



ANNO SEXAGESIMO SECUNDO ET SEXAGESIMO TERTIO

VICTORIÆ REGINÆ.

A.D. 1899.

No. 722.

An Act to amend the Northern Territory Land Laws.

[Assented to, November 22nd, 1899.]

BE it Enacted by the Governor of the Province of South Australia, with the advice and consent of the Parliament of South Australia, as follows:

PART I.

PART I.

PRELIMINARY.

1. This Act may be cited for all purposes as "The Northern Territory Land Act, 1899," and, except so far as inconsistent therewith, shall be incorporated and read as one with "The Northern Territory Crown Lands Act, 1890," hereinafter called "the principal Act."

Short title and incorporation.

2. This Act is divided into Parts, as follows:—

Division.

PART I.—Preliminary :

PART II.—The Granting of Pastoral Leases :

(a) Applications for Leases :

(b) Sales by Auction :

(c) Successful Applicants :

PART III.—Terms and Conditions of Leases :

PART IV.—Improvements :

PART V.—Occupation by Outgoing Lessee and Possession by Incoming Lessee :

PART VI.

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PART I.

PART VI.—Resumptions:

PART VII.—Valuations:

PART VIII.—Surrender of former Pastoral Leases for Leases under this Act:

PART IX.—Tenants' Relief Board:

PART X.—Annual Leases and Commonage Licences.

PART XI.—Miscellaneous.

Interpretation.

3. In this Act, except where the subject or context requires a different construction—

See 55 of 585/93.

“Improvements” means and includes wells, reservoirs, tanks, or dams, of a permanent character, available for the use of cattle or sheep, and which increase the stock-carrying capacity of the land, or substantial buildings, vermin-proof or other fences, huts or sheds erected for residence, shearing, or other purposes, usually required for, or in connection with, keeping live stock:

“Outgoing lessee” means a person whose pastoral lease is about to expire, or has recently expired, whether such lease was granted under this or any other Act:

“Pastoral lands” comprises all Crown lands in the Northern Territory not included in any hundred, and also all lands in the Northern Territory vested in the Crown, and subject to any pastoral lease at the passing of this Act:

“Pastoral lease” means a lease of pastoral lands, whether granted under this or any other Act:

“Prescribed” means prescribed by this Act or any regulations under this Act:

“Proclamation” means Proclamation by the Governor in the *Gazette*:

“Run” means the land comprised in any lease under this Act, and also contiguous lands, or lands worked together as one run, although not contiguous, comprised in two or more leases under this Act held by the same lessee.

Rates and taxes.

Act 669 of 1896.

4. No express covenant for payment of rates and taxes shall hereafter be inserted in any Crown lease; but this Act shall not relieve any lessee from any liability for payment of rates and taxes imposed or to be imposed by or under the authority of any Act imposing general taxation.

Repeal.

5. Sections 59 to 76, both inclusive, of the principal Act, and section 5 of the Northern Territory Crown Lands Amendment Act, 1896, are hereby repealed; but this repeal shall not affect any right, interest,

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interest, or liability already created, incurred, or existing, nor anything lawfully done or suffered under any enactment hereby repealed; and any proceeding in respect of any such right, interest, or liability may be carried on as if this Act had not been passed.

PART I.

6. Section 92 of the principal Act shall not apply to any lands leased pursuant to this Act, nor to any leases issued under this Act.

Section 92 of 501/90
not to apply.

PART II.

THE GRANTING OF PASTORAL LEASES.

7. The Governor may grant pastoral leases of pastoral lands, but shall not hereafter grant any such lease except in manner provided by this Act, or for the purpose of giving effect to any right which may be existing at the passing of this Act.

Governor's powers.

See 5 of 585/93.

8. Pastoral leases shall be granted upon application, as herein-after provided.

Leases, how granted.

9. Leases of pastoral lands may be granted to the first applicant for the same. Simultaneous application may be decided by lot.

To first applicants in
certain cases.

See 59 of 501/90.

Applications for Leases.

10. Applications for leases shall be made to the Minister in the form and in manner prescribed.

Applications, how
made.

11. Each application shall be accompanied by—

Deposit.

(a) A deposit equal to twenty-five per centum of the rent for the first year at the rate notified in the *Gazette*, or, if there has been no such notification, then at the rate offered by the applicant:

See 26 of 585/93.

(b) A deposit equal to five per centum of the price to be paid for the improvements if the property of the Crown (if any) as notified in the *Gazette*. If the improvements are not the property of the Crown the deposit shall be ten per centum.

See 9 of 642/95.

12. No pastoral lease shall be granted until two months after notice of the intention to offer the same for application shall have been published in the *Gazette*.

Notice of intention to
offer.

See 62 and 72 of
501/90.

13. In addition to any other particulars the Minister may think necessary, the notice shall specify the area and situation of the land, the term, the annual rent, the price to be paid for the improvements (if any), and to whom the same is to be paid, the cost of valuation (if any), the date up to which and the place at which applications

Particulars to be
mentioned in notice.

See 23 of 585/93.

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applications are to be lodged, and, generally, the terms and conditions of the lease.

Lands may be withdrawn from leasing.
See 24 of 585/93.

