

REGULATIONS 1972, No. 4*

2001

Regulations under the *Crown Lands Ordinance* 1931-1971

FREDERICK CHARLES CHANEY, the Administrator of the Northern Territory of Australia, having received the advice of the Administrator's Council, hereby make the following regulations under the *Crown Lands Ordinance* 1931-1971.

Dated this twenty-fourth day of March, 1972.

F. CHANEY
Administrator

AMENDMENTS OF THE CROWN LANDS REGULATIONS†

1. Regulation 2 of the Crown Lands Regulations is amended—

- (a) by omitting the words and figures—
“Division 6.—Appeals (Regulations 23-27).”;
- (b) by omitting the words and figures—
“Part III.—Pastoral Leases (Regulations 36-45).
Part IIIA.—Pastoral Homestead Leases (Regulations 45A-45E).”
and inserting in their stead the words and figures—
“Part III.—Pastoral Leases (Regulation 36).”;
- (c) by omitting the words and figures—
“Part IV.—Agricultural Leases (Regulations 46-50).”
and inserting in their stead the words and figures—
“Part IV.—Agricultural Leases (Regulations 47-50).”; and
- (d) by omitting the words and figures—
“Part VI.—Miscellaneous Leases (Regulations 56-62).”
and inserting in their stead the words and figures—
“Part VI.—Miscellaneous Leases (Regulation 61).”.

2. Regulation 3 of the Crown Lands Regulations is amended—

Interpretation

- (a) by inserting after the definition of “cattle” in sub-regulation (1.) the following definition:—
“‘grazing licence’ means a licence under section 107 of the Ordinance”;
- (b) by inserting after the definition of “licence” in sub-regulation (1.) the following definitions:—
“‘miscellaneous licence’ means a licence under section 109 of the Ordinance;
‘occupation licence’ means a licence under section 108 of the Ordinance.”; and

* Notified in the *Northern Territory Government Gazette* on 29 March 1972.

† Regulations notified in the *Commonwealth of Australia Gazette* on 10 September 1931, as amended by Regulations notified in the *Commonwealth of Australia Gazette* on 31 August 1933; 15 August 1935; 3 September 1936; and 27 October 1938; and by Regulations 1943, No. 1; 1948, No. 1; 1949, No. 3; 1954, No. 5; 1956, No. 8; 1958, No. 3; 1962, Nos. 7, 13 and 20; 1965, Nos. 9 and 16; and 1968, No. 12.

(c) by inserting after the definition of "stock" in sub-regulation (1.) the following definition:—

"the Office of the Lands and Survey Branch, Darwin, means the Office of the Lands and Survey Branch of the Department of the Interior, in the Northern Territory;"

3. Regulation 4 of the Crown Lands Regulations is repealed and the following regulation inserted in its stead:—

Rental payable
in respect of
first period
of lease

"4. Before land is offered for leasing, the Administrator shall fix the rental—

- (a) in the case of a pastoral lease—for not more than the first ten years of the lease;
- (b) in the case of an agricultural lease or miscellaneous lease in respect of land elsewhere than within the Darwin Town Area or a municipality—for the first ten years of the lease; and
- (c) in the case of a lease of town lands elsewhere than within the Darwin Town Area or a municipality—for the first fourteen years of the lease."

4. Regulation 7 of the Crown Lands Regulations is repealed and the following regulation inserted in its stead:—

Form of
application

"7. An application for a lease of land, other than a lease of town lands, shall be made in accordance with Form 1, completed in accordance with the directions contained in that Form, and lodged at the Office of the Lands and Survey Branch, Darwin, within the time specified in the *Gazette* for the receipt of such an application."

5. Regulations 10 and 11 of the Crown Lands Regulations are repealed and the following regulation inserted in their stead:—

When deposit
payable

"10.—(1.) In notifying land available for leasing, the Administrator shall specify the deposit required.

"(2.) An application for a lease shall be accompanied by the deposit specified under the last preceding sub-regulation."

6. Regulation 18 of the Crown Lands Regulations is repealed and the following regulation inserted in its stead:—

Registration of
leases

"18.—(1.) After execution by the lessee, a lease shall—

- (a) be executed by—
 - (i) the Minister; or
 - (ii) an officer authorized by the Minister to act under this sub-regulation; and
- (b) registered in the manner provided by law for the registration of leases under the Ordinance.

