

THE NORTHERN TERRITORY OF AUSTRALIA

No. 82 of 1979

AN ACT

To amend the Territory Parks and Wildlife
Conservation Act

[Assented to 13 July 1979]

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. This Act may be cited as the Territory Parks and Wildlife Conservation Act (No. 2) 1979.

Short title

2.(1) The Territory Parks and Wildlife Conservation Act is in this Act referred to as the Principal Act.

Principal
Act, &c.

(2) In this Act, "Corporation" means Corporation within the meaning of the Principal Act as amended by this Act.

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

Commencement

4. Section 9(1) of the Principal Act is amended by inserting after the definition of "conservation officer" the following definition:

Interpret-
ation

"'Corporation' means the Territory Parks and Wildlife Land Corporation established under this Act;".

5.(1) Section 12(1) of the Principal Act is amended by omitting paragraph (a) and substituting the following paragraph:

Parks and
reserves
established
by
Administrator

"(a) by notice in the Gazette, declare an area of land in respect of which -

(i) all the right, title and interest is vested in the Territory; or

(ii) no person, other than the Territory or the Corporation, holds a right, title or interest,

to be a park or reserve."

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(2) Section 12 of the Principal Act is amended by omitting sub-section (5).

(3) Section 12(7) of the Principal Act is amended -

(a) by inserting after "interest" the words "both legal and beneficial"; and

(b) by omitting "Commission" and substituting "Corporation".

Revocation
of parks,
reserves or
sanctuaries

6.(1) Section 13(3) of the Principal Act is amended by omitting "Commission" (wherever occurring) and substituting "Corporation".

(2) Section 13(4) of the Principal Act is amended by omitting "Commission" and substituting "Corporation".

Report by
Commission

7.(1) Section 14 of the Principal Act is amended by omitting from sub-section (2) "for the purposes of sub-section (1)" and substituting "under sub-section (1) in relation to prescribed land".

(2) Section 14 of the Principal Act is amended by inserting after sub-section (2) the following sub-section:

"(3) In this section, 'prescribed land' means land other than land which, at the date of the report in relation to that land required by sub-section (1) or at any time before the date of that report, -

(a) was -

(i) a park, reserve or conservation or wilderness zone within the meaning of the National Parks and Wildlife Conservation Act 1975 of the Commonwealth;

(ii) a park, reserve, protected area or sanctuary; or

(iii) committed to the care, control and management of the Commission;

(b) was land which the Governor-General or the Administrator had purported to declare to be such a park, reserve, wilderness or conservation zone, protected area or sanctuary; or

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- (c) was land which the Administrator had purported to commit to the care, control and management of the Reserves Board under the National Parks and Gardens Ordinance".

8.(1) Section 16(1) of the Principal Act is amended -

Restriction
on
disposal, &c.

- (a) by omitting "any law of the Territory, but subject to sub-section (2)" and substituting "this Act (sub-section (2) excepted) and any other law of the Territory"; and

- (b) by omitting "Commission" and substituting "Corporation".

(2) Section 16(2) of the Principal Act is amended by omitting "Commission" and substituting "Corporation".

9. Section 21 of the Principal Act is amended by omitting "shall perform its functions and exercise its powers" and substituting "and the Corporation shall perform their duties and functions and exercise their powers".

Compliance
with plan
of manage-
ment

10. Section 66(1)(a) of the Principal Act is amended by omitting "administer,".

Functions

11. Section 67(1) of the Principal Act is amended -

Powers

- (a) by inserting at the end of paragraph (a) the words "(contracts in relation to the acquisition or disposition of an estate or interest in land excepted)";

- (b) by omitting from paragraph (d) "real or" (wherever occurring); and

- (c) in paragraph (e) -

- (i) by omitting ", devises" and substituting "(gifts of estates or interests in land excepted)"; and

- (ii) by inserting after "property" the words "(estates and interests in land excepted)".

