

NORTHERN TERRITORY OF AUSTRALIA

CROWN LANDS ACT
No. 17 of 1980
TABLE OF PROVISIONS

PART I - PRELIMINARY

Section

1. Short title
2. Principal Act
3. Commencement
4. Reserve price
5. Substitution
"19A. Lease grant charges"
6. Variation of purposes for which land leased
7. Surrender and exchange of pastoral lease
8. New section
"27A. Consent not to be given in certain cases"
9. Improvements on lands to be leased
10. New section
"Use of land for other purposes"
11. Surrender in exchange for new lease
12. Variation of lease requirements
13. Purpose of miscellaneous lease
14. Right to miscellaneous lease may be offered by auction
15. New section
"72A. Direct grant of miscellaneous lease"
16. Grazing licences

THE NORTHERN TERRITORY OF AUSTRALIA

No. 17 of 1980

AN ACT

To amend the Crown Lands Act

[Assented to 14 March 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 1980.

2. PRINCIPAL ACT

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

3. COMMENCEMENT

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

4. RESERVE PRICE

Section 19 of the Principal Act is amended -

(a) by inserting in sub-section (1) after "the reserve price" the words "or has agreed under sub-section (2A) to pay the reserve price, as the case may be,";

(b) by omitting sub-section (1)(e);

(c) by inserting in sub-section (2)(a) after "or a municipality" the words "or, being land that is to be the subject of a miscellaneous lease, is situated anywhere in the Territory";

(d) by omitting from sub-section (2)(b) "where the land" and substituting "subject to paragraph (a), where the land";

(e) by inserting after sub-section (2) the following sub-section:

"(2A) A proposed lessee of land referred to in sub-section (2)(a) may, by agreement in writing with the Minister, pay -

Crown Lands

- (a) the reserve price for the lease; and
- (b) any amount in addition to the reserve price payable under this Act in order to obtain the right to the lease,

in such instalments and, subject to section 19A(1), at such times as are agreed, and the payment of those instalments at those times shall be deemed to be a condition of the lease."; and

- (f) by omitting from sub-section (3) "Nothing in this section" and substituting "Subject to sub-section (2A), nothing in this section".

5. SUBSTITUTION

Section 19A of the Principal Act is repealed and the following section substituted:

"19A. LEASE GRANT CHARGES

"(1) Subject to sub-section (2), a person who has a right, obtained under this Act, to a lease shall -

- (a) if the land the subject of the lease is land that is not situated in the Darwin Town Area or a municipality - pay to the Minister as lease grant charges, before the lease is granted -

- (i) the first year's rent, if any, under the lease;

- (ii) the amount, if any, or the first instalment of the amount, as the case may be, that the Minister determines to be the proposed lessee's share of the cost of surveying the land proposed to be leased; and

- (iii) the fee, if any, prescribed for the preparation and registration of the lease; and

- (b) in any case, as a charge for the right to the lease, whereby agreement under section 19(2A) the reserve price and any additional amount in order to obtain the right to a lease may be paid in instalments, pay the amount of the first instalment under that sub-section of -

- (i) the reserve price; and

- (ii) the amount, if any, in addition to the reserve price.

"(2) Where, before a pastoral lease or agricultural lease is granted, the Minister has determined an amount to be the proposed lessee's share of the cost of surveying the land proposed to be leased, the proposed lessee may, by agreement in writing with the Minister, pay that amount to the Minister in such instalments and, subject to sub-section (1), at such times as agreed, and the payment of those instalments at those times shall be deemed to be a condition of the lease."

Crown Lands

6. VARIATION OF PURPOSES FOR WHICH LAND LEASED

Section 23A(2) of the Principal Act is amended by omitting from paragraph (c) "or the like" and substituting "mixed farm activities, for rural residential purposes or for a similar purpose authorized by the Minister".

7. SURRENDER AND EXCHANGE OF PASTORAL LEASE

Section 25CG of the Principal Act is amended -

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

"(1) In this section, 'agricultural development' includes any purpose for which a miscellaneous lease under Division 5 of Part III may be granted.