"(2.) The holder of a lease of land elsewhere than within the Darwin Town Area or a municipality shall pay to the Administrator before the issue of the lease a fee of Three dollars for the preparation and registration of the lease."

7. Regulation 19 of the Crown Lands Regulations is amended by omitting the proviso. Commencement of lease
8. Division 6 of Part II. of the Crown Lands Regulations is repealed. Repeal of Division 6 of Part II.
9. Regulation 32 of the Crown Lands Regulations is amended by omitting from sub-regulation (1.) all words after the word and figure "Form 4". Surrender of leases
10. Regulation 33 of the Crown Lands Regulations is repealed and the following regulation inserted in its stead:—
- "33. On acceptance of the surrender of a lease, or part of a lease, under the last preceding regulation, the Minister shall cause the form of surrender to be lodged with the Registrar-General for—
- (a) registration of the surrender; and
- (b) endorsement of the original of the lease with a memorandum recording the fact of the registration."
- Lodging of surrender with Registrar-General
11. Parts III. and IIIA. of the Crown Lands Regulations are repealed and the following Part inserted in their stead:—
- "PART III.—PASTORAL LEASES.**
- "36. In addition to the matters specified in section 16 of the Ordinance, the Administrator shall state in the advertisement in the *Gazette* giving notice of land available for a pastoral lease the dates on which re-appraisal of the rental is to be made."
- Matters to be specified in advertisement of lands available for pastoral lease
12. Regulation 46 of the Crown Lands Regulations is repealed. Repeal of regulation 46
13. Regulation 47 of the Crown Lands Regulations is amended by omitting all words from and including the word "allowed" and inserting in their stead the words "allowed—
- (a) with payment of additional rental; or
- (b) without payment of additional rental,
- as the Administrator thinks fit."
- Postponement of rental
14. Regulation 48A of the Crown Lands Regulations is amended by omitting from paragraph (b) of sub-regulation (2.) all words after the words "lodged in" and inserting in their stead the words "the Office of the Lands and Survey Branch, Darwin". Stocking covenant for Tipperary Land System
15. Regulation 49 of the Crown Lands Regulations is amended by omitting from paragraph (a) the word "personal". Additional covenants in agricultural leases
- *16. Regulation 53 of the Crown Lands Regulations is repealed and the following regulation inserted in its stead:—
- "53. Rights to leases of town lands shall be auctioned—
- (a) separately; or
- (b) in a group,
- as specified in the advertisement under the last preceding regulation."
- Auctioning of town leases
17. Regulation 54 of the Crown Lands Regulations is repealed and the following regulation inserted in its stead:—
- "54. An application for a lease of town lands that has been offered for sale at public auction and not sold shall be made in writing to the Administrator and shall be accompanied by—
- Application for lease of town lands not sold by auction

* Disallowed by the Legislative Council for the Northern Territory on 17 August 1972 and ceased to have effect from that date.

- (a) if the land is within the Darwin Town Area or a municipality—the reserve price; or
- (b) if the land is not within the Darwin Town Area or a municipality—the lease grant charges and the reserve price.”.

Repeal of regulations 56 to 60

18. Regulations 56 to 60, both inclusive, of the Crown Lands Regulations are repealed.

Repeal of regulation 62

19. Regulation 62 of the Crown Lands Regulations is repealed.

Duration of licence

20. Regulation 70 of the Crown Lands Regulations is amended by omitting the words “A grazing licence” and inserting in their stead the words “Subject to this Division, a grazing licence”.

21. Regulation 71 of the Crown Lands Regulations is repealed and the following regulations inserted in its stead:—

Administrator's power to forfeit grazing licence

“71.—(1) Where the holder of a grazing licence has failed to comply with a condition of the licence, the Administrator may—

(a) by notice in writing to the holder, direct him to comply with the conditions of the licence—

(i) forthwith; or

(ii) within a period specified in the notice; or

(b) by notice published in the *Gazette*, forfeit the licence.

“(2.) If the holder of a grazing licence fails to comply with a notice under paragraph (a) of the last preceding sub-regulation, the Administrator may, by notice published in the *Gazette*, forfeit the licence.

