

LORD HOWE ISLAND BOARD

Business Paper

OPEN SESSION

ITEM

Compliance with Residency Condition of Perpetual Leases

RECOMMENDATIONS

It is recommended that the Board agree to seek further information from various leaseholders with respect to their circumstances and compliance with the residency condition of their perpetual leases.

It is also recommended that the Board agree to develop a policy designed to articulate the administrative criteria that will guide the Board when considering applications for suspension of the condition of residency and any action to enforce this condition.

BACKGROUND

During the course of an administrative review of perpetual leases, arising from some possible non-compliance with the residency condition, legal advice was sought with regard to application of the condition. In light of this advice a number of leases have been identified where clarification of absence of the lessee/s from the Island is required. The advice also identified that it was desirable for the Board to have a policy regarding application, exemption, compliance and enforcement of the residency condition.

COMMENT

The review indicated that of the 114 perpetual leases on the Island, 93 (82%) appeared to have no compliance issues. Residence on a perpetual lease is, however, a key condition underlying the Island's unique land tenure system which is one of the core provisions of the Lord Howe Island Act. It is therefore important that there be guidance for both the Board and leaseholders in this regard to ensure a consistent and equitable approach.

RECOMMENDATION

It is recommended that the Board agree to seek further information from various leaseholders with respect to their circumstances and compliance with the residency condition of their perpetual leases.

It is also recommended that the Board agree to develop a policy designed to articulate the administrative criteria that will guide the Board when considering applications for suspension of the condition of residency and any action to enforce this condition.

Prepared: James Lonergan, Manager Environment & Community Services

Endorsed: Penny Holloway, Chief Executive Officer