

CROWN LANDS ORDINANCE 1964.

No. 38 of 1964.

An Ordinance to amend the *Crown Lands Ordinance*
1931-1963.

[Reserved 26th August, 1964.]

[Assented to 3rd September, 1964.]*

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* 1910-1962, as follows:—

Short title
and citation.

1.—(1.) This Ordinance may be cited as the *Crown Lands Ordinance* 1964.

(2.) The *Crown Lands Ordinance* 1931-1963 is in this Ordinance referred to as the Principal Ordinance.

(3.) The Principal Ordinance, as amended by this Ordinance, may be cited as the *Crown Lands Ordinance* 1931-1964.

Commence-
ment.

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

General
conditions of
leases.

3. Section twenty-three of the Principal Ordinance is amended by omitting the words “(other than miscellaneous leases and leases under section six A of this Ordinance)” and inserting in their stead the words “(other than leases under section six A of this Ordinance).”.

Reservations
in leases.

4. Section twenty-four of the Principal Ordinance is amended by omitting paragraph (e) and inserting in its stead the following paragraph:—

“(e) a reservation in favour of the aboriginal inhabitants of the Northern Territory shall be read as a reservation permitting aborigines—

- (i) to enter and be on the leased land;
- (ii) to use the natural waters and springs on the leased land; and
- (iii) to kill upon the leased land and use for food birds and animals *ferae naturae*.”.

* Assent notified in the *Government Gazette* of the Northern Territory on 7th September, 1964 (see *Gazette* No. 35A, 1964, p. 144A).

† The date fixed was 30th September, 1964 (see *Government Gazette* No. 39 of 30th September, 1964, p. 154).

5.—(1.) Section forty-seven B of the Principal Ordinance is repealed. Repeal and saving.

(2.) Notwithstanding the repeal effected by the last preceding sub-section but subject to the next succeeding sub-section a permit granted under the repealed section and in force at the commencement of this Ordinance continues in force and the provisions of the repealed section continue to apply in relation to the permit and the holder of the permit as if the repeal had not been effected.

(3.) A permit continued in force under the last preceding sub-section may not be extended after the commencement of this Ordinance.

6. The Principal Ordinance is amended by inserting after section seventy-four C the following section:—

“74D.—(1.) In this section—

“former lease” means a miscellaneous lease which was granted before the twenty-ninth day of May 1963 and which was in force on that date; and

Conversion of miscellaneous leases.

“former lessee” means the holder of a former lease.

“(2.) A former lessee may on or before the first day of January 1969 apply in writing to the Administrator for the grant to him in exchange for the former lease of an appropriate lease or of appropriate leases.

“(3.) An appropriate lease is, and appropriate leases are, such lease or leases as the Minister determines being—

- (a) a lease of town lands under this Ordinance;
- (b) a miscellaneous lease under this Division;
- (c) an agricultural lease under this Ordinance; or
- (d) a lease under the *Special Purposes Leases Ordinance* 1953-1963,

or two or more of any such leases.

“(4.) Where an application is made under the last preceding sub-section the Administrator may, with the approval of the Minister—

- (a) reject the application; or
- (b) offer to the former lessee an appropriate lease or appropriate leases and inform the former lessee of the terms and conditions of the lease or leases that the Minister is prepared to grant to the former lessee.

“(5.) A lease which is offered to a former lessee may relate to all or to part of the land to which the former lease relates.

“ (6.) A former lessee may, within thirty days, accept an offer made by the Administrator under sub-section (4.) of this section and if he does so shall surrender his former lease.”

7. Sections one hundred and three and one hundred and three A of the Principal Ordinance are repealed and the following sections are inserted in their stead:—

Resumption
and reservation
of Crown Land.

“ 103.—(1.) Subject to this Ordinance the Governor-General may, at any time, by proclamation—

(a) resume any Crown Lands the subject of a lease except a lease under the *Mining Ordinance 1939-1964*—

- (i) for the use and benefit of the aboriginal inhabitants of the Territory;
- (ii) for forestry and re-forestation;
- (iii) for stock routes and travelling stock;
- (iv) for the recreation or amusement of the public;
- (v) for railways, roads or drainage;
- (vi) for water conservation purposes;
- (vii) for the protection or conservation of wild life;
- (viii) for fisheries or fishing;
- (ix) for the conservation of native flora;
- (x) for national or public parks or gardens;
- (xi) for municipal purposes;
- (xii) for the preservation or protection of places of historic interest;
- (xiii) for cultivation purposes; or
- (xiv) for such other purposes in relation to the Northern Territory as he thinks fit;

(b) reserve for the purpose for which they are resumed the whole or a part of the lands so resumed;

(c) reserve for any purpose mentioned in paragraph (a) of this sub-section any unalienated Crown Lands; or

(d) revoke wholly or in part any reservation of land whether made before or after the commencement of this Ordinance and whether made in pursuance of this Ordinance or any other law of the Territory in force at any time prior to the commencement of this Ordinance.

