



Norfolk Island Land Transfer Ordinance 2016

Ordinance No. 7, 2016

I, General the Honourable Sir Peter Cosgrove AK MC (Ret'd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Ordinance.

Dated 05 May 2016

Peter Cosgrove
Governor-General

By His Excellency's Command

Paul Fletcher
Minister for Territories, Local Government and Major Projects

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1 Name

This is the *Norfolk Island Land Transfer Ordinance 2016*.

2 Commencement

- (1) Each provision of this Ordinance specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this Ordinance	The day after this Ordinance is registered.	11 May 2016

Note: This table relates only to the provisions of this Ordinance as originally made. It will not be amended to deal with any later amendments of this Ordinance.

- (2) Any information in column 3 of the table is not part of this Ordinance. Information may be inserted in this column, or information in it may be edited, in any published version of this Ordinance.

3 Authority

This Ordinance is made under section 19A of the *Norfolk Island Act 1979*.

4 Minister may transfer certain Norfolk Island land

- (1) The Minister may, by writing signed by the Minister, transfer an interest in land situated on Norfolk Island as follows:
- an interest held by the Commonwealth may be transferred to the Administration or the Norfolk Island Regional Council;
 - an interest held by the Administration or the Norfolk Island Regional Council may be transferred to the Commonwealth.
- (2) The transfer may be compulsory or may give effect to an agreement between the Commonwealth and the Administration or the Norfolk Island Regional Council.
- (3) The transfer has effect without any other act, requirement or condition, but may be made subject to conditions specified by the Minister in the instrument that effects the transfer.

Note: The *Lands Acquisition Act 1989* does not prevent or affect the making or operation of this section: see section 62 of the *Norfolk Island Act 1979*, and subsection 5(3) of the *Lands Acquisition Act 1989*.

5 Registering transfers

- (1) If an interest is transferred under this Ordinance, the Minister may:
- sign a certificate that:
 - identifies the interest, whether by reference to a map or otherwise; and

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- (ii) states that the interest has been transferred under this Ordinance to the Commonwealth, the Administration or the Norfolk Island Regional Council, as the case requires; and
 - (b) lodge the certificate with the person (the *land registration official*) who deals with the registration of such interests.
- (2) The land registration official may register the transfer and ownership of the interest in a way that is the same as, or similar to, the way in which such transfers and ownerships are usually registered.

6 Exemptions for transfers

No tax or fee (however described) is payable in relation to an interest transferred under this Ordinance.

Note: This means, for example, that no levy will be payable under the *Business Transactions (Levy Imposition) Act 2006* (Norfolk Island) in relation to a transfer under subsection 4(1).

7 Liabilities also transfer

If an interest is transferred under this Ordinance, any liability arising from previous ownership of the interest by the Commonwealth, the Administration or the Norfolk Island Regional Council is transferred with the interest (whether or not the liability has arisen when the interest is transferred).

8 Acquisitions must be on just terms

Land must not be acquired under this Ordinance otherwise than on just terms.

Note: This section is required by subsection 62(2) of the *Norfolk Island Act 1979*.