

# CHURCH LANDS LEASES ORDINANCE 1947-1956.\*

Amended 22/6/01  
✓ 46/63  
63/63

An Ordinance to make Provision for the Leasing of Lands for Church Purposes in the Town of Darwin.

Short title.  
Sh rt title  
amended:  
No. 17, 1938,  
s. 4.

1. This Ordinance may be cited as the *Church Lands Leases Ordinance* 1947-1956.\*

Application  
of Ordinance.

2. This Ordinance shall apply to the land described in the Schedule to the *Darwin Lands Acquisition Act* 1945.

Power to  
grant leases.  
Sub-section (1.)  
amended by  
No. 38, 1952,  
s. 2.

3.—(1.) The Minister may, in the name of the Commonwealth and subject to this Ordinance, grant leases of land for church purposes.

(2.) The maximum area comprised in any one lease shall be five acres.

Sub-section (3.)  
omitted by  
N . 34, 1956,  
s. 3.

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Applications  
for leases in  
respect of  
same land.

4. Where more than one application is made for a lease under this Ordinance in respect of the same land, preference shall be given to the application on behalf of the denomination having in the Commonwealth the greatest number of adherents as shown by the latest census.

Term of leases.

5. Leases under this Ordinance† shall be granted in perpetuity.

\* The *Church Lands Leases Ordinance* 1947-1956 comprises the *Church Lands Leases Ordinance* 1947 as amended. Particulars of the Principal Ordinance and of the amending Ordinances are set out in the following table:—

Ordinance.	Number and Year.	Date notified in <i>Commonwealth Gazette</i> .	Date of Commencement.
<i>Church Lands Leases Ordinance</i> 1947	No. 5, 1947	28th August, 1947 ..	28th August, 1947
		Date of Notification of Governor-General's Assent in <i>Northern Territory Government Gazette</i> .	
<i>Church Lands Leases Ordinance</i> 1952	No. 38, 1952	29th October, 1952 ..	29th October, 1952
<i>Church Lands Leases Ordinance</i> 1956	No. 34, 1956	5th September, 1956 ..	19th September, 1956

6 The rental payable under any lease granted under this Ordinance shall be at the rate of One shilling per annum payable if and when demanded by the Minister.

Rental of leases.

7. Subject to this Ordinance, leases granted under this Ordinance shall be subject to such covenants and conditions as the Minister determines.

Conditions of leases.

8.—(1.) Where, by virtue of any provision contained in any lease granted under this Ordinance, the Commonwealth may determine such lease, the lease shall not be determined until every person registered under the Real Property Act, 1886 of the State of South Australia, in its application to the Territory, as having an interest in such lease has been given fourteen days' notice that the Commonwealth intends, in pursuance of the powers contained in such lease, to determine the lease.

Notice to be given to persons interested before determination of lease.

(2.) Any notice by the last preceding sub-section required to be given may be served or given personally or by being sent by a registered letter posted to the person to whom notice is so required to be given at his address as entered in the Register Book kept under the Real Property Act, 1886 of the State of South Australia, in its application to the Territory, and shall set out fully the conditions for failure to comply with which the lease may be determined.

9. No rates or taxes shall be levied upon land in respect of which any lease is granted under this Ordinance.

Land not taxable.

10. The land in respect of which any lease is granted under this Ordinance shall be used solely for church purposes.

Leased land to be used solely for church purposes.

11. For the purposes of this Ordinance, land shall be deemed not to be used for church purposes unless it is used solely as a site for a church:

Meaning of "church purposes".

Provided that nothing in this section shall prevent the erection, on a site granted for a church, of a residence for clergy, ministers of religion or members of a religious order, or of a charitable or educational institution conducted by a religious denomination.

12. A lease or, with the consent of the Administrator, a portion of a lease granted under this Ordinance may be surrendered at any time.

Leas may be surrendered.  
Added by No. 38, 1952, s. 3.

**Regulations.**  
**Added by**  
**No. 38, 1952,**  
**s. 3.**

**13** The Minister may make regulations, not inconsistent with this Ordinance, prescribing all matters which are required or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to this Ordinance, and in particular—

- (a) for prescribing the form of leases under this Ordinance and the covenants and conditions to be contained in those leases;
  - (b) for prescribing the method of re-entry on behalf of the Commonwealth when a lease granted under this Ordinance is forfeited;
  - (c) for prescribing what easements and other rights and privileges may be included in a lease granted under this Ordinance as appurtenant to the land in respect of which the lease is granted; and
  - (d) for authorizing the entry upon land included in a lease granted under this Ordinance for the purpose of constructing and maintaining improvements and water, sewer, electricity and other services.
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