



Lands Acquisition Regulations 1989

Statutory Rules 1989 No. 111 as amended

made under the

Lands Acquisition Act 1989

This compilation was prepared on 24 July 2007
taking into account amendments up to SLI 2007 No. 223

Prepared by the Office of Legislative Drafting and Publishing,
Attorney-General's Department, Canberra

	Page
Contents	
1 Name of Regulations [see Note 1]	3
2 Interpretation	3
3 Exempt authorities	3
4 Specified circumstance — paragraph 21 (1) (b) of the Act	3
4A Specified circumstances — paragraph 21 (1) (b) of the Act (Pipeline Authority and its subsidiaries)	3
4B Specified circumstances — paragraph 21 (1) (b) of the Act (defence housing)	4
4C Specified circumstance — paragraph 21 (1) (b) of the Act (lease of township area vested in the Tiwi Aboriginal Land Trust)	4
5 Interest payable on compensation — interests other than mortgage interests	4
6 Interest payable in compensation	5
7A Specified circumstances — paragraph 117 (1) (b) of the Act (Pipeline Authority and its subsidiaries)	5
7B Specified circumstances — paragraph 117 (1) (b) of the Act (defence housing)	5
7C Specified circumstances — paragraph 117 (1) (b) of the Act (Albury-Wodonga Development Corporation)	5
8 Prescribed address (Act s 137)	5
Schedule 1 Exempt authorities	7
Notes	9

1 Name of Regulations [see Note 1]

These Regulations are the *Lands Acquisition Regulations 1989*.

2 Interpretation

In these Regulations, unless the contrary intention appears:
the Act means the *Lands Acquisition Act 1989*.

3 Exempt authorities

For the purposes of paragraph (b) of the definition of *Commonwealth authority* in section 6 of the Act, each of the authorities specified in Column 2 in Schedule 1 is declared to be an exempt authority.

4 Specified circumstance — paragraph 21 (1) (b) of the Act

The Act does not apply in relation to the acquisition by the Aboriginal and Torres Strait Islander Commission 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.

4A Specified circumstances — paragraph 21 (1) (b) of the Act (Pipeline Authority and its subsidiaries)

The Act does not apply in relation to an acquisition by the Pipeline Authority, or a subsidiary company of the Authority, of an interest in land (including land in a public park) by agreement, under the *Pipeline Authority Act 1973*.

4B Specified circumstances — paragraph 21 (1) (b) of the Act (defence housing)

The Act does not apply in relation to the acquisition by the Commonwealth from the Defence Housing Authority of an interest in land, other than a freehold interest, for the purpose of providing housing to meet the operational needs of the Defence Force.

4C Specified circumstance – paragraph 21 (1) (b) of the Act (lease of township area vested in the Tiwi Aboriginal Land Trust)

- (1) The Act does not apply in relation to the acquisition by the Commonwealth of a lease of the land mentioned in subregulation (2) in the circumstance that the acquisition occurs in accordance with section 19A of the *Aboriginal Land Rights (Northern Territory) Act 1976*.
- (2) The land is the parcel of land on Bathurst Island in the Northern Territory with an area of 454 hectares more or less, being Northern Territory Portion 6798, delineated on Survey Plan S2007/183 lodged with the Northern Territory Surveyor-General in Darwin.
- (3) This regulation ceases to have effect at the end of 31 March 2008.

5 Interest payable on compensation — interests other than mortgage interests

For the purposes of subsection 91 (2) of the Act, the rate of interest payable on compensation is the rate that is the assessed secondary market yield, in respect of 5-year non-rebate Treasury bonds, published by the Reserve Bank in respect of a month in respect of which the Commonwealth is liable to pay compensation to the relevant claimant under Part VII of the Act.

6 Interest payable in compensation

For the purposes of subsection 115 (2) of the Act, the rate of interest payable on compensation is the rate that is the assessed secondary market yield, in respect of 5-year non-rebate Treasury bonds, published by the Reserve Bank in respect of a month in respect of which the Commonwealth is liable to pay compensation to the relevant claimant under Part VIII of the Act.

7A Specified circumstances — paragraph 117 (1) (b) of the Act (Pipeline Authority and its subsidiaries)

The Act does not apply in relation to a disposal by the Pipeline Authority, or a subsidiary company of the Authority, of an interest in land (including land in a public park) by agreement, under the *Pipeline Authority Act 1973*.

7B Specified circumstances — paragraph 117 (1) (b) of the Act (defence housing)

The Act does not apply in relation to the disposal by the Commonwealth of an interest in land, other than a freehold interest, for the purpose of providing housing to meet the operational needs of the Defence Force.

