

THE NORTHERN TERRITORY OF AUSTRALIA

REAL PROPERTY (SPECIAL PROVISIONS) ACT

No. 140 of 1979

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THE NORTHERN TERRITORY OF AUSTRALIA

No. 140 of 1979

AN ACT

To enable the registration of certain lands
under the Real Property Act

[Assented to 30 November 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:

1. This Act may be cited as the Real Property Short title
(Special Provisions) Act 1979.

2. In this Act - Definitions

"certificate of title" means a certificate of a description referred to in Part VII of the Real Property Act;

"instrument of title" means an instrument of title within the meaning of the Real Property Act, other than a certificate of title;

"Register Book" means the Register Book kept under the Real Property Act;

"registered proprietor" means a registered proprietor within the meaning of the Real Property Act;

"Registrar-General" means the Registrar-General for the Northern Territory;

"relevant area" means an area of land the description of which is set out in the Schedule.

3.(1) Subject to this Act, the lands which comprise the relevant areas are, to the extent that they were not, immediately before the commencement of this Act, subject to the provisions of the Real Property Act by force of this section and without any application being made or the execution of any conveyance, transfer or other instrument or document or the publication of any notice or the production or examination of any document of title whatsoever, brought under the provisions of the Real Property Act.

Relevant areas brought under the Real Property Act

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(2) Notwithstanding any provision to the contrary in the Real Property Act or in any other law in force in the Territory but subject to this Act, the provisions of the Real Property Act shall apply to and in relation to the relevant areas.

Certificates
of title

4. Subject to sections 5 and 6, upon the Crown Solicitor lodging a copy of the Schedule with the Registrar-General, the Registrar-General shall issue a certificate of title for an estate in fee simple in the name of the Commonwealth as the registered proprietor in respect of each relevant area in accordance with the description of each relevant area as set out in the Schedule.

Relevant area
subject to
prior estate
in fee
simple

5.(1) Where it comes to the attention of the Registrar-General that a relevant area was, immediately before the commencement of this Act, the subject of a certificate of title for an estate in fee simple, other than a certificate issued in the name of the Commonwealth or the Territory, the Registrar-General -

- (a) in a case where a certificate of title has not been issued under this Act in respect of that relevant area - shall not issue such a certificate of title; and
- (b) in a case where a certificate of title has been issued under this Act in respect of that relevant area - shall cancel forthwith the certificate of title issued in respect of that relevant area.

(2) Where it comes to the attention of the Registrar-General that part of a relevant area was, immediately before the commencement of this Act, the subject of a certificate of title for an estate in fee simple, other than a certificate issued in the name of the Commonwealth or the Territory, the Registrar-General -

- (a) in a case where a certificate of title has not been issued under this Act in respect of that relevant area - shall issue a certificate of title for an estate in fee simple in the name of the Commonwealth as the registered proprietor in respect of that part of the relevant area which was not, immediately before the commencement of this Act, the subject of a certificate of title for an estate in fee simple; and

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- (b) in a case where a certificate of title has been issued under this Act in respect of that relevant area - shall cancel that certificate of title and issue a new certificate of title as if it were a case to which paragraph (a) applied.

(3) A relevant area or part of a relevant area which was, immediately before the commencement of this Act, the subject of a certificate of title for an estate in fee simple, other than a certificate issued in the name of the Commonwealth or the Territory, shall be deemed never to have been affected by sections 3 and 4.

6.(1) A reference in this section to an interest in land does not include -

Relevant area
subject to
prior interest

- (a) a reference to such an interest in the whole or part of a relevant area where the registered proprietor of that interest is the Commonwealth or the Territory; and
- (b) a reference to an estate in fee simple in respect of the whole or part of a relevant area.

(2) Where it comes to the attention of the Registrar-General that, immediately before the commencement of this Act, a person held as registered proprietor an interest in the whole or part of a relevant area, the Registrar-General -

- (a) in a case where a certificate of title has not been issued under this Act in respect of that relevant area - shall endorse on the certificate of title to be issued under this Act, particulars of all existing interests to which the relevant area is subject; and
- (b) in a case where a certificate of title has been issued under this Act in respect of that relevant area - shall cancel the certificate of title issued in respect of that relevant area and issue a new certificate of title in the manner referred to in section 4 and endorsed in the manner referred to in paragraph (a).

