

REGULATIONS 1979, No 14*

Regulations under the *Lands Acquisition Act*

I, JOHN ARMSTRONG ENGLAND, the Administrator of the Northern Territory of Australia, acting with the advice of the Executive Council, hereby make the following Regulations under the *Lands Acquisition Act*.

Dated this thirty-first day of July 1979.

J. A. ENGLAND
Administrator

LANDS ACQUISITION REGULATIONS

- | | |
|--|---------------------------------|
| <p>1. These Regulations may be cited as the Lands Acquisition Regulations.</p> | Citation |
| <p>2. A reference in these Regulations to a form by number is a reference to the form so numbered in the Schedule.</p> | Reference to forms |
| <p>3. For the purposes of section 4 of the Act, the following planning instruments are prescribed:</p> <p style="padding-left: 40px;">the Alice Springs town Planning Scheme;
the Darwin Town Plan 1978;
Katherine Town Planning Scheme; and
Tennant Creek Town Plan.</p> | Prescribed planning instruments |
| <p>4. For the purposes of the sections of the Act specified in each of the following paragraphs, the form specified in that paragraph is prescribed:</p> <p style="padding-left: 40px;">(a) section 32(1)(b)(iii)—Form 1;
(b) section 34(1)(a)—Form 2;
(c) section 34(2)—Form 3;
(d) section 36(2)(a)—Form 4;
(e) section 49(3)—Form 5;
(f) section 52(1)—Form 6;
(g) section 57(2)—Form 7;
(h) section 68(2)(b)(i)—Form 8;
(j) section 73(2)(a)—Form 9; and
(k) section 79—Form 10.</p> | Forms |
| <p>5. For the purposes of section 36(2)(b) of the Act the prescribed fee is \$20.</p> | Fees |

*Notified in the *Northern Territory Government Gazette* on 3 August, 1979.

SCHEDULE

FORM 1

Regulation 4

THE NORTHERN TERRITORY OF AUSTRALIA

Lands Acquisition Act

Section 32(1)(b)(iii)

NOTICE OF PROPOSED ACQUISITION OF LAND

I, the Minister for Lands and Housing, give notice that I have served or propose to serve a notice of proposal in relation to the proposed acquisition by the Territory of the following land:

.....
[description of the land proposed to be acquired]

Any person who has an interest in that land may lodge with me a claim that he is affected by that proposal.

Claims should be sent to or to
[address]

the Crown Solicitor for the Northern Territory, Department of Law, Darwin,
by19.....
Minister for Lands and Housing

FORM 2

Regulation 4

THE NORTHERN TERRITORY OF AUSTRALIA

Lands Acquisition Act

Section 34(1)(a)

NOTICE OF PROPOSAL

I understand that you have an interest in the following land:

.....
[description of land proposed to be acquired]

The Territory proposes to acquire this land from you under the *Lands Acquisition Act*. I have enclosed a separate notice which sets out, in general terms, the procedure which will be followed, and what courses are open to you if you wish to dispute the Territory's proposal.

The reason for the proposal to acquire this land is to enable the Territory to use or develop the land in the following manner:

.....
[details of the manner in which it is proposed to use or develop the land, once acquired]

If you have any questions about this proposal, you should contact Mr/Ms Department
at the
on telephone

.....
[Delegate of the]
Minister for Lands and Housing

(Encl.)



FORM 3

Regulation 4

THE NORTHERN TERRITORY OF AUSTRALIA

Lands Acquisition Act

Section 34(2)

EXPLANATORY STATEMENT REGARDING
NOTICE OF PROPOSAL

You have been served with a notice of proposal telling you the details of a Territory proposal to use or develop land in which it appears you have an interest. This document sets out in general terms what courses are open to you, and you should keep it for reference purposes.

You may wish to sell your interest in the land to the Territory. If you do, you should contact the department which will deal with you in exactly the same way as any other ordinary purchaser would deal with you.

If you do not wish to sell your interest in the land, or are dissatisfied with the way the Territory proposes to use or develop the land, you may refer the question of whether your land should be acquired to the Lands Acquisition Tribunal. You will find attached a reference form for this purpose.

You should note that you have only 28 days to refer this question to the Tribunal. If you decide after that time to go to the Tribunal, you will need to have the permission of the Chairman of the Tribunal.

The Tribunal will, in an informal manner, hear evidence from both yourself and the department and will then make a recommendation to the Minister. You will receive a copy of the recommendation.

Except in special circumstances, the Territory cannot acquire your land while the Tribunal is considering the matter.

Finally, the Tribunal has the power to award costs in proceedings before it can order the Territory to pay valuation and any other costs at any stage in the proceedings.

(Att.)

FORM 4

Regulation 4

THE NORTHERN TERRITORY OF AUSTRALIA

Lands Acquisition Act

Section 36(2)(a)

REFERENCE TO LANDS ACQUISITION TRIBUNAL

- 1. Name of affected person:
- 2. Address of affected person:
- 3. Interest held: *
- 4. Description of land proposed to be acquired:
- 5. Date of service of notice of proposal

I attach a copy of the notice of proposal and refer the proposal to the Tribunal.

