

1980-81

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

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Presented and read a first time, 4 June 1981

*(Minister for Administrative Services)*

## A BILL

FOR

### **An Act relating to the acquisition by the Commonwealth of certain land in the Northern Territory**

BE IT ENACTED by the Queen, and the Senate and the House of Representatives of the Commonwealth of Australia, as follows:

5 **Short title**

1. This Act may be cited as the *Lands Acquisition (Northern Territory Pastoral Leases) Act 1981*.

**Commencement**

2. This Act shall come into operation on a date to be fixed by Proclamation.

10 **Interpretation**

3. (1) In this Act, unless the contrary intention appears—

“interest”, in relation to land, means—

(a) a legal or equitable estate or interest in the land; or

(b) a right, power or privilege over, or in connection with, the land;

15 “Lands Acquisition Act” means the *Lands Acquisition Act 1955*;

“mining interest”, in relation to land, means—

- (a) an interest in the land granted under the *Mining Act* of the Northern Territory; or
- (b) an interest in the land existing by virtue of an authority under section 41 of the *Atomic Energy Act 1953*;

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“non-mining interest”, in relation to land, means an interest in the land other than a mining interest;

“person” does not include the Commonwealth;

“relevant land” means the land described in the Schedule and includes all non-mining interests in that land but does not include any mining interests in that land.

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(2) In provisions of the Lands Acquisition Act as applying by virtue of this Act—

- (a) “Supreme Court” means the Supreme Court of the Northern Territory of Australia;
- (b) “the date of acquisition”, in relation to land, means the date of commencement of this Act;
- (c) “this Act” means—
  - (i) the Lands Acquisition Act as applying by virtue of this Act; or
  - (ii) this Act;
- (d) “claimant”, “court of summary jurisdiction”, “mortgagee” and “mortgagor” have the meanings they have in the Lands Acquisition Act.

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**Object of Act**

4. The object of this Act is to ensure, as soon as it is practicable to do so, that, notwithstanding the uncertainty that has arisen in relation to the effectiveness of the acquisition of the relevant land by the Commonwealth under the Lands Acquisition Act in 1978, that land is vested in the Commonwealth, and the Commonwealth has a right to immediate possession of that land, for the purpose of including that land in a park or parks established or to be established pursuant to the *National Parks and Wildlife Conservation Act 1975* and of using or enabling the use of part of that land for the development of uranium mining.

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**Acquisition of land**

5. On the commencement of this Act, the relevant land (other than the interests of the Commonwealth in that land) is, by force of this Act—

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- (a) vested in the Commonwealth; and
- (b) freed and discharged from all interests (other than mining interests), trusts, restrictions, dedications, reservations, obligations, contracts, licences, charges and rates,

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to the intent that the legal estate in the land and all rights and powers incident to that legal estate or conferred by this Act are vested in the Commonwealth.

**Possession of relevant land**

6. On the commencement of this Act, the Commonwealth is entitled to immediate vacant possession of the relevant land.

**Conversion of interests into claims for compensation**

5 7. On the commencement of this Act, each non-mining interest of a person in the relevant land is converted into a right to compensation under this Act.

**Notice to owner**

10 8. (1) The Minister shall, as soon as practicable after the acquisition of the relevant land under section 5, cause a copy of a notice of acquisition of the land, in accordance with a form approved by the Minister, to be served upon each person who had a non-mining interest in the land immediately before the commencement of this Act or on 22 June 1978 (in this section referred to as an "owner"), or such of them as can, after diligent inquiry, be ascertained.

(2) Where—

- 15 (a) the Minister is unable, after diligent inquiry, to ascertain the identity of an owner; or
- (b) service on an owner cannot be effected under sub-section (1) in accordance with section 66 of the Lands Acquisition Act as applying by virtue of section 12 of this Act,

20 service on that owner may be effected by causing a copy of the notice of acquisition to be published in a newspaper circulating in the district in which the relevant land is situated.

**Registration of acquisition**

25 9. (1) After the commencement of this Act, the Crown Solicitor may lodge with the Registrar-General for the Northern Territory or other proper officer of the Northern Territory a copy of the notice of acquisition referred to in section 8, certified under the hand of the Crown Solicitor or of an officer of the Attorney-General's Department authorized by the Crown Solicitor to certify copies of notices of acquisition under the Lands Acquisition Act.

30 (2) The officer with whom the copy of a notice of acquisition is lodged in pursuance of sub-section (1) may register the acquisition in the manner as nearly as may be in which dealings with land are registered, and may deal with and give effect to the copy of the notice of acquisition as if it were a grant, conveyance, memorandum or instrument of transfer of the land to the Commonwealth duly executed under the laws in force in the Northern Territory.

**Compensation for acquisition**

40 10. Part IV of the Lands Acquisition Act applies in relation to interests in the relevant land that have been acquired by the Commonwealth by force of this Act as if the relevant land had been acquired by compulsory process under the Lands Acquisition Act on the commencement of this Act and as if the right

to compensation under section 7 of this Act were a right to compensation under section 11 of the Lands Acquisition Act.

**Mortgages over relevant land**

**11.** Part VI of the Lands Acquisition Act applies in relation to interests in the relevant land that have been acquired by the Commonwealth by force of this Act as if the relevant land had been acquired by compulsory process under the Lands Acquisition Act on the commencement of this Act. 5

**Miscellaneous**

**12. (1)** Subject to sub-section (2), sections 13, 55, 56, 57, 58, 59, 60, 62, 64, 65 and 66 of the Lands Acquisition Act apply in relation to interests in the relevant land that have been acquired by the Commonwealth by force of this Act as if the relevant land had been acquired by compulsory process under the Lands Acquisition Act on the commencement of this Act. 10

**(2)** Section 57 of the Lands Acquisition Act applies by virtue of sub-section (1) as if in that section “otherwise than by virtue of an agreement under section 56” were substituted for “otherwise than by virtue of a subsisting lease or agreement”. 15

**Act not to affect prior acquisition**

- 13.** This Act shall not be read as implying that—
  - (a) the relevant land or an interest in the relevant land was not acquired by compulsory process under the Lands Acquisition Act so that the relevant land or interest became vested in the Commonwealth on 23 June 1978; or 20
  - (b) if the relevant land was so acquired, the persons with non-mining interests in that land on 22 June 1978 are not entitled to compensation under the Lands Acquisition Act by reason of that acquisition. 25

**Regulations**

**14.** The Governor-General may make regulations, not inconsistent with this Act, prescribing all matters necessary or convenient to be prescribed for carrying out or giving effect to this Act. 30



**SCHEDULE**

Section 3

**MUDGINBERRI PASTORAL LEASE**

All that piece and parcel of land which was the subject of Pastoral Lease No. 739 granted on 28 July 1969 and which is described and delineated in Register Book of Crown Leases Volume 76, Folio 57 kept by the Registrar-General for the Northern Territory as Northern Territory Portion 1171 situate in the Darwin and Gulf District in the Northern Territory and containing an area of 427 square miles or thereabouts.

**MUNMARLARY PASTORAL LEASE**

All that piece and parcel of land which was the subject of Pastoral Lease 737 granted on 5 June 1969 and which is described and delineated in Register Book of Crown Leases Volume 75, Folio 30 kept by the Registrar-General for the Northern Territory as Northern Territory Portion 1168 situate in the Darwin and Gulf District in the Northern Territory and containing an area of 390 square miles or thereabouts.