7. Where it comes to the attention of the Registrar-General that the whole or part of a relevant area was, immediately before the commencement of this Act, the subject of an interest held by the Commonwealth or the Territory as registered proprietor, the Registrar-General may cancel any certificate of title or

Prior Common-
wealth and
Territory
interests

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other instrument of title and may make such entries in the Register Book as he considers necessary relating to that interest.

Cancellation
and correct-
ion of
certificates
of title

8. Where it appears to the satisfaction of the Registrar-General that a certificate of title issued under this Act has been issued in error, or contains any misdescription of land or of boundaries, or that any endorsement has been made in error on a certificate of title issued under this Act, or that a certificate of title, whether issued under this Act or the Real Property Act or other instrument of title, is wrongfully retained, the Registrar-General may, for the purpose of giving effect to this Act, by notice in writing, require the person to whom such certificate of title has been issued or by whom such certificate of title or instrument of title is retained to deliver up the certificate of title or instrument of title to be cancelled or corrected, as the case may require.

Powers of
Registrar-
General

9. The Registrar-General may cancel, correct, record, substitute, issue or make any certificate of title or instrument of title, or any memorial or entry in the Register Book, or otherwise do such acts and make such entries as he considers necessary for the purpose of giving effect to this Act.

Protection
of Registrar-
General

10. No action or proceeding lies against the Registrar-General for or in respect of an act or thing done, or omitted to have been done, in good faith by the Registrar-General in his capacity as such for the purpose of giving effect to this Act.

SCHEDULE

Section 2

AREAS OF LAND

1. All those parcels of land in the Northern Territory of Australia containing a total area of 1779 hectares more or less being Northern Territory Portions 930, 931, 932 and a closed road and being more particularly delineated on Survey Plans O.P. 1340, A 441, O.P. 1363 and R.P. 138 respectively lodged with the Surveyor-General Darwin.

2. All that parcel of land in the Northern Territory of Australia containing an area of 1158 hectares more or less being Northern Territory Portion 1502 and being more particularly delineated on Survey Plan S 74/123 lodged with the Surveyor-General Darwin.

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3. All those parcels of land in the Northern Territory of Australia containing a total area of 380.5 hectares more or less being Northern Territory Portions 1362 and 1366 and being more particularly delineated on Survey Plan A 352 lodged with the Surveyor-General Darwin.

4. All those parcels of land in the Hundred of Strangways County of Palmerston Northern Territory of Australia containing a total area of 320.8 hectares more or less being Sections 308, 1698, 332 and 333 and being more particularly delineated on Survey Plans O.P. 1381, B 480 and Diagram Book 1 Folio 31 respectively lodged with the Surveyor-General Darwin.

5. All that parcel of land in the Hundred of Hughes County of Palmerston Northern Territory of Australia containing an area of 2589 hectares more or less being Section 2730 and being more particularly delineated on Survey Plan S 72/237 lodged with the Surveyor-General Darwin.

6. All that parcel of land in the Hundred of Bagot County of Palmerston in the Northern Territory of Australia containing an area of 66.11 hectares more or less being Hundred of Bagot Portion 1157 and being more particularly delineated on Survey Plan numbered 358 lodged with the Surveyor-General Darwin.

7. All that parcel of land in the Hundred of Bagot County of Palmerston in the Northern Territory of Australia containing an area of 1529 hectares more or less being Hundred of Bagot Portion 1354 and being more particularly delineated on Survey Plan S 73/57 lodged with the Surveyor-General Darwin.

8. All that parcel of land in the Town of Darwin Hundred of Bagot County of Palmerston Northern Territory of Australia containing an area of 70 hectares more or less bounded by lines described as follows: commencing at the eastern corner of Lot 4063 Town of Darwin thence southerly by part of the western boundary of Lot 3706 to the south western corner of the said lot; thence southerly across Packard Street to the north western corner of Lot 3527, thence southerly by the western boundaries of Lots 3527, 3526, 3525 and 3519 to the south western corner of Lot 3519; thence southerly by the southerly prolongation of the western boundary of Lot 3519 to its intersection with high water mark of Port Darwin; thence generally westerly, northerly and easterly by the said high water mark of Port Darwin to its intersection with the north westerly prolongation of the south western boundary of Lot 5033; thence south easterly by the

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said prolongation to the western corner of Lot 5033; thence generally south easterly and easterly by south western and southern boundaries of Lots 5033, 5034, 4048, 4049, 4050, 4051, 4052, 4053, 4054, 4055, 4056, 4057, 4058, 4059, 4060, 4061, 4062 and 4063 to the point of commencement.

