LAND TENURE REFORMS IN THE NORTHERN TERRITORY
SINCE SELF GOVERNMENT

Background.
At the time of Self Government in the Northern Territory in 1978 the land tenure system was administered predominantly under the Crown Lands Act that was first assented to in the 1930’s. The forms of tenure administered under the Act were; freehold, town lands leases, Darwin town area leases, church lands leases, agricultural leases, miscellaneous leases, pastoral leases as well as reserves. Additionally there were special purposes leases and garden areas administered under the Special Purposes Leases Act and the Mining Act, respectively. The principal form of tenure was leasehold with all leases containing mandatory development covenants and conditions, including timeframes for development to occur. This archaic system of land administration had not been significantly reviewed since the Crown Lands Act had been commenced.

Shortly after self government commenced the Government realized that if small business was the engine room of the economy, land was a significant form of currency and major land tenure reform was essential to expedite the development of the newly self governing Northern Territory.

Crown Lands Act.
In 1981 the Crown Lands Act was amended to allow for the statutory conversion to freehold of all leases administered under the Act that were less than 150 square kms in area. There were some exclusions for a variety of lease specific reasons, but the majority of existing leases converted to freehold at the commencement of the amendments to the Act. Since then, leases known as Crown Leases have been issued over Crown land. They have all been short term leases for a specific purpose and specific development within a specified timeframe with a provision for conversion to freehold once the development had been satisfactorily completed.

The Crown leases were only issued where Crown land was being released and usually without competition. There were however, other situations such as the release of a number of residential or commercial allotments in the smaller Territory towns to prevent speculative buying. Again these leases converted to freehold once the development was satisfactorily completed in terms of the lease covenants and conditions.

Special Purposes Leases Act Review.
Shortly after the major amendments to the Crown Lands Act a review of the Special Purposes Leases Act was undertaken. The Government subsequently approved a policy that allowed for the conversion of existing special purposes leases to freehold subject to the specific circumstances of each lease. Consequently, most special purposes lease have since been converted to
freehold, although a number remain where the owners have chosen not to convert to freehold.

**Garden Areas Review.**
Garden areas were issued many years ago under the *Mining Act* and were meant to provide land that could be cultivated for food production associated with a specific mining venture. In reality they ended up as areas of land on which people, (not necessarily miners) squatted or lived. Most were outside of towns in relatively remote rural areas of the Northern Territory.

The NT Government approved a policy that enabled persons with an established connection to a garden area to convert the tenure to freehold title.

**Local Government Tenure Review.**
During the 1980s, the then Chief Minister Steve Hatton initiated a Local Government Tenure Review with the express purpose of providing more secure tenure to land administered by local government. For example, the urban parks estate administered by the Darwin City Council was held as reserves created under the *Crown Lands Act*, including the extensive East Point Reserve.

The review resulted in the Councils being granted freehold title over the parks at nil cost. At the time the “doomsayers" predicted the Councils could not be trusted not to self off the parks for development. This has not happened because the parks were zoned public open space under the Darwin Town Plan and more recently, the Northern Territory Planning Scheme. Additionally there is a provision in the *Local Government Act* that precludes the sale of land granted at nil cost to a Council without the consent of the Minister for Local Government.

**Pastoral Lease Administration System Review.**
In 1992 the NT Government removed the pastoral lease provisions from the *Crown Lands Act* and commenced a new *Pastoral Land Act*. Until then pastoral leases were predominantly for a term of 50 years, with a provision towards the end of the lease to apply to roll the lease over for another 50 years. The pastoral lease administration system was predicated on mandatory development covenants requiring works such as fencing, yards, waters, homestead and ancillary infrastructure within set timeframes. The leases also specified minimum stocking rates.

About 1990 the NT Government accepted that the existing pastoral lease administration system gave no security of tenure and consequently, no incentive for long term business planning for what in many cases were multi million dollar businesses, and the mandatory infrastructure development and minimum stocking rate covenants did not take into account market and seasonal conditions. Additionally, the minimum stocking covenant had no regard for the
sustainable use of the pastoral estate that covered nearly 50% of the Territory land mass.

Fundamental principles of the new Pastoral Land Act were to provide security of tenure to lessees, remove mandatory development and stocking covenants and require the lessees to participate in a mandatory rangelands monitoring system. With very few exceptions the majority of pastoral leases were converted to perpetual pastoral leases at nil cost.