“ (2.) The power to resume land under the last preceding sub-section includes a power to resume part of the land the subject of a lease.

“ (3.) Where land has been reserved for a purpose specified in sub-paragraph (iv), (vii), (ix), (x) or (xii) of paragraph (a) of sub-section (1.) of this section, the reservation of that land or any part of it shall not be revoked unless the Administrator has, in accordance with this section, made to the Minister a recommendation in writing that it be revoked.

“ (4.) The Administrator shall not make such a recommendation to the Minister unless the Legislative Council has, in accordance with this section, approved that he do so.

“ (5.) The Administrator shall lay a copy of the proposed recommendation before the Legislative Council.

“ (6.) If—

- (a) before the expiration of six sitting days of the Legislative Council after the Administrator has laid such a copy before it, no notice of motion that the Legislative Council disapprove the recommendation has been given; or
- (b) a notice of motion that the Legislative Council disapprove the recommendation has been given within that time and has been rejected by the Legislative Council,

the Legislative Council shall be deemed to have approved in accordance with this section that the Administrator make the recommendation to the Minister but in any other case it shall be deemed not to have done so.

“ (7.) The Minister shall lay before both Houses of Parliament within thirty days after the proclamation, if the Parliament is then sitting, or, if the Parliament is not then sitting, within thirty days after the next meeting of the Parliament, a statement setting forth the reasons for any revocation under paragraph (d) of sub-section (1.) of this section.

“ 103A.—(1.) Where part of the land the subject of a lease is resumed—

- (a) the Administrator shall forward to the Registrar-General a copy of the proclamation by which the land was resumed and the Registrar-General shall enter a memorial of the proclamation upon the original and duplicate copies of the lease;
- (b) the lease continues in force as to the part of the land which has not been resumed; and
- (c) the Administrator may, on the application of the lessee, alter, vary or modify the covenants, terms or conditions of the lease in its application to the part of the land which has not been resumed.

Resumption of part of land the subject of a lease.

“(2.) Where the Administrator has altered, varied or modified the covenants, terms or conditions of a lease under the last preceding sub-section he shall forward to the Registrar-General a copy of the instrument which effects the alteration, variation or modification and the Registrar-General shall enter a memorial of the instrument on the original and duplicate copies of the lease.

Control and
management of
reserved land.

“103B.—(1.) Land which has been reserved for a purpose specified in paragraph (a) of sub-section (1.) of the last preceding section may be managed, regulated or controlled in the manner provided by the next succeeding section or by an Ordinance which provides for the regulation, management or control of the land or, if there is no such Ordinance, in such manner as is prescribed by regulations made under this Ordinance.

“(2.) Where land which has been reserved under the last preceding section is not managed, regulated or controlled in accordance with the next succeeding section, and no Ordinance or Regulations prescribe the manner in which it is to be managed, regulated or controlled, the land may be managed, regulated or controlled in such manner and by such persons as the Administrator directs.

Appointment
and powers of
trustees of lands
reserved for
recreation or
amusement of
the public, &c.

“103c.—(1.) Where any land has, before or after the commencement of this section, been reserved for the recreation or amusement of the public or for any other public purpose, the Administrator in Council may, by notice in the *Gazette*, appoint to be trustees of any land so reserved not less than three nor more than seven persons, as he thinks fit, and may appoint one of the trustees to be Chairman of the trustees.

“(2.) The Administrator in Council may remove any trustee from office.

“(3.) The persons for the time being holding office as trustees shall be a body corporate.

“(4.) All bodies corporate constituted in pursuance of this section shall under their respective corporate names, as determined by the Administrator, have perpetual succession and a common seal and shall be capable of suing and being sued.

“(5.) If any trustee appointed under this section dies or is removed from office, the Administrator in Council may appoint a new trustee in his place.

“(6.) The trustees of any land so reserved shall, at such times as the Administrator directs, forward to the Administrator, a report upon the administration of the trust and upon such matters in connexion therewith as the Administrator from time

to time specifies, and shall furnish him with a statement of revenue received and expenditure made during such period as he specifies.

