

NORTHERN TERRITORY OF AUSTRALIA
REAL PROPERTY (STATUTORY CHARGES
CONSEQUENTIAL AMENDMENTS) ACT 1993

No. 77 of 1993

TABLE OF PROVISIONS

Section

1. Short title
2. Commencement
3. Amendment of *Bushfires Act*
4. Amendments of *Darwin Rates Act*:

"47. RATES A CHARGE ON LAND"
5. Amendment of *Electricity Act*
6. Amendment of *Fire Service Act*
7. Amendment of *Heritage Conservation Act*
8. Amendment of *Legal Aid Act*
9. Amendments of *Local Government Act*:

"123. RATES AND CHARGES A CHARGE ON LAND"
10. Amendments of *Noxious Weeds Act*
11. Amendments of *Pastoral Land Act*
12. Amendment of *Plant Diseases Control Act*
13. Amendments of *Soil Conservation and Land
Utilization Act*
14. Amendment of *Water Supply and Sewerage Act*
15. Saving of caveats



NORTHERN TERRITORY OF AUSTRALIA

No. 77 of 1993

AN ACT

to amend certain Acts consequential on the
Real Property Act (No. 2) 1993,
and for related purposes

[Assented to 23 November 1993]

BE it enacted by the Legislative Assembly of the Northern Territory of Australia, with the assent as provided by the *Northern Territory (Self-Government) Act 1978* of the Commonwealth, as follows:

1. SHORT TITLE

This Act may be cited as the *Real Property (Statutory Charges Consequential Amendments) Act 1993*.

2. COMMENCEMENT

This Act shall come into operation on the commencement of the *Real Property Amendment Act (No. 2) 1993*.

3. AMENDMENT OF *BUSHFIRES ACT*

Section 47(5) of the *Bushfires Act* is amended by omitting "debt due to the Territory" and substituting "debt due and payable to the Territory and a statutory charge, within the meaning of the *Real Property Act*, on the land".

4. AMENDMENTS OF *DARWIN RATES ACT*

(1) Section 47 of the *Darwin Rates Act* is repealed and the following substituted:

"47. RATES A CHARGE ON LAND

"Subject to this Act, a rate due and unpaid, and all costs awarded to the Territory by a court in a proceeding

*Real Property (Statutory Charges
Consequential Amendments)*

relating to a rate, are an overriding statutory charge, within the meaning of the *Real Property Act*, on the land."

5. AMENDMENT OF *ELECTRICITY ACT*

(1) Section 30A(3) of the *Electricity Act* is amended by omitting all words after "sub-section (2)" and substituting "is an overriding statutory charge, within the meaning of the *Real Property Act*, on the parcel of land."

6. AMENDMENT OF *FIRE SERVICE ACT*

Section 95 of the *Fire Service Act* is amended by inserting after subsection (3) the following:

"(3A) A fee due and payable under this section in relation to land or a building on land is a statutory charge, within the meaning of the *Real Property Act*, on the land."

7. AMENDMENT OF *HERITAGE CONSERVATION ACT*

Section 49(5) of the *Heritage Conservation Act* is amended by inserting, after "was served", the words "and, where the debt is incurred in relation to a heritage place, it is an overriding statutory charge, within the meaning of the *Real Property Act*, on the land comprising the place."

8. AMENDMENT OF *LEGAL AID ACT*

Section 59 of the *Legal Aid Act* is amended -

(a) by omitting from subsection (1) "notice under" and "charge" and substituting "application referred to in" and "statutory charge, within the meaning of the *Real Property Act*," respectively;

(b) by omitting subsections (2), (3) and (4) and substituting the following:

"(2) The Director may, in the name and on behalf of the Commission, apply under section 48A of the *Real Property Act* to have the charge registered."; and

(c) by omitting from subsection (6) "the Registrar of Titles" and substituting "the Registrar-General".

*Real Property (Statutory Charges
Consequential Amendments)*

9. AMENDMENTS OF *LOCAL GOVERNMENT ACT*

(1) Section 123 of the *Local Government Act* is repealed and the following substituted:

"123. RATES AND CHARGES A CHARGE ON LAND

"Subject to this Act, a rate or charge due and unpaid, and all costs awarded to a council by a court or the Tribunal in proceedings in relation to a rate or charge, are an overriding statutory charge, within the meaning of the *Real Property Act*, on the land."

(2) Subsections (2) and (3) of section 136 of the *Local Government Act* are repealed.

10. AMENDMENTS OF *NOXIOUS WEEDS ACT*

(1) Section 10(1) of the *Noxious Weeds Act* is amended by inserting, after "carrying out of the work", the words "and the debt is a statutory charge, within the meaning of the *Real Property Act*, on the land".

(2) Sections 12, 13, 14 and 15 of the *Noxious Weeds Act* are repealed.

11. AMENDMENTS OF *PASTORAL LAND ACT*

Section 124(1) of the *Pastoral Land Act* is amended by omitting "a first charge" and substituting "an overriding statutory charge, within the meaning of the *Real Property Act*,".

12. AMENDMENT OF *PLANT DISEASES CONTROL ACT*

Section 20(5) of the *Plant Diseases Control Act* is amended by inserting, after "the orchard", the words "and are a statutory charge, within the meaning of the *Real Property Act*, on the land."

13. AMENDMENTS OF *SOIL CONSERVATION AND LAND UTILIZATION ACT*

Section 22(3) of the *Soil Conservation and Land Utilization Act* is amended -

(a) by omitting from paragraph (a) "and";

(b) by omitting from paragraph (b) "competent jurisdiction." and substituting "competent jurisdiction; and"; and

(c) by adding at the end the following:

"(c) is a statutory charge, within the meaning of the *Real Property Act*, on the land."

*Real Property (Statutory Charges
Consequential Amendments)*

14. AMENDMENT OF *WATER SUPPLY AND SEWERAGE ACT*

Section 33 of the *Water Supply and Sewerage Act* is amended by adding at the end the following:

"(11) Without limiting the Authority's power under subsection (10), a charge, fee or other amount due and payable under this Act to the Authority in respect of the sewerage service or water supply to land is an overriding statutory charge, within the meaning of the *Real Property Act*, on the land."

15. SAVING OF CAVEATS

Nothing in this Act or the *Real Property Act* as amended by the *Real Property Amendment Act (No. 2) 1993* shall be construed as rendering invalid or ineffective a caveat lodged under the *Real Property Act* in pursuance of a provision of an Act amended or repealed by this Act.
