No.1 of 2004

I, PHILIP MICHAEL JEFFERY, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Ordinance under the Christmas Island Act 1958.

Dated 27 May 2004

P.M. JEFFERY
Governor-General

By His Excellency’s Command

IAN CAMPBELL
Minister for Local Government, Territories and Roads
An Ordinance to amend the \textit{Land Administration Act 1997 (WA) (CI)} in its application to Commonwealth land in the Territory, and for related purposes

1 Name of Ordinance
This Ordinance is the \textit{Land Administration Act 1997 (WA) (CI) Amendment Ordinance 2004 (No. 1)}.

2 Commencement
This Ordinance commences on the date of its notification in the \textit{Gazette}.

3 Amendment of \textit{Land Administration Act 1997 (WA) (CI)}
Schedule 1 amends the \textit{Land Administration Act 1997 (WA) (CI)}.

**Schedule 1 Amendments (section 3)**

[1] Subsection 3 (1), definition of \textit{alienated land}

\textit{alienated land} means land held in freehold.

\textit{Note} See subsection 83A (2) in relation to land held in freehold by the Commonwealth.


\textit{Crown land}, subject to subsections (2), (3), (4) and (5), means all land, except for alienated land.

\textit{Note} Alienated land includes land held in freehold by the Commonwealth.
[3] **Subsection 3 (1), definition of land district**

*Substitute*

*land district* means the land district constituted under section 26A.

[4] **Subsection 3 (1), definition of townsite**

*Substitute*

*townsite* means townsite constituted under section 26 or taken to be constituted under clause 37 of Schedule 9.3 to the *Local Government Act 1995 (WA) (CI)*.

[5] **Section 26**

*Substitute*

26 **Constitution, etc. of townsites**

(1) The Minister may, by order in writing, constitute a townsite.

(2) The Minister may, by order in writing, do any of the following in relation to a townsite:

(a) name or rename it;

(b) define or redefine its boundaries;

(c) abolish it.

(3) The Minister may, by order in writing, name or rename a topographical feature, road or reserve.

(4) An order made under subsection (1), (2) or (3) may deal with a matter that may be dealt with by order under another provision of this Act.

26A **Territory a land district**

For this Act, the Territory is a land district under the name ‘Christmas District’.
[6] Subsection 29 (1)

*omit*

and section 29A

[7] Section 29A

*omit*

[8] Subsection 31 (1)

*substitute*

(1) Subject to subsection (2):

(a) an employee of the Commonwealth Department administering the *Christmas Island Act 1958*; or

(b) an officer or employee of a Territory agency or instrumentality; or

(c) a delegate of the Commonwealth Minister appointed for the purposes of administering Territory laws;

must not acquire an interest in Crown land without the permission of the Minister.

[9] Subsection 31 (2)

*omit*

officer or employee

*insert*

officer, employee or delegate

[10] After section 83

*insert*

83A Commonwealth land held in fee simple

(1) The Minister may transfer Crown land to the Commonwealth of Australia in fee simple on such terms and conditions as the
Minister considers appropriate in the best interests of the Commonwealth.

(2) Land held by the Commonwealth of Australia in fee simple is subject to this Act, except for the following provisions, as though the land were Crown land:
   (a) sections 23, 27, 28 and 29;
   (b) all sections of Division 1 and 2 of Part 5;
   (c) all sections of Part 4 and Part 7.

(3) To avoid doubt, the provisions mentioned in subsection (2) apply to land formerly held by the Commonwealth of Australia in fee simple that has been revested in the Crown under section 82.


substitute

(4) In this section:

the Crown includes the following:
   (a) a Commonwealth or Territory agency or instrumentality;
   (b) an officer or employee of the Commonwealth or of a Territory agency or instrumentality;
   (c) a delegate of the Minister appointed for the purposes of administering Territory laws.

Note