"(1A) The lessee under a pastoral lease may apply to the Minister for permission to surrender the lease or any part of the lease in exchange for the grant to that person of an agricultural lease or miscellaneous lease over that land.";

- (b) by inserting in sub-section (2)(a) after "an agricultural lease" the words "or a miscellaneous lease, as the case may be";

- (c) by inserting in sub-section (2)(b) after "an agricultural lease" (twice occurring) "or a miscellaneous lease";

- (d) by inserting in sub-section (4)(b) after "an agricultural" (twice occurring) "or miscellaneous";

- (e) by omitting from sub-section (5) "an agricultural lease or agricultural leases" and substituting "an agricultural or miscellaneous lease or leases";

- (f) by omitting from sub-section (6) "an agricultural" (twice occurring) and substituting "a";

- (g) by omitting sub-section (7)(a) and substituting the following paragraphs:

"(a) of the description of the land in respect of which the Minister is prepared to grant a lease or leases;

(aa) of the reserve price or prices, if any, for the right to the lease or leases;

(ab) of the lease grant charges, if any, for the lease or leases";

- (h) by omitting from sub-section (8) "an agricultural" and substituting "a"; and

Crown Lands

- (j) by omitting from sub-section (10) "an agricultural" and substituting "a";

8. NEW SECTION

The Principal Act is amended by inserting after section 27 the following new section:

"27A. CONSENT NOT TO BE GIVEN IN CERTAIN CASES

"Notwithstanding anything contained in sections 26, 26A and 27, the Minister shall not consent to the transfer of a lease until all instalments under an agreement referred to in section 19(2A) in relation to the lease have been paid."

9. IMPROVEMENTS ON LANDS TO BE LEASED

Section 31(1B) of the Principal Act is amended by omitting all words after and including "shall be -" and substituting the following:

"shall -

- (a) subject to section 72A, be specified as the purchase price of the improvements in the notice in relation to the land given under section 16(1); and
- (b) be specified in the lease offered to the proposed lessee."

10. NEW SECTION

The Principal Act is amended by inserting after section 40A the following section:

"40B. USE OF LAND FOR OTHER PURPOSES

"(1) Subject to this section and to section 40A, and notwithstanding any provision contained in the relevant lease document, a lessee under a pastoral lease may use the whole or any part of the leased land for such purposes, and on such terms and conditions, as the Minister, in writing, permits.

"(2) If the Minister is satisfied that a lessee under a pastoral lease has failed to comply with a term or condition imposed by the Minister under sub-section (1), the Minister may, by notice in writing to the lessee, forfeit the lease."

11. SURRENDER IN EXCHANGE FOR NEW LEASE

Section 48(8) of the Principal Act is amended by adding at the end "which shall commence immediately on the surrender of the existing lease."

12. VARIATION OF LEASE REQUIREMENTS

Section 65C of the Principal Act is amended by omitting sub-section (4).

Crown Lands

13. PURPOSE OF MISCELLANEOUS LEASE

Section 71 of the Principal Act is amended by omitting "or the like" and substituting "mixed farm activities, for rural residential purposes or for a similar purpose authorized by the Minister".

14. RIGHT TO MISCELLANEOUS LEASE MAY BE OFFERED BY AUCTION

Section 72(1) of the Principal Act is amended -

- (a) by omitting from sub-section (1) ", shall, in the first instance," and substituting "may"; and
- (b) by omitting from sub-section (3) "Sub-sections (3) to (17) inclusive of section 67 apply" and substituting "Section 67(3) to (6) inclusive and section 67(8) to (17) inclusive apply".

15. NEW SECTION

The Principal Act is amended by inserting after section 72 the following section:

"72A. DIRECT GRANT OF MISCELLANEOUS LEASE

"The Minister may grant a miscellaneous lease notwithstanding that -

- (a) notice under section 16(1) that the land is available for leasing has not been given;
- (b) the right to the lease has not been offered for sale by public auction under section 72; or
- (c) applications for the right to the lease have not been invited under section 73."

14. GRAZING LICENCES

Section 107 of the Principal Act is amended -

- (a) by inserting after sub-section (2)(a) the following paragraph:
 - "(aa) lands reserved under section 103 for stock routes and travelling stock;"; and
- (b) by omitting from sub-section (2)(b) "reserved lands within the boundaries of any town" and substituting "subject to paragraph (aa), reserved lands within the boundaries of any town".