14. The Minister may, by notice in the *Gazette*, withdraw any lands from application and may subsequently, by notice in the *Gazette*, again declare the same, or any part thereof, open for application.

Leases unsuccessfully offered may be re-offered at reduced rates.

15. If any lease gazetted for application shall not be applied for the Minister may, from time to time, at intervals of not less than three months, re-gazette the same at such reduced rent and reduced price for improvements, or at such reduced rent or reduced price for improvements, as he shall think fit: Provided that—

See 25 of 585/93, 16 and 21 of 642/95, and 71 of 501/90.

- i. If the improvements belong to the outgoing lessee the price for them shall not, except in the case of loss, decay, or other depreciation, be reduced until the annual rent has been reduced to the extent of fifty per centum, after which the rent and price for improvements shall be reduced proportionally: Provided that if the improvements belong to the lessee, the price of such improvements shall not, except in case of depreciation, be reduced until twenty-one days' notice in writing shall have been given by the Minister to the outgoing lessee of an intent to make such reductions, and particulars thereof; and the outgoing lessee may, within twenty-one days after receiving such notice in manner prescribed, appeal to the 'Tenants' Relief Board to fix the amount of rent and price for improvements, and the provisions relating to the appointment of, and otherwise as to the 'Tenants' Relief Board, shall apply hereunder as far as the same are applicable; and it shall be lawful for such Board to reduce or increase such rent or price for improvements to such an extent as they think fit; and until the determination of such Board is certified to the Minister and by him notified to the appellant lessee, the Minister shall postpone offering such lands for leasing; and the determination of such Board when so certified shall be acted on by the Minister: Provided that after the rent and price for improvements are once fixed by the 'Tenants' Relief Board, no further appeal shall be allowed, and without the consent of the outgoing lessee the price for improvements, except for depreciation, shall only be reduced when the rent is reduced proportionately:

See 6 of 669/96.

- ii. The annual rent shall not in any case be reduced below the rates prescribed by section 30.

After unsuccessful offer lease may be granted on same terms.

See 71 of 501/90.

16. In the interval between an unsuccessful offer and any subsequent offer the Governor may grant the lease unsuccessfully offered to any person willing to take the same upon the same terms and conditions upon which it had been so gazetted.

Successful

*The Northern Territory Land Act.—1899.**Successful Applicants.*

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17. No application shall necessarily be accepted, and any application may be rejected.

Applications may be rejected.
See 31 of 585/93.

18. Notice of the names of the successful applicants, together with particulars of the lands to be leased to them and the rents and price to be paid for improvements (if any), and any other particulars the Minister may think necessary, shall be published in the *Gazette*. All moneys deposited by any unsuccessful applicant shall be paid to him within twenty-one days from the time of his application being rejected.

Notice of successful applicants to be gazetted.

See 32, ib.

19. Unless otherwise provided by any conditions under which the lease may have been granted, every successful applicant whose name shall be so gazetted as aforesaid shall, within one month after the first publication of such notice and in the manner prescribed, pay the balance of the first year's rent, and, subject to sections 38 and 40, the purchase-money for the improvements (if any), and shall execute the lease within the time and in manner prescribed.

Successful applicants to execute lease and make payment.

See 33, ib.

20. If any successful applicant fails to execute the lease, or to pay or arrange for the payment of the balance of the purchase-money of the improvements within the time and in manner prescribed, he shall forfeit to the Minister his deposit and all other moneys paid by him in respect of the land applied for or the improvements thereon, and all right to a lease of the lands, without prejudice nevertheless to any other rights or remedies the Crown or the Minister may have against him by reason of such non-compliance.

Forfeiture for non-compliance.

See 34, ib.
Cf. 10 of 642/95.

21. The moneys so forfeited, less all proper deductions, shall be retained by the Minister or paid over to the outgoing lessee, as the case may be, in the same manner in all respects as the purchase-money of the improvements would have been retained or paid over if the applicant had duly completed the purchase.

Application of forfeited deposit.

See 11 of 642/95.

22. The successful applicant shall not be entitled to have the lease executed by the Governor until payment of the first year's rent and the purchase-money for the improvements (if any), unless, as regards improvements the property of the Crown, he shall have obtained the consent of the Minister for payment by instalments; or, as regards improvements the property of the outgoing lessee, a mutual agreement shall have been entered into as hereinafter provided.

Payment of rent and purchase-money to precede execution of lease by Governor.

See 35 of 585/93.

PART III.

PART III.

TERMS AND CONDITIONS OF LEASES.

23. The term of any pastoral lease to be granted under this Act shall not exceed forty-two years.

Duration of lease.

24. Every See 70 of 501/90.

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Form and general conditions.

See 37 of 585/93, altered.

See 60 of 501/90.

Surface of land may be utilised to best advantage.

See 38 of 585/93.

Rights for planting and cultivation.

New.

Minister may extend time for stocking.

Part 60 of 501/90.

Lessee may be released from liability to repair.

Cf. 15 of 642/95.

Remission of rent for artesian wells.

See secs. 20 of Act 642/95, and 9 of 669/96.

Minimum rentals.

See 59 of 501/90.

24. Every pastoral lease shall contain the covenants, exceptions, reservations, and provisions mentioned in Schedule A to this Act, subject to any modifications or additions stated in the conditions of opening the lands for leasing or required by the Minister for giving effect to this Act; and every such lease shall be prepared by the Minister in such form as he shall approve or as may be prescribed.

