LANDS ACQUISITION (NORTHERN TERRITORY PASTORAL LEASES) BILL 1981

Date Introduced: 4 June 1981
House: House of Representatives
Presented by: Hon. K.E. Newman, M.P.

Purpose
To ensure that the land subject to Mudginberri Pastoral Lease and Munmarlary Pastoral Lease is vested in the Commonwealth and the Commonwealth is entitled to immediate possession of that land.

Background
The land in question is part of the Alligator Rivers region which is proposed to be included in Stage II of the Kakadu National Park. The leases were compulsorily acquired pursuant to the provisions of the Lands Acquisition Act 1955 on 23 June, 1978. This acquisition is being challenged in the Northern Territory Supreme Court by the previous lessees, two pastoral companies. The land was acquired for the public purposes of establishing, in relation to the Northern Territory, a park or parks pursuant to the National Parks and Wildlife Conservation Act 1975, and as to part of the land, the development of uranium mining in the Northern Territory. Because the 1978 acquisition is under challenge and in some doubt the Commonwealth is inhibited in giving effect to policies which relate to the Alligator Rivers Region. If the Supreme Court of the Northern Territory challenge to the original acquisition is unsuccessful, the date of acquisition will be 23 June, 1978. If the companies succeed before the Supreme Court, then the date of acquisition will be the date of commencement of this Bill.

Main Provisions
Clause 1 and 2 set out the title and date of commencement of the Bill (to be fixed by Proclamation).

Clause 3 is an interpretation clause, in which "relevant land" is the most important definition. The land covered under this Bill is set out in the Schedule and
includes all non-mining interests in land, but not any mining interests. The land is that land under Mudginberri Pastoral Lease No. 739 granted on 28 July 1969 and land under Munmarlary Pastoral Lease No. 737 granted on 5 June 1969.

Clause 4 attempts to set out clearly the object of the Bill. The object is to ensure that the relevant land is vested in the Commonwealth and the Commonwealth has a right to immediate possession of the relevant land within the same terms that the land has already been compulsorily acquired.

Clause 5 acquires the land (except for mining interests in the land), and clause 6 entitles the Commonwealth to immediate vacant possession of the land. All non-mining interests are converted into a right to compensation (clause 7) under the Lands Acquisition Act.

Clause 8 requires the Minister to give notice to the person who was the owner of the non-mining interest as soon as practicable after the acquisition of the land. A copy of the notice is to be lodged with the Registrar-General for the Northern Territory (sub-clause 9(1)) and the person with whom the notice is lodged may give effect to the copy of the notice of acquisition.

Clause 10 provides for Part IV of the Lands Acquisition Act (in relation to compensation) to apply to the interests that will be acquired under the Bill, and as if the right to compensation under clause 7 were a right to compensation under section 11 of the Lands Acquisition Act.

Sub-clause 12(1) makes certain provisions of the Lands Acquisition Act apply as if the land will be acquired under the Lands Acquisition Act on the date of proclamation of the Bill.

Clause 13 is another clause to assist interpretation of the Bill. The Bill does not imply that the acquisition made on 23 June 1978 was invalid, or that persons with non-mining interests on 22 June 1978 are not entitled to compensation.

For further information, if required, contact:

11 August 1981

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