

THE NORTHERN TERRITORY OF AUSTRALIA

No. 56 of 1980

AN ACT

To amend the Crown Lands Act

[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. 2) 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. NEW SECTIONS

After Part III of the Principal Act the following Part is inserted:

"PART IIIA - VESTING OF FEE SIMPLE IN ROADS

"91. VESTING OF FEE SIMPLE IN ROADS

"(1) Where -

- (a) the whole of an area of land is a road or mall or a part of a road or mall;
- (b) no person other than the Territory has an interest registered under the Real Property Act in that land as lessee or as the proprietor of an estate in fee simple; and

Crown Lands Amendment (No. 2)

- (c) a council that is a council within the meaning of the Local Government Act has lodged with the Minister a plan of survey of that land, together with a request that an estate in fee simple in the land be vested in it,

the Minister may, in the name of the Territory, declare that an estate in fee simple in that land is vested in that council.

"(2) The Minister shall cause a copy of a declaration made under sub-section (1) to be published in the Gazette within 30 days after the declaration is made.

"(3) Upon the filing with the Registrar-General of a copy of a declaration made under sub-section (1) that an estate in fee simple in land is vested in a council, the Registrar-General shall issue to the council a certificate of title registering the council as the proprietor of an estate in fee simple in the land.

"(4) A declaration made under sub-section (1) that an estate in fee simple in land is vested in a council has effect according to its tenor.

"92. INDEFEASIBILITY OF TITLE

"Nothing contained in this Act or in the Local Government Act affects the provisions of the Real Property Act relating to indefeasibility of title in their application to and in relation to land on which there is a road or mall or a part of a road or mall.

"93. TITLE OF AND USE BY PERSONS WHO HAVE AN INTEREST IN LAND

"(1) Subject to sub-section (3), the power of a person who has an interest in land on which there is a road or mall or a part of a road or mall does not include power to deal with it or use it or permit it to be used in a manner that is inconsistent with the use of the road or mall according to its status as a road or mall.

"(2) Subject to sub-section (3), nothing contained in the Control of Roads Act or the Local Government Act operates to limit the power of a person who has an interest in land to deal with the land under the Real Property Act, but neither the vesting or registration of title to land nor any dealing with land under the Real Property Act affects the status of a public road or mall for the purposes of any law in force in the Territory or divests the person in whom a road, or the care, control and management of land, is vested by virtue of the Control of Roads Act or the Local Government Act -

- (a) of the road as a road; or
- (b) of any power, function, right or obligation in relation to the road or mall as a road or mall, as the case may be.

Crown Lands Amendment (No. 2)

"(3) Where under section 91 land is vested in a council within the meaning of the Local Government Act and that council has an interest as lessee of or as the proprietor of an estate in fee simple in land contiguous to that land, that council may, with the approval in writing of the Minister where he is of the opinion that by its so doing vehicular traffic across the land will not be prevented -

(a) erect on the land such things -

- (i) as are necessary for the support of structures erected over the land or on that contiguous land; or
- (ii) as are necessary or convenient to facilitate and control access to and egress from that contiguous land; and

(b) notwithstanding the Control of Roads Act, use the land in such manner as it thinks fit to facilitate the use of a structure erected over the land, or on that contiguous land, for the purpose for which it was so erected.

"(4) Neither the vesting or registration of title to land nor any dealing with land affects the rights of the Territory, the Commonwealth, a public authority of the Territory or a public authority of the Commonwealth to use a road or mall for the provision and maintenance of services or for any other public purpose."