Administrator's power to cancel grazing licence

“71A. The Administrator may, after the expiration of three months' notice in writing of his intention to do so given to the holder of a grazing licence, cancel the licence.

Surrender of grazing licence

“71B—(1.) The holder of a grazing licence may, by notice in writing lodged at the Office of the Lands and Survey Branch, Darwin, surrender the licence in respect of the land, or a part of the land, the subject of the licence.

“(2.) Where a licence is surrendered under the last preceding sub-regulation—

(a) compensation for improvements (if any) on the land; or

(b) a refund of any fee or rental,

is not payable to the person who held the surrendered licence.”.

Term of occupation licence

22. Regulation 82 of the Crown Lands Regulations is amended by omitting from sub-regulation (1.) the word, “The period” and inserting in their stead the words “Subject to this Division, the period”.

Production of miscellaneous licence

23. Regulation 93 of the Crown Lands Regulations is repealed and the following regulation inserted in its stead:—

“93. Where—

(a) the Administrator; or

(b) a person authorized by the Administrator to act under this regulation,

requires the holder of a miscellaneous licence to produce the licence to the Administrator or the person so authorized, as the case may be, the holder shall forthwith produce the licence in accordance with the requirement.”.

24. Regulation 96 of the Crown Lands Regulations is amended by omitting the words “a licensee” and inserting in their stead the words “the holder of a miscellaneous licence”.

Return of material taken under miscellaneous licence

25. Regulation 97 of the Crown Lands Regulations is amended by omitting the words “licence” and inserting in their stead the words “a miscellaneous licence”.

Royalties

26. Regulation 98 of the Crown Lands Regulations is repealed and the following regulation inserted in its stead:—

“98. Where a royalty is determined under the last preceding regulation in respect of a miscellaneous licence, the holder of the licence may refuse to accept the licence and the Administrator shall, upon that refusal, refund to the holder of the licence the fee paid by him in respect of the licence.”.

Refusal of miscellaneous licence when royalty fixed

27. Regulations 99 to 102, both inclusive, of the Crown Lands Regulations are repealed and the following regulation inserted in their stead:—

“99.—(1.) Where the holder of a miscellaneous licence has failed to comply with—

Administrator's power to forfeit or cancel miscellaneous licence

- (a) a condition of the licence; or
- (b) a requirement of, or under, this Division,

the Administrator may, by notice in writing to the holder specifying the failure, forfeit the licence.

(2.) The Administrator may, in his discretion, cancel a miscellaneous licence.”.

28.—(1.) The First Schedule to the Crown Lands Regulations is amended—

First Schedule

- (a) by omitting Forms 1, 2 and 3 and inserting in their stead the Form in the First Schedule to these Regulations; and
- (b) by omitting Forms 5 to 13, both inclusive.

(2.) The First Schedule to the Crown Lands Regulations is amended by omitting from Form 17 the words and symbol—

“The Public Seal of the Northern Territory was hereto affixed in the presence of

£ : :

(L.S.)”

and inserting in their stead the words—

“Signature of the Administrator or person authorized for the purpose by the Administrator.”.

Crown Lands Regulations

(3.) The First Schedule to the Crown Lands Regulations is amended by omitting from Form 19 the words and symbol—

"The Public Seal of the Northern Territory
was hereto affixed in the presence of—

£ : :

(L.S.)"

and inserting in their stead the words—

"Signature of the Administrator or
a person authorized for the pur-
pose by the Administrator."

Repeal
of Second and
Third Schedules

29. The Second and Third Schedules to the Crown Lands Regulations are repealed.

Amendments
in relation
to Lands Office,
Darwin

30. The Crown Lands Regulations are amended as set out in the Second Schedule to these Regulations.

Amendments
in relation
to decimal
currency

31. The Crown Lands Regulations are amended as set out in the Third Schedule to these Regulations.

THE SCHEDULES

FIRST SCHEDULE

Regulation 28 (1.) (a)

Crown Lands Regulations

PERSONAL PARTICULARS

<p>APPLICANT 1</p> <p>Age Married Single</p> <p>Number of children: Male () Ages.....</p> <p style="padding-left: 100px;">Female () Ages.....</p>	<p>APPLICANT 2 (JOINT APPLICANTS)</p> <p>Age Married Single</p> <p>Number of children: Male () Ages.....</p> <p style="padding-left: 100px;">Female () Ages.....</p>
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EXPERIENCE: *(Each applicant is required to set out hereunder particulars of rural experience and any other qualifications or experience which would establish his ability to carry out the development conditions and covenants of the lease).*

GENERAL PARTICULARS: (A) Have you personally inspected the land applied for?
 (B) If not do you possess a personal knowledge of the locality?