“(7.) Notwithstanding the provisions of this Ordinance or of any law in force in the Northern Territory, the trustees of land so reserved may use or authorize other persons to use the land for sporting or other functions, and may charge or authorize other persons to charge for the admission of persons and vehicles to the land or any part thereof when the land is so used, whether on Sundays or otherwise.

“(8.) The trustees of any land reserved for the recreation or amusement of the public, or for any other public purposes certified by the Administrator in Council to be a like purpose, may make by-laws, not inconsistent with this Ordinance, for the control and management of the reserve and, in particular, providing for or in relation to—

- (a) the times at which the reserve or portions of the reserve shall be open and closed;
- (b) the conduct of persons when on the reserve;
- (c) the days on which, and the limits within which, sports and games, or training for sports and games, may be permitted on the reserve and otherwise regulating or prohibiting sports and games, or training for sports and games, on the reserve;
- (d) the prevention or the regulation of the admission of vehicles, horses, dogs, asses, mules, goats, camels, sheep and cattle to the reserve, and for their destruction if trespassing on the reserve;
- (e) the speed of vehicles and the parking of vehicles within the reserve;
- (f) the prohibition or the regulation of the sale or exposure for sale of goods, wares or merchandise on the reserve;
- (g) the prevention of damage or injury to, or destruction of, trees, shrubs, plants and flowers on the reserve;
- (h) the prevention of damage or injury to, or destruction or defacement of, buildings, structures or erections or natural features on the reserve;
- (i) the prevention of nuisances on the reserve;
- (j) the charging of fees by the trustees, or by other persons, for admission to the reserve, or any part of the reserve;

- (k) the authorization of persons to demand the names and place of abode of persons who are believed on reasonable grounds to have contravened or failed to comply with a by-law and requiring persons to comply with such a demand made by a person so authorized;
- (l) the removal from the reserve of persons who are believed on reasonable grounds to have contravened or failed to comply with a by-law; and
- (m) the imposition of penalties, not exceeding Fifty pounds, for the contravention of, or failure to comply with, a by-law.

“(9.) When the trustees of any land so reserved make by-laws under the last preceding sub-section—

- (a) the by-laws shall be—
 - (i) signed by the Chairman of the trustees; and
 - (ii) published in the *Gazette*; and
- (b) a copy of the by-laws shall be forwarded forthwith to the Administrator.

“(10.) The Administrator shall cause a copy so forwarded to be laid before the Legislative Council for the Northern Territory at its first meeting after the date on which he receives the copy.

“(11.) By-laws made under this Ordinance take effect from the date on which they are published in the *Gazette*, but if the Legislative Council passes a resolution, of which notice has been given at any time within fifteen sitting days after the copy specified in the last preceding sub-section is laid before the Council, disallowing any by-laws, that by-law shall thereupon cease to have effect.

“(12.) For the purposes of the *Regulations Publication Ordinance 1940-1952*, other than sub-section (3.) of section four of that Ordinance, all by-laws made by the trustees shall be deemed to be regulations.

“(13.) Where—

- (a) a by-law has been made in relation to any reserve under this section and is in force; and
- (b) there is an inconsistency between the provisions of that by-law and of the Crown Lands (Recreation Reserve) Regulations in force at the date of commencement of this sub-section or any regulations made under this Ordinance amending or in substitution for those Regulations,

the provisions of the by-law prevail.”

8. Section one hundred and four of the Principal Ordinance is amended by omitting from sub-section (3.) the words "sub-paragraphs (i) to (ix) (inclusive) and (xi)" and inserting in their stead the words "sub-paragraphs (i) to (xii) (inclusive) and (xiv)".

Notice of
resumption.

9 After section one hundred and nine of the Principal Ordinance the following section is inserted:—

" 109A.—(1.) The Administrator or a person authorized by him may grant to a person for a period not exceeding twelve months a licence authorizing the use and occupation of land which has been reserved for a purpose specified in sub-paragraph (iv), (x) or (xiii) of paragraph (a) of sub-section (1.) of section one hundred and three of this Ordinance.

Licences in
respect of
reserved land.

" (2.) A licence granted under this section—

- (a) is determinable upon one month's notice in writing under the hand of the Administrator or a person authorized by him;
- (b) does not confer on the licensee an exclusive right of possession of the land; and
- (c) is subject to such terms and conditions (including the payment of the rent) as are endorsed on it.

" (3.) The power to grant a licence under this section is in addition to any power to dispose of the land (whether by way of lease or licence or otherwise) which is conferred on any person by or under the law of the Territory."
