

THE NORTHERN TERRITORY OF AUSTRALIA

No. 107 of 1978

AN ORDINANCE

To amend the Crown Lands Ordinance

[Assented to 9 November 1978]

BE it ordained by the Legislative Assembly for the Northern Territory of Australia as follows:

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| 1. This Ordinance may be cited as the <u>Crown Lands Ordinance</u> (No. 3) 1978. | Short title |
| 2. The <u>Crown Lands Ordinance</u> is in this Ordinance referred to as the Principal Ordinance. | Principal Ordinance |
| 3. This Ordinance shall come into operation on the date on which the <u>Aboriginal Land Ordinance</u> 1978 comes into operation. | Commencement |
| 4. Section 6 of the Principal Ordinance is amended - | How Crown lands may be alienated |
| (a) by omitting from paragraph (c) "or"; and | |
| (b) by adding at the end thereof "; or | |
| (e) the granting of an estate in fee simple under the <u>Aboriginal Land Rights (Northern Territory) Act 1976</u> ." | |
| 5.(1) Section 14 of the Principal Ordinance is amended - | Leases - how granted; which to be perpetual; which to be subject to rental re-appraisal |
| (a) by inserting after sub-section (3)(c) "and"; | |
| (b) by omitting sub-section (3)(e); and | |
| (c) by omitting sub-section (4). | |
| 6.(1) Section 24 of the Principal Ordinance is amended - | Reservations in leases |
| (a) by adding at the end of paragraph (c) "and"; | |
| (b) by omitting at the end of paragraph (d) "and"; and | |
| (c) by omitting paragraph (e). | |
| (2) Section 24 of the Principal Ordinance is amended by adding the following sub-sections: | |

"(2) Subject to sub-section (3), in any lease under this Ordinance a reservation in favour of the Aboriginal inhabitants of the Northern Territory shall be read as a reservation permitting the Aboriginal inhabitants of the leased land and the Aboriginal inhabitants of the Northern Territory who in accordance with Aboriginal tradition are entitled to inhabit the leased land -

- (a) to enter and be on the leased land;
- (b) to take and use the natural waters and springs on the leased land;
- (c) subject to any other law in force in the Northern Territory, to take or kill for food or for ceremonial purposes animals ferae naturae on the leased land; and
- (d) subject to any other law in force in the Northern Territory, to take for food or for ceremonial purposes any vegetable matter growing naturally on the leased land.

"(3) Subject to sub-section (4), a reservation in favour of the Aboriginal inhabitants of the Northern Territory in any lease under this Ordinance does not apply to that part of the leased land which is within 2 kilometres of a homestead.

"(4) Where an Aboriginal or a group of Aborigines was at the date of commencement of the Aboriginal Land Ordinance 1978 residing within 2 kilometres of a homestead and was entitled to use educational, medical or other facilities provided for his or their use within that area, the Aboriginal or group of Aborigines may reside within 2 kilometres of the homestead and use the educational, medical and other facilities provided for him or them until the Aboriginal or group of Aborigines ceases to reside permanently within 2 kilometres of the homestead or until adequate facilities of a similar nature are provided on a site suitable to the Aboriginal or group of Aborigines.

"(5) For the purposes of sub-section (3), 'homestead' means a group of buildings and other facilities of a substantial nature built for residential, administrative and management purposes and used for residential, administrative and management purposes connected with the legitimate use of the leased land.

"(6) Where a lease under this Ordinance contains a reservation in favour of the Aboriginal inhabitants of the Northern Territory a person shall not, without just cause, interfere with the full and free exercise, by the persons thereby entitled, of the rights reserved to them.

Penalty: 2,000 dollars.

"(7) For the purposes of sub-section (6) 'just cause' includes reasonable acts taken by or on behalf of a lessee or another person having an interest in a lease to ensure the proper management of the lease for the purposes for which it was granted."

7. Section 24B of the Principal Ordinance is repealed and the following section substituted:

"24B.(1) Notwithstanding the provisions of section 23(1) (f), the lessee of a pastoral lease may, with the consent of the Minister, sub-lease part of his pastoral lease for Aboriginal community living purposes to an incorporated body set up for the management of the Aboriginal community by whom the area sub-leased is or is to be used.

Sub-leases for
Aboriginal
communities

"(2) For the purposes of this section 'Aboriginal community living purposes' include residential, educational and medical purposes and the keeping of livestock and poultry and the growing of fruit and vegetables for use by the Aboriginals within the community.

"(3) Where the Crown erects improvements on an area within a pastoral lease sub-leased for Aboriginal community living purposes, it may, within 3 months of the expiration or sooner determination of the sub-lease, remove any improvements including fixtures so erected by the Crown without liability for compensation to the lessee.

"(4) Where a lessee would otherwise be entitled to payment under section 45, the lessee shall not be entitled to be paid any amount in relation to any improvements made at the expense of any person other than the lessee on a sub-leased portion of the pastoral lease, unless the lessee has previously acquired the improvements by purchase or agreement.

Surrender of a
lease in ex-
change for
alternative
lease

8. Section 25DA(1) of the Principal Ordinance is amended by omitting "Special Purposes Leases Ordinance" and substituting "Special Purposes Leases Ordinance, other than a special purposes lease within an Aboriginal reserve which is part of the lands described in Schedules 1, 2 and 3 of the Aboriginal Land Rights (Northern Territory) Act 1976,".

Re-appraisalment
of rent, &c.

9. Section 32(4) is amended by omitting "or lease under Part IIIA for pastoral purposes".

Repeal of Part
IIIA

10. Sections 91 to 100R inclusive of the Principal Ordinance are repealed.

Resumption and
reservation of
Crown land

11. Section 103 of the Principal Ordinance is amended by omitting sub-section (8).

Control and
management of
reserved land

12. Section 103B of the Principal Ordinance is amended -

- (a) by omitting from sub-section (1) "section 103C" and substituting "section 103C, by an Act";
- (b) by omitting from sub-section (1) "no such Ordinance" and substituting "no such Act or Ordinance"; and
- (c) by omitting from sub-section (2) "and no Ordinance or Regulations" and substituting "and no Act, Ordinance or Regulations".

Grazing
licences

13. Section 107 of the Principal Ordinance is amended -

(a) by omitting from sub-section (2)(c) "except to an approved person who has obtained the right to, or is a lessee of, a lease for pastoral purposes under Part IIIA"; and

(b) by omitting sub-section (3).

Improvements on
lands in res-
pect of which
grazing licen-
ces are held

14. Section 107A is amended by omitting sub-section (5).

Licences in
respect of
reserved land

15. Section 109A of the Principal Ordinance is amended by omitting sub-sections (1A), (1C), (3) and (4).
