NORTHERN TERRITORY (COMMONWEALTH LANDS) BILL 1980

Date Introduced: 1 May 1980
House: House of Representatives
Presented by: Hon. J.E. McLeay, M.P., Minister for Administrative Services

Short Digest of Bill

Purpose

To confirm the validity of notifications of the acquisition of lands by the Commonwealth in the Northern Territory.

Background

The Northern Territory (Self-Government) Act 1978 came into operation generally on 1 July 1978, apart from sections 1, 2 and 70, which came into operation on the date of Royal Assent, 22 June 1978.

On commencing date of self-government in the Northern Territory, which was defined by section 56 of the Act as 1 July 1978, section 69 of the Act vested all interests of the Commonwealth in land in the Territory, with certain exceptions, in the Northern Territory of Australia.

Section 70 of the Act allowed the Governor-General, on the recommendation of the Minister, from the date of Royal Assent until one year from the commencing date, to authorize the acquisition of an interest in land vested or to be vested in the Territory under section 69. This is done by the Minister causing to be published in the Gazette a notice of the authorization and declaring that the interest is acquired.

On 29 June 1978 the Minister caused to be published in the Gazette S116 notices that the Governor-General had authorised under the Act the acquisition of the fee simple in four parcels of land for the purposes of national park, defence, archival requirements of the Commonwealth and transport. The notices did not declare that the interest was acquired.

Questions were subsequently raised in relation to the technical validity of the notices in the Gazette. The land which was the subject of the notices included Alice...
Springs and other airports and the site for Jabiru township which services the Ranger uranium activities. The Government considers it essential that legislation validate these acquisitions.

One of the notices referred to land for the Uluru National Park and in fact included a description of land which was already vested in the Director of National Parks and Wildlife. The Bill is also intended to correct this situation.

Main Provisions

The Bill will come into operation when it receives the Royal Assent.

The Bill contains only one substantive clause. Sub-clause 3(1) provides that a notice under section 70 of the Act shall for all purposes be deemed to have, and to have had, effect to the fullest extent possible. Sub-clause 3(2) provides that any land which was, before 1 July 1978, already vested in the Director of National Parks and Wildlife shall be deemed to be, and to have always been, excluded from land described in a notice to which the clause applies. Sub-clause (3) provides that the clause applies to all notices with respect to acquisition of land in the Gazette of 29 June 1978.

9 May 1980

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