

Serial 37
Lands
Acquisition
Amendment
(No. 2)
Mr Hatton

NORTHERN TERRITORY OF AUSTRALIA
LANDS ACQUISITION AMENDMENT BILL (NO. 2) 1994

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NORTHERN TERRITORY OF AUSTRALIA

A BILL for AN ACT

to amend the *Lands Acquisition Act*

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 *Lands Acquisition Amendment Act (No. 2) 1994*.

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 *Lands Acquisition Act* is in this Act referred to as the Principal Act.

4. MEMBERS

Section 7(2) of the Principal Act is amended by omitting paragraph (a) and substituting the following:

"(a) enrolled as a legal practitioner of the High Court of Australia or the Supreme Court of a State or a Territory of the Commonwealth and has been so enrolled for not less than 5 years;"

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5. CHAIRMAN AND DEPUTY CHAIRMAN

Section 8(2) of the Principal Act is amended by omitting "Chairman" and substituting "Chairman or Deputy Chairman".

6. VACANCIES

Section 11 of the Principal Act is amended by adding at the end the following:

"(3) In this section, "member" does not include the Chairman or the Deputy Chairman."

7. VACANCY IN OFFICE OF CHAIRMAN

Section 15 of the Principal Act is amended -

- (a) by omitting "If" and substituting "(1) If"; and
- (b) by adding at the end the following:

"(2) Where the Deputy Chairman has and performs all the powers, authorities, duties and functions of the Chairman under subsection (1), the Minister may, by instrument in writing, authorise another person who is qualified to hold the office of Deputy Chairman to act as Deputy Chairman during the vacancy, absence or inability to act of the Chairman.

"(3) For the purposes of this section, a reference in this Act to -

- (a) the Chairman includes a reference to the Deputy Chairman acting under subsection (1); and
- (b) the Deputy Chairman includes a reference to a person authorised to act as Deputy Chairman under subsection (2)."

8. REPEAL AND SUBSTITUTION

Section 19 of the Principal Act is repealed and the following substituted:

"19. TRIBUNAL

"(1) The Tribunal may sit at such times as are necessary to conduct its business.

"(2) Subject to this Act, the Tribunal is constituted by the Chairman and 2 other members or, on the direction of the Chairman, the Deputy Chairman and 2 other members.

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"(3) The Chairman or Deputy Chairman shall, in respect of each matter referred to the Tribunal, select the members to constitute the Tribunal.

"(4) The Chairman and 2 other members may sit and perform the functions and exercise the powers of the Tribunal notwithstanding that the Deputy Chairman and another 2 members are at that time sitting and performing those functions and exercising those powers in respect of another matter."

9. ASSESSMENT OF COMPENSATION

Section 66 of the Principal Act is amended -

(a) by omitting "Compensation" and substituting "(1) Subject to this section, compensation"; and

(b) by adding at the end the following:

"(2) The Chairman may, for the purpose of the assessment of compensation for land comprising or involving native title rights and interests, make rules modifying the rules set out in Schedule 2.

"(3) Where a claim is made for compensation in respect of the acquisition of native title rights and interests, the rules set out in Schedule 2 as modified under subsection (2) apply."

10. CHAIRMAN OR DEPUTY CHAIRMAN TO CONSTITUTE TRIBUNAL FOR PURPOSES CONCERNING NATIVE TITLE

Section 88D of the Principal Act is amended -

(a) by omitting "land" and substituting "land or waters"; and

(b) by omitting "Chairman" and substituting "Chairman or, on the direction of the Chairman, the Deputy Chairman".

11. REGULATIONS

Section 95(2) of the Principal Act is amended -

(a) by omitting from paragraph (a) "and";

(b) by omitting from paragraph (b) "witnesses." and substituting "witnesses; and"; and

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(c) by adding at the end the following:

"(c) providing for -

- (i) the payment of compensation (including payment by a person other than the Territory) in respect of an acquisition of land the purpose of which is to confer a right or interest in relation to the land on a person other than the Territory; and
 - (ii) the recovery from the person on whom the right or interest is to be conferred of other costs and expenses reasonably incurred by the Territory in the course of making the acquisition."
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