25. No lease granted under this Act shall authorise the lessee to carry on mining operations of any description whatsoever upon the land leased, or any part thereof, but the lessee shall be at liberty to utilise the surface of the land, or any part thereof, for pastoral purposes, or for any purposes he thinks fit.

26. If the lessee shall plant and cultivate any of the tropical plants mentioned in section 54 of the principal Act, or allowed thereunder, or shall plant and maintain any plantation of forest plants approved of by the Minister, he shall be entitled to a preferential right to a perpetual lease at a fixed rental, subject to a land tax of the land so planted, cultivated, and maintained, at a rent to be fixed by the Minister: Provided that if the lessee and the Minister do not agree as to the rent it shall be fixed by valuation: Provided also that no lessee shall be entitled to obtain a perpetual lease of more than 3,000 acres of land.

27. The Minister may extend the time for stocking the land comprised in any pastoral lease if satisfied that *bonâ fide* efforts have been made to improve or stock such land.

28. A lessee may be released by the Minister from his liability to repair improvements upon the land leased which have ceased to be of substantial value to the land if he shall make other improvements in lieu thereof to the satisfaction of the Minister.

29. If any lessee shall, except on a reserve, make an artesian well upon his pastoral lease yielding a supply of not less than ten thousand gallons of good stock water per diem, he shall be entitled to a remission of rent in respect of such pastoral lease equal to two and a half per centum on the cost of such artesian well for a period of ten years after the completion of the well; the cost of the well to include sinking and tubing only: Provided that the remission shall only be allowed during the time the artesian well continues to supply the quantity and quality of water herein stated: Provided also that the remission of rent shall not apply to any artesian well situated within ten miles of an existent well for which a remission is granted or of a permanent water on the same run.

Rents.

30. Subject to section 62 of this Act the annual rents at which pastoral leases shall be granted shall be not less than Six Pence per square mile for the first period of seven years of the lease, not less than

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than One Shilling per square mile for the second period of seven years, not less than Two Shillings per square mile for the third period of seven years, and for the remainder of the term such an amount per square mile as shall be fixed by valuation made at the instance of the Minister within the first six months of the twenty-first year of the term of the lease. But the rent so to be fixed by valuation shall not be more than fifty per centum above or below the rate payable during such twenty-first year.

PART III.

See clauses 68, &c.,
Act 585/93.

31. In fixing the rent of any pastoral land, whether by valuation or otherwise, regard shall be had to—

Principles of fixing
rent.

- (a) The stock-carrying capacity of the land:
- (b) The capacity of the land for pastoral purposes;
- (c) The proximity and facilities of approach to railway stations, ports, rivers, and markets:
- (d) All other circumstances affecting the value of the land to a pastoral lessee;

Cf. 65 of 585/93.
See 92 of 501/90.

but the value or any improvements which the lessee may have made or paid for, or be liable to be paid for, shall not be taken into account.

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PART IV.

IMPROVEMENTS.

32. If there shall be any improvements belonging to the Crown upon any land intended to be opened for leasing the Minister shall cause the price to be paid therefor to be determined in such manner as he shall think fit; but all improvements for which the outgoing lessee is entitled to be paid shall be valued as hereinafter provided.

Price for improve-
ments, how to be
fixed.

33. Within twelve months before the expiration by effluxion of time of any lease granted under this Act all improvements (if any) existing upon the land shall be valued so far as practicable in detail, and their position indicated on a plan to be prepared by the Minister, and to be signed by the Minister and the outgoing lessee.

Valuation to be made
within twelve months
before lease expires.

See 43 of 585/93.

34. If the Minister and the outgoing lessee shall not within six months before the expiration of the lease agree as to the value and position of any such improvements a valuation thereof shall be made in manner prescribed.

In case of dispute,
valuation to be made
by arbitration.

See 45, ib.

35. Subject to the provisions of this Act, the outgoing lessee, under any pastoral lease granted pursuant to this Act, shall be entitled to receive from the incoming lessee the value, as so determined, of all improvements made or purchased by him existing upon such portion of the outgoing lessee's run as may be comprised in the new lease; and, as regards lands which shall not be offered for lease within six months after the expiration of the last preceding lease,

Outgoing lessee to
receive payment from
new lessee.

Cf. 47 of 585/93.
See 17 of 642/95.

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lease, the value as so determined of all improvements thereon shall be paid by the Minister to the outgoing lessee upon such lessee giving up possession thereof.

All purchase-money for improvements to be paid in first instance to the Minister.

See 48 of 642/95.

36. The purchase-money to be paid for improvements by the incoming lessee, whether afterwards payable to the outgoing lessee or not, together with interest at the rate of five per centum per annum on any amount overdue, shall be a debt from the incoming lessee to the Minister, payable as hereinafter provided, and recoverable by action in any Court of competent jurisdiction.

Proceeds of Government improvements to be credited to Loan Fund.

See 49, *ib.*

37. The moneys received by the Minister in respect of improvements belonging to the Crown shall be paid by him to the Treasurer of the province and be held by him to the credit of the Loan Fund.

