price, if any, for the lease of the portion;"

(c) by omitting from sub-section (5)(c) "reserve" and substituting "purchase"; and

(d) by omitting paragraphs (a) and (b) of sub-section (7).

21. APPLICATION

Section 25CAA of the Principal Act is amended by omitting "Sections 25CA to 25CG inclusive apply" and substituting "Section 25CG applies".

22. REPEAL OF SECTIONS 25CA TO 25CFA

Sections 25CA to 25CFA inclusive of the Principal Act are repealed.

23. SURRENDER AND EXCHANGE OF PASTORAL LEASE

Section 25CG of the Principal Act is amended -

(a) by omitting sub-section (1);

(b) by omitting from sub-sections (1A), (2)(a) and (2)(b)(iii) "an agricultural lease or miscellaneous lease" and "an agricultural lease or a miscellaneous lease" (wherever occurring) and substituting "an estate in fee simple or a lease";

(c) by omitting from sub-section (2) "under sub-section (1)" and substituting "under sub-section (1A)";

(d) by omitting from sub-section (2)(a) ", as the case may be";

(e) by omitting from sub-section (2)(b)(i) "by the lessee under an agricultural lease or a miscellaneous lease" and substituting "by the applicant under an estate in fee simple or a lease";

(f) by omitting from sub-section (4)(b) "an agricultural or miscellaneous" (twice occurring) and substituting "an estate in fee simple or a";

(g) by omitting from sub-section (5) -

(i) "an agricultural or miscellaneous lease" and substituting "an estate in fee simple or a lease"; and

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- (ii) "a lease" and "the lease" and substituting "an estate in fee simple or a lease";
- (h) by omitting from sub-sections (7)(a), (8) and (10) "a lease" and "the lease" (wherever occurring) and substituting "an estate in fee simple or a lease";
- (j) by omitting sub-section (6); and
- (k) by omitting sub-section (7)(aa) and substituting the following:
"(aa) of the purchase price, if any, for the grant of the estate in fee simple or the lease or leases;"

24. SURRENDER OF LEASES AND GRANT OF CONSOLIDATED LEASE

Section 25D of the Principal Act is amended -

- (a) by omitting from sub-section (4)(b) "the reserve price (if any) for the right to" and substituting "the purchase price, if any, for";
- (b) by omitting from sub-section (5)(c) "reserve price" and substituting "purchase price";
- (c) by omitting from sub-section (7)(a) ", and in the case of a new lease of town lands for the same purpose,"; and
- (d) by omitting from sub-section (7)(c) ", unless it is a lease in perpetuity,".

25. SUBDIVISION APPLICATIONS WHERE PLANNING ACT APPLIES

Section 25DAAA of the Principal Act is amended -

- (a) by inserting in sub-section (3), after "for issue of", the words "estates in fee simple or";
- (b) by omitting from sub-section (4) "sub-section (1)" and substituting "sub-section (3)";
- (c) by inserting in sub-section (4)(a), after "leases", the words ", if any,";
- (d) by omitting sub-section (4)(b)(i) and substituting:
"(i) the purchase price, if any, for the estate in fee simple or the lease of the lot;"
- (e) by omitting sub-sections (7) and (8); and
- (f) by inserting in sub-section (11), after "shall not grant", the words "an estate in fee simple or".

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26. REPEAL OF SECTIONS 25DAA AND 25DA

Sections 25DAA and 25DA of the Principal Act are repealed.

27. TRANSFER, &c., OF LEASE

Section 26 of the Principal Act is amended by omitting sub-sections (1A), (1B), (2) and (3).

28. REPEAL OF SECTION 26A

Section 26A of the Principal Act is repealed.

29. CONSENT TO TRANSFER, &c., OF LEASES

Section 27(1) of the Principal Act is amended by omitting "an agricultural lease, lease of town lands for church, mosque or synagogue purposes, miscellaneous lease or pastoral lease" and substituting "a lease".

30. CONSENT NOT TO BE GIVEN IN CERTAIN CASES

Section 27A of the Principal Act is amended -

(a) by omitting ", 26A"; and

(b) by omitting "under an agreement referred to in section 19(2A) in relation to" and substituting "of the purchase price of".

31. REPEAL OF SECTION 28

Section 28 of the Principal Act is repealed.

32. POSITION OF MORTGAGEE

Section 29(1) of the Principal Act is amended by omitting "pastoral or agricultural" and substituting "a pastoral".

33. REPEAL OF SECTION 30

Section 30 of the Principal Act is repealed.

