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NORTHERN TERRITORY (SELF-GOVERNMENT) AMENDMENT BILL 1982

Date Introduced:	19 August 1982
House:	House of Representatives
Presented by:	The Hon. D.T. McVeigh, M.P., Minister for Home Affairs and Environment

Short Digest of Bill

Purpose

To clarify title of minerals vested in the Commonwealth over lands acquired by the Commonwealth in the Northern Territory.

Background

The **Northern Territory (Self-Government) Act** 1978 (the "Principal Act") generally came into force on 1 July 1978.

Pursuant to section 69 of the Principal Act all Commonwealth interests in land, with certain exceptions, vested in the Territory on that date. Sub-section 69(2) refers to all interests of the Commonwealth in land. Sub-section 69(4) refers to the transfer of all interests of the Commonwealth in minerals, (other than prescribed substances under the **Atomic Energy Act** 1954).

Section 70 of the Principal Act came into operation by Royal Assent on 22 June 1978. Under this section the Commonwealth was given power to acquire an interest in land that had been vested in the Northern Territory under sub-section 69(2), without having to pay compensation in respect of that acquisition. Section 70 requires notice of acquisition to be given within 12 months from the commencement date. That is, after 21 June 1979 no more acquisition could take place.

On 29 June 1978, the Commonwealth, pursuant to section 70, acquired various parcels of land including the land within the existing and proposed boundaries of the Kakadu National Park. Some doubts existed as to the validity of a gazettal notice given under sub-section 70(4) of the Principal Act, so the Commonwealth passed the **Northern Territory (Commonwealth Lands) Act** 1980, to validate these acquisitions.

The present Bill seeks to confirm that the minerals in land acquired under section 70 were vested in the Commonwealth.

Further administrative amendments have also been made and will be discussed under the following section.

Main Provisions

The whole Bill comes into operation on the date of Royal Assent, except clause 11, which is retrospectively deemed to operate from 22 June 1978 (i.e. the date section 70 came into operation).

Clauses 4 and 5 extend the powers of the Legislative Assembly. Section 7 permits the Administrator to assent or withhold assent to a proposed law in which the Northern Territory has executive authority, or assent, withhold assent or reserve for the Governor-General, other laws. In both cases amendments may be recommended by the Administrator. If the Administrator withholds assent for the Governor-General's pleasure, section 8 permits the Governor-General to assent, withhold assent or return the proposed law to the Administrator with amendments. Clauses 3 and 4 permit the Legislative Assembly to present the legislation for assent, with those or other amendments, or without amendments.

Clause 5 amends section 11 of the Principal Act so the Administrator recommends the purposes for which appropriations are proposed rather than recommending the proposed law itself.

Clause 6 amends section 19 so that a casual vacancy be filled if it occurs less than 3 years 6 months after the last general election (rather than 3 years 9 months), in the electoral division in which the vacancy occurred.

Clause 7 amends section 21 to clarify the qualifications of candidates for Northern Territory elections of the Legislative Assembly.

Clause 8 amends section 40 to enable the Governor-General to appoint one or more persons as Acting Administrator. The instrument of appointment specifies the circumstances in which the appointment is to have effect.

Clause 9 amends section 47 so that the Treasurer can no longer require an indemnity from the Territory in relation to guarantees given by the Commonwealth.

Section 62, a transitional section, is repealed by clause 10.

Clause 11 adds a new sub-section (11) to section 70 so that interests in respect of minerals are vested in the Commonwealth, in relation to sub-section 69(2) land.

Clause 12 amends paragraph 71(2)(a) so that regulations can be made substituting the Territory for the Commonwealth in a contract. Section 71 would be extended from contracts existing prior to 1 July 1978 to contracts after that date and before Royal Assent of this Bill.

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