

EXPLANATORY STATEMENT

Proclamation

Issued by the authority of the Minister for Finance and Deregulation

Lands Acquisition Legislation Amendment Act 2008

Subsection 2(1) of the *Lands Acquisition Legislation Amendment Act 2008* (the Act) provides that Schedules 1 to 3 to the Act commence on a day to be fixed by proclamation. However, if any of the provisions of Schedules 1 to 3 do not commence within six months of the date the Act receives the Royal Assent, then those provisions commence on the first day after the end of that six months period. The Act received the Royal Assent on 12 July 2008.

The Proclamation fixes 3 September 2008 as the day on which Schedules 1 to 3 to the Act commence.

The Act amends the *Lands Acquisition Act 1989* to reflect the changes in the modern Commonwealth property environment since 1989.

Schedule 1 to the Act provides for the Commonwealth Mining Regulations. Schedule 1 amends section 124 of the *Lands Acquisition Act 1989* to enable States and Territories to administer exploration and/or mining on Commonwealth land through regulations that incorporate or adopt appropriate State/Territory mining legislation. The Commonwealth Mining Regulations will provide a consistent regulatory framework for the management and administration of mining on Commonwealth land.

Schedule 2 to the Act gives the Minister for Finance and Deregulation (the Minister) the ability to initiate an offer of compensation to an owner of interest in land without a claim being made. This promotes efficiencies and fairness in the application of the *Lands Acquisition Act 1989*.

Schedule 3 to the Act includes other technical amendments to increase efficiency in the Minister's administration of the *Lands Acquisition Act 1989*, and to provide consistency with other legislation.

Consultation was undertaken with the relevant agencies affected by the amendments as well as State Governments.

The Proclamation is a legislative instrument for the purposes of the *Legislative Instruments Act 2003*.