

NORTHERN TERRITORY OF AUSTRALIA

LANDS ACQUISITION REGULATIONS 1979

As in force at 1 January 2015

Table of provisions

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NORTHERN TERRITORY OF AUSTRALIA

As in force at 1 January 2015

LANDS ACQUISITION REGULATIONS 1979

Regulations under the *Lands Acquisition Act 1978*

1 Citation

These Regulations may be cited as the *Lands Acquisition Regulations 1979*.

2 Reference to forms

A reference in these Regulations to a form by number is a reference to the form so numbered in the Schedule.

4 Forms

For the purposes of the sections of the Act specified in each of the following paragraphs, the form specified in that paragraph is prescribed:

- (a) section 32(1)(b)(iii) – Form 1;
- (b) section 34(1)(a) – Form 2;
- (c) section 34(2) – Form 3;
- (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.

5 Fees

For the purposes of section 36(2)(b) of the Act the prescribed fee is \$20.

Schedule

FORM 1

regulation 4

NORTHERN TERRITORY OF AUSTRALIA

Lands Acquisition Act 1978

section 32(1)(b)(iii)

NOTICE OF PROPOSED ACQUISITION OF LAND

I, the Minister for, 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 by/...../..... a claim that he is affected by that proposal.

Claims should be sent to
.....
.....

.....
Minister

FORM 2

regulation 4

NORTHERN TERRITORY OF AUSTRALIA

Lands Acquisition Act 1978

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 1978*. 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 land to be dealt with in the following manner:

.....
(details of the manner in which it is proposed to deal with the land, once acquired)

If you have any questions about this proposal, you should contact:

Mr/Mrs/Ms

Address

Telephone

.....
Minister for

FORM 3

regulation 4

NORTHERN TERRITORY OF AUSTRALIA

Lands Acquisition Act 1978

section 34(2)

EXPLANATORY STATEMENT REGARDING NOTICE OF PROPOSAL

You have been served with a notice telling you the details of a Territory proposal to deal with land in which it appears you have an interest. This explanatory statement 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 deal with the land, you may refer the question of whether your land should be acquired to the Civil and Administrative 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 President 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.

The Tribunal has the power to:

- (a) award costs in the proceedings against either party; and
- (b) at any time during the proceeding, order the Minister to pay to a party an amount on account of the party's costs (including valuation and survey fees).

FORM 5

regulation 4

NORTHERN TERRITORY OF AUSTRALIA

Lands Acquisition Act 1978

section 49(3)

EXPLANATORY STATEMENT REGARDING NOTICE OF ACQUISITION

You were recently served with advice which gave you notice of a proposal by the Territory to acquire your land. The acquisition is proceeding. A notice of the acquisition, which has effect to transfer your interest in the land to the Territory, was published in the *N.T. Government Gazette* No. on .../.../.... 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.

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

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

You should remember that, under the Act 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 Civil and Administrative 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.

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. The Tribunal can award costs against either party.

If you have any questions, or wish to have 90% of the amount offered paid to you at once, or start negotiations about the amount of compensation, please contact:

FORM 6

regulation 4

NORTHERN TERRITORY OF AUSTRALIA

Lands Acquisition Act 1978

section 52(1)

CLAIM FOR COMPENSATION

To: The Minister for

1. Name of claimant:

2. Address of claimant:

3. Description of acquired land:

4. Date land acquired under *Lands Acquisition Act 1978*:/...../.....

5. Interest in acquired land:.....
(lessee, owner, mortgagee, &c.)

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

FORM 7

regulation 4

NORTHERN TERRITORY OF AUSTRALIA

Lands Acquisition Act 1978

section 57(2)

APPLICATION FOR DETERMINATION AS TO OCCUPANCY

I, the Minister for 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

FORM 8

regulation 4

NORTHERN TERRITORY OF AUSTRALIA

Lands Acquisition Act 1978

section 68(2)(b)(i)

NOTICE OF DISPUTE

To: Minister for

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, you may claim additional financial compensation. In either case, you should write the amount of money you are claiming.

FORM 9

regulation 4

NORTHERN TERRITORY OF AUSTRALIA

Lands Acquisition Act 1978

section 73(2)(a)

CLAIM FOR COMPENSATION

- To: Minister for
1. Name of claimant:
 2. Address of claimant:
 3. Description of land:
 4. Interest in land:
(Lessee, owner, mortgagee, &c.)
 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 Civil and Administrative 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 damages done:
.....
 7. I claim \$ as compensation.
- Date:/...../.....

.....
Signature

FORM 10

regulation 4

NORTHERN TERRITORY OF AUSTRALIA

Lands Acquisition Act 1978

section 79

NOTICE OF HEARING

NOTICE OF HEARING of claim for compensation lodged by

.....
(*claimant*)

in relation to the following land:

.....
(*description of land acquired*)

* Date of further preliminary hearings: / /

* Time of further preliminary hearings: a.m./p.m.

* Place of further preliminary hearings:

Date of hearing: / /

Time of hearing: a.m./p.m.

Place of hearing:

.....

Registrar,
Civil and Administrative Tribunal

* Delete if inapplicable

ENDNOTES
1 KEY

Key to abbreviations

| | |
|------------------------------|-------------------------------------|
| amd = amended | od = order |
| app = appendix | om = omitted |
| bl = by-law | pt = Part |
| ch = Chapter | r = regulation/rule |
| cl = clause | rem = remainder |
| div = Division | renum = renumbered |
| exp = expires/expired | rep = repealed |
| f = forms | s = section |
| Gaz = <i>Gazette</i> | sch = Schedule |
| hdg = heading | sdiv = Subdivision |
| ins = inserted | SL = Subordinate Legislation |
| lt = long title | sub = substituted |
| nc = not commenced | |

2 LIST OF LEGISLATION***Lands Acquisition Regulations (SL No. 14, 1979)***

| | |
|-----------|---------------|
| Notified | 3 August 1979 |
| Commenced | 3 August 1979 |

Amendments of the Lands Acquisition Regulations (SL No. 45, 1986)

| | |
|-----------|------------------|
| Notified | 12 November 1986 |
| Commenced | 12 November 1986 |

Northern Territory Civil and Administrative Tribunal (Conferral of Jurisdiction Amendments) (No. 2) Act 2014 (Act No. 35, 2014)

| | |
|-------------|--|
| Assent date | 13 November 2014 |
| Commenced | pts 4, 9, 10 and 19: 1 June 2015 (<i>Gaz</i> S53, 29 May 2015, p 2); rem: 1 January 2015 (<i>Gaz</i> G51, 24 December 2014, p 7) |

3 GENERAL AMENDMENTS

General amendments of a formal nature (which are not referred to in the table of amendments to this reprint) are made by the *Interpretation Legislation Amendment Act 2018* (Act No. 22 of 2018) to: r 1 and sch 1.

4 LIST OF AMENDMENTS

| | |
|-----|--|
| r 3 | rep No. 45, 1986, r 1 |
| r 4 | amd Act No. 35, 2014, s 143 |
| sch | sub No. 45, 1986, r 2 amd Act No. 35, 2014, s 143 |