Payments to outgoing lessee.

See 50, *ib.*

38. The moneys received by the Minister from the incoming lessee in respect of improvements made or paid for by the outgoing lessee shall be paid over to the outgoing lessee, as hereinafter provided, less all costs of and incidental to the recovery thereof, and less all proper deductions for rent, depreciation, or otherwise.

Limitation of costs.

See 13 of 642/95.

39. The amount to be deducted by the Minister in respect of costs, pursuant to the last preceding section, shall be the costs actually incurred, but not in any case exceeding five per centum of the moneys received.

Government improvements may be paid for by instalments.

See 51 of 585/93.

40. If the improvements to be paid for belong to the Crown the Minister may permit the lessee to pay the purchase-money therefor, with interest, by instalments according to the scale set forth in Schedule B; but in that case the lease shall contain, in addition to the covenants mentioned in Schedule A, covenants by the lessee for the due payment of such instalments, and for the maintenance of the improvements in proper repair to the satisfaction of the Minister so long as any moneys shall remain owing to the Crown in respect of such purchase-money or interest as aforesaid; and also a provision that in the event of any instalments being unpaid for three months after any day upon which the same ought to be paid the purchase-money then remaining unpaid shall, at the option of the Minister, become instantly due, payable, and recoverable.

But outgoing and incoming lessee may arrange as to payment for improvements.

See 52, *ib.*

41. If any outgoing lessee entitled to payment for improvements, and the incoming lessee liable to pay the same, shall mutually agree touching the amount to be paid to the outgoing lessee for the improvements, and the time and manner of payment thereof, and shall, within one month, by writing under their hands notify the Minister of such mutual agreement, in such form and manner as he shall approve or as may be prescribed then, and in every such case, the purchase-money for the improvements and all rights of action formerly vested in the Minister in respect of such improvements shall thenceforth be vested in and enforceable by the outgoing lessee.

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42. No lessee shall be entitled to any payment on the expiration of any lease issued under this Act, or on any resumption, in respect of any improvements made after the expiration of the first ten years of his lease, unless, before making such improvements, he shall have given written notice to the Minister, stating the nature, position, probable cost, and date of completion thereof, and such improvements shall have been sanctioned by writing under the hand of the Minister: Provided that, where it shall not be conveniently practicable to give such notice prior to the making of such improvements, the lessee shall nevertheless be entitled to payment for such improvements if such notice shall have been given with all reasonable dispatch, and if the improvements shall be sanctioned under the hand of the Minister.

Notice of improvements.

See 54 of 585/93, as amended by 642/95.

Cf. 74 of 501/90.

Vide clause 54, Act 585/93.

43. No payment or valuation shall be made upon any resumption pursuant to this Act in respect of any improvements, nor shall any improvements, except those previously sanctioned by the Minister, be considered pursuant to this Act unless the Minister shall be satisfied that such improvements were made for the purpose and have the effect of improving the land for pastoral purposes, or of increasing the carrying capacity thereof, and that the improvements will have such effect, and unless the same shall consist of wells, reservoirs, tanks, or dams of a permanent character, available for the use of cattle or sheep, and which increase the carrying capacity of the land leased, or of substantial buildings, vermin-proof or other fences, huts or sheds erected for residence, shearing, or other purposes usually required for or in connection with keeping live stock.

Only certain improvements to be paid for.

Cf. 55 of 585/93.

See clause 55 of Act 585/93.

44. If the Minister and the outgoing lessee disagree as to what improvements should be paid for, the outgoing lessee shall have a right of appeal to the Tenants' Relief Board, whose decision shall be final.

Appeal to Tenants' Relief Board.

New.

45. All machinery or appliances which, in the opinion of the arbitrators or umpire making a valuation pursuant to this Act, shall be necessary for the purpose of raising, or distributing after raising, the water, which may be attached or appurtenant to any well, dam, tank, or reservoir to be valued under this Act, including all under and over-ground tanks and troughs, shall be deemed part of such well, dam, tank, or reservoir, and such arbitrators or umpire shall include such machinery or appliances in their valuation.

Water appliances to be deemed improvements.

See 57, ib.

46. The incoming lessee, at the time and in manner appointed for the payment of the first year's rent, shall pay to the Minister the cost to the Minister, according to a scale to be prescribed, of any valuation of the improvements of the outgoing lessee made by the Minister, or to which the Minister shall be a party.

Incoming lessee to recoup Minister costs of valuation.

See 58, ib.

47. So long as any principal or interest money remains owing by any lessee for improvements it shall not be lawful for the lessee

Lessees not to destroy or injure improve-

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ments while money owing for improvements.

See 59 of 585/93.

to pull down or remove from the land, or knowingly suffer to be pulled down or removed, or wilfully or knowingly destroy, damage, or injure, or suffer to be destroyed, damaged, or injured, any improvements erected or made upon the leased land without the consent of the Minister in writing first had and obtained. Any person offending against the provisions of this section shall forfeit his lease, and shall be guilty of a misdemeanor and punishable on conviction by imprisonment, with or without hard labor, for any term not exceeding two years.

PART V.

PART V.

OCCUPATION BY OUTGOING LESSEE AND POSSESSION BY INCOMING LESSEE.

Outgoing lessee may occupy run till reletting thereof.

