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## Regulations under the *Crown Lands Act*

I, JAMES HENRY MUIRHEAD, the Acting Administrator of the Northern Territory of Australia, acting with the advice of the Executive Council, hereby make the following Regulations under the *Crown Lands Act*.

Dated this 23rd day of December, 1980.

J. H. MUIRHEAD  
Acting Administrator

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### AMENDMENTS OF THE CROWN LANDS REGULATIONS

#### 1. COMMENCEMENT

These Regulations shall come into operation or shall be deemed to have come into operation, as the case may be, on the commencement of the *Crown Lands Amendment Act (No. 3) 1980*.†

#### 2. PRINCIPAL REGULATIONS

The Crown Lands Regulations are in these Regulations referred to as the Principal Regulations.

#### 3. PARTS

Regulation 2 of the Principal Regulations is repealed.

#### 4. DEFINITIONS

Regulation 3 of the Principal Regulations is amended —

- (a) by omitting the definition of “the Ordinance”; and
- (b) by omitting sub-regulation (2).

#### 5. REPEAL AND SUBSTITUTION

Regulation 4 of the Principal Regulations is repealed and the following substituted:

##### “4. RENTAL FOR FIRST PERIOD OF LEASE

“(1) Before land is offered for leasing —

- (a) the Minister shall, in the case of a pastoral lease, fix the rental for the first 10 years of the lease; and
- (b) the Minister may, in any other case, fix the rental for the first 10 years of the lease or determine that no rental is payable in respect of that period.

“(2) Where the Minister determines under sub-regulation (1) that no rent is payable in respect of the first 10 years of a lease he may also determine for the purposes of section 32 of the Act that the lease is a lease subject to reappraisal of

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\* Notified in the *Northern Territory Government Gazette* on 23 December, 1980.

† That date was 1 January, 1981

rent and that section shall apply as if a rental for the first 10 years of the lease had been fixed by the Minister.

**“4A. RENT PAYABLE PENDING REAPPRAISAL**

“Where, under section 32 of the Act, the reappraisal of rental for a lease has been deferred, rental, if any, shall continue to be payable at the same rate as was payable during the immediately preceding 10 years period of the lease until the reappraisal, notwithstanding that that 10 years period has expired.”.

**6. REPEAL**

Regulation 6 of the Principal Regulations is repealed.

**7. REPEAL**

Regulation 11A of the Principal Regulations is repealed.

**8. PRIORITY OF APPLICATIONS**

Regulation 12 of the Principal Regulations is amended by omitting “Applications” and substituting “Subject to section 15 of the Act, applications”.

**9. NOTIFICATION OF MEETINGS OF THE BOARD**

Regulation 14(2) of the Principal Regulations is amended by omitting “, agricultural or miscellaneous”.

**10. FORM OF LEASE**

Regulation 17 of the Principal Regulations is amended by omitting “Every lease shall be prepared in duplicate” and substituting “A lease shall be in accordance with Form 22 or 23, as the case requires, prepared in duplicate”.

**11. REGISTRATION OF LEASE**

Regulation 18 of the Principal Regulations is amended by omitting sub-regulation (2).

**12. REPEAL AND SUBSTITUTION**

Regulation 19 of the Principal Regulations is repealed and the following substituted;

**“19. COMMENCEMENT OF LEASES**

“(1) Subject to sub-regulations (2) and (3), a lease shall commence on the date on which it is executed under regulation 18(1)(a) by the Minister or authorized officer.

“(2) Where, under the Act, a lease is granted in substitution for an existing lease of the whole or a part of the same land, the lease so granted shall commence on the date on which it is expressed to commence or, where no date is specified in the lease document, on the date on which it is registered under the *Real Property Act*.

“(3) Where a lease is granted to a person in respect of land held over by him after the expiration of a previous lease, the lease shall be deemed to have commenced on the expiration of the previous lease, unless some other date is specified in the lease document as the date of commencement.”.

**13. REPEAL**

Parts IV, V and VI of the Principal Regulations are repealed.

**14. CONDITIONS OF GRAZING LICENCE**

Regulation 66 of the Principal Regulations is amended by omitting paragraph (b).

**15. APPLICATIONS FOR MISCELLANEOUS LICENCES**

Regulation 88 of the Principal Regulations is amended by omitting “, at the Office of the Lands and Survey Branch,”.

**16. NEW REGULATIONS**

The Principal Regulations are amended by inserting in Part VIII, before regulation 104, the following:

**“103A. APPLICATIONS BY TELEGRAPH**

“(1) The Minister shall not accept any application for the grant of an estate in fee simple which is made by telegraph.