12. The Principal Act is amended by inserting after Part VI the following Part:

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**"PART VIA - TERRITORY PARKS AND WILDLIFE
LAND CORPORATION**

- Definitions** "77A. In this Part, 'member' means a person appointed under section 77E(1) to be a member of the Corporation.
- Corporation** "77B.(1) There is established a body corporate which shall be known as the Territory Parks and Wildlife Land Corporation.
- "(2) The Corporation is -
- (a) a body corporate with perpetual succession and a common seal; and
- (b) capable, in its corporate name, of -
- (i) subject to this Act, acquiring, holding and disposing of real and personal property; and
- (ii) suing and being sued.
- Common seal** "77C. All courts, judges and persons acting judicially shall take judicial notice of the common seal of the Corporation affixed to a document and shall presume that it was duly affixed.
- Status of Corporation** "77D.(1) The Corporation is not an authority or instrumentality of the Crown and is not, for the purposes of the Interpretation Act and the Financial Administration and Audit Act, a statutory corporation.
- "(2) The Corporation is not subject to the control and direction of the Minister or the Crown.
- Members** "77E.(1) The Minister may appoint a person to be a member.
- "(2) The Corporation consists of not less than 2 members.
- "(3) The performance of a function by the Corporation is not invalid by reason only of there being a vacancy in its membership.
- Removal of members** "77F.(1) The Minister shall remove a member from office if the member -
- (a) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his remuneration for their benefit;

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- (b) becomes, by reason of incapacity, incapable of continuing as a member;
- (c) has been convicted and is under sentence of imprisonment for a period of 3 months or longer for an offence against a law of the Territory, the Commonwealth, another Territory or a State;
- (d) is absent, except on leave granted by the Corporation, from 3 consecutive meetings of the Corporation; or
- (e) fails to comply with section 77L.

"(2) A member may resign his office by writing under his hand delivered to the Minister.

"77G. The Minister may appoint a person to be the Chairman of the Corporation. Chairman

"77H. An appointment under section 77E(1) shall be notified in the Gazette and shall take effect from - Appoint-ments

- (a) the date of publication of the notification; or
- (b) if there is a later date specified in the notification - that later date.

"77J. A member or person acting with the authority of the Corporation is not personally liable in respect of any matter or thing done, or contract entered into - Protection of members, &c.

- (a) by the Corporation; or
- (b) by that person,

if the matter or thing was done, or the contract was entered into, in good faith for the purpose of executing this Act or any other Act conferring or imposing functions on the Corporation.

"77K. A member shall not disclose any information obtained in the course of his duties as such a member unless that disclosure is made in the course of his duty as such a member. Confidentiality

Penalty: \$3,000 or imprisonment for 3 months.

"77L.(1) If a member has a direct or indirect interest in any matter - Disclosure of interests

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(a) which is the subject of consideration at a meeting of the Corporation; or

(b) in which the Corporation is concerned,

he shall, as soon as possible after he knows that he has the interest and that the Corporation is considering the proposal, disclose his interest to the Corporation.

"(2) The Corporation may direct a member who has disclosed an interest in a matter under sub-section (1) to refrain from taking part in the deliberations of the Corporation in relation to that matter, and the member shall comply with the direction.

Penalty: \$1,000.

Procedures

"77M. The Corporation may, subject to this Act, determine its own procedures.

Corporation
to acquire,
&c., land

"77N.(1) The function of the Corporation is to acquire, hold and dispose of real property (including any estate or interest in real property) in accordance with this Act and it may acquire and hold such property, notwithstanding any other law in force in the Territory which would restrict or otherwise limit the capacity of the Corporation to acquire and hold such property.

"(2) The Corporation has power to do all things necessary or convenient to be done for or in connection with or incidental to the carrying out of its function.

"(3) Any moneys payable by the Corporation for or incidental to the acquisition of any estate or interest in real property may be advanced by the Commission on such terms and conditions as the Commission thinks fit.

"(4) Any moneys payable to the Corporation in respect of estates or interests in real property held or disposed of by the Corporation shall be paid to the Commission, whose receipt shall be a sufficient discharge thereof, and any moneys payable by the Corporation in respect of estates or interests in real property held by the Corporation may be paid by the Commission.

"(5) Notwithstanding anything contained in the Stamp Duty Act, no stamp duty shall be payable on any instrument by which any property or interest is granted or assured to or vested in the Corporation.

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"(6) The Commission has the care, control and management of all land acquired by the Corporation."

13. Section 123 of the Principal Act is amended by omitting "Administrator in Council" and substituting "Administrator".

Regul-
ations

14. Any estate or interest in any land held by the Commission at the commencement of this Act shall, on the commencement of this Act, become vested both legally and beneficially in the Corporation by force of this section.

Vesting

15.(1) The rights, assets and liabilities of the Commission in relation to land existing immediately before the commencement of this Act are acquired and accepted by the Corporation.

Transit-
ional

(2) The Corporation shall carry out, complete and give effect to all dealings, transactions or matters that the Commission was required to carry out, complete or give effect to at the commencement of this Act as if the Corporation were the Commission.

(3) Notwithstanding any law of the Territory, the Registrar-General shall, after the commencement of this Act, without other authority than this Act, upon application by the Corporation, amend all references to the Commission in the registers kept under the Real Property Act to read as references to the Corporation.