See 60 of 585/93.

48. If any interval shall elapse between the determination by effluxion of time of any pastoral lease and the commencement of the term of any new pastoral lease of the same lands or any part thereof, the outgoing lessee may, on giving three months' written notice to the Minister of his intention, continue in occupation of such lands during such interval at a rent computed at the annual rate last payable by him under his lease and upon the terms and conditions thereof, except as hereinafter provided.

Outgoing lessee may continue in occupation one year after reletting.

See 61, *ib.*, altered. Cf. 69, 501/90.

49. The outgoing lessee may also continue in occupation until notice in writing shall be given by or on behalf of the Minister that a new lease of the same lands, or some part thereof, has been granted or arranged, or that the incoming lessee has paid or duly arranged for payment of the amount due for improvements, and also for a period of twelve months from the date of such notice or the expiration of the old lease, whichever shall last happen; but from and after the commencement of the term of the new lease, and during such continued occupation, the outgoing lessee shall, as regards the lands included in such new lease, pay the rent reserved by and observe and perform the terms and conditions of such new lease, and exonerate the incoming lessee therefrom.

Outgoing lessee to maintain improvements, and pay rent therefor.

See 62, *ib.*, altered.

50. Any outgoing lessee so remaining in occupation shall keep all improvements upon the land in good order and condition to the satisfaction of the Minister, and shall allow the incoming lessee rent at the rate of five per centum per annum on the amount paid, or to be paid, by him for the improvements, and also reasonable compensation for any loss or depreciation in value of such improvements. Such compensation shall be fixed by valuation between the outgoing and incoming lessee, unless they shall mutually agree as to the amount thereof within a time to be fixed by the Minister on the application of either party.

Outgoing lessee to be paid for improvements after giving up possession.

See 63, *ib.*

51. The purchase-money payable to an outgoing lessee in respect of improvements shall be paid to him when he shall give up possession of the land, but the Minister shall deduct therefrom

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from and pay to the incoming lessee the amount payable by the outgoing lessee for rent, or compensation for loss or depreciation of such improvements as aforesaid.

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52. The Minister may, at any time, on giving twelve months' notice, after the expiration of any pastoral lease, determine the occupation of any outgoing lessee who shall lawfully continue in occupation of the land formerly included in such lease, by paying to him the amount which would be payable by an incoming lessee as the price or reduced price for the improvements.

Minister may determine occupation of outgoing lessee by payment for improvements.

See 67 of 501/90.

PART VI.

PART VI.

RESUMPTIONS.

53. The Governor may, by notice published in the *Gazette* and notice in writing to the lessee, resume possession of any leased land, and determine the lease in so far as it relates to the land so resumed upon or at any time after a date to be specified in such notice: Provided that, except for any of the purposes mentioned in the first sub-section of the next following section, no such land shall be resumed during the first ten years of the term of the lease without the consent in writing of the lessee. Provided also that whenever any pastoral lands demised after the passing of this Act shall be partly resumed, as provided by sub-section II. of section 54 of this Act, it shall be lawful for the lessee to require the Governor to resume the whole of the lands comprised in the lease in respect to which notice of such partial resumption has been given. No lessee shall be entitled to require the resumption of the whole of the land comprised in any lease on account of any partial resumption thereof for mining, or for commonage, residential, or other purposes incidental to mining.

Governor may, by notice, resume lands leased.

See 63 of 501/90.

See 73 of 585/93, altered.

See 7 of 669/96.

See section 14 of Pastoral Bill, 1898.

54. Where it is intended to resume any land under this Act—

Length of notice to be given.

I. If the land shall be required for public works, such as railways, tramways, roads, bridges, public buildings, water conservation works, or the like, or as a site for a town or cemetery, or for mining, or for park lands, the date to be specified in the notice shall not be less than three months after the giving of such notice:

See 74 of 585/93.

See 63 of 501/90.

II. If the land shall be required for any other purpose such date shall be not less than two years after the giving of the notice.

*Repealed by 77¹
of 1901*

55. If land included in any lease issued under this Act shall be resumed the lessee shall, subject to the provisions of this Act, be compensated by the Government for the loss or depreciation in the value of the lease caused by such resumption, and also in respect of such improvements as he would have been entitled to payment for from an incoming lessee if his lease had expired and the land had been re-let as on the date of the notice of resumption.

Compensation on resumption.

See 75 of 585/93.

56. In

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Certain increased value not to be included.

See 76 of 585/93.

See 65 of 501/90.

Time for payment of compensation.

See 77, ib.

Compensation to be determined by valuation.

See 78, ib.

56. In computing the compensation to be paid in any case for loss or depreciation in the value of any pastoral lease no increased value given to such lease by reason of any public works executed after the granting of such lease shall be included or taken into account.

57. The amount of compensation payable by the Government to any lessee under this Act shall be paid within six months after the resumption occasioning the loss or depreciation, provided the lessee shall then have given up possession of the land resumed.

58. The amount of compensation to be paid on any resumption under this Act shall, in case of dispute or difference, be determined by valuation.

PART VII.

PART VII.

VALUATIONS.

Valuations to be made under "Arbitration Act, 1891."

See 73 of 501/90.

Cf. 78 of 585/93.

