

No. 26 of 1963.

An Ordinance to amend the *Crown Lands Ordinance* 1931-1961, as amended by the *Crown Lands Ordinance* 1962, the *Crown Lands Ordinance* (No. 2) 1962 and the *Crown Lands Ordinance* (No. 3) 1962.

[Reserved 26th February, 1963.]

[Assented to 22nd March, 1963.]*

BE it ordained by the Legislative Council for the Northern Territory of Australia, in pursuance of the powers conferred by the *Northern Territory (Administration) Act* 1910-1961, as follows:—

1.—(1.) This Ordinance may be cited as the *Crown Lands Ordinance* (No. 4) 1962. Short title and citation.

(2.) The *Crown Lands Ordinance* 1931-1961, as amended by the *Crown Lands Ordinance* 1962, the *Crown Lands Ordinance* (No. 2) 1962 and the *Crown Lands Ordinance* (No. 3) 1962, is in this Ordinance referred to as the Principal Ordinance.

(3.) Section one of the *Crown Lands Ordinance* (No. 3) 1962 is amended by omitting sub-section (4.).

(4.) The Principal Ordinance, as amended by this Ordinance, may be cited as the *Crown Lands Ordinance* 1931-1962.

2. This Ordinance shall come into operation on a date to be fixed by the Administrator by notice in the *Gazette*.† Commencement.

3. Section 10A of the Principal Ordinance is repealed and the following sections are inserted in its stead:—

“ 10.—(1.) The Board shall be an administrative and not a judicial tribunal and, subject to this section, shall consider all applications for pastoral, pastoral homestead and agricultural leases of lands which have been advertised in the *Gazette* as available for leasing. Procedure on application for leases.

“ (2.) All applications for pastoral, pastoral homestead and agricultural leases shall be made to the Administrator who shall forward them to the Chairman of the Board.

* Assent notified in the *Government Gazette* of the Northern Territory on 3rd April, 1963 (see *Gazette* No. 14, 1963, p. 67).

† The date fixed was 29th May, 1963 (see *Government Gazette* No. 22 of 29th May, 1963, p. 112).

“(3.) The Board shall examine the applications and shall exclude those applicants (if any) who are not qualified by experience to take up the lease applied for or who do not have sufficient finance or financial backing for that purpose and shall notify those persons that they have been excluded.

“(4.) A person who has been excluded under the last preceding sub-section may, within twenty-one days of the date on which he would have received the notification in the ordinary course of the post, protest to the Board against his exclusion and may furnish further evidence in writing or may request that the Board hear him in person.

“(5.) The Board shall consider a protest under the last preceding sub-section and may allow the protest and restore the application or confirm the exclusion.

“(6.) The Board shall, after it has dealt with any protests, hold in public a ballot to which it shall admit the names of all applicants whose applications have not been excluded under sub-section (3.) or whose protests have been allowed under sub-section (5.).

“(7.) The Board shall, in the course of the ballot held under the last preceding sub-section, cause to be selected for each parcel of land for which application has been made the names of three applicants and shall record the order in which those names have been selected in the ballot.

“(8.) After the holding of the ballot the Board shall notify the applicant whose name was first selected by ballot that he has been so selected and shall require the applicant to attend before the Board with such witnesses and documents as the applicant considers sufficient to substantiate the statements made by him in his application.

“(9.) Upon the attendance of an applicant under the last preceding sub-section the Board shall examine the evidence produced by the applicant and shall determine whether or not he has sufficiently substantiated the statements made in his application.

“(10.) If the Board considers that the applicant has sufficiently substantiated the statements made in the application it shall recommend to the Administrator in Council that the lease applied for be granted to that applicant.

“(11.) If the Board considers that the applicant has not sufficiently substantiated the statements made in his application it shall exclude the applicant and shall then proceed with respect to the applicant whose name was secondly and if necessary with respect to the applicant whose name was thirdly drawn in the ballot in the same manner as if that applicant's name had been firstly drawn.

“(12.) If the Board excludes the three applicants whose names have been selected in a ballot in accordance with sub-section (7.), it shall within seven days hold a further ballot and shall proceed thereafter as is provided by this section but the names of the applicants who have been excluded by the Board shall not be admitted to the ballot.

“(13.) Upon a recommendation by the Board under this or the next succeeding section that a pastoral, pastoral homestead or agricultural lease be granted to a person, a lease shall be granted to the person in accordance with the recommendation unless the Minister on the written recommendation of the Administrator in Council accompanied by the reasons for the recommendation, by notice in the *Gazette*, otherwise directs.

“(14.) The Board shall permit a person or an applicant appearing before the Board to be represented by counsel or an agent.