Date: / /

Signature

*lessee, owner, mortgagee, &c.
(Att.)

FORM 5

Regulation 4

THE NORTHERN TERRITORY OF AUSTRALIA

Lands Acquisition Act

Section 49(3)

EXPLANATORY STATEMENT REGARDING NOTICE OF ACQUISITION

You were recently served with a notice of proposal which gave you notice of a proposal by the Territory to acquire your land. The Territory has now decided to acquire your land, and a notice of acquisition, which has effect to transfer your interest in the land to the Territory, was published in the Government Gazette on ... , 19..... A copy of the notice is enclosed for your information.

You are entitled to compensation for the loss of your interest in the land, and it may be that you have already begun negotiations with the Territory to agree on a fair price. You will find enclosed a formal offer of compensation for your interest in the land. You should study this offer carefully to see if it is satisfactory.

The offer may be an offer of financial compensation, or an offer of alternative land, or a combination of both. If you are dissatisfied with the offer, you may serve a notice of dispute on the Minister for Lands and Housing.

You should remember that, under the Act—

1. You can only claim financial compensation. That is, if you are dissatisfied with an offer of alternative land, you cannot claim that you should have been offered other land.

2. You have only 60 days to serve the notice of dispute on the Minister.

If the Territory disputes the figure you claim in a notice of dispute and agreement cannot be reached, either party may refer the matter to the Lands Acquisition Tribunal. The Tribunal will, in an informal manner, hear both parties and the evidence about the value of the land and reach a decision on what is fair compensation.

You are entitled to have paid to you immediately 90 per cent of the amount of financial compensation offered you.

Finally, you should be aware that the Tribunal can order the Territory, in appropriate cases, to pay your valuation, survey and other costs, even before the hearing of the Tribunal about the amount of compensation is completed.

If you have any questions, or wish to have 90 per cent of the amount offered paid to you at once, or start negotiations about the amount of compensation, please contact Mr/Ms at the Department on telephone

(Encl.)



FORM 6

Regulation 4

THE NORTHERN TERRITORY OF AUSTRALIA

Lands Acquisition Act

Section 52(1)

CLAIM FOR COMPENSATION

To: Minister for Lands and Housing

- 1. Name of claimant:
- 2. Address of claimant:
- 3. Description of acquired land:
- 4. Date land acquired under *Lands Acquisition Act*:
- 5. Interest in acquired land:*

I declare that, before the date of acquisition of the land, I was the holder of the interest specified in that land, and claim compensation accordingly.

Date: / /

Signature

*lessee, owner, mortgagee, &c.

FORM 7

Regulation 4

THE NORTHERN TERRITORY OF AUSTRALIA

Lands Acquisition Act

Section 57(2)

APPLICATION FOR DETERMINATION AS TO OCCUPANCY

I, the Minister for Lands and Housing, apply for a determination as to occupancy in relation to the land described:

- 1. Description of land:
- 2. Name of occupant:
- 3. Date land acquired under *Lands Acquisition Act*:
- 4. Date of offer of compensation:

Minister for Lands and Housing

FORM 8

Regulation 4

THE NORTHERN TERRITORY OF AUSTRALIA

Lands Acquisition Act

Section 68(2)(b)(i)

NOTICE OF DISPUTE

To: Minister for Lands and Housing

- 1. Name of claimant:
- 2. Address of claimant:
- 3. Description of acquired land:
- 4. Date of offer of compensation or resettlement:

I am not satisfied with the offer you have made for my interest in the acquired land.
I claim the following compensation/additional compensation: *\$

Date: / /

.....
Signature

*If you have been offered resettlement, without financial compensation, you may claim only financial compensation. However, if you have been offered resettlement with financial compensation or simply financial compensation, you may claim additional financial compensation. In either case, you should write the amount of money you are claiming.

FORM 9

Regulation 4

THE NORTHERN TERRITORY OF AUSTRALIA

Lands Acquisition Act

Section 73(2)(a)

CLAIM FOR COMPENSATION

To: Minister for Lands and Housing

- 1. Name of claimant:
- 2. Address of claimant:
- 3. Description of land:
- 4. Interest in land:*
- 5. If this is a claim for compensation for loss caused by the abandonment of a proposal to acquire the land—
 - (a) date of notice of proposal:
 - (b) date of hearing, if any, by the Lands Acquisition Tribunal:
 - (c) date of notice of abandonment:
- 6. If this is a claim for damages for loss caused by a person who was on the land to investigate whether the land should be acquired—
 - (a) name of person who entered the land (if known):
 - (b) details of the damage done:
- 7. I claim \$ as compensation.

Date: / /

Signature

*lessee, owner, mortgagee, &c.

FORM 10

Regulation 4

THE NORTHERN TERRITORY OF AUSTRALIA

Lands Acquisition Act

Section 79

NOTICE OF HEARING

NOTICE OF HEARING of claim for compensation lodged by in relation to the following land:

[description of land acquired]

- *Date of further preliminary hearings:
- *Time of further preliminary hearings:
- *Place of further preliminary hearings:
- Date of hearing:
- Time of hearing:
- Place of hearing:

Registrar,
Lands Acquisition Tribunal

*Delete if inapplicable