

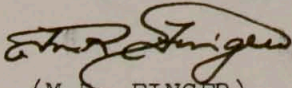
CONFIDENTIALCABINET DECISIONNO. 895

Submission No.: 722

Title: SPEEDIER RELEASE OF CROWN LAND OUTSIDE
URBAN AREAS FOR A GREATER VARIETY OF
RURAL PURPOSES.

Cabinet approved:-

- a) . a wider range of uses on rural land;
 . sale of rural land at realistic prices;
 . direct grants of Miscellaneous Leases;
 . over the counter sales;
 . a deposit payment system;
 . quick conversion of Agricultural Leases
 to Miscellaneous Leases; and
- b) the following drafting instructions being issued
 to the Crown Solicitor.
- (i) Section 71 - delete the words "or the like"
 and insert words such as "mixed farm activities,
 rural living and similar usages authorised
 by the Minister".
- (ii) Section 19(2) - delete all after the words
 "a lease is", and insert words such as
 "such amount as is determined by the Minister".
- (iii) Sub-section (1) of section 72 - delete the
 words "shall in the first instance", and
 insert the word "may" in their place.
- (iv) Introduce a new section 72A -
- "(i) The Minister may grant a Miscellaneous
 Lease notwithstanding that the land to
 be leased has not been advertised for
 leasing or auction pursuant to sections
 72 or 73 of this Act."


 (M.R. FINGER),
 Secretary to Cabinet.
 17 October, 1979.

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CABINET DECISION

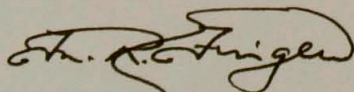
NO. 895

Submission No.: 722

Title: SPEEDIER RELEASE OF CROWN LAND OUTSIDE
URBAN AREAS FOR A GREATER VARIETY OF
RURAL PURPOSES.

.2.

- (v) Amend section 19 by inserting the words
"a deposit or" between the words "Minister"
and "the reserve price".
- (vi) Delete sub-section (4) of section 65C in its
entirety.



(M.R. FINGER),
Secretary to Cabinet.

17 October, 1979.

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FOR CABINET

Supplementary SUBMISSION No:722.....

Title:	Speedier release of Crown land outside urban areas for a greater variety of rural purposes
Minister	Marshall Perron, Minister for Lands and Housing
Purpose:	To broaden the provisions of the Crown Lands Act to provide for :- <ul style="list-style-type: none"> . a wider range of uses on rural land . sale of rural land at realistic prices . direct grants of Miscellaneous Leases . over the counter sales . a deposit payment system . quick conversion of Agricultural Leases to Miscellaneous Leases
Relation to existing policy:	Present policy is rigidly fixed by the Act and is restricting implementation of Government policies
Timing/ legislative priority:	Important - proposed for introduction to Legislative Assembly Sittings
Announcement of decision, tabling, etc:	N/A
Acting required before announcement:	Amendment of Crown Lands Act
Staffing implications, numbers and costs, etc:	No extra staff required
Total cost:	Nil

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THE ISSUES

1. The issues are :-
 - . widening the activities permissible on a (or tender);
Miscellaneous Lease (including rural living);
 - . speeding up release and allocation of Miscellaneous Leases;
 - . allowing flexibility in the determination of price;
 - . introducing direct grants;
 - . introducing deposit payment system; and
 - . allowing existing Agricultural Leases to be quickly converted to Miscellaneous Leases.

BACKGROUND

2. Existing legislation :-
 - . does not allow the release of Miscellaneous Leases by direct grant;
 - . does not provide a suitable form of tenure for rural living;
 - . does not allow for a reserve price of more than \$1 plus survey costs to be charged for a lease outside municipalities;
 - . does not allow for a right to a lease to be

granted unless the purchase price including statutory charges is paid in full (this applies to Miscellaneous Leases sold by auction or tender);

- often requires lengthy procedures before Agricultural Leases can be converted to Miscellaneous Leases.

These restrictions prevent or inhibit the implementation of Government initiatives relating to land.

3. The Government is introducing new simplified forms of tenure in town areas and the proposals in this Submission are complementary.

