



TERRITORY OF COCOS (KEELING) ISLANDS

**Land Administration Act 1997
(WA) (CKI) Amendment
Ordinance 2004 (No. 1)¹**

No. 1 of 2004²

I, PHILIP MICHAEL JEFFERY, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Ordinance under the *Cocos (Keeling) Islands Act 1955*.

Dated 27 May 2004

P. M. JEFFERY
Governor-General

By His Excellency's Command

IAN CAMPBELL
Minister for Local Government, Territories and Roads

An Ordinance to amend the *Land Administration Act 1997 (WA) (CKI*) in its application to Commonwealth land in the Territory, and for related purposes

1 Name of Ordinance

This Ordinance is the *Land Administration Act 1997 (WA) (CKI) Amendment Ordinance 2004 (No. 1)*.

2 Commencement

This Ordinance commences on the date of its notification in the *Gazette*.

3 Amendment of *Land Administration Act 1997 (WA) (CKI)*

Schedule 1 amends the *Land Administration Act 1997 (WA) (CKI)*.

Schedule 1 Amendments

(section 3)

[1] Subsection 3 (1), definition of *alienated land*

substitute

alienated land means land held in freehold.

Note See subsection 83A (2) in relation to land held in freehold by the Commonwealth.

[2] Subsection 3 (1), definition of *Crown land*

substitute

Crown land, subject to subsections (2), (3), (4) and (5), means all land, except for alienated land.

Note Alienated land includes land held in freehold by the Commonwealth.

[3] Subsection 3 (1), definition of *land district*

substitute

land district means the land district constituted under section 26A.

[4] Subsection 3 (1), definition of *townsite*

substitute

townsite means townsite constituted under section 26 or taken to be constituted under clause 37 of Schedule 9.3 to the *Local Government Act 1995 (WA) (CKI)*.

[5] Section 26

substitute

26 Constitution, etc. of townsites

- (1) The Minister may, by order in writing, constitute a townsite.
- (2) The Minister may, by order in writing, do any of the following in relation to a townsite:
 - (a) name or rename it;
 - (b) define or redefine its boundaries;
 - (c) abolish it.
- (3) The Minister may, by order in writing, name or rename a topographical feature, road or reserve.
- (4) An order made under subsection (1), (2) or (3) may deal with a matter that may be dealt with by order under another provision of this Act.

26A Territory a land district

For this Act, the Territory is a land district under the name 'Location 1 of Cocos District'.

[6] Subsection 29 (1)

omit

and section 29A

[7] Section 29A

omit

[8] Subsection 31 (1)

substitute

(1) Subject to subsection (2):

- (a) an employee of the Commonwealth Department administering the *Cocos (Keeling) Islands Act 1955*; or
- (b) an officer or employee of a Territory agency or instrumentality; or
- (c) a delegate of the Commonwealth Minister appointed for the purposes of administering Territory laws;

must not acquire an interest in Crown land without the permission of the Minister.

[9] Subsection 31 (2)

omit

officer or employee

insert

officer, employee or delegate

[10] After section 83*insert***83A Commonwealth land held in fee simple**

- (1) The Minister may transfer Crown land to the Commonwealth of Australia in fee simple on such terms and conditions as the Minister considers appropriate in the best interests of the Commonwealth.
- (2) Land held by the Commonwealth of Australia in fee simple is subject to this Act, except for the following provisions, as though the land were Crown land:
 - (a) sections 23, 27, 28 and 29;
 - (b) all sections of Division 1 and 2 of Part 5;
 - (c) all sections of Part 4 and Part 7.
- (3) To avoid doubt, the provisions mentioned in subsection (2) apply to land formerly held by the Commonwealth of Australia in fee simple that has been revested in the Crown under section 82.

[11] Subsection 264 (4)*substitute*

- (4) In this section:
the Crown includes the following:
 - (a) a Commonwealth or Territory agency or instrumentality;
 - (b) an officer or employee of the Commonwealth or of a Territory agency or instrumentality;
 - (c) a delegate of the Minister appointed for the purposes of administering Territory laws.

Note

1. Notified in the *Commonwealth of Australia Gazette* on 3 June 2004.