• Clause 78 of Act 585/93.

Date for appointment of valuers.

Cf. 46 of 585/93.

See 43 of 642/95.

59. Every valuation to be made under this Act shall be made by two arbitrators, of whom one shall be appointed by the Minister and the other by the lessee or other party interested, or in case of a valuation as between outgoing and incoming lessees one arbitrator shall be appointed by each lessee, and the provisions of the "Arbitration Act, 1891," shall apply to every such valuation, except in so far as such provisions may be inconsistent with this Act.

60. The date for the appointment of arbitrators shall, in every instance, be fixed by the Minister by notice in the *Gazette*. If the valuation be for the purpose of determining—

(a) The compensation to be paid upon any resumption under this Act such date shall be not later than three months after the resumption:

(b) The value of any improvements at the expiration of any pastoral lease such date shall be not later than six months before the expiration of the lease.

Decision of valuers to be reported.

Ib.

61. The decision of the arbitrators or their umpire shall be reported in writing to the Minister, and to every lessee or other party interested, within three months after the appointment of the arbitrators, or within such extended time as the Minister and the lessee or other party interested may agree to allow.

PART VIII.

PART VIII.

SURRENDER OF FORMER PASTORAL LEASES FOR LEASES UNDER THIS ACT.

Lessee under existing lease may surrender for lease under this Act.

62. The lessee under any pastoral lease existing at the passing of this Act may within three years from the passing thereof, with the consent of the Minister, and in manner prescribed, surrender such

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such existing lease, and obtain a new lease under this Act of the same lands or any part thereof for a term of not exceeding forty-two years from the date of such surrender. Any new lease issued may consolidate several contiguous leases, at a rent to be agreed upon by the Minister and the lessee, or, failing such agreement, then to be fixed by valuation: Provided that any lessee may, within six months of his receiving notice from the Minister of the term and rent of any proposed new lease, elect to retain the old lease, and, on notice thereof to the Minister, the surrender of the old lease shall be void.

63. No such new lease shall be granted unless the Minister shall be satisfied that the covenants and conditions of the lease have been duly complied with.

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Cf. 76 of 501/90.

New lease not to be granted unless certain conditions complied with.
Ib.

PART IX.

TENANTS' RELIEF BOARD.

PART IX.

64. A Board is hereby constituted for the relief of Crown lessees as herein provided.

Constitution.
See 26 of 642/95.

65. Such Board shall be called the "Tenants' Relief Board," and shall consist of a Judge of the Supreme Court, to be nominated by the Governor, assisted by two assessors, one to be appointed by the Minister and the other by the lessee.

Name and members.
See 27, ib.

66. No Crown lease shall be forfeited until after the expiration of three months from the giving of a notice to the lessee of the Minister's intention to forfeit the same.

Crown leases not to be forfeited without notice to lessees.
See 28, ib.

67. Any lessee upon receiving notice of the Minister's intention to forfeit his lease for default in the observance or performance of any covenant or condition therein, other than the covenant for payment of rent, may apply, in manner prescribed, to the Tenants' Relief Board for relief.

Lessee in certain cases may apply to Board for relief against forfeiture.
See 29, ib.

68. Such Board shall thereupon inform themselves, in such manner as they shall think fit, of all matters affecting the question as to whether or not the forfeiture ought to be enforced, and determine as they may think fit.

Board to consider whether forfeiture ought to be enforced.
See 30, ib.

69. If the Board shall consider that the forfeiture ought not to be enforced, they may direct the lessee to pay any compensation, or do any act, within such time as they shall think fit.

May assess compensation.

70. Upon any appeal brought by or on the part of any outgoing lessee respecting his improvements, as provided under this Act, the Board shall inform themselves, in such manner as they shall think fit, of all matters affecting the question referred to them, and determine as they think fit.

Board to investigate appeal.

71. The

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PART IX.

Finding to be certified.

See 32 of 642/95.

If lessee pay compensation fixed, forfeiture not to take place.

See 33, *ib.*

In what cases forfeiture may proceed.

See 34, *ib.*

President and decision.

See 35, *ib.*

Solicitors excluded.

See 36, *ib.*

Procedure and evidence.

See 37, *ib.*

71. The Board shall in each case certify their determination to the Minister, who shall notify the lessee thereof in writing.

72. If the lessee shall, within the time fixed by the Board, comply with the directions of the Board, the forfeiture shall not take place.

73. If the Board shall certify that the forfeiture ought to be enforced, or if the lessee shall not within the time fixed comply with the directions of the Board, the Minister may, if he shall think fit, proceed with the forfeiture.

74. The Judge shall preside at all meetings of the Board, and his decision shall be the decision of the Board.

75. No counsel or solicitor, unless he shall be the lessee of the lease affected and registered as such, shall be permitted to conduct or appear in any proceeding before the Board, and no counsel or solicitor shall act as assessor.

76. All proceedings before the Board shall be conducted in such manner as the Board shall think fit, and no rules of evidence shall necessarily be observed.

PART X.

PART X.

ANNUAL LEASES AND COMMONAGE LICENCES.

Minister may grant annual leases.

Cf. 75 of 501/90.

Preference to outgoing lessee.

Cf. 79 of 501/93.

See 75 of 501/90.