“(2) An applicant for the grant of an estate in fee simple may instruct his agent by telegraph to lodge an application on his behalf, and the Minister shall accept an application so lodged, provided the agent produces with the application the original of his telegraphed instructions, and the application is lodged within the time specified in the *Gazette* for receiving applications.

**“103B. WHEN DEPOSIT PAYABLE**

“(1) In notifying land available for purchase, the Minister shall specify the deposit required.

“(2) An application for the grant of an estate in fee simple in land referred to in sub-regulation (1) shall be accompanied by the deposit specified in the notice.

**“103C. PRIORITY OF APPLICATIONS**

“Subject to section 15 of the Act, applications for the grant of an estate in fee simple in land notified under regulation 103B(1) as being available for purchase shall have priority according to the date of their receipt.”.

**17. REPEAL AND SUBSTITUTION**

Regulations 104 and 105 of the Principal Regulations are repealed and the following substituted:

**“104. APPLICATION FOR GRANT IN FEE SIMPLE**

“(1) An application by a lessee for the grant of an estate in fee simple in the whole or a part of the land comprised in his lease shall be made in writing to the Minister in accordance with Form 20 or 21, as the case requires.

“(2) An estate in fee simple in part only of a lease referred to in sub-regulation (1) shall not be granted until the land is surveyed, at the applicant’s expense.”.

**18. ACTION BY MINISTER ON RECEIPT OF APPLICATION**

Regulation 106 of the Principal Regulations is amended by inserting after “application” the words “under regulation 104”.

**19. REPEAL**

Regulation 107 of the Principal Regulations is repealed.

**20. REPEAL AND SUBSTITUTION**

Regulations 109, 110 and 111 of the Principal Regulations are repealed and the following substituted:

**“109. FORM OF GRANT**

“A deed of grant of an estate in fee simple shall be in accordance with Form 22, shall be prepared in duplicate and shall be certified as correct by the Surveyor-General.

**“110. REGISTRATION OF GRANT**

“A deed of grant of an estate in fee simple and the duplicate copy thereof shall, on behalf of the grantee, as soon as practicable after it has been executed by or on behalf of the Minister, be sent by the Minister or with his authority to the Registrar-General to be dealt with by him in accordance with the *Real Property Act*.”.

**21. REPEAL**

Regulations 113A and 114 of the Principal Regulations are repealed and the following substituted:

**“114. WITNESSES EXPENSES**

“(1) Subject to sub-regulation (2), a person who is summoned, under section 117(1) of the Act, by the Board as a witness shall be paid the same fees and expenses as he would be entitled to receive had he been summoned as a witness to appear before the Supreme Court.

“(2) An employee within the meaning of the *Public Service Act* shall not be entitled to payment under this regulation, unless he is on leave of absence on the day on which he gives evidence.”.

**22. THE SCHEDULES**

The Schedules to the Principal Regulations are amended —

(a) by omitting the following:

“THE SCHEDULES

FIRST SCHEDULE”

and substituting “SCHEDULE”; and

(b) by omitting Forms 22, 22A and 23 and substituting the forms set out in Schedule 1 to these Regulations.

**23. FURTHER AMENDMENTS**

The Principal Regulations are further amended as set out in Schedule 2.

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SCHEDULE 1

Substituted Forms

“Regulation 17

FORM 22

REGISTER BOOK

Volume..... Folio .....

..... Registrar-General

NORTHERN TERRITORY OF AUSTRALIA

CROWN LEASE (here insert “term”  
(or “perpetual”)

No. (here insert  
lease No.)

The Minister, in the name of the *NORTHERN TERRITORY OF AUSTRALIA* (called “The Territory”), under the *Crown Lands Act*, grants to (here insert lessees name, address and occupation)

(called “The lessee” and which phrase shall include in its meaning the lessee’s administrators and assigns as the case may be) a Crown Lease (called “the lease”) of ALL THAT land being (here insert land description and reference to lease diagram or plan of survey) subject to and in accordance with the encumbrances, reservations, covenants and provisions set out below:

*Reservations*

1. Reservation of right of entry and inspection.
2. Reservation of all minerals, mineral substances and ores in or under the land including gems, stones, sands, valuable earths and fossil fuels.
3. Reservation of power of resumption.

*Provisions*

1. The lease shall commence on (here insert commencement date of lease)
2. (here insert the term of lease)
3. This lease is granted under and subject to the said Act and the Regulations for the time being in force thereunder, and is conditional upon compliance by the lessee with the covenants and conditions to be complied with by the lessee, and shall, subject to the said Act and the Regulations, be liable to be forfeited for non-compliance with the any such covenant or condition.
4. The lessee may at any time surrender the lease in the manner prescribed under the *Crown Lands Act*.
5. The Minister may at is absolute discretion determine the lessee’s rights in improvements and whether compensation is payable for improvements following surrender, expiry, termination or forfeiture of this lease.

