

# LORD HOWE ISLAND BOARD

## Business Paper

### ITEM

Extension of Term of Special Leases

### RECOMMENDATION

It is recommended that the Board seek the Minister's approval for the extension of all existing Special leases on the Island until 31 December 2019 subject to the existing conditions of the leases.

### BACKGROUND

All land on Lord Howe Island is Crown land and may only be dealt with in accordance with the provisions of the *Lord Howe Island Act 1953* (the Act). Section 22 of the Lord Howe Island Act, 1953 provides that the Minister may grant Special leases for cultivation or grazing or cultivation and grazing or for such other purpose as the Minister, on the recommendation of the Board, may approve. Section 22 further provides that the term of a Special lease may be fixed for any period not exceeding 10 years, but such term may be extended by the Minister for such period as the Board may recommend.

The last major review of allocation and use of Special leases on the Island was undertaken in 2005. Expressions of interest were also invited from members of the community for the use of vacant crown land for grazing, agricultural and associated activities, under Special Lease. Subsequently the Board recommended that the Minister grant 17 new Special leases for a period of up to 10 years (5+5) and these were approved by the Minister to commence on 01 January 2006. The Minister approved an extension of the term of these leases from 1 January 2011 for the second five year period expiring 31 December 2015.

In March 2014 the Government announced a review of land allocation and tenure arrangements for Lord Howe Island and appointed the Hon Ken Handley AO QC to conduct the review. Following consultation with the Island community and other stakeholders, a discussion paper seeking public comment was released in August 2014. Public submissions closed in October 2014. The final report on the Handley review was completed in February 2015. The report including preliminary Government response was made available on the Island for comments in November 2016. This issue is currently being considered by Government.

During the course of the Handley review and report, the term of Special leases became due to expire. In order to forestall the expiry the Minister, on recommendation of the Board, approved the extension of term of all Special leases for an additional two years. This extension concludes on 31 December 2017.

### CURRENT POSITION

The Handley review, report and the preliminary Government response contain recommendations which will have direct implications for Special leases if adopted. Given that some of these will include changes in legislation, it would be prudent to seek an interim extension of the term of all existing Special leases for a further two years.

## **RECOMMENDATION**

It is recommended that the Board seek the Minister's approval for the extension of all existing Specials leases on the Island until 31 December 2019 subject to the existing conditions of the leases.

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