

Lands Acquisition Regulations (Amendment) 1995 No. 112

EXPLANATORY STATEMENT

Statutory Rules 1995 No. 112

Issued by the Authority of the Minister for 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 purpose of the Act.

Section 6 of the Act defines "Commonwealth Authority" for the purposes of the Act.

Section 21 provides that acquisition of land will be made in accordance with the Act and defines exceptions to this Section.

Sub-section 40(3) provides for tabling of information under the Act.

Section 117 provides that disposal of land will be made in accordance with the Act and defines exceptions to this Section.

The purpose of the regulations was to return to the Defence Housing Authority (the Authority) the operational flexibility in its dealings with the Commonwealth as was intended under the *Defence Housing Authority Act 1987* (DHA Act). Specifically the Authority was to be free from the requirement under the Act to table details of property transactions between it and the Department of Defence.

The Defence Housing Authority (the Authority) was established to provide housing for the members of the Defence Forces and their families, officers and employees of the Department and their families and other persons, in order to meet the operational needs of the Defence Forces and the needs of the Department of Defence.

Section 61 of the DHA Act exempted the Authority from the application of the Act. It was understood that this exemption would cover all contingencies.

However, the Office of the Australian Government Solicitor advised that the Authority's dealings with the Commonwealth were not exempt from sub-section 40(3) of the Act which required tabling of details of the thousands of transactions it undertook in each year with the Department of Defence.

As this provision was not originally intended to apply to the Authority, the Authority sought to have regulations made to under Sections 21 and 117 of the Act to exempt it specifically from the provisions of the Act to enable the Authority to conduct transactions under the provisions of its own legislation.