4. Outside town areas existing legislation provides for :-

Pastoral leases

Miscellaneous Leases

Special Purpose Leases

The previous philosophy behind Agricultural Leases (that of assessing and declaring economic areas), has largely been abandoned in recent years as it has proved too inflexible over a period of years. In particular, potential for agriculture in the high rainfall areas at present appears to be in intensive farming or smaller areas.

5. There is a demand for smaller leases, both by intending part-time farmers and for rural living. Existing legislation requires the revocation of any Agricultural Lease declared an economic area by gazettal before another form of lease which allows subdivision can be issued.

6. A Miscellaneous Lease can be issued for :- purchase
"market garden, orchard, plantation, vineyard, poultry
farm, piggery, animal stud farm, holding or pasturing
paddocks, ancillary to an abattoir or the like".

There is no limit to size, the tenure can be perpetual or for a term, and there is no requirement for declaration of the land as potentially viable for any form of production (however rural living on its own would not constitute a proper purpose).

7. Miscellaneous Leases of vacant Crown land are normally advertised and released through the Land Board process. There is provision for release by auction and some small Miscellaneous Leases were auctioned at Katherine two years ago. The next auction on the Marrakai Plains will also be by auction.

8. The release of Miscellaneous Leases by auction results in a reserve price of one dollar, as well as survey fees.

CONSIDERATION OF THE ISSUES

9. This Submission proposes to :-
- . allow Miscellaneous Leases to be issued for a wide variety of purposes from "rural living" to various forms of primary production. Depending on the circumstances, the lease document could specify any single purpose or any combination of purposes;
 - . allow Miscellaneous Leases to be released by "Direct Grant" at market value;

- allow the introduction of a "deposit purchase" scheme;
- allow the Minister to approve the issue of a Miscellaneous (or other appropriate) Lease or Leases in exchange or part exchange for an Agricultural Lease.

OPTIONS

10. Options include continuing the present system of land release with its unsatisfactory administrative problems and certain loss of potential revenue, or waiting for a total review of the rural lands provisions of the Crown Lands Act or loosening and broadening the existing provisions by amendment.

PUBLIC IMPACT

11. The proposals will be welcomed by the public.

FINANCIAL CONSIDERATIONS

12. Acceptance of the proposals will not result in any costs not already involved in release of rural land. A substantial increase in revenue from land sales should eventuate.

EMPLOYMENT CONSIDERATIONS

13. No particular effect on employment is foreseen except as an addition to other policies aimed to promote development which in turn will generate employment.

COMMONWEALTH AND LOCAL GOVERNMENT RELATIONS

14. There are no implications as far as relations with the Commonwealth or Local Government are concerned.

CO-ORDINATION

15. The Department of Primary Production, Department of Transport and Works, Northern Territory Electricity Commission, Territory Development Corporation, Territory Parks & Wildlife Commission, and the Department of the Chief Minister have provided comments which have been incorporated into this Submission where they have been considered relevant.

LEGISLATION

16. Legislative changes are required to the Crown Lands Act. Drafting instructions are shown at Attachment A.

RECOMMENDATION

17. It is recommended that Cabinet approve :-

- (a) . a wider range of uses on rural land;
- . sale of rural land at realistic prices;
- . direct grants of Miscellaneous Leases;
- . over the counter sales;
- . a deposit payment system;
- . quick conversion of Agricultural Leases to Miscellaneous Leases;

(b) drafting instructions to the Crown Solicitor as set out at Attachment A.

M. B. Reed

SUGGESTED CHANGES TO THE CROWN LANDS ACT

- (a) Section 71 - delete the words "or the like" and insert words such as "mixed farm activities, rural living and similar usages authorised by the Minister".
- (b) Section 19(2) - delete all after the words "a lease is", and insert words such as "such amount as is determined by the Minister".
- (c) Sub-section (1) of section 72 - delete the words "shall in the first instance", and insert the word "may" in their place.
- (d) Introduce a new section 72A -
 - "(i) The Minister may grant a Miscellaneous Lease notwithstanding that the land to be leased has not been advertised for leasing or auction pursuant to sections 72 or 73 of this Act."
- (e) Amend section 19 by inserting the words "a deposit or" between the words "Minister" and "the reserve price".
- (f) Delete sub-section (4) of section 65C in its entirety.