34. IMPROVEMENTS ON LANDS TO BE LEASED

Section 31(1B)(a) of the Principal Act is amended by omitting "subject to section 72A,".

35. REAPPRAISEMENT OF RENT, &c.

Section 32 of the Principal Act is amended -

(a) by omitting from sub-section (1) "specified in sub-section (3) of section 14 as being leases";

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(b) by omitting sub-section (2)(a);

(c) by omitting from sub-section (2)(b) "in the case of any other lease to which this section applies - "; and

(d) by omitting sub-section (6).

36. REPEAL OF SECTIONS 33, 33A AND 33B

Sections 33, 33A and 33B of the Principal Act are repealed.

37. SUBSTITUTION OF DIVISION HEADINGS

(1) The heading to Division 1A of Part III of the Principal Act is omitted and the following heading substituted:

"Division 4 - Easements".

(2) The heading to Division 2 of Part III of the Principal Act is omitted and the following heading substituted:

"Division 5 - Pastoral Leases".

38. REPEAL AND SUBSTITUTION OF DIVISIONS 3, 4, 5 AND 6 OF PART III

Divisions 3, 4, 5 and 6 of Part III of the Principal Act are repealed and the following division substituted:

"Division 6 - Leases other than Pastoral Leases"

"60. CONVERSION TO FREEHOLD, &c.

"A lease for a purpose other than pastoral purposes may contain a provision relating to the right of the lessee to surrender the lease as to all or part of the land contained in the lease in exchange for one or more estates in fee simple or one or more leases, or both.

"61. TERM OF LEASE

"(1) Where a lease for a purpose other than pastoral purposes is for a fixed term, the Minister may, in his discretion, extend the term or renew the lease for such further term as the Minister thinks fit.

"(2) An application for renewal of a lease or for extension of the term of a lease shall be made in writing before the commencement of the last year of the lease or before such later date as the Minister allows.

"62. LEASES FOR SUBDIVISIONAL WORK

"The grant of a lease for the purpose of subdivisional work does not absolve the lessee from any requirement to obtain the consent of a consent authority under the Planning Act to the subdivision.

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"63. LESSEE'S RIGHTS IN IMPROVEMENTS

"A lease for a purpose other than pastoral purposes may contain provisions relating to the lessee's rights in improvements.

"64. VALUATION OF IMPROVEMENTS

"Where the Minister and a lessee are unable to agree on the value to the Territory of improvements, for the purposes of compensation that should be paid to a lessee for improvements, the Minister shall require the Valuer-General to determine that value."

39. REPEAL OF PART IV

Part IV of the Principal Act is repealed.

40. RESUMPTION AND RESERVATION OF CROWN LAND

Section 103 of the Principal Act is amended by omitting from sub-section (2A)(a) "an agricultural lease" and substituting "a lease for agricultural purposes".

41. REPEAL OF CERTAIN SECTIONS

Sections 110A, 112, 112A, 115 and 116A of the Principal Act are repealed.

42. REGULATIONS

Section 131 of the Principal Act is amended -

(a) by omitting from paragraph (f) "and"; and

(b) by adding at the end thereof the following paragraphs:

"(h) standard forms to be used for the purposes of this Act, including standard lease forms and standard forms for provisions in leases; and

(j) standard provisions that shall be implied in leases and other instruments, short forms of provisions of leases and other instruments and definitions of words and expressions used in leases and other instruments."

43. REPEAL OF SECOND SCHEDULE

The Second Schedule to the Principal Act is repealed.

44. AMENDMENT OF SCHEDULE 2 TO THIS ACT

(1) The Administrator may, before the date of commencement of this Act, make Regulations under this Act amending Schedule 2 to this Act by adding thereto or omitting therefrom a lease or land the

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subject of a person's right to be granted a lease, but a regulation so made shall take effect on the date of commencement of, but immediately after the commencement of, this Act.

(2) Where Schedule 2 is amended by a regulation made in pursuance of sub-section (1), the lease or land to which the amendment effected by the regulation relates shall be deemed to have been included in or omitted from the Schedule, as the case may be, at the commencement of this Act and the law in force in the Territory, including this Act, shall apply to and in relation to the lease or land accordingly.

