

# **Lands Acquisition Regulations (Amendment) 1993 No. 56**

## **EXPLANATORY STATEMENT**

### **Statutory Rules 1993 No. 56**

Issued by the authority of the Minister for the Arts and Administrative Services

#### Lands Acquisition Act 1989

Lands Acquisition Regulations (Amendment)

Section 140 of the Lands Acquisition Act 1989 (the Act) provides that the Governor-General may make regulations for the purposes of the Act.

Paragraphs 21(1)(b) and 117(1)(b) of the Act provide respectively that the regulations may specify circumstances in which the Commonwealth or a Commonwealth authority may acquire or dispose of an interest in land otherwise than in accordance with the Act.

Section 6 of the Act defines "Commonwealth authority" for the purposes of the Act. However the section also provides that authorities can be declared to be exempt authorities by regulation. Schedule 1 to the existing Regulations lists those authorities which have been exempted.

The Australian Maritime Safety Authority (the Authority) is to be included in the list of exempt authorities. As the Authority's enabling Act includes the power to acquire, hold and dispose of real and personal property, it has been decided that the Authority should be in the same position in relation to property matters as the Civil Aviation Authority and the Federal Airports Corporation. These Authorities were already exempt through their enabling legislation when the Lands Acquisition Act 1989 came into force in 1989. The Lands Acquisition Act 1989 provides for exemption by regulation. As the Authority was not established until 1 January 1991 it is therefore necessary to exempt the Authority by regulation.

The amendment to the Lands Acquisition Regulations will exempt the Australian Maritime Safety Authority from the provisions of the Act. The Authority will then be free to conduct its own property transactions without reference to the Act.

Details of the Regulations are as follows.

Regulation 1 provides for the amendment of the Lands Acquisition Regulations.

Regulation 2 adds the Australian Maritime Safety Authority to the list of exempt authorities in Schedule 1 to the existing Regulations.

The Regulations commence on gazettal.