7C Specified circumstances — paragraph 117 (1) (b) of the Act (Albury-Wodonga Development Corporation)

The Act does not apply in relation to the disposal by the Albury-Wodonga Development Corporation of an interest in land for the purpose of managing or disposing of assets under the *Albury-Wodonga Development Act 1973*.

8 Prescribed address (Act s 137)

For subsection 137 (1) of the Act, the following address is prescribed:

Regulation 8

Secretary
Department of Finance and Administration
John Gorton Building
King Edward Terrace
CANBERRA ACT 2600

Note Subsection 137 (1) of the Act deals with addresses at which a document is to be given to the Minister.

Schedule 1 Exempt authorities

(regulation 3)

Column 1 Item No.	Column 2 Authority
1	Australian Broadcasting Corporation
1A	Australian Dairy Corporation
2	Australian Dried Fruits Corporation
3	Australian Honey Board
3A	Australian Horticultural Corporation
3B	Australian Horticultural Research and Development Corporation
4	Australian Industry Development Corporation
4A	Australian Maritime Safety Authority
5	Australian Meat and Livestock Corporation
5A	Australian Meat and Livestock Research and Development Corporation
5B	Australian National Railways Commission
5C	Australian Postal Corporation
5D	Australian Securities Commission
5E	Australian Shipping Commission
5F	Australian Telecommunications Corporation
6	Australian Tobacco Board
7	Australian Wheat Board
8	Australian Wine and Brandy Corporation
9	Australian Wool Corporation
10	Commonwealth Banking Corporation
11	Commonwealth Development Bank
12	Commonwealth Savings Bank
13	Commonwealth Trading Bank

Column 1 Item No.	Column 2 Authority
13B	Indigenous Business Australia
13C	Indigenous Land Corporation
14	Joint Coal Board
15	Reserve Bank of Australia
17	Snowy Mountains Hydro-electric Authority
18	Special Broadcasting Service

Table of Instruments**Notes to the *Lands Acquisition Regulations 1989*****Note 1**

The *Lands Acquisition Regulations 1989* (in force under the *Lands Acquisition Act 1989*) as shown in this compilation comprise Statutory Rules 1989 No. 111 amended as indicated in the Tables below.

Under the *Legislative Instruments Act 2003*, which came into force on 1 January 2005, it is a requirement for all non-exempt legislative instruments to be registered on the Federal Register of Legislative Instruments. From 1 January 2005 the Statutory Rules series ceased to exist and was replaced with Select Legislative Instruments (SLI series). Numbering conventions remain the same, ie Year and Number.

Table of Instruments

Year and number	Date of notification in Gazette or FRLI registration	Date of commencement	Application, saving or transitional provisions
1989 No. 111	7 June 1989	9 June 1989 (see <i>Gazette</i> 1989, No. S185)	
1989 No. 274	19 Oct 1989	19 Oct 1989	—
1990 No. 291	21 Sept 1990	21 Sept 1990	—
1993 No. 56	4 May 1993	4 May 1993	—
1993 No. 325	10 Dec 1993	9 Nov 1993 (see r. 1)	R. 3
1994 No. 389	25 Nov 1994	25 Nov 1994	—
1995 No. 110	31 May 1995	1 June 1995	—
1995 No. 112	6 June 1995	6 June 1995	—
2000 No. 304	16 Nov 2000	16 Nov 2000	—
2004 No. 20	26 Feb 2004	26 Feb 2004	—
2004 No. 82	30 Apr 2004	30 Apr 2004	—
2005 No. 8	14 Feb 2005 (see F2005L00220)	15 Feb 2005	—
2005 No. 156	8 July 2005 (see F2005L01694)	9 July 2005	—
2005 No. 207 (a)	19 Sept 2005 (see F2005L02673)	1 Oct 2005 (see r. 2)	—
2007 No. 223	23 July 2007 (see F2007L02272)	24 July 2007	—

Table of Amendments

Table of Amendments

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision affected	How affected
R. 1	rs. 2000 No. 304
R. 4	rs. 1990 No. 291
R. 4A	ad. 1994 No. 389
R. 4B	ad. 1995 No. 112
R. 4C	ad. 2007 No. 223
R. 7	rs. 1990 No. 291 rep. 2004 No. 82
R. 7A	ad. 1994 No. 389
R. 7B	ad. 1995 No. 112
R. 7C	ad. 2004 No. 20
R. 8	rs. 2000 No. 304; 2005 No. 8
Schedule 1	
Schedule 1	am. 1989 No. 274; 1990 No. 291; 1993 Nos. 56 and 325; 1995 No. 110; 2005 Nos. 156 and 207
Schedule 2	
Schedule 2	rep. 2000 No. 304