9. All those parcels of land in the Northern Territory of Australia containing an area of 2921 hectares more or less being Northern Territory Portions 864, 1071, 1274, 1275, 1276, 1368, 1369 and 1370 and being more particularly delineated on Survey Plans B 330, A 532 and O.P. 1528 respectively lodged with the Surveyor-General Darwin.

10. All those parcels of land in the Hundred of Guy County of Palmerston Northern Territory of Australia containing an area of 794 hectares more or less being Northern Territory Portions 1538 and 1543 and being more particularly delineated on Survey Plans A 692 and S 74/52 respectively lodged with the Surveyor-General Darwin.

11. All those parcels of land in the Hundred of Bagot County of Palmerston Northern Territory of Australia containing an area of 150.7 hectares more or less being Hundred of Bagot Portions 1198 and 2202 and being more particularly delineated on Survey Plan A 7 lodged with the Surveyor-General Darwin.

12. All that parcel of land in the Town of Darwin Hundred of Bagot County of Palmerston Northern Territory of Australia containing an area of 48.56 hectares more or less being Lot 4646 and being more particularly delineated on Survey Plan A 473 lodged with the Surveyor-General Darwin.

13. All that parcel of land in the Hundred of Bagot County of Palmerston Northern Territory of Australia containing an area of 476 acres 1 rood 7 perches more or less bounded by lines described as follows: commencing at a point bearing 179 degrees 54 minutes 30 seconds 100 links from the south eastern corner of Hundred of Bagot Portion 1234; thence by lines bearing 89 degrees 45 minutes 30 seconds 4073.1 links; 179 degrees 45 minutes 30 seconds 2653 links; 230 degrees 54 minutes 45 seconds 2044.2 links; 217 degrees 20 minutes 5926.9 links; 318 degrees 14 minutes 490.8 links; 354 degrees 22 minutes 30 seconds 1152 links; 333 degrees 39 minutes 30 seconds 1374 links; 323 degrees 0 minutes 30 seconds 645 links; 0 degrees 59 minutes 30 seconds 984 links; 331 degrees 6 minutes 30 seconds 1501.5 links; 306 degrees 44 minutes 30 seconds 1179 links; 256 degrees 23 minutes

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30 seconds 1067 links; 287 degrees 4 minutes 30 seconds 935 links; 327 degrees 23 minutes 30 seconds 548 links; 0 degrees 53 minutes 30 seconds 1861 links; 89 degrees 45 minutes 30 seconds 6287.8 links; 179 degrees 54 minutes 30 seconds 5394 links; 89 degrees 54 minutes 30 seconds 100 links; 359 degrees 54 minutes 30 seconds 5394 links to the point of commencement.

14. All that parcel of land in the Northern Territory of Australia containing an area of 1036 hectares more or less being Northern Territory Portion 1503 and being more particularly delineated on Survey Plan S 74/124 lodged with the Surveyor-General Darwin.

15. All that parcel of land in the Hundred of Bagot County of Palmerston Northern Territory of Australia containing an area of 5780 hectares more or less bounded by lines described as follows: commencing at the south western corner of Section 409; thence easterly and northerly by the southern and eastern boundaries of Section 409 to the north eastern corner of the said Section; thence northerly by the northerly prolongation of the eastern boundary of Section 409 to its intersection with the easterly prolongation of the southern boundary of Section 408; thence easterly by the easterly prolongation of the southern boundary of Section 408 to its intersection with a western boundary of Pastoral Lease 547 (Koolpinyah); thence northerly by a western boundary of Pastoral Lease 547 (Koolpinyah) to the high water mark of Shoal Bay; thence generally westerly by the high water mark of Shoal Bay to its intersection with the northerly prolongation of the western boundary of Section 418; thence southerly by the said prolongation to the north western corner of Section 418; thence southerly by the western boundary of Section 418 to the south western corner of the said Section; thence easterly by part of the southern boundary of Section 418 to its intersection with the northerly prolongation of the western boundary of Section 416; thence southerly by the said prolongation and the western boundaries of Sections 416 and 415 to the south western corner of Section 415; thence southerly by the southerly prolongation of the western boundary of Section 415 to its intersection with the northern boundary of Section 406; thence westerly by part of the northern boundary of Section 406 to the north western corner of the said Section; thence southerly and easterly by the western and southern boundaries of Section 406, to the south eastern corner of the said Section; thence easterly by the easterly prolongation of the southern boundary of Section 406 to the south western corner of Section 407; thence southerly by the

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northerly prolongation of the western boundary of Section 120 to the north western corner of the said Section; thence southerly and easterly by the western and southern boundaries of Section 120 to the south eastern corner of the said Section; thence southerly and easterly by the western and southern boundaries of Section 116 to the south eastern corner of the said Section; thence easterly by the easterly prolongation of the southern boundary of Section 116 to the point of commencement excluding therefrom all public roads.