SCHEDULE 1

Section 4

ACTS REPEALED

Part I

Freehold Titles Act

<u>Freehold Titles Ordinance</u>	1962
<u>Freehold Titles Ordinance</u>	1963
<u>Freehold Titles Ordinance</u>	1964
<u>Freehold Titles Ordinance</u>	1967
<u>Freehold Titles Ordinance</u>	1968
<u>Freehold Titles Ordinance (No. 2)</u>	1968
<u>Freehold Titles Ordinance</u>	1970
<u>Freehold Titles Ordinance (No. 2)</u>	1970
<u>Freehold Titles Ordinance</u>	1971
<u>Freehold Titles Ordinance (No. 2)</u>	1971
<u>Freehold Titles Ordinance</u>	1972
<u>Freehold Titles Ordinance</u>	1973
<u>Freehold Titles Ordinance</u>	1974
<u>Freehold Titles Ordinance (No. 2)</u>	1974
<u>Freehold Titles Ordinance</u>	1976
<u>Freehold Titles Act</u>	1979
<u>Freehold Titles Act (No. 2)</u>	1979

Part II

Darwin Town Area Leases Act

<u>Darwin Town Area Leases Ordinance</u>	1947
<u>Darwin Town Area Leases Ordinance</u>	1952
<u>Darwin Town Area Leases Ordinance (No. 2)</u>	1952
<u>Darwin Town Area Leases Ordinance</u>	1955
<u>Darwin Town Area Leases Ordinance</u>	1960
<u>Darwin Town Area Leases Ordinance</u>	1961
<u>Darwin Town Area Leases Ordinance</u>	1962
<u>Darwin Town Area Leases Ordinance</u>	1963

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Darwin Town Area Leases Ordinance (No. 2) 1963
Darwin Town Area Leases Ordinance 1964
Darwin Town Area Leases Ordinance (No. 2) 1965
Darwin Town Area Leases Ordinance 1965
Darwin Town Area Leases Ordinance 1966
Darwin Town Area Leases Ordinance 1967
Darwin Town Area Leases Ordinance 1968
Darwin Town Area Leases Ordinance (No. 2) 1968
Darwin Town Area Leases Ordinance 1969
Darwin Town Area Leases Ordinance (No. 2) 1969
Darwin Town Area Leases Ordinance 1970
Darwin Town Area Leases Ordinance (No. 2) 1970
Darwin Town Area Leases Ordinance (No. 3) 1970
Darwin Town Area Leases Ordinance 1971
Darwin Town Area Leases Ordinance (No. 2) 1971
Darwin Town Area Leases Ordinance (No. 3) 1971
Darwin Town Area Leases Ordinance 1972
Darwin Town Area Leases Ordinance (No. 2) 1972
Darwin Town Area Leases Ordinance 1973
Darwin Town Area Leases Ordinance (No. 2) 1974
Darwin Town Area Leases Ordinance 1974
Darwin Town Area Leases Ordinance 1975
Darwin Town Area Leases Act 1979
Darwin Town Area Leases Act (No. 2) 1979

Part III

Church Lands Leases Act

Church Lands Leases Ordinance 1947
Church Lands Leases Ordinance 1952
Church Lands Leases Ordinance 1956
Church Lands Leases Ordinance 1961
Church Lands Leases Ordinance 1963
Church Lands Leases Ordinance 1977
Church Lands Leases Act 1979

Part IV

Agricultural Development Leases Act

Agricultural Development Leases Ordinance 1956
Agricultural Development Leases Ordinance 1961
Agricultural Development Leases Ordinance 1963
Agricultural Development Leases Ordinance (No. 2) 1963
Agricultural Development Leases Ordinance 1968

Part V

Rent for Agricultural and Miscellaneous Leases
(Darwin Town Area) Act

Rent for Agricultural and Miscellaneous Leases (Municipality of
Darwin) Ordinance 1970

Crown Lands Amendment (No. 3)

Rent for Agricultural and Miscellaneous Leases (Darwin Town Area)
Ordinance 1971

SCHEDULE 2

Section 8(2)

Part I

Leases not automatically freeholded

Section 8(1) does not apply in respect of any of the following leases:

Pastoral Lease Nos 601, 602, 704, 708, 783.
Town Lands Lease Nos 5089, 5482.
Darwin Town Area Lease No. 9565.

