



Lands Acquisition (Northern Territory Pastoral Leases) Act 1981

No. 105, 1981

Compilation No. 3

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Prepared by the Office of Parliamentary Counsel, Canberra

About this compilation

This compilation

This is a compilation of the *Lands Acquisition (Northern Territory Pastoral Leases) Act 1981* that shows the text of the law as amended and in force on 18 October 2023 (the *compilation date*).

The notes at the end of this compilation (the *endnotes*) include information about amending laws and the amendment history of provisions of the compiled law.

Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Register (www.legislation.gov.au). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the Register for the compiled law.

Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

Editorial changes

For more information about any editorial changes made in this compilation, see the endnotes.

Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the Register for the compiled law.

Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

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An Act relating to the acquisition by the Commonwealth of certain land in the Northern Territory

1 Short title

This Act may be cited as the *Lands Acquisition (Northern Territory Pastoral Leases) Act 1981*.

2 Commencement

This Act shall come into operation on a date to be fixed by Proclamation.

3 Interpretation

(1) In this Act, unless the contrary intention appears:

interest, in relation to land, means:

- (a) a legal or equitable estate or interest in the land; or
- (b) a right, power or privilege over, or in connection with, the land.

Lands Acquisition Act means the *Lands Acquisition Act 1955*.

mining interest, in relation to land, means:

- (a) an interest in the land granted under the *Mineral Titles Act 2010* (NT); or
- (b) an interest in the land existing by virtue of an authority under section 41 of the *Atomic Energy Act 1953*.

non-mining interest, in relation to land, means an interest in the land other than a mining interest.

person does not include the Commonwealth.

relevant land means the land described in the Schedule and includes all non-mining interests in that land but does not include any mining interests in that land.

- (2) In provisions of the Lands Acquisition Act as applying by virtue of this Act:
- (a) **Supreme Court** means the Supreme Court of the Northern Territory of Australia;
 - (b) **the date of acquisition**, in relation to land, means the date of commencement of this Act;
 - (c) **this Act** means:
 - (i) the Lands Acquisition Act as applying by virtue of this Act; or
 - (ii) this Act; and
 - (d) **claimant, court of summary jurisdiction, mortgagee and mortgagor** have the meanings they have in the Lands Acquisition Act.

4 Object of Act

The object of this Act is to ensure, as soon as it is practicable to do so, that, notwithstanding the uncertainty that has arisen in relation to the effectiveness of the acquisition of the relevant land by the Commonwealth under the *Lands Acquisition Act in 1978*, that land is vested in the Commonwealth, and the Commonwealth has a right to immediate possession of that land, for the purpose of including that land in a park or parks established or to be established pursuant to the *National Parks and Wildlife Conservation Act 1975* and of using or enabling the use of part of that land for the development of uranium mining.

5 Acquisition of land

On the commencement of this Act, the relevant land (other than the interests of the Commonwealth in that land) is, by force of this Act:

- (a) vested in the Commonwealth; and

(b) freed and discharged from all interests (other than mining interests), trusts, restrictions, dedications, reservations, obligations, contracts, licences, charges and rates; to the intent that the legal estate in the land and all rights and powers incident to that legal estate or conferred by this Act are vested in the Commonwealth.

6 Possession of relevant land

On the commencement of this Act, the Commonwealth is entitled to immediate vacant possession of the relevant land.

7 Conversion of interests into claims for compensation

On the commencement of this Act, each non-mining interest of a person in the relevant land is converted into a right to compensation under this Act.

8 Notice to owner

- (1) The Minister shall, as soon as practicable after the acquisition of the relevant land under section 5, cause a copy of a notice of acquisition of the land, in accordance with a form approved by the Minister, to be served upon each person who had a non-mining interest in the land immediately before the commencement of this Act or on 22 June 1978 (in this section referred to as an *owner*), or such of them as can, after diligent inquiry, be ascertained.
- (2) Where:
 - (a) the Minister is unable, after diligent inquiry, to ascertain the identity of an owner; or
 - (b) service on an owner cannot be effected under subsection (1) in accordance with section 66 of the Lands Acquisition Act as applying by virtue of section 12 of this Act;service on that owner may be effected by causing a copy of the notice of acquisition to be published in a newspaper circulating in the district in which the relevant land is situated.

