

# SPECIAL PURPOSES LEASES ORDINANCE 1965

No. 36 of 1965

An Ordinance to amend the *Special Purposes Leases Ordinance* 1953-1963, and for other purposes

[Reserved 16th August 1965.]

[Assented to 18th September 1965.]\*

**B**E it ordained by the Legislative Council for the Northern Territory of Australia, in pursuance of the powers conferred by the *Northern Territory (Administration) Act* 1910-1962, as follows:—

Short title  
and citation.

1.—(1.) This Ordinance may be cited as the *Special Purposes Leases Ordinance* 1965.

(2.) The *Special Purposes Leases Ordinance* 1953-1963 is in this Ordinance referred to as the principal Ordinance.

(3.) The Principal Ordinance, as amended by this Ordinance, may be cited as the *Special Purposes Leases Ordinance* 1953-1965.

Commence-  
ment.

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

Definitions.

3. Section three of the Principal Ordinance is amended by adding after the definition of “the Valuer-General” the following definition:—

“‘unimproved capital value’ has the same meaning as in the *Valuation of Land Ordinance* 1963.”.

4. Section eight of the Principal Ordinance is repealed and the following sections are inserted in its stead:—

Terms and  
conditions of  
leases.

“8. A lease granted after the commencement of the *Special Purposes Leases Ordinance* 1965—

(a) shall be for a term of years or in perpetuity, as determined by the Administrator and specified in the lease instrument; and

(b) shall include such reservations, covenants, conditions and provisions as are prescribed and such additional reservations, covenants, conditions and provisions as are determined by the Administrator and specified in the lease instrument.

\* Assent notified in the *Government Gazette* of the Northern Territory on 29th September, 1965 (see *Gazette* No. 41, 1965, p. 161).

† The date fixed was 16th February, 1966 (see *Government Gazette* No. 8 of 16th February, 1966, p. 27).

“ 8A.—(1.) The lessee of a lease granted before the commencement of the *Special Purposes Leases Ordinance 1965* may apply in writing to the Administrator for permission to surrender that lease in exchange for a lease in perpetuity.

Conversion  
of term of  
lease to  
perpetuity.

“ (2.) If all the rent due on the existing lease has been paid as at the date of the application and all other terms and conditions of the existing lease have been complied with, the Administrator shall—

- (a) require the Valuer-General to determine the unimproved capital value of the land comprised in the lease as at the date of the application;
- (b) determine the reservations, covenants, conditions and provisions that shall be included in any lease in perpetuity granted to the lessee in respect of the land; and
- (c) when the determinations have been made in accordance with the last two preceding paragraphs, send to the Minister—
  - (i) the application;
  - (ii) a statement as to the amount determined by the Valuer-General to be the unimproved capital value of the land;
  - (iii) the Administrator's recommendation as to whether the application should be rejected or granted; and
  - (iv) if his recommendation is that the application should be granted, his determination as to the reservations, covenants, conditions and provisions that should be included in any lease in perpetuity granted to the lessee in respect of the land.

“ (3.) The Minister shall thereupon consider the application, the statement, the determination and the recommendation referred to in the last preceding sub-section and shall as soon as practicable advise the Administrator whether he rejects or is willing to grant the application.

“ (4.) The Administrator shall thereupon, by notice in accordance with the next succeeding sub-section, advise the lessee—

- (a) whether the Minister has rejected or is willing to grant the application; and
- (b) if the Minister is willing to grant the application, the reservations, covenants, conditions and provisions that shall be included in any lease in perpetuity granted to the lessee in respect of the land.

“(5.) A notice under the last preceding sub-section shall be in writing addressed to the lessee at the address given in the application and may be served by post.

“(6.) At any time within two months after the date of such a notice, or within such further time as the Administrator allows, the lessee may serve notice on the Administrator that he elects to surrender the existing lease and accept a new lease.

“(7.) An election made under the last preceding sub-section—

- (a) is irrevocable and binding on the lessee; and
- (b) if a new lease is granted under this section, operates from the date of the grant as a surrender of the lease existing at the date of the election.

“(8.) Upon receiving an election under sub-section (6.) of this section the Administrator shall notify the Minister that he has received the election and thereupon the Minister shall grant to the lessee a new lease of the land comprised in the lease existing at the date of the application.

“(9.) The new lease shall be in perpetuity.

“(10.) For the purpose of assessing the rent payable under the new lease, the unimproved capital value of the lease is the amount specified in the notice referred to in sub-section (4.) of this section until that unimproved capital value is re-appraised in accordance with section eleven A of this Ordinance.

