

Serial 261  
Real Property  
(Statutory Charges  
Consequential  
Amendments)  
Mr Manzie

NORTHERN TERRITORY OF AUSTRALIA  
REAL PROPERTY (STATUTORY CHARGES  
CONSEQUENTIAL AMENDMENTS) BILL 1993

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## NORTHERN TERRITORY OF AUSTRALIA

### A BILL for AN ACT

to amend certain Acts consequential on the  
*Real Property Act (No. 2) 1993*, and for related purposes

**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. SHORT TITLE

This Act may be cited as the *Real Property (Statutory Charges Consequential Amendments) Act 1993*.

#### 2. COMMENCEMENT

This Act shall come into operation on the commencement of the *Real Property Amendment Act (No. 2) 1993*.

#### 3. AMENDMENT OF *BUSHFIRES ACT*

Section 47(5) of the *Bushfires Act* is amended by omitting "debt due to the Territory" and substituting "debt due and payable to the Territory and a statutory charge, within the meaning of the *Real Property Act*, on the land".

#### 4. AMENDMENTS OF *DARWIN RATES ACT*

(1) Section 47 of the *Darwin Rates Act* is repealed and the following substituted:

##### "47. RATES A CHARGE ON LAND

"Subject to this Act, a rate due and unpaid, and all costs awarded to the Territory by a court in a proceeding relating to a rate, are an overriding statutory charge, within the meaning of the *Real Property Act*, on the land."

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5. AMENDMENT OF *ELECTRICITY ACT*

(1) Section 30A(3) of the *Electricity Act* is amended by omitting all words after "sub-section (2)" and substituting "is an overriding statutory charge, within the meaning of the *Real Property Act*, on the parcel of land."

6. AMENDMENT OF *FIRE SERVICE ACT*

Section 95 of the *Fire Service Act* is amended by inserting after subsection (3) the following:

"(3A) A fee due and payable under this section in relation to land or a building on land is a statutory charge, within the meaning of the *Real Property Act*, on the land."

7. AMENDMENT OF *HERITAGE CONSERVATION ACT*

Section 49(5) of the *Heritage Conservation Act* is amended by inserting, after "was served", the words "and, where the debt is incurred in relation to a heritage place, it is an overriding statutory charge, within the meaning of the *Real Property Act*, on the land comprising the place."

8. AMENDMENTS OF *LOCAL GOVERNMENT ACT*

(1) Section 123 of the *Local Government Act* is repealed and the following substituted:

"123. RATES AND CHARGES A CHARGE ON LAND

"Subject to this Act, a rate or charge due and unpaid, and all costs awarded to a council by a court or the Tribunal in proceedings in relation to a rate or charge, are an overriding statutory charge, within the meaning of the *Real Property Act*, on the land."

(2) Subsections (2) and (3) of section 136 of the *Local Government Act* are repealed.

9. AMENDMENTS OF *NOXIOUS WEEDS ACT*

(1) Section 10(1) of the *Noxious Weeds Act* is amended by inserting, after "carrying out of the work", the words "and the debt is a statutory charge, within the meaning of the *Real Property Act*, on the land".

(2) Sections 12, 13, 14 and 15 of the *Noxious Weeds Act* are repealed.

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10. AMENDMENTS OF PASTORAL LAND ACT

Section 124(1) of the *Pastoral Land Act* is amended by omitting "a first charge" and substituting "an overriding statutory charge, within the meaning of the *Real Property Act*,".

11. AMENDMENT OF PLANT DISEASES CONTROL ACT

Section 20(5) of the *Plant Diseases Control Act* is amended by inserting, after "the orchard", the words "and are a statutory charge, within the meaning of the *Real Property Act*, on the land."

12. AMENDMENTS OF SOIL CONSERVATION AND LAND UTILIZATION ACT

Section 22(3) of the *Soil Conservation and Land Utilization Act* is amended -

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

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

(c) by adding at the end the following:

"(c) is a statutory charge, within the meaning of the *Real Property Act*, on the land."

13. AMENDMENT OF WATER SUPPLY AND SEWERAGE ACT

Section 33 of the *Water Supply and Sewerage Act* is amended by adding at the end the following:

"(11) Without limiting the Authority's power under subsection (10), a charge, fee or other amount due and payable under this Act to the Authority in respect of the sewerage service or water supply to land is an overriding statutory charge, within the meaning of the *Real Property Act*, on the land."

14. SAVING OF CAVEATS

Nothing in this Act or the *Real Property Act* as amended by the *Real Property Amendment Act (No. 2) 1993* shall be construed as rendering invalid or ineffective a caveat registered under the *Real Property Act* in pursuance of a provision of an Act amended or repealed by this Act.

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