Part II

Certain areas in which leases are not automatically freeholded

Section 8(1) does not apply in respect of a lease that is a lease of -

(a) the whole or a part of -

(i) the area that, on 22 April 1980, was bounded by the boundaries of Special Purposes Lease No. 415;

(ii) Section 34, Hundred of Bagot; or

(iii) Section 1241, Hundred of Howard;

(b) the whole of the area that is contained within each of the following Lots, Portions and Sections:

TOWN OF ALICE SPRINGS

Lot 110
" 722
" 723
" 724
" 2279
" 3776
" 4570
" 4571
" 4865
" 5709

Crown Lands Amendment (No. 3)

HUNDRED OF BAGOT

Portion 1100
" 1101
" 1146
" 1216
" 1449
" 1857
" 1877
" 1878
" 1879
" 1880
" 1913
" 2175
" 2197
" 2269

HUNDRED OF CAVENAGH

Section 647

TOWN OF BATCHELOR

Lot 95
" 96
" 101
" 102
" 143
" 144
" 145
" 148
" 149

TOWN OF BORROLOOLA

Lot 532

HUNDRED OF BRAY

Section 40

TOWN OF DARWIN

Lot 660
" 661
" 1441
" 1442
" 1521
" 2801
" 3396
" 3441
" 3442
" 4853
" 5266
" 5268

Crown Lands Amendment (No. 3)

" 5269
" 5270
" 5271
" 5272
" 5273
" 5274
" 5276
" 5277
" 5278
" 5279
" 5280
" 5281

HUNDRED OF GUY

Section 1544
" 1545
" 1546
" 1547
" 1548
" 1549
" 1551
" 1552
" 1553

HUNDRED OF HOWARD

Section 1247

HUNDRED OF HUGHES

Section 2714
" 2715
" 2716

TOWN OF KATHERINE

Lot 1298
" 1299
" 1300
" 1301
" 1302
" 1303
" 1304
" 1305

TOWN OF LARRIMAH

Lot 40

TOWN OF NIGHTCLIFF

Lot 4581
" 8622
" 8623

Crown Lands Amendment (No. 3)

HUNDRED OF STRANGWAYS

Section 467
" 468

TOWN OF TENNANT CREEK

Lot 1230
" 1370

N.T. PORTION

457
1749;

- (c) the whole of the area that is contained within each of the following Lots, being land in respect of which outstanding amounts of purchase price are owing:

TOWN OF ALICE SPRINGS

Lot 2609
" 3271
" 3377
" 3517
" 3564
" 3728
" 3741
" 3838
" 3926
" 3983
" 4130
" 4246
" 4249
" 4253
" 4254
" 4257
" 4505
" 4530
" 4973
" 4988
" 4989

TOWN OF DARWIN

Lot 1871
" 3951
" 4569
" 4921
" 4930
" 4931
" 5279

Crown Lands Amendment (No. 3)

TOWN OF KATHERINE

Lot 1316

TOWN OF NIGHTCLIFF

Lot 1266

- " 2625
- " 2626
- " 2708
- " 2711
- " 3439
- " 4041
- " 4068
- " 5404
- " 5407
- " 5428
- " 5436
- " 5478
- " 6261
- " 6262
- " 6342
- " 6401
- " 6454
- " 6478
- " 6481
- " 6483
- " 6485
- " 6497
- " 6525
- " 6529
- " 6564
- " 6598
- " 6599
- " 6639
- " 6665
- " 6742
- " 6744
- " 6766
- " 6771
- " 6773
- " 6790
- " 6855
- " 6964
- " 7059
- " 7120
- " 7122
- " 7205
- " 7286
- " 7339
- " 7387
- " 8527
- " 8528

Crown Lands Amendment (No. 3)

" 8529
" 8530
" 8569
" 8573
" 8667

TOWN OF SANDERSON

Lot 89
" 212
" 635
" 893
" 1182
" 1184
" 1223
" 1276
" 1318
" 1353
" 1362
" 1495
" 1503
" 2232
" 2235
" 2240
" 2505
" 2506
" 2542
" 2620
" 2635
" 2648
" 2649
" 2667
" 2679

TOWN OF TENNANT CREEK

Lot 809; or

- (d) the whole of the area that is contained within each of the following Lots, being land with improvements in respect of which outstanding amounts of purchase price are owing:

TOWN OF ALICE SPRINGS

Lot 25
" 384
" 467
" 663
" 745
" 770
" 771
" 772
" 803
" 822

Crown Lands Amendment (No. 3)

" 825
" 832
" 872
" 1053
" 1054
" 1078
" 1183
" 1224
" 1232
" 1258
" 1259
" 1262
" 1273
" 1356
" 1704
" 1816
" 1820
" 2127
" 2290
" 2453
" 2516
" 2559

TOWN OF KATHERINE

Lot 137
" 149
" 164
" 170
" 213
" 230
" 241

TENNANT CREEK

Lot 280.

