

THE NORTHERN TERRITORY OF AUSTRALIA

No. 80 of 1979

AN ACT

To amend the Territory Development 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 Development Act 1979. Short title

2.(1) The Territory Development Act is in this Act referred to as the Principal Act. Principal Act, &c.

(2) In this Act, "Land Corporation" means Land 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 4 of the Principal Act is amended by inserting after the definition of "industry" the following definition: Interpretation

"'Land Corporation' means the Northern Territory Development Land Corporation established by this Act;"

5.(1) Section 16(1) of the Principal Act is amended by omitting "The Corporation" and substituting "Subject to this Act, the Corporation". Powers of the Corporation

(2) Section 16(2) of the Principal Act is amended -

(a) by inserting in paragraph (e) after "contracts" the words "(contracts for the acquisition or disposition of any estate or interest in land excepted)";

(b) by omitting from paragraph (f) "real or"; and

(c) in paragraph (i) -

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(i) by omitting "real or personal"; and

(ii) by inserting after "Corporation" the words "or the Land Corporation".

(3) Section 16 of the Principal Act is amended by inserting at the end thereof the following sub-section:

"(3) Nothing in this section prevents the acquisition, holding or disposition of any estate or interest in real property only as security for a debt owed to the Corporation."

6. The Principal Act is amended by inserting after Part III the following Part:

"PART IIIA - NORTHERN TERRITORY DEVELOPMENT
LAND CORPORATION

Definition

"25A. In this Part, 'member' means a person appointed under section 25E to be a member of the Land Corporation.

Land
Corporation

"25B.(1) There is established a body corporate which shall be known as the Northern Territory Development Land Corporation.

"(2) The Land 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

"25C. All courts, judges and persons acting judicially shall take judicial notice of the common seal of the Land Corporation affixed to a document and shall presume that it was duly affixed.

Status of
Land
Corporation

"25D.(1) The Land 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 Land Corporation is not subject to the control and direction of the Minister or the Crown.

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- "25E.(1) The Minister may appoint a person to be a member. Members
- "(2) The Land Corporation consists of not less than 2 members.
- "(3) The performance of a function by the Land Corporation is not invalid by reason only of there being a vacancy in its membership.
- "25F.(1) The Minister shall remove a member from office if the member - Removal of members
- (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;
 - (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 Land Corporation, from 3 consecutive meetings of the Land Corporation; or
 - (e) fails to comply with section 25L.
- "(2) A member may resign his office by writing under his hand delivered to the Minister.
- "25G. The Minister may appoint a member to be Chairman of the Land Corporation. Chairman
- "25H. An appointment under section 25E(1) shall be notified in the Gazette and shall take effect on - 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.
- "25J. A member or person acting with the authority of the Land Corporation is not personally liable in respect of any matter or thing done or contract entered into - Protection of members, &c.

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- (a) by the Land 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 Land Corporation.

Confiden-
tiality

"25K. A member shall not disclose 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.

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

Disclosure
of
interests

"25L.(1) If a member has a direct or indirect interest in any matter -

- (a) which is the subject of consideration at a meeting of the Land Corporation; or
- (b) in which the Land Corporation is concerned,

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

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

Penalty: \$1,000.

Procedures

"25M. The Land Corporation may, subject to this Act, determine its own procedures.

Land
Corporation
to acquire,
&c., land

"25N.(1) The function of the Land 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 Land Corporation to acquire and hold such property.

"(2) The Land 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.

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

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

"(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, assured to or vested in the Land Corporation.

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

"25P.(1) The Administrator may, by notice in the Gazette, declare any land in respect of which -

Administrat-
or may
vest land,
&c.

- (a) all the right, title and interest is vested in the Territory; or
- (b) no person, other than the Territory or the Land Corporation, holds a right, title or interest,

to be vested in the Land Corporation.

"(2) Upon the publication of a notice under sub-section (1), all right, title and interest, both legal and beneficial, held by any person in respect of the land (including any subsoil), described in the notice, but not in respect of any minerals, becomes, by force of this sub-section, vested in the Land Corporation as though the notice were an alienation in fee from the Crown by way of grant to the Land Corporation.

"(3) Upon lodgment of a copy of a notice under sub-section (1) in relation to land with the Registrar-General within the meaning of the Real Property Act or the proper officer controlling any official register or record of the land described in the notice, the Registrar-General or that officer shall deal with the

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copy of the notice as though it were an instrument of transfer or conveyance of all the right, title and interest in the land to the Land Corporation."

Vesting

7. Any estate or interest in any land held by the Corporation at the commencement of this Act (an estate or interest held only as security for a debt owed to the Corporation excepted) shall, on the commencement of this Act, become vested, both legally and beneficially, in the Land Corporation by force of this section.

Transit-
ional

8.(1) The rights, assets and liabilities of the Corporation in relation to land (estates or interests in land held only as security for a debt owed to the Corporation excepted) existing immediately before the commencement of this Act are acquired and accepted by the Land Corporation.

(2) The Land Corporation shall carry out and complete and give effect to all dealings, transactions or matters in relation to the acquisition of rights, assets and liabilities referred to in sub-section (1) that the Corporation was required to carry out, complete or give effect to at the commencement of this Act as if the Land Corporation were the Corporation.

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