9 Registration of acquisition

- (1) After the commencement of this Act, the Secretary of the Department may lodge with the Registrar-General for the Northern Territory or other proper officer of the Northern Territory a copy of the notice of acquisition referred to in section 8, certified by writing signed by the Secretary.
- (2) The officer with whom the copy of a notice of acquisition is lodged in pursuance of subsection (1) may register the acquisition in the manner as nearly as may be in which dealings with land are registered, and may deal with and give effect to the copy of the notice of acquisition as if it were a grant, conveyance, memorandum or instrument of transfer of the land to the Commonwealth duly executed under the laws in force in the Northern Territory.

10 Compensation for acquisition

Part IV of the Lands Acquisition Act applies in relation to interests in the relevant land that have been acquired by the Commonwealth by force of this Act as if the relevant land had been acquired by compulsory process under the Lands Acquisition Act on the commencement of this Act and as if the right to compensation under section 7 of this Act were a right to compensation under section 11 of the Lands Acquisition Act.

11 Mortgages over relevant land

Part VI of the Lands Acquisition Act applies in relation to interests in the relevant land that have been acquired by the Commonwealth by force of this Act as if the relevant land had been acquired by compulsory process under the Lands Acquisition Act on the commencement of this Act.

12 Miscellaneous

- (1) Subject to subsection (2), sections 13, 55, 56, 57, 58, 59, 60, 62, 64, 65 and 66 of the Lands Acquisition Act apply in relation to

interests in the relevant land that have been acquired by the Commonwealth by force of this Act as if the relevant land had been acquired by compulsory process under the Lands Acquisition Act on the commencement of this Act.

- (2) Section 57 of the Lands Acquisition Act applies by virtue of subsection (1) as if in that section “otherwise than by virtue of an agreement under section 56” were substituted for “otherwise than by virtue of a subsisting lease or agreement”.

13 Act not to affect prior acquisition

This Act shall not be read as implying that:

- (a) the relevant land or an interest in the relevant land was not acquired by compulsory process under the Lands Acquisition Act so that the relevant land or interest became vested in the Commonwealth on 23 June 1978; or
- (b) if the relevant land was so acquired, the persons with non-mining interests in that land on 22 June 1978 are not entitled to compensation under the Lands Acquisition Act by reason of that acquisition.

14 Application to Aboriginal Land Commissioner

For the purposes of any application in respect of the whole or any part of the land described in the Schedule that was made before the commencement of this Act to the Aboriginal Land Commissioner under subsection 50(1) of the *Aboriginal Land Rights (Northern Territory) Act 1976*, that land shall be deemed to have at all times been unalienated Crown land to the intent that the Commissioner may complete his consideration of the application, and make and report his findings and make any recommendations, under that subsection as if the land had been unalienated Crown land when the application was made and had not ceased to be unalienated Crown land.

15 Regulations

The Governor-General may make regulations, not inconsistent with this Act, prescribing all matters necessary or convenient to be prescribed for carrying out or giving effect to this Act.

Schedule

Section 3

Mudginberri pastoral lease

All that piece and parcel of land which was the subject of Pastoral Lease No. 739 granted on 28 July 1969 and which is described and delineated in Register Book of Crown Leases Volume 76, Folio 57 kept by the Registrar-General for the Northern Territory as Northern Territory Portion 1171 situate in the Darwin and Gulf District in the Northern Territory and containing an area of 427 square miles or thereabouts.

Munmarlary pastoral lease

All that piece and parcel of land which was the subject of Pastoral Lease 737 granted on 5 June 1969 and which is described and delineated in Register Book of Crown Leases Volume 75, Folio 30 kept by the Registrar-General for the Northern Territory as Northern Territory Portion 1168 situate in the Darwin and Gulf District in the Northern Territory and containing an area of 390 square miles or thereabouts.