*Conditions and Covenants*

1. Subject to the *Crown Lands Act* the lessee will not use the land for a purpose other than the purpose for which it is leased viz. (here insert lease purpose)
2. The lessee will pay rates and taxes which may at any time become due in respect of the leased land.

(here insert provision for Minister’s signature)

(here insert provision for lessee’s signature)

"Regulation 17

FORM 23

## REGISTER BOOK

Volume ..... Folio .....

..... Registrar-General

## NORTHERN TERRITORY OF AUSTRALIA

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*Reservations*

1. Reservation of right of entry and inspection.
2. Reservation of all minerals, mineral substances and ores in or under the land including gems, stones, sands, valuable earths and fossil fuels.
3. Reservation of power of resumption.

*Provisions*

1. The lease shall commence on (here insert commencement date of lease)
2. (here insert the term of the lease)
3. (here insert the annual rental and reappraisal provisions)
4. If the rent referred to in provision 3 is unpaid for 6 months or more, the lease shall be liable to be forfeited.
5. This lease is granted under and subject to the said Act and the Regulations for the time being in force thereunder, and is conditional upon compliance by the lessee with the covenants and conditions to be complied with by the lessee, and shall, subject to the said Act and the Regulations, be liable to be forfeited for non-compliance with any such covenant or conditions.
6. The lessee, having paid all rent due to be paid by the lessee may at any time surrender the lease in the manner prescribed under the *Crown Lands Act*.
7. The Minister may at his absolute discretion determine the lessee's rights in improvements and whether compensation is payable for improvements following surrender, expiry, termination or forfeiture of this lease.

*Conditions and Covenants*

1. Subject to the *Crown Lands Act* the lessee will not use the land for a purpose other than the purpose for which it is leased viz. (here insert lease purpose)
2. The lessee will pay rates and taxes which may at any time become due in respect of the leased land.



## SCHEDULE 2

Regulation 23

## AMENDMENTS

Column 1	Column 2	
Provision of the Principal Regulations	Amendment	
	Omit	Substitute
Regulation 15	“Penalty: 500 dollars.”	“Penalty: \$500.”
Regulation 16	“Penalty: 40 dollars.”	“Penalty: \$40.”
Regulation 18(1)(b)	“the Ordinance”	“the Act”
Regulation 18(2)	“3 dollars”	“\$3”
Regulation 19A	“the Ordinance”	“the Act”
Regulation 21(6)	“10 dollars per centum”	“10%”
Regulation 64(3)	“4 dollars”	“\$4”
Regulation 64(4)	“2 cents per square mile for each square mile or part of a square mile”	“\$0.02 per 2.6 square kilometres for each 2.6 square kilometres or part thereof”
Regulation 67(3)	“sub-regulation (2) of regulation 68”	“regulation 68(2)”
Regulation 71(2)	“paragraph (a) of sub-regulation (1)”	“sub-regulation (1)(a)”
Regulation 73(2)	“paragraph (c) of sub-regulation (1)”	“sub-regulation (1)(c)”
	“per square mile”	“per 2.6 square kilometres”
Regulation 75A	“the Ordinance”	“the Act”
Regulation 80	“2 acres”	“one hectare”
Regulation 81	“one dollar an acre”	“\$3 per hectare”
Regulation 86(1)	“the Ordinance”	“the Act”
SCHEDULE		
Form 1	“CROWN LANDS ORDINANCE”	“CROWN LANDS ACT”
	“Area Acres or Sq. Miles”	“Area Hectares or Sq. Kilometres”
	the item headed “PERSONAL PARTICULARS”	
	“the above Ordinance”	“the above Act”
Form 4	“Crown Lands Ordinance” (twice occurring)	“Crown Lands Act”



Column 1	Column 2	
Provision of the Principal Regulations	Amendment	
	Omit	Substitute
Form 17	“ <i>Crown Lands Ordinance</i> ” (twice occurring)	“ <i>Crown Lands Act</i> ”
	“the said Ordinance”	“the said Act”
Form 18	“ <i>Crown Lands Ordinance</i> ”	“ <i>Crown Lands Act</i> ”
Form 19	“ <i>Crown Lands Ordinance</i> ” (twice occurring)	“ <i>Crown Lands Act</i> ”
	“the said Ordinance”	“the said Act”
Form 20	“ <i>Crown Lands Ordinance</i> ” (twice occurring)	“ <i>Crown Lands Act</i> ”
	“ADMINISTRATOR’S DECISION”	“MINISTER’S DECISION”
Form 21	“ <i>Crown Lands Ordinance</i> ” (twice occurring)	“ <i>Crown Lands Act</i> ”
	“ADMINISTRATOR’S DECISION”	“MINISTER’S DECISION”