16. All that parcel of land in the Town of Nightcliff Hundred of Bagot County of Palmerston Northern Territory of Australia containing an area of 256.6 hectares more or less being Lot 4868 and being more particularly delineated on Survey Plan S 73/81 lodged with the Surveyor-General Darwin.

17. All that parcel of land in the Town of Nightcliff Hundred of Bagot County of Palmerston Northern Territory of Australia containing an area of 1.19 hectares more or less being Lot 2581 and being more particularly delineated on Survey Plan A 905 lodged with the Surveyor-General Darwin.

18. All that parcel of land in the Northern Territory of Australia containing an area of 170.6 hectares more or less being Northern Territory Portion 802 and being more particularly delineated on Survey Plan A 227 lodged with the Surveyor-General Darwin.

19. All that parcel of land in the Northern Territory of Australia containing an area of 41.6 hectares more or less being Northern Territory Portion 875 and being more particularly delineated on Survey Plan A 398 lodged with the Surveyor-General Darwin.

20. All that parcel of land in the Hundred of Bagot County of Palmerston Northern Territory of Australia containing an area of 7580 square metres more or less being Hundred of Bagot Portion 1658 and being more particularly delineated on Survey Plan O.P. 1492 lodged with the Surveyor-General Darwin.

21. All that parcel of land in the Northern Territory of Australia containing an area of 8340 square metres more or less being Northern Territory Portion 941 and being more particularly delineated on Survey Plan A 625 lodged with the Surveyor-General Darwin.

22. All that parcel of land in the Northern Territory of Australia containing an area of 8.39 hectares more or less being Lot 2655 Town of Alice

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Springs and being more particularly delineated on Survey Plan A 614 lodged with the Surveyor-General Darwin.

23. All that parcel of land in the Northern Territory of Australia containing an area of 27.13 hectares more or less being Northern Territory Portion 995 and being more particularly delineated on Survey Plan A 438 lodged with the Surveyor-General Darwin.

24. All that parcel of land in the Northern Territory of Australia containing an area of 8340 square metres more or less being Northern Territory Portion 913 and being more particularly delineated on Survey Plan B 320 lodged with the Surveyor-General Darwin.

25. All that parcel of land in the Northern Territory of Australia containing an area of 75 square metres more or less being Lot 3691 Town of Alice Springs and being more particularly delineated on Survey Plan B 543 lodged with the Surveyor-General Darwin.

26. All that parcel of land in the Northern Territory of Australia containing an area of 8340 square metres more or less being Northern Territory Portion 1153 and being more particularly delineated on Survey Plan A 610 lodged with the Surveyor-General Darwin.

27. All that parcel of land in the Northern Territory of Australia containing an area of 8340 square metres more or less being Northern Territory Portion 966 and being more particularly delineated on Survey Plan A 432 lodged with the Surveyor-General Darwin.

28. All that parcel of land in the Northern Territory of Australia containing an area of 929 square metres more or less being Northern Territory Portion 1367 and being more particularly delineated on Survey Plan S 75/92 lodged with the Surveyor-General Darwin.

29. All that parcel of land in the Town of Darwin Hundred of Bagot County of Palmerston Northern Territory of Australia containing an area of 5020 square metres more or less being Lot 5052 and being more particularly delineated on Survey Plan S 74/69 lodged with the Surveyor-General Darwin.

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30. All that parcel of land in the Northern Territory of Australia containing an area of 2.16 hectares more or less being Northern Territory Portion 1462 and being more particularly delineated on Survey Plan S 73/45 lodged with the Surveyor-General Darwin.

31. All that parcel of land in the Northern Territory of Australia containing an area of 404.6 hectares more or less being Northern Territory Portion 551 and being more particularly delineated on Survey Plan A 220 lodged with the Surveyor-General Darwin.

