

Serial 262
Pastoral Land
Amendment
(No. 2)
Mr Hatton

NORTHERN TERRITORY OF AUSTRALIA
PASTORAL LAND AMENDMENT BILL (NO. 2) 1993

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NORTHERN TERRITORY OF AUSTRALIA

A BILL for AN ACT

to amend the *Pastoral Land 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 *Pastoral Land Amendment Act (No. 2) 1993*.

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 *Pastoral Land Act* is in this Act referred to as the Principal Act.

4. INTERPRETATION

Section 92 of the Principal Act is amended -

(a) by omitting the definition of "Chairman" and substituting the following:

"'Chairman' means the Chairman of the Tribunal, and includes the Deputy Chairman -

(a) while the Deputy Chairman is exercising the powers and performing the functions of the Chairman, including the performance of a function of the Chairman in pursuance of a direction under section 106(1B)(b); or

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- (b) in relation to a meeting of the Tribunal at which the Deputy Chairman is directed, in pursuance of section 106(1A)(a), to preside;

'Deputy Chairman' means the Deputy Chairman of the Tribunal;;

- (b) by omitting from the definition of "Tribunal" the words "section 93" and substituting "section 93 or constituted under this Part"; and
- (c) by adding at the end the following:

"(2) In relation to an application -

- (a) a reference in this Part to pastoral land, a pastoral lease or land comprised in a pastoral lease includes a reference to an area which, at the time the application was made, was comprised in a pastoral lease but, before the application was finally disposed of, was converted to or included in a Crown lease of another kind and a lessee of the relevant lease into which the land was converted shall be a party to the application as if he or she were the pastoral lessee at the time the application was made; and
- (b) where the Tribunal has not been constituted in relation to the application before that conversion to or inclusion in the Crown lease of another kind or after that conversion or inclusion is for any reason to be constituted with a new member, a reference in section 93(2)(b), (4) and (5) to the relevant pastoral organisation shall be construed as a reference to the lessee of that Crown lease,

and this Part, with the necessary changes, applies accordingly."

5. CONTINUATION OF TRIBUNAL

Section 93 of the Principal Act is amended -

- (a) by omitting from subsection (1) "The Tribunal" and substituting "Subject to this Part, the Tribunal";
- (b) by omitting from subsection (2)(a) "Tribunal; and" and substituting "Tribunal;;";

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(c) by inserting after subsection (2)(a) the following:

"(ab) one other person with the same qualifications for appointment as the Chairman, nominated and appointed in the same way, who shall be the Deputy Chairman of the Tribunal; and";

(d) by inserting in subsection (2)(b), after "subsection (5)", the words "in respect of each application or matter referred to it,"; and

(e) by inserting in subsection (8), after "the Chairman", the words "or the Deputy Chairman"; and

(f) by inserting in subsection (8)(a), after "general practice directions", the words "by the Chairman".

6. CONSIDERATION OF APPLICATION WHERE MEMBER CEASES TO HOLD OFFICE

Section 97 of the Principal Act is amended by inserting, after "Chairman" (first occurring), the words "or Deputy Chairman".

7. NEW SECTION

The Principal Act is amended by inserting after section 105 the following:

"105A. MINISTER MAY WITHDRAW REFERRAL

"(1) At any time after an application is referred to the Tribunal by the Minister and before a recommendation under section 108 or 109 is made by the Tribunal, the Minister may, by notice in writing to the Tribunal, for the purpose only of approving the application in whole or, with the consent of the parties, in part, withdraw the matter from the Tribunal.

"(2) The Minister shall, within 30 days after withdrawing a matter under subsection (1), approve the application in whole or in part, as the case may be, and section 104(4) and Division 4 shall apply as if the approval were the approval under section 104(1) of the application or the application as so modified."

8. MEETINGS OF TRIBUNAL AND PROCEDURE

Section 106 of the Principal Act is amended -

(a) by inserting after subsection (1) the following:

"(1A) A meeting of the Tribunal to consider an application or reference referred to in subsection (1) shall comprise -

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- (a) at the discretion of the Chairman, the Chairman or Deputy Chairman; and
- (b) the relevant members appointed under section 93(2)(b).

"(1B) Nothing in this Act prevents -

- (a) the Tribunal from conducting at the same time 2 meetings, one presided over by the Chairman and the other by the Deputy Chairman, to consider separate applications or references; or
- (b) the Deputy Chairman performing a function of the Chairman, as directed, in relation to an application at any time before, during or after a meeting of the Tribunal to consider the application (and the Chairman may give such a direction).

"(1C) Where the Chairman is absent or, for any reason, unable to perform his or her functions under this Part, the Deputy Chairman has all the powers and may perform all the functions of the Chairman."; and

- (b) by inserting at the end of subsection (7) "and the Tribunal may, in the course of the view, take oral evidence in explanation of the subject of the view, provided it is relevant to a matter referred to in section 109(1)(a) or (b)".

9. RECOMMENDATION, &c., TO MINISTER IN OTHER CASES

Section 109(1)(a) of the Principal Act is amended by omitting subparagraph (i).

10. RESUMPTION OF ABANDONED ABORIGINAL COMMUNITY LIVING AREA

Section 114(2) of the Principal Act is amended -

- (a) by inserting after "pastoral lease" (first occurring) the words "or a Crown lease of another kind"; and
- (b) by omitting "his or her pastoral lease" and substituting "his or her lease".

11. ESTABLISHMENT OF APPEAL TRIBUNAL

Section 115(2) of the Principal Act is amended by inserting, after "constituted", the words ", in respect of each appeal to it,".

12. POWERS AND PROCEDURES OF APPEAL TRIBUNAL

Section 117 of the Principal Act is amended by adding at the end the following:

"(13) The Chief Magistrate may give directions on any matter within the jurisdiction of the Appeal Tribunal (including general practice directions and in relation to a particular matter).".

13. COMPULSORY CONFERENCES

Section 118 of the Principal Act is amended by omitting subsection (3) and substituting the following:

"(3) A person appointed by the President from the panel established under section 115(3), or a Registrar of the Local Court nominated by the Chief Magistrate, shall preside over a conference, but the person who so presides cannot be a member of the Appeal Tribunal as constituted for the purpose of hearing the appeal.".