77. The Minister may grant annual leases of Crown lands included in any hundred upon such terms and conditions as may be prescribed or as he shall think fit.

78. If lands included in a pastoral lease are resumed for the purpose of being included in a hundred the lessee from whom the resumption was made shall, as against all other applicants, have a preferential right, to be exercised within the time and in manner prescribed, to an annual lease of any part of such lands which shall not be otherwise required or disposed of during such residue of the term of his pastoral lease as was unexpired at the time of the resumption.

Minister may grant commonage licences.

Ib.

79. The Minister may grant commonage licences for the depasturing of cattle and sheep on Crown lands included in any hundred upon such terms and conditions as may be prescribed, or as he shall think fit.

Commonage.

See clause 81 of Pastoral Regulations of June 17th, 1895.

80. In cases where leases of pastoral lands have expired, or been resumed, and not included in any hundred, and not occupied by the outgoing lessee in terms of Part V. of this Act, the Minister may let commonage to any person upon such terms and conditions as he shall think fit until the land is dealt with, or for any period not exceeding twelve months.

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PART XI.

MISCELLANEOUS.

PART XI.

- 81.** If two or more leases of contiguous pastoral lands, or which are worked together as one run, are held by the same lessee the Governor may, if he thinks fit, renew to the lessee the terms of such of the leases as first expire with a view to the simultaneous expiry of all of such leases: Provided that no such renewed term shall extend beyond three years from the expiry of the original term, and that the rent for the renewed term shall be fixed by the Minister, but shall not be at a less rate than that payable under the original lease.
- Governor may extend terms of leases to secure simultaneous expiry.
Cf. 68 of 501/90.
See 95 of 585/93.
- 82.** The Minister shall furnish to Parliament every year a report showing the names of the lessees to whom he has granted permission to make improvements, and the approximate value of such improvements.
- Annual report of improvements permitted.
See 96 of 585/93.
- 83.** The proclamation of a hundred so as to comprise lands included in any pastoral lease shall not, apart from the resumption of the lands pursuant to this Act, affect the lease.
- Proclamation of hundred without resumption not to affect lease.
See 80 of 585/93.
- 84.** The Minister may give permission to any person to erect gates on any road vested in Her Majesty, not being a main road or within the limits of any Corporation or District Council, and may let the right of depasturing on such road. Any person injuring or destroying any such gate, or not closing the same, shall for each and every such offence be liable to a fine of not more than Fifty Pounds, or to imprisonment, with or without hard labor, for any period not exceeding six months.
- Leasing roads.
Clause 92, Act 585/93.
- 85.** It shall be lawful for any lessee under any of the Northern Territory Crown Lands Acts to surrender his lease at any time during the currency thereof, and the Governor is hereby authorised to accept such surrender in the name and on behalf of Her Majesty; and such surrender shall be in the form and shall be made and executed in the manner prescribed by the regulations. No surrender shall be of any force and effect until accepted by the Governor.
- Surrender.
Clause 171 of Act 444/88.
See clause 87 of Act 585/93.
- 86.** When any lease shall have been so surrendered it shall be lawful for the Governor, in the name and on behalf of the Crown, to grant a lease or leases of the land comprised in such surrendered lease to such person or persons as shall be nominated in that behalf by the lessee surrendering such lease; and every such new lease shall be granted for the unexpired period of the term of, and for the same purposes, and subject to the same terms, conditions, and regulations as the lease so surrendered.
- New lease.
Clause 172 of Act 444/93.
- 87.** Notwithstanding the forfeiture of any agreement or lease under the principal Act, or any prior Act, the Minister may, whenever he deems it expedient so to do, at the request of the lessee or person
- Minister may revive lease.

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person concerned, rescind, and annul such forfeiture, and revive the forfeited lease or agreement upon such terms as he shall think fit. All rescissions, annulments, and revivals heretofore made by the Minister, and which would have been lawful if made after the passing of this Act, are hereby declared to be valid.

Cancellation.

88. Notwithstanding anything to the contrary contained in clause 95 in the principal Act, the Governor, at the expiration of three months after the due date for the payment of the rent, if the rent be unpaid, may cancel the lease.

Aboriginal reserves may be leased.

Sec 117, Crown Lands Act, 1888, amended.

89. Leases may be granted for any term not exceeding twenty-one years at such rent and on such terms as the Minister may think fit of any aboriginal reserves in blocks not exceeding one thousand square miles. Every lease may be subject to a right of renewal so long as it can be shown to the satisfaction of the Minister that the lands therein described are required for and applied to the use and entire benefit of the aboriginal inhabitants of the Northern Territory.

Encouragement of meat export.

90. For the encouragement of meat preserving and boiling down and other modes of treating stock for export the Minister may grant perpetual leases of any lands not exceeding an area of one thousand acres, subject to the condition that if within two years after the grant of the lease the lessee shall have spent at least Two Pounds per acre in the erection on such lands of works suitable for the purpose intended to be encouraged the land shall be held free of rent, and subject also to such other terms and conditions as may be prescribed.

Regulations.

91. The power of making regulations and imposing penalties conferred by the principal Act shall extend to all such regulations as to the Governor shall appear necessary or advisable for regulating all proceedings, matters, and things arising under and consistent with this Act not herein expressly provided for, and otherwise for fully and effectually carrying out and giving effect to the purposes and powers of this Act, and guarding against evasions and violations thereof.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

TENNYSON, Governor.