“(11.) The reservations, covenants, conditions and provisions of the new lease shall be the reservations, covenants, conditions and provisions specified in the notice referred to in sub-section (4.) of this section.

“(12.) A lessee may, at any time before he makes an election under sub-section (6.) of this section, by notice in writing to the Administrator withdraw an application made under sub-section (1.) of this section.

“(13.) Where a lessee—

- (a) so withdraws his application; or
- (b) within the time specified in sub-section (6.) of this section, fails to elect to surrender the existing lease and accept a new lease,

his existing lease shall continue as though he had not made his application.”

5. Section ten of the Principal Ordinance is amended by omitting sub-section (5.) and inserting in its stead the following sub-section:—

Procedure on  
application for  
further lease.

“ (5.) A lease granted under this section—

- (a) shall be for a term of years or in perpetuity, as determined by the Administrator and specified in the lease instrument; and
- (b) shall include such reservations, covenants, conditions and provisions as are prescribed and such additional reservations, covenants, conditions and provisions as are determined by the Administrator and specified in the lease instrument.”.

6. After section ten of the Principal Ordinance the following section is inserted:—

“ 10A.—(1.) Subject to this Ordinance, the rent payable in respect of the land comprised in any lease shall be—

Rent.

- (a) in the case of a lease granted before the commencement of the *Special Purposes Leases Ordinance* 1965, the rent reserved under the lease; or
- (b) in any other case —
  - (i) such rent as is determined by the Administrator and reserved under the lease; or
  - (ii) if no rent is so determined, five per centum of the unimproved capital value of the land in the lease.

“ (2.) Subject to the next succeeding section, the rent payable in respect of the land comprised in any lease is subject to re-appraisement—

- (a) in the case of a lease granted before the commencement of the *Special Purposes Leases Ordinance* 1965, in accordance with the lease instrument; or
- (b) in any other case, in accordance with section eleven A of this Ordinance.

“ (3.) Nothing in this section shall prevent the enforcement of any covenant by a lessee to pay additional rent where any amount of rent payable under his lease remains unpaid for such period as is specified in the lease.”.

7. After section eleven of the Principal Ordinance the following section is inserted:—

Re-appraise-  
ment of value  
of land.

“ 11A.—(1.) Subject to this section, the Administrator shall require the Valuer-General to re-appraise the unimproved capital value of land comprised in a lease granted after the commencement of the *Special Purposes Leases Ordinance 1965* during each of the prescribed periods subsequent to the date of the commencement of the lease.

“ (2.) The prescribed periods shall be the period of twelve months commencing on the first day of July, One thousand nine hundred and seventy and the subsequent periods of twelve months that shall commence on the first day of July in each succeeding twentieth year thereafter.

“ (3.) If, for any reason, the unimproved capital value of land comprised in such a lease is not re-appraised by the Valuer-General during a prescribed period, the Administrator may, at any time after the expiration of the period, require the Valuer-General to re-appraise the unimproved capital value of that land on the basis of the unimproved capital values of comparable lands during that period.

“ (4.) Subject to this section, a re-appraisalment of the unimproved capital value of land comprised in such a lease shall take effect on the first day of July next succeeding the prescribed period and notice of that re-appraisalment shall be given in writing by the Administrator to the lessee of the land not later than twenty-eight days after that date.

“ (5.) In any case where the Administrator has not given to the lessee of land comprised in such a lease notice in writing of the re-appraisalment of the unimproved capital value of that land within the time prescribed in the last preceding sub-section but has given to that lessee notice in writing of the re-appraisalment within twelve months after the prescribed period for that re-appraisalment has expired, the re-appraisalment shall take effect on the first day of July next following the date on which the notice was given to the lessee.

“ (6.) In any case where the Administrator has not given to the lessee of land comprised in such a lease notice in writing of the re-appraisalment of the unimproved capital value of that land within twelve months after the prescribed period for that re-appraisalment has expired, the re-appraisalment shall not take effect until the date upon which the Administrator gives to the lessee notice in writing of the re-appraisalment.”.

8. Notwithstanding section two of the *Special Purposes Leases Ordinance (No. 2) 1963*, that Ordinance shall be deemed to have come into operation on the sixteenth day of April, One thousand nine hundred and sixty-four.

Commence-  
ment of *Special*  
*Purposes Leases*  
*Ordinance (No.*  
*2) 1963.*

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