Give Details and Dates:

FINANCIAL RESOURCES OF EACH APPLICANT

(these details MUST BE CONFIRMED by endorsement hereunder by Bank, Solicitor, Public Accountant or Pastoral House).

ASSETS (Give brief details)	APPLICANT 1 DETAILS	VALUE	APPLICANT 2 DETAILS	
Bank Account				
Cash				
Land & Improvements				
Plant, Machinery and Equipment				
Crops				
Livestock	Number Type Depastured		Number Type Depastured	
Shares				
Others (<i>exclude motor cars, furniture and insurance policies</i>)				
	Total Value of Assets 'A'	\$	Total Value of Assets 'A'	VALUE \$
LIABILITIES				
Debts owing under mortgage, bill of sale, loan, hire purchase agreement				
Deductions (marketing, share farming, etc.) to be made from value of crops, etc.				
Other liabilities				
	Total Liabilities 'B'	\$	Total Liabilities 'B'	\$
Net Value of Assets 'A' minus 'B'		\$		\$
Guaranteed Finance (as declared by Financial Backer)—		\$		
Total Finance to be utilized in working and developing the land applied for in this application.		\$		Applicant 1
		\$		Applicant 2

Crown Lands Regulations

Serial No.

DECLARATION

I/We do hereby solemnly and sincerely declare that the particulars contained in this my/our application are true and correct.

(Signature/s of Applicant/s).....

Signed this day of 19

Witness

CERTIFICATE OF NET ASSETS OF APPLICANT/S:

By Bank, Solicitor, Public Accountant or Pastoral House. The particulars of assets shown above have been investigated and it is certified that the applicant/s is/are possessed of assets to a net value of \$

Date:

Signature
Bank, Solicitor, Public Accountant
or Pastoral Agent

GUARANTEE BY FINANCIAL BACKER:

Name in full

Address

Occupation

Relationship to Applicant(s)

If the application of the abovenamed applicant/s is/are successful, I hereby guarantee that finance to the extent of \$ will be made available to him/them to assist with the development of his/their lease.

I am also the financial backer of the following applicants—

Name

Amount

Date

Signature of Backer

CERTIFICATE OF BACKER'S ABILITY TO PROVIDE FINANCE:

By Bank, Solicitor, Public Accountant or Pastoral House.

It is hereby certified that the abovenamed guarantor is financially capable of extending financial assistance to the abovenamed to the extent and for the amounts stated totalling \$

Date:

Signature
Bank, Solicitor, Public Accountant
or Pastoral Agent

THIRD SCHEDULE

Regulation 31

AMENDMENTS IN RELATION TO DECIMAL CURRENCY

Provisions amended	Omit —	Insert —
Regulation 15	One hundred pounds	Five hundred dollars
Regulation 16	Ten pounds	Forty dollars
Regulation 21 (6.)	Ten pounds	Ten dollars
Regulation 64(3.)(a)	Two pounds	Four dollars
Regulation 64(4.)	Two pence	Two cents
Regulation 73(2.)	One penny	One cent
Regulation 81	Ten shillings	One dollar
Regulation 87E(c)	Two shillings	Twenty cents
Regulation 92	£1	\$2
Regulation 92	£1.10.0	\$3
Regulation 92	£2	\$4
Regulation 113A(1.)(a)	Three pounds three shillings	Twenty dollars
Regulation 113A(1.)(b)	Two pounds	Twelve dollars
Regulation 113A(1.)(c)	One pound	Eight dollars
Regulation 113A(1.)(d)	Seventeen shillings and sixpence	Eight dollars
Regulation 113A(1.)(e)(ii)	Ninepence	Ten cents