CONFIDENTIAL

CABINET DECISION

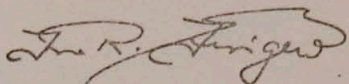
NC. 835

Submission No.: 722

Title: SPEEDIER RELEASE OF CROWN LAND OUTSIDE
URBAN AREAS FOR A GREATER VARIETY OF
RURAL PURPOSES.

Cabinet deferred further consideration. It was concerned that the Department of Lands and Housing had reached this stage in its consideration without consulting other Departments.

Cabinet decided that the Co-ordinator General be requested to convene a meeting of the Department of Lands and Housing, Department of Transport and Works and the Office of Policy and Planning and any other relevant Departments or Authorities to ensure their views on this matter are adequately taken into account.



(M.R. FINGER),
Secretary to Cabinet.

5 September, 1979.

CONFIDENTIAL

THE NORTHERN TERRITORY OF AUSTRALIA

CONFIDENTIAL

Copy No. 1

FOR CABINET

SUBMISSION No. 722

Title:	Speedier release of Crown land outside urban areas for a greater variety of rural purposes
Cabinet Member	Marshall Perron, Minister for Lands and Housing
Purpose:	To broaden the provisions of the Crown Lands Act to provide for:
Relation to existing policy:	<ul style="list-style-type: none"> . a wider range of uses on rural land . sale of rural land at realistic prices . direct grants of Miscellaneous Leases over the counter sales . a deposit payment system . quick conversion of Agricultural Leases to Miscellaneous Leases
Timing/ legislative priority:	Present policy is rigidly fixed by the Act and is restricting implementation of Government policies.
Announcement of decision, tabling, etc.:	Important - proposed for introduction to September Legislative Assembly Sittings
Action required before announcement:	Draft press release attached.
Staffing implications, numbers and costs, etc.:	Amendment of Crown Lands Act
Total cost:	No extra staff required.
	Nil

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Department/Authority..... DEPARTMENT OF LAW.....

COMMENT ON CABINET SUBMISSION No.

TITLE: SPEEDIER RELEASE OF CROWN LAND OUTSIDE URBAN AREAS FOR A
..... GREATER VARIETY OF RURAL PURPOSES.....

COMMENTS:

There are no constitutional barriers to this proposal.

There appear to be no legal barriers to this proposal.

SIGNED: _____

DESIGNATION: CROWN SOLICITOR

DATE: 17 August 1979

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THE ISSUES

1. The issues are:
 - . widening the activities permissible on a Miscellaneous Lease (including rural living);
 - . speeding up release and allocation of Miscellaneous Leases;
 - . allowing flexibility in the determination of price;
 - . introducing direct grants;
 - . introducing deposit payment system; and
 - . allowing existing Agricultural Leases to be quickly converted to Miscellaneous Leases.

BACKGROUND

2. Existing legislation:
 - . does not allow the release Miscellaneous Leases by direct grant;
 - . does not provide a suitable form of tenure for rural living;
 - . does not allow for a reserve price of more than \$1 plus survey costs to be charged for a lease outside municipalities;
 - . does not allow for a right to a lease to be granted unless the purchase price including statutory charges is paid in full (this applies to Miscellaneous Leases sold by auction or tender);

- . often requires lengthy gazettal procedures before Agricultural Leases can be converted to Miscellaneous Leases.

These restrictions prevent or inhibit the implementation of Government initiatives relating to land.

3. The Government is introducing new simplified forms of tenure in town areas and the proposals in this Submission are complementary.

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There is a demand for smaller leases, both by intending part-time farmers and for rural living. Existing legislation requires the revocation of any Agricultural Lease declared an economic area by gazettal before another form of lease which allows subdivision can be issued.

5. A Miscellaneous Lease can be issued for:

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7. The release of Miscellaneous Leases by auction results in a reserve price of one dollar, as well as survey fees.

CONSIDERATION OF THE ISSUES

8. This Submission proposes to:

- . allow Miscellaneous Leases to be issued for a wide variety of purposes from "rural living" to various forms of primary production. Depending on the circumstances, the lease document could specify any single purpose or any combination of purposes;
- . allow Miscellaneous Leases to be released by 'Direct Grant' at market value;
- . allow the introduction of a 'deposit purchase' scheme;
- . allow the Minister to approve the issue of a Miscellaneous (or other appropriate) Lease or Leases in exchange or part exchange for an Agricultural Lease.

