

Lands Acquisition Act 1973

No. 208 of 1973

AN ACT

To amend the *Lands Acquisition Act 1955–1966*.

[Assented to 19 December 1973]

BE IT ENACTED by the Queen, the Senate and the House of Representatives of Australia, as follows:—

Short title
and citation.

1. (1) This Act may be cited as the *Lands Acquisition Act 1973*.
- (2) The *Lands Acquisition Act 1955–1966** is in this Act referred to as the Principal Act.
- (3) The Principal Act, as amended by this Act, may be cited as the *Lands Acquisition Act 1955–1973*.

Commence-
ment.

2. This Act shall come into operation on the day on which it receives the Royal Assent.

Repeal of
section 4.

3. Section 4 of the Principal Act is repealed.

Acquisition
by agree-
ment.

4. (1) Section 7 of the Principal Act is amended—
 - (a) by omitting from sub-section (1) the words “The Governor-General” and substituting the words “The Minister”; and

* Act No. 69, 1955, as amended by No. 4, 1957; and No. 93, 1966.

(b) by omitting sub-sections (2), (3) and (4) and substituting the following sub-sections:—

“(2) The land acquired under this section may be an easement, right, power, privilege or other interest that did not previously exist as such, in, over or in connexion with land.

“(3) Where the acquisition of land is authorized by the Minister under sub-section (1), the Minister shall cause to be laid before each House of the Parliament, within 30 sitting days of that House after the giving of the authorization, a statement describing the land and stating that the acquisition of the land has been authorized under that sub-section for the public purpose specified in the statement.”.

(2) Where the acquisition of any land was authorized under section 7 of the Principal Act and was not completed before the date of commencement of this Act, that acquisition may be completed as if the amendments made by this section had not been made.

5. Section 9 of the Principal Act is amended by omitting from sub-section (4) all the words from and including the word “subject”.

Notice to treat.

6. (1) Section 17 of the Principal Act is amended by omitting from paragraphs (a) and (c) the word “yards” and substituting the word “metres”.

Power to occupy lands temporarily.

(2) Where, at the date of commencement of this Act, a person was in occupation of land under section 17 of the Principal Act, sections 17, 18 and 19 of the Principal Act continue to apply in relation to the occupation of that land by that person as if the amendment made by this section had not been made.

7. (1) Section 36 of the Principal Act is amended—

(a) by omitting paragraphs (a) and (b) of sub-section (2) and substituting the following paragraphs:—

“(a) if the period for which the interest is payable is less than 3 years—the short term interest rate; and

“(b) in any other case—the long term interest rate.”;

(b) by adding at the end thereof the following sub-sections:—

“(5) In this section—

‘loan’ means a borrowing of moneys by Australia by public subscription in Australia under the authority of an Act and in accordance with a prospectus;

‘long term interest rate’, in relation to an amount of compensation, means the rate of interest payable on the long term securities having a term nearest to 10 years offered in connexion with the last loan for which a prospectus relating to long term securities was issued before the date on which the acquisition concerned was effected;

Interest on compensation.

- ‘ long term securities ’ means securities the term of which exceeds 6 years but does not exceed 15 years;
- ‘ public subscription ’ includes the conversion of securities into other securities;
- ‘ securities ’ means stock, bonds or other securities under the *Commonwealth Inscribed Stock Act 1911–1966*;
- ‘ short term interest rate ’, in relation to an amount of compensation, means the rate of interest payable on the short term securities having a term nearest to 3 years offered in connexion with the last loan for which a prospectus relating to short term securities was issued before the date on which the acquisition concerned was effected;
- ‘ short term securities ’ means securities the term of which does not exceed 6 years;
- ‘ term ’, in relation to securities included in a particular class of securities offered in connexion with a loan, means the period between—
 - (a) the date specified in the prospectus relating to the loan as—
 - (i) the date on and after which applications for securities included in that class will be received; or
 - (ii) if such a date is not so specified, the date on which conversion of other securities into securities included in that class will be effected; and
 - (b) the date specified in that prospectus as the date of maturity of securities included in that class.

“(6) Where prospectuses were issued on the one day for two or more loans, those loans shall, for the purposes of sub-section (5), be deemed to be one loan.”.

(2) Where an amount of compensation in respect of an acquisition by compulsory process under the Principal Act is paid to the claimant, or deposited in the Treasury, on or after the date of commencement of this Act, interest is payable in accordance with section 36 of the Principal Act as amended by this Act, but as if the rate of interest provided by sub-section (2) of that section were—

- (a) in respect of any portion of the period for which interest is payable that preceded the date of commencement of this Act—the rate that would have been applicable to that portion of that period if this section had not been enacted; and
- (b) in respect of the portion of that period that commenced on the date of commencement of this Act—the rate that would have been applicable to the whole of that period if the amendments made by this section had come into force before the commencement of that period.