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THE SCHEDULES REFERRED TO.

SCHEDULE A.

Section 24.

Pastoral leases shall contain a condition that the lessee shall not be entitled to possession of the land until he shall have paid the first year's rent, and paid or arranged pursuant to this Act for payment of the price for the improvements (if any). See Sch. A, 585/93, altered.

Covenants by the lessee:—

- (a) To pay the rent annually in advance:
- (b) To stock, within three years, the land leased, with sheep in the proportion of at least five head, or with cattle in the proportion of at least one head, for every mile leased, and to keep the same so stocked, and before the end of the seventh year to increase the stocking to at least ten head of sheep, or two head of cattle, per mile, and to keep the same so stocked during the remainder of the term, and so that the stocking with sheep and cattle combined shall be sufficient if the requisite number are kept, one head of cattle being computed as equal to five head of sheep; and in all cases, upon being required thereunto, to furnish the Minister with true particulars of the number of sheep and cattle with which the leased land is stocked: See 60 of 501/90.
- (c) That the lessee will not at any time during the last three years of the term of the lease, or of any renewal thereof, over-stock the land or any part thereof, or keep thereon any excessive number of sheep, cattle, horses, or other stock, which, in the opinion of the Minister, would have the effect of depreciating the ordinary capacity of the land for depasturing stock:
- (d) To keep the land free of vermin, to the satisfaction of the Minister, during the currency of the lease and any renewal thereof:
- (e) Not to assign or sublet without the written consent of the Minister, but so that such consent shall not be capriciously withheld:
- (f) Not to erect or suffer brush fences on the land leased:
- (g) Not to cut timber, except for erections, fencing, or firewood, without the licence of the Minister:
- (h) Not to obstruct or interfere with any public roads, paths, or ways, or the use thereof by any person:
- (i) To make and furnish all such statements and returns as may be required by any rule or law for the time being in force:
- (j) To observe and comply with the regulations for the time being in force under this Act:
- (k) That any moneys deducted from the outgoing lessee of the land and paid to the lessee for compensation for loss or depreciation of improvements shall be expended in replacing or making good such improvements, unless the lessee shall have paid the purchase-money thereof in full: See 14 of 642/95.

And, in addition to such covenants—

- (l) An exception or reservation in favor of the Crown, and all persons authorised of all minerals, metals, gems, precious stones, coal, and mineral oils together with all necessary rights of access, search, procuration, and removal, and all incidental rights and powers:
- (m) An unrestricted right for the Crown and all persons authorised to enter and view the demised premises, and view the state and condition thereof, and to serve notice on the lessee of any wants of reparation, &c.:

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:See 94 of 501/90.

:See section 47, Act 642/95.

- (n) A condition that, if rent be not paid on the due date, a penalty of ten per cent. per annum on the amount of the rent unpaid may, if the Minister think fit, be added :
- (o) A proviso that, if rent shall be in arrear for more than three months after due date, or if there has been a breach or non-performance of any of the lessee's covenants or conditions, the Governor may cancel the lease, subject to the provisions of this Act or the principal Act :
- (p) Provisions for the valuation or resumption of the demised land, or premises, or any part thereof, for fixing the rent upon valuation, and for compensation of the lessee on resumption, in accordance with the Acts and regulations for the time being on that behalf :
- (q) Such leases shall also contain all such exceptions and reservations in favor of the Crown, the Minister, Land Boards, Road Boards, and other authorities, the aborigines of the colony, and other persons, necessary or proper for giving effect to any Act or regulation for the time being in force, or not inconsistent therewith, as may be prescribed, or as the Minister may require :
- (r) The lessee shall be allowed to surrender the lease absolutely on such terms as may be prescribed by the regulations, or as may be determined by the Minister :
- (s) All the above to be expressed in each form as may be prescribed, or as may be approved by the Minister.

SCHEDULE B.

Scale for Payment of Purchase-money for Improvements, the Property of the Crown, where Special Arrangement made, pursuant to Section 40, showing the Annual Payments in Advance, including Interest at 5 per cent. per Annum, to be made in respect of every £100 of the Purchase-money.

Number of Payments.	Annual Payment in Advance.			Number of Payments.	Annual Payment in Advance.		
	£	s.	d.		£	s.	d.
2	51	4	5	23	7	1	3
3	34	19	5	24	6	18	1
4	26	17	2	25	6	15	2
5	21	19	11	26	6	12	6
6	18	15	3	27	6	10	1
7	16	9	2	28	6	7	10
8	14	14	9	29	6	5	10
9	13	8	0	30	6	3	11
10	12	6	8	31	6	2	2
11	11	9	4	32	6	0	7
12	10	14	11	33	5	19	1
13	10	2	9	34	5	17	8
14	9	12	5	35	5	16	4
15	9	3	6	36	5	15	2
16	8	15	9	37	5	14	0
17	8	8	11	38	5	12	11
18	8	2	11	39	5	11	11
19	7	17	7	40	5	11	0
20	7	12	10	41	5	10	2
21	7	8	7	42	5	9	4
22	7	4	9				