OPTIONS

9. Options include continuing the present system of land release with its unsatisfactory administrative problems and certain loss of potential revenue, or waiting for a total review of the rural lands provisions of the Crown Lands Act,

or loosening and broadening the existing provisions by amendment.

PUBLIC IMPACT

10. The proposals will be welcomed by the public.

FINANCIAL CONSIDERATIONS

11. Acceptance of the proposals will not result in any costs not already involved in release of rural land. A substantial increase in revenue from land sales should eventuate.

EMPLOYMENT CONSIDERATIONS

12. No particular effect on employment is foreseen except as an addition to other policies aimed to promote development which in turn will generate employment.

COMMONWEALTH AND LOCAL GOVERNMENT RELATIONS

13. There are no implications as far as relations with the Commonwealth or Local Government are concerned.

CO-ORDINATION

14. It is proposed that the necessary amendments be included in one Bill together with other amendments proposed in the associated Cabinet Submissions.

LEGISLATION

15. Legislative changes are required to the Crown Lands Act. Drafting instructions are shown in Attachment A.

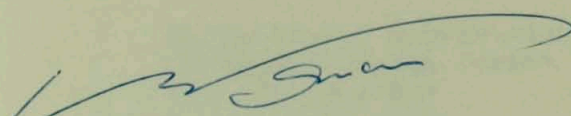
RECOMMENDATION

16. It is recommended that Cabinet approve
- (a) . a wider range of uses on rural land;
 - . sale of rural land at realistic prices
 - . direct grants of Miscellaneous Leases
 - . over the counter sales
 - . a deposit payment system
 - . quick conversion of Agricultural Leases to Miscellaneous Leases
- (b) drafting instructions to the Crown Solicitor as set out in Attachment A.

SUGGESTED CHANGES TO THE CROWN LANDS ACT

- (a) Section 71 - delete the words "or the like" and insert words such as "mixed farm activities, rural living and similar usages authorised by the Minister".
- (b) Section 19(2) - delete all after the words "a lease is", and insert words such as "such amount as is determined by the Minister".
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- (d) Introduce a new section 72A -
 - "(i) The Minister may grant a Miscellaneous Lease notwithstanding that the land to be leased has not been advertised for leasing or auction pursuant to sections 72 or 73 of this Act."
- (e) Amend section 19 by inserting the words "a deposit or" between the words "Minister" and "the reserve price".
- (f) Delete sub-section (4) of section 65C in its entirety.

MARSHALL PERRON



21-8-79

PRESS RELEASE

My Government has undertaken to reform the land laws of the Northern Territory to encourage and stimulate development for the benefit of the community.

A Bill containing the proposed amendments to the existing land legislation governing release and development of land for primary production is to be introduced to the Legislative Assembly. The amendments will be complementary to the new urban land Bill to be introduced to the Assembly.

The proposed amendments to the provisions effecting rural tenures will enable speedier release of land under more attractive and flexible terms and conditions. The changes proposed have been designed to encourage and stimulate development in the agricultural and more intensive farming and pastoral areas.

The Bill contains only the most urgent amendments which if enacted will immediately loosen the land laws and allow more flexibility in development and remove or reduce the administrative procedures which have hampered release of land in recent years.

A more comprehensive review will be undertaken in consultation with industry in the near future.

Inactment of the proposed amendments in conjunction with the present Government policy will enable the following :-

- . Use of miscellaneous leases for a full range of rural purposes including rural and residential living.
- . Direct grant of miscellaneous leases as well as advertising them for lease by tender through the Land Board process.
- . Introduce a deposit system for payment of premiums and reserve prices.
- . Introduce instalment payment system for payment of survey fees in case of all rural leases.
- . Grant of perpetual leases for more intensive rural use in the environs of the main urban areas.
- . Allow easier subdivision of pastoral leases into agricultural or miscellaneous leases for intensive agricultural and farming purposes.
- . Allow multi purpose useage of pastoral leases to include tourist and public recreational type development in addition to the required pastoral use.