



# **Home Affairs Act 2023**

**No. 19, 2023**

**An Act to be administered by the Minister for  
Home Affairs, and for related purposes**

Note: An electronic version of this Act is available on the Federal Register of Legislation  
(<https://www.legislation.gov.au/>)



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# Home Affairs Act 2023

No. 19, 2023

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## An Act to be administered by the Minister for Home Affairs, and for related purposes

[Assented to 15 June 2023]

The Parliament of Australia enacts:

### 1 Short title

This Act is the *Home Affairs Act 2023*.

## 2 Commencement

- (1) Each provision of this Act 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.

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Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this Act	Immediately after this Act receives the Royal Assent.	4.26 pm (A.C.T.) 15 June 2023

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Note: This table relates only to the provisions of this Act as originally enacted.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

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

## 3 Binding the Crown

This Act binds the Crown in each of its capacities.

## 4 Definitions

In this Act:

***acquisition of property*** has the same meaning as in paragraph 51(xxxi) of the Constitution.

***just terms*** has the same meaning as in paragraph 51(xxxi) of the Constitution.

***land*** means Block 26, Section 44 in the Division of Yarralumla, as delineated on Deposited Plan Number 10486 in the Office of the Registrar of Titles at Canberra in the Australian Capital Territory.

***relevant lease*** means any lease owned or held in respect of the land at the commencement of this Act.

## **5 Termination of lease**

A relevant lease, and any legal or equitable right, title, interest, trust, restriction, obligation, mortgage, encumbrance, contract, licence or charge, granted or arising under or pursuant to a relevant lease, or in dependence on a relevant lease, is terminated by force of this section on the commencement of this section.

## **6 Compensation for acquisition of property**

- (1) If the operation of this Act would result in an acquisition of property to which paragraph 51(xxxi) of the Constitution applies from a person otherwise than on just terms, the Commonwealth is liable to pay a reasonable amount of compensation to the person.
- (2) If the Commonwealth and the person do not agree on the amount of the compensation, the person may institute proceedings in the High Court of Australia or the Federal Court of Australia for the recovery from the Commonwealth of such reasonable amount of compensation as the court determines.

## **7 This Act overrides any other law**

- (1) Subject to subsection (3), this Act:
  - (a) has effect despite any other law of the Commonwealth or of a State or Territory (whether written or unwritten); and
  - (b) applies despite any rights, duties, obligations, powers, limitations, offences, privileges or immunities (however described, and whether actual, contingent or prospective) which would otherwise apply under any other law of the Commonwealth or of a State or Territory (whether written or unwritten).
- (2) Without limiting subsection (1), this Act has effect despite anything contained in, or any rights, duties, obligations, powers, limitations, offences, privileges or immunities (however described, and whether actual, contingent or prospective) that would otherwise apply under, any of the following (including any regulations or other legislative instruments made under them):

## Section 7

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- (a) the *Australian Capital Territory (Planning and Land Management) Act 1988*, subject to subsection (3);
- (b) the *Autonomous Sanctions Act 2011*;
- (c) the *Consular Privileges and Immunities Act 1972*;
- (d) the *Diplomatic Privileges and Immunities Act 1967*;
- (e) the *Foreign States Immunities Act 1985*;
- (f) the *International Organisations (Privileges and Immunities) Act 1963*;
- (g) the *Overseas Missions (Privileges and Immunities) Act 1995*;
- (h) the *Seat of Government (Administration) Act 1910*;
- (i) the *Australian Capital Territory National Land (Leased) Ordinance 2022*.

Note: As a result of this section, any compensation paid under section 6 would not be subject to the *Autonomous Sanctions Act 2011*.

- (3) Nothing in this Act affects the status of the land as National Land under section 27 of the *Australian Capital Territory (Planning and Land Management) Act 1988*.

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[*Minister's second reading speech made in—  
House of Representatives on 15 June 2023  
Senate on 15 June 2023*]

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(79/23)