

NORTHERN TERRITORY OF AUSTRALIA
REAL PROPERTY AMENDMENT ACT 1989

No. 59 of 1989

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NORTHERN TERRITORY OF AUSTRALIA

No. 59 of 1989

AN ACT

to amend the *Real Property Act*

[Assented to 2 October 1989]

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 Amendment Act 1989*.

2. COMMENCEMENT

This Act shall come into operation on a date to be fixed by the Administrator by notice in the *Gazette*.

3. PRINCIPAL ACT

The *Real Property Act* is in this Act referred to as the Principal Act.

4. NEW SECTIONS

The Principal Act is amended by inserting after section 191 the following:

"PART XVIA - MEMORIALS INDICATING RESTRICTIONS ON USE

"191A. CAUTION NOTICES

"(1) Upon a first grant or transfer of land, freehold or leasehold, from the Crown or at any time afterwards with the consent in writing of the registered proprietor of any interest in the land, the Minister or, as the case may be, Commonwealth Minister having administrative responsibility for the first grant or

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transfer of the land, may, if he or she is of the opinion that characteristics of or relating to the land may adversely affect its use or occupation, lodge with the Registrar-General a memorandum -

- (a) identifying the land;
- (b) setting out the characteristics of or relating to that land that, in the opinion of the Minister or, as the case may be, Commonwealth Minister, may adversely affect its use or occupation; and
- (c) where the memorandum is lodged other than upon the first grant or transfer of the land, containing the consent of the registered proprietor of any interest in the land.

"(2) Without limiting the generality of subsection (1), characteristics of or relating to land which may be set out in a memorandum include -

- (a) a propensity towards flooding;
- (b) the presence of unexploded bombs or other ordnance; and
- (c) the presence of rubbish disposal or landfill sites, whether compacted or not.

"(3) The Registrar-General shall register a memorandum lodged under subsection (1), and shall enter a memorial (in this Part referred to as a caution notice) in the relevant register against the land to which the memorandum relates.

"(4) A caution notice does not, of itself, preclude any dealing with the land.

"191B. NOTICES OF STATUTORY RESTRICTIONS

"(1) Where, pursuant to a law of the Territory, a restriction is imposed on the use or occupation or any dealing with land the Minister having responsibility for the administration of the law imposing the restriction may lodge with the Registrar-General a memorandum -

- (a) identifying the land which is subject to the restriction;
- (b) specifying the statutory authority under which the restriction was imposed, and the date on which it was imposed; and
- (c) requesting that a memorial be entered in the appropriate register in relation to the land.

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"(2) A restriction under this section includes the right of the Crown to revoke the reservation on land held by a council on lease pursuant to section 337 of the *Local Government Act*.

"(3) Where land is prescribed property within the meaning of the *Associations Incorporation Act* and was acquired wholly or partly from or using funds obtained under a grant from the Commonwealth, the appropriate Commonwealth Minister may lodge the memorandum referred to in subsection (1).

"(4) The Registrar-General shall register a memorandum lodged under this section, and shall enter a memorial (in this Part referred to as a statutory restrictions notice) in the relevant register against the land to which the memorandum relates.

"(5) A statutory restrictions notice does not, of itself, preclude any dealings with land but has effect according to the tenor of the statutory restriction to which it refers.

"191C. REMOVAL OF MEMORIALS

"The Minister may, if satisfied that the reason for the entry of a memorial under this Part no longer exists, direct the Registrar-General to remove the memorial, and the Registrar-General shall remove it accordingly.

"191D. NO LIABILITY ON MINISTER, &c.

"No action or proceeding shall lie against a Minister or Commonwealth Minister or the Territory or the Commonwealth on account of anything done or omitted to be done for the purposes of this Part or done or omitted to be done in good faith and purported to be done in pursuance of this Part."
