

# **Lands Acquisition Amendment Regulations 2004 (No. 2) 2004 No. 82**

## EXPLANATORY STATEMENT

### STATUTORY RULES 2004 No. 82

Issued by the Authority of the Parliamentary Secretary to the Minister for Finance and Administration

*Lands Acquisition Act 1989*

*Lands Acquisition Amendment Regulations 2004 (No. 2)*

Section 140 of the *Lands Acquisition Act 1989* (the Act) provides that the Governor-General may make regulations, not inconsistent with the Act, prescribing matters required or permitted by this Act to be prescribed, or necessary or convenient to be prescribed for carrying out or giving effect to this Act.

Subsection 119(1), in Part X of the Act, provides that an interest in land vested in an acquiring authority may be disposed of under the written authority of the Minister. Paragraph 117(1)(a) of the Act provides that an acquiring authority shall not dispose of an interest in land otherwise than in accordance with Part X unless the regulations provide that the Act does not apply in relation to the disposal in specified circumstances.

The *Lands Acquisition Regulations 1989* (the Principal Regulations) prescribe matters for the purposes of the Act. Regulation 7 of the Principal Regulations provided that the Act did not apply in relation to the disposal by the Aboriginal and Torres Strait Islander Commission (ATSIC) of an interest in land under section 14 of the *Aboriginal and Torres Strait Islander Commission Act 1989* for the benefit of, or assistance to, Aboriginal and Torres Strait Islander corporations.

The Regulations omit Regulation 7 of the Principal Regulations with the effect that ATSIC is required to obtain Ministerial approval before disposing of property and/or interest in land.

The Government intends to introduce legislation into Parliament in the Budget sitting to abolish ATSIC with a view to passing the legislation before 1 July 2004. It is important, in the meantime, that ATSIC's assets be protected for future Government use.

The Regulations commenced on the date of their notification in the Gazette.