32. All that parcel of land in the Northern Territory of Australia containing an area of 8340 square metres more or less being Northern Territory Portion 1152 and being more particularly delineated on Survey Plan A 551 lodged with the Surveyor-General Darwin.

33. All that parcel of land in the Northern Territory of Australia containing an area of 14.97 hectares more or less being Northern Territory Portion 1267 and being more particularly delineated on Survey Plan B 487 lodged with the Surveyor-General Darwin.

34. All that parcel of land in the Town of Tennant Creek in the Northern Territory of Australia containing an area of 6 hectares more or less being Lots 999 and 1000 and being more particularly delineated on Survey Plan B 191 lodged with the Surveyor-General Darwin.

35. All that parcel of land in the Town of Tennant Creek in the Northern Territory of Australia containing an area of 323.4 hectares more or less being Lot 998 and being more particularly delineated on Survey Plan B 76 lodged with the Surveyor-General Darwin.

36. All that parcel of land in the Town of Tennant Creek in the Northern Territory of Australia containing an area of 923 square metres more or less being Lot 985 and being more particularly delineated on Survey Plan A 847 lodged with the Surveyor-General Darwin.

37. All that parcel of land in the Town of Katherine Northern Territory of Australia containing an area of 2.51 hectares more or less being Lot 496 and being more particularly delineated on Survey Plan A 351 lodged with the Surveyor-General Darwin.

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38. All that parcel of land in the Northern Territory of Australia containing an area of 1.34 hectares more or less being Northern Territory Portion 940 and being more particularly delineated on Survey Plan A 608 lodged with the Surveyor-General Darwin.

39. All that parcel of land in the Northern Territory of Australia containing an area of 8340 square metres more or less being Northern Territory Portion 1107 and being more particularly delineated on Survey Plan A 549 lodged with the Surveyor-General Darwin.

40. All that parcel of land in the Northern Territory of Australia containing an area of 8340 square metres more or less being Northern Territory Portion 1052 and being more particularly delineated on Survey Plan B 472 lodged with the Surveyor-General Darwin.

41. All that parcel of land in the Northern Territory of Australia containing an area of 14.51 hectares more or less being Northern Territory Portion 1185 and being more particularly delineated on Survey Plan A 680 lodged with the Surveyor-General Darwin.

42. All that parcel of land in the Town of Tennant Creek Northern Territory of Australia containing an area of 490 square metres more or less being Lot 1001 and being more particularly delineated on Survey Plan B 241 lodged with the Surveyor-General Darwin.

43. All that parcel of land in the Northern Territory of Australia containing an area of 1.25 hectares more or less being Northern Territory Portion 1355 and being more particularly delineated on Survey Plan S 71/240 lodged with the Surveyor-General Darwin.

44. All that parcel of land in the Northern Territory of Australia containing an area of 2.81 hectares more or less being Northern Territory Portion 1340 and being more particularly delineated on Survey Plan S 72/151 lodged with the Surveyor-General Darwin.

45. All that parcel of land in the Hundred of Bagot County of Palmerston Northern Territory of Australia containing an area of 263.1 hectares more or less being Hundred of Bagot Portion 1373 and being more particularly delineated on Survey Plan A 530 lodged with the Surveyor-General Darwin.

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46. All that parcel of land near Alice Springs, Northern Territory of Australia containing an area of 1728 hectares more or less, being Northern Territory Portions 569, 806, 1025, 1474 and Part of Northern Territory Portions 428 and 429 bounded by lines described as follows: commencing at the north western corner of Northern Territory Portion 429, thence by lines bearing 100 degrees 42 minutes 40 seconds 984.58 metres; 105 degrees 3 minutes 40 seconds 115.45 metres; 115 degrees 23 minutes 50 seconds 95.82 metres; 120 degrees 20 minutes 3983.13 metres; 90 degrees 1416.08 metres; 134 degrees 59 minutes 30 seconds 84.84 metres; 180 degrees 1041.4 metres; 133 degrees 11 minutes 82.28 metres; 180 degrees 842.24 metres; 270 degrees 5725.11 metres; 345 degrees 12 minutes 50 seconds 2069.31 metres; 90 degrees 536.32 metres; 0 degrees 9 minutes 315.05 metres; 350 degrees 10 minutes 1408.28 metres; 318 degrees 54 minutes 20 seconds 73.47 metres; 345 degrees 17 minutes 20 seconds 524.81 metres to the point of commencement.
