

NORTHERN TERRITORY OF AUSTRALIA
PARKS AND RESERVES (FRAMEWORK FOR THE FUTURE)
REGULATIONS

Regulations No. 8 of 2005

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Regulations No. 8 of 2005*

Parks and Reserves (Framework for the Future) Regulations

I, EDWARD JOSEPH EGAN, the Administrator of the Northern Territory of Australia, acting with the advice of the Executive Council, make the following regulations under the *Parks and Reserves (Framework for the Future) Act*.

Dated 18 March 2005.

E. J. EGAN
Administrator

By His Honour's Command

J. L. AH KIT
Minister for Community Development
acting for and on behalf of the
Chief Minister

* Notified in the *Northern Territory Government Gazette* on 30 March 2005.

PART 1 – PRELIMINARY MATTERS

1. Citation

These Regulations may be cited as the *Parks and Reserves (Framework for the Future) Regulations*.

2. Commencement

These Regulations come into operation on the commencement of section 5 of the *Territory Parks and Wildlife Conservation Amendment Act 2005*.

3. Definitions

In these Regulations, unless the contrary intention appears –

"Land Council", for a Park Land Trust, means the Land Council for the part of the Territory in which the Trust's park freehold land is located;

"member", of a Park Land Trust, means a member of the Trust appointed under regulation 4;

"park freehold land", of a Park Land Trust, means the park freehold land over which the Trust holds, or is established to hold, park freehold title.

PART 2 – ADMINISTRATION OF PARK LAND TRUSTS

4. Membership

(1) A Park Land Trust consists of a Chairperson and at least 3 other members.

(2) The members must be appointed in writing by the Land Council for the Trust from the traditional Aboriginal owners of the Trust's park freehold land.

(3) A member holds office for 5 years but is eligible for re-appointment.

(4) The exercise of a power, or the performance of a function, by the Trust is not affected because of one or more vacancies in its membership.

5. Use of common seal

The common seal of a Park Land Trust may only be affixed to a document with the written authority of at least 3 of its members.

PART 3 – POWERS OF PARK LAND TRUSTS

6. Moneys due and owing to Trust

(1) A Park Land Trust is not empowered to accept, or to give a valid discharge for, moneys due and owing to the Trust.

(2) However, those moneys may be paid to the Land Council for the Trust.

7. Dealings in land by Trust

(1) Except as provided for by this regulation, a Park Land Trust cannot deal with or dispose of, or agree to deal with or dispose of, an estate or interest in the whole or any part of the Trust's park freehold land.

(2) The Trust may grant, transfer or surrender an estate or interest in the land to any person for any purpose, but only at the written direction of the Land Council for the Trust.

(3) If such a direction is given, the Trust must grant, transfer or surrender the estate or interest in accordance with the direction.

(4) The Land Council must not give a direction under subregulation (2) unless satisfied of the following:

- (a) the traditional Aboriginal owners (if any) of the land understand the nature and purpose of the proposed grant, transfer or surrender and, as a group, consent to it;
- (b) any Aboriginal community that may be affected by the proposed grant, transfer or surrender has been consulted and has had an adequate opportunity to express its view to the Land Council;
- (c) if a grant of an estate or interest is proposed – the terms and conditions on which the grant is to be made are reasonable.

(5) If, in giving a direction under subregulation (2), the Land Council fails to comply with subregulation (4), the failure does not invalidate the grant, transfer or surrender unless the person to whom the grant, transfer or surrender was made procured the direction by fraud.

(6) If a grant, transfer or surrender of an estate or interest is invalidated by virtue of subregulation (5) because of fraud, the invalidity does not affect the rights of a person who has, for value and without notice of the fraud, accepted the

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grant, transfer or surrender of the estate or interest or been granted an interest dependent on that estate or interest.
