

# THE NORTHERN TERRITORY OF AUSTRALIA

No. 53 of 1979

## AN ACT

To amend the Lands Acquisition Act  
consequent upon the Planning Act 1979

[Assented to 14 May 1979]

**B**E 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:

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|---|----------------|
| 1. This Act may be cited as the <u>Lands Acquisition Act 1979</u> .   | Short title    |
| 2. This Act shall come into operation on a date to be fixed by the Administrator by notice published in the <u>Gazette</u> .  | Commencement   |
| 3. The <u>Lands Acquisition Act</u> is in this Act referred to as the Principal Act.  | Principal Act  |
| 4. Section 4 of the Principal Act is amended -  | Interpretation |
| (a) by omitting the definition of "date of acquisition" and substituting the following definition:<br><br>"date of acquisition" means, in relation to land -<br><br>(a) acquired under Division 1 of Part V - the date upon which a notice of acquisition in relation to that land is published in the <u>Gazette</u> ; or<br><br>(b) which vests in the Territory by operation of section 48C - the date 2 months after the date of service of the notice under section 48C on the Minister;"; and |                |
| (b) by inserting after the definition of "Registrar-General" the following definition:<br><br>"reserved land" means land reserved by a planning instrument under the <u>Planning Act</u> (a prescribed planning instrument excepted) for acquisition by the Territory   |                |

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to implement a proposal for the use or development of the land;"

5. The Principal Act is amended by inserting in Part IV immediately before section 32 the following section:

Application           "31A. This Part does not apply to or in relation to reserved land."

Hearing               6. Section 40(3) of the Principal Act is amended by omitting "The Tribunal may consider, in addition to the matters referred to in sub-section (2)," and substituting "Without limiting the generality of the power of the Tribunal under sub-section (2), the Tribunal may consider".

Time limits           7.(1) Section 44(1) of the Principal Act is amended by inserting after "land" the words "(reserved land excepted)".

(2) Section 44(3) of the Principal Act is amended by inserting after "land" the words "(reserved land excepted)".

8. The Principal Act is amended by inserting after Division 1 of Part V the following Division:

### "Division 1A - Reserved Land

Notice to acquire       "48A.(1) The owner of any reserved land may, at any time, serve on the Minister a notice requiring the acquisition of that land by the Territory.

"(2) A notice under sub-section (1) shall be in the prescribed form.

Minister to acquire land   "48B. The Minister shall, within 2 months of receiving a notice under section 48A(1), acquire the land specified in the notice.

Deemed acquisition       "48C.(1) If the Minister fails to comply with section 48B in relation to any reserved land -

(a) that land, by force of this sub-section, vests in the Territory freed and discharged from all interests, trusts, restrictions, dedications, reservations, obligations, encumbrances, contracts, licences, charges and rates of any kind on the expiration of 2 months after the Minister receives the notice under section 48A(1); and

(b) subject to sub-section (2), any interest that a person had in the acquired land shall be divested or modified to the extent necessary to give effect to this sub-section.

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"(2) A mining interest is not acquired under this section unless the notice served under section 48A(1) -

- (a) is signed by or on behalf of the person holding the mining interest; and
- (b) requires, either by specific or general reference, that the mining interest be acquired."

9.(1) Section 49 of the Principal Act is amended by inserting after sub-section (1) the following sub-section:

Service of  
notice of  
acquisition

"(1A) Within 28 days of the date of acquisition of land under Division 1A, the Minister shall cause diligent inquiries to be made to ascertain who had an interest in the acquired land at the date of acquisition and shall cause a copy of a notice accurately describing the acquired land and setting out the date of acquisition to be dealt with in the manner in which copies of notices of acquisition are required to be dealt with under sub-section (1)."

(2) Section 49(2) of the Principal Act is amended by inserting after "under sub-section (1)(c)" the words "or (1A)".

(3) Section 49(3) of the Principal Act is amended by inserting after "a notice of acquisition" the words "or a notice under sub-section (1A)".

10. Section 50(1) of the Principal Act is amended by inserting after "under section 49(1)(a)" the words "or (1A)".

Offers

11. Section 59 of the Principal Act is amended by inserting after "Division 1" the words "or 1A".

Compensation  
for acquired  
land

12. Section 68(1) of the Principal Act is amended by inserting after "section 49(1)(a)" the words "or (1A)".

Notices

13. Section 73(1) of the Principal Act is amended by omitting "(which relates to abandoned proposals)" and "(which relates to damages for entry onto land)".

Claims

14. Rule 5 of Schedule 2 is repealed and the following rule substituted:

"5.(1) This rule applies in respect of acquired land which, at the date of acquisition, was -

Restrictions

- (a) reserved by a planning instrument under the Planning Act, or a town planning scheme deemed by section 167 of that Act to be a planning instrument under that Act for acquisition by the Territory to implement a proposal for the use or development of the land; or

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- (b) proposed to be so reserved by a draft planning instrument exhibited in pursuance of that Act, or proposals for a town planning scheme referred to in Part IX of that Act.

"(2) In assessing the compensation payable to a claimant in respect of acquired land to which this rule applies -

- (a) any limitation on the use or development of the land imposed by or as a consequence of the reservation or proposed reservation shall be disregarded; and
  - (b) it shall be assumed that the use and development of the land was controlled, at the date of acquisition, in such manner as would have been likely if the planning instrument, draft planning instrument or proposals for the town planning scheme apply to or relating to the land had not reserved or proposed to reserve the land for acquisition by the Territory."
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