Endnotes

Endnote 1—About the endnotes

Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

- Endnote 1—About the endnotes
- Endnote 2—Abbreviation key
- Endnote 3—Legislation history
- Endnote 4—Amendment history

Abbreviation key—Endnote 2

The abbreviation key sets out abbreviations that may be used in the endnotes.

Legislation history and amendment history—Endnotes 3 and 4

Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

Editorial changes

The *Legislation Act 2003* authorises First Parliamentary Counsel to make editorial and presentational changes to a compiled law in preparing a compilation of the law for registration. The changes must not change the effect of the law. Editorial changes take effect from the compilation registration date.

If the compilation includes editorial changes, the endnotes include a brief outline of the changes in general terms. Full details of any changes can be obtained from the Office of Parliamentary Counsel.

Misdescribed amendments

A misdescribed amendment is an amendment that does not accurately describe how an amendment is to be made. If, despite the misdescription, the amendment can be given effect as intended, then the misdescribed amendment can be

Endnote 1—About the endnotes

incorporated through an editorial change made under section 15V of the *Legislation Act 2003*.

If a misdescribed amendment cannot be given effect as intended, the amendment is not incorporated and “(md not incorp)” is added to the amendment history.

Endnotes

Endnote 2—Abbreviation key

Endnote 2—Abbreviation key

| | |
|--|--|
| ad = added or inserted | o = order(s) |
| am = amended | Ord = Ordinance |
| amdt = amendment | orig = original |
| c = clause(s) | par = paragraph(s)/subparagraph(s) /sub-subparagraph(s) |
| C[x] = Compilation No. x | pres = present |
| Ch = Chapter(s) | prev = previous (prev...) = previously |
| def = definition(s) | Pt = Part(s) |
| Dict = Dictionary | r = regulation(s)/rule(s) |
| disallowed = disallowed by Parliament | reloc = relocated |
| Div = Division(s) | renum = renumbered |
| ed = editorial change | rep = repealed |
| exp = expires/expired or ceases/ceased to have effect | rs = repealed and substituted |
| F = Federal Register of Legislation | s = section(s)/subsection(s) |
| gaz = gazette | Sch = Schedule(s) |
| LA = <i>Legislation Act 2003</i> | Sdiv = Subdivision(s) |
| LIA = <i>Legislative Instruments Act 2003</i> | SLI = Select Legislative Instrument |
| (md) = misdescribed amendment can be given effect | SR = Statutory Rules |
| (md not incorp) = misdescribed amendment cannot be given effect | Sub-Ch = Sub-Chapter(s) |
| mod = modified/modification | SubPt = Subpart(s) |
| No. = Number(s) | <u>underlining</u> = whole or part not commenced or to be commenced |

Endnote 3—Legislation history

Endnote 3—Legislation history

| Act | Number and year | Assent | Commencement | Application, saving and transitional provisions |
|---|-----------------|--------------|--|---|
| Lands Acquisition (Northern Territory Pastoral Leases) Act 1981 | 105, 1981 | 24 June 1981 | 22 Oct 1981 (s 2) | |
| Australian Government Solicitor (Consequential Amendments) Act 1984 | 10, 1984 | 10 Apr 1984 | Sch: 1 July 1984 (s 2(1) and gaz 1984, No S231) | s 4(1) |
| Judiciary Amendment Act 1999 | 7, 1999 | 31 Mar 1999 | Sch 3 (items 24, 25): 1 Sept 1999 (s 2(2) and gaz 1999, No S395) | — |
| Statute Law Revision Act 2011 | 5, 2011 | 22 Mar 2011 | Sch 7 (item 89): 19 Apr 2011 (s 2(1) item 18) | — |
| Statute Law Amendment (Prescribed Forms and Other Updates) Act 2023 | 74, 2023 | 20 Sept 2023 | Sch 3 (item 3): 18 Oct 2023 (s 2(1) item 3) | — |

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Compilation date: 18/10/2023

Registered: 30/10/2023

Endnotes

Endnote 4—Amendment history

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| Provision affected | How affected |
|---------------------------|--|
| s 3 | am No 74, 2023 |
| s 9 | am No 10, 1984; No 7, 1999; No 5, 2011 |