8. (1) Section 53 of the Principal Act is amended by omitting paragraphs (a) and (b) of sub-section (1) and substituting the following paragraphs and words:—

Disposal
of land.

“ (a) the land may be disposed of; or

(b) a lease of or a licence to occupy the land may be granted,

under the authority of the Minister.”.

(2) Where the disposal of any land, or the grant of a lease of or a licence to occupy any land, was authorized under section 53 of the Principal Act and was not completed before the date of commencement of this Act, that disposal or grant, as the case may be, may be completed as if the amendment made by this section had not been made.

9. Section 64 of the Principal Act is amended by omitting sub-section (2). Delegation.

10. After section 66 of the Principal Act the following section is inserted: —

“ 66A. (1) Subject to sub-section (2) and except as otherwise approved by the Minister, the acquisition, including acquisition by agreement, of land required for the purposes of a corporation incorporated by a law of Australia or of a Territory (whether made before or after the commencement of this section) shall be effected under this Act. Statutory
authorities.

“ (2) This section does not apply in relation to —

(a) a corporation that is a company or an incorporated association, society or body of trustees; or

(b) such other corporations as are specified by the Minister by notice in the *Gazette* to be corporations in relation to which this section does not apply.

“ (3) Without prejudice to the obligation of corporations in relation to which this section applies not to acquire land otherwise than in accordance with this section, this section shall not be taken to invalidate an acquisition of land otherwise than in accordance with this section.”.

11. The Principal Act is amended as set out in the Schedule.

Additional
amendments.

SCHEDULE

Section 11

ADDITIONAL AMENDMENTS

1. The following provisions of the Principal Act are amended by omitting any number expressed in words that is used, whether with or without the addition of a letter or letters, to identify a section of that Act or of another Act, and substituting that number expressed in figures:—

Sections 3 (2), 5 (1) (definitions of "notice to treat" and "the date of acquisition") and (2), 9 (2), (4) and (7), 10 (1) (t), 12 (1) and (3), 14 (2) (b), 20 (1), 21 (6) and (7), 25, 28 (12), 32 (1) and (2), 34, 36 (1), 41 (5), 43, 45, 47, 48, 56, 62 (2) and 64 (2).

2. The following provisions of the Principal Act are amended by omitting the words "of this Act", "to this Act", "of this Part" and "of this section" (wherever occurring):—

Sections 5 (1) (definitions of "notice to treat" and "the date of acquisition") and (2), 9 (2), (4), (6) and (7), 10 (1) (b), 12 (1) and (3), 14 (2) (b), 20 (1) and (5), 21 (6) and (7), 25, 29 (3) and (5) (a) and (b), 30, 32 (1) and (2), 34, 36 (1), 41 (1) (a) and (5), 43, 45, 46 (3), 47, 48, 53 (3) and (6) (5), 56, 63 (2) and 64 (2).

3. The Principal Act is further amended as set out in the following table:—

Provision	Amendment
Section 5 (1) (definitions of "court of summary jurisdiction", "public purpose" and "the Supreme Court")	Omit "of the Commonwealth".
Section 6 (2)	Omit "of the Commonwealth".
Section 10 (6)	Omit "of this section".
Section 13 (4)	Omit "of this section".
Section 16 (2)	Omit "a peace officer appointed under the <i>Peace Officers Act 1925</i> ", substitute "a Commonwealth Police Officer".
Section 19 (2) (b)	Omit "of the Commonwealth".
Section 26 (2)	Omit "of the Commonwealth".
Section 28 (14) (b)	Omit "of the Commonwealth".
Section 29 (5) (a)	Omit "of the Commonwealth".
Section 38 (2)	Omit "of the Commonwealth".
Section 38 (3)	Omit "of the Commonwealth".
Section 52	Omit "of the Commonwealth", insert "of Australia or of a Territory".
Section 57	Omit "a peace officer appointed under the <i>Peace Officers Act 1925</i> ", substitute "a Commonwealth Police Officer".
Section 65	Omit "of the Commonwealth".
Section 67 (1)	Omit "the First Schedule to this Act", substitute "Schedule 1".
Section 67 (2)	Omit "the Second Schedule to this Act", substitute "Schedule 2".
Section 67 (3)	Omit "of this section".
Schedules	(a) Omit "THE SCHEDULES." (b) Omit "FIRST SCHEDULE.", substitute "SCHEDULE 1". (c) Omit "SECOND SCHEDULE.", substitute "SCHEDULE 2".