“(15.) The Board shall hear and determine any question or dispute and hold any enquiry which is referred to it by the Minister or the Administrator in Council.

“(16.) Within twenty-eight days after a direction has been given by the Minister under sub-section (13.) of this section, the Board shall make another recommendation to the Administrator in Council and for this purpose shall proceed as though the applicant to whom the Minister has directed that a lease be not granted had been excluded by the Board under sub-section (11.) of this section.

“(17.) Where at any sitting of the Board it is necessary to hear evidence from any person, that sitting shall be held in public unless the Chairman otherwise directs.

“10A.—(1.) Notwithstanding the provisions of the last preceding section, where—

Priority to be given in certain cases.

(a) notice is given by advertisement in the *Gazette* that land is available for leasing under a pastoral lease;

(b) the land is wholly or in part the subject of a pastoral lease or of a grazing licence existing at the date of the advertisement; and

(c) the holder of the existing lease or grazing licence is an applicant for the new lease,

the Board shall require the holder of the existing lease or the grazing licence to appear before it with such witnesses and documents as he considers necessary to substantiate the statements made by him in his application.

“(2.) If the Board is satisfied—

- (a) that the applicant is qualified by experience to take up the new lease;
- (b) that the applicant has sufficient finance or financial backing for that purpose;
- (c) that the applicant is not otherwise unsuitable as a tenant of the Crown; and
- (d) in the case of an applicant who is a grazing licensee that he has for two out of the three preceding years used the land for pastoral purposes or for the purpose of the production of meat or hides,

it shall recommend to the Administrator in Council that a pastoral lease be granted to the holder of the existing lease or the grazing licence as the case may be.

“(3.) Where land the subject of an existing lease or grazing licence is advertised in the *Gazette* as available for leasing in more than one holding the holder of the existing lease or grazing licence may not apply for a lease of more than one holding of land except in the alternative.

“(4.) Where the applicant is the holder of a grazing licence the Board shall not proceed under this section if the applicant either solely or jointly with his spouse is the lessee of, or beneficially entitled to, land held under a pastoral lease the area of which, together with the area of land applied for, would substantially exceed a minimum economic area as defined in Division 2A. of Part III. of this Ordinance.

“(5.) This section does not apply where land advertised in the *Gazette* as available for leasing is advertised as suitable only as an addition to an adjoining holding.

“(6.) In this section ‘existing lease’ means a lease under this Ordinance or any Act of the State of South Australia or Ordinance previously in force in the Northern Territory or North Australia or Central Australia.”.

Repeal of
section 19.

4. Section nineteen of the Principal Ordinance is repealed.

General
conditions of
leases.

5. Section twenty-three of the Principal Ordinance is amended by omitting paragraph (e).

6. After section twenty-five D of the Principal Ordinance the following section is inserted:—

Surrender of
land for
reservation as
a sanctuary.

“25E.—(1.) A lessee under a lease granted under this Ordinance may offer to surrender the lease, or a part of the land included in the lease, in order that the land the subject of the offer may be declared to be a sanctuary under the *Wildlife Conservation and Control Ordinance 1962*.

“(2.) An offer to surrender made under the last preceding sub-section shall be referred to the Administrator in Council who may recommend to the Minister that the offer be accepted.

“(3.) Notwithstanding the provisions of any other law of the Territory a surrender offered and accepted under this section shall—

(a) be effective from the date of the acceptance of the surrender by the Minister; and

(b) not confer a right to compensation upon the lessee who has surrendered the land.

“(4.) Whenever the Minister accepts an offer to surrender made under this section the Administrator in Council shall declare the land in respect of which the surrender is accepted to be a sanctuary under the *Wildlife Conservation and Control Ordinance* 1962.”.

7. Section forty of the Principal Ordinance is repealed.

Repeal of
section 40.

8. Section sixty of the Principal Ordinance is amended by omitting the word “Administrator” and inserting the words “Administrator in Council” in its stead.

Agricultural
lands to be
classified.

9 Section one hundred and three of the Principal Ordinance is amended—

Reservations
and
resumptions.

(a) by adding at the end of paragraph (a) of sub-section (1.) the following sub-paragraph:—

“(xii) for the purpose of a sanctuary under the *Wildlife Conservation and Control Ordinance* 1962.”.

(b) by adding after sub-section (2.) the following sub-section:—

“(3.) Notwithstanding any provision to the contrary in any law of the Territory, an area of land which has been reserved under sub-paragraph (xii) of paragraph (a) of sub-section (1.) of this section shall not be alienated or made the subject of any estate, interest or licence in or for the benefit of any person.”.