NORTHERN TERRITORY OF AUSTRALIA

NORTHERN TERRITORY LAND CORPORATION ACT

As in force at 28 August 2013

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NORTHERN TERRITORY OF AUSTRALIA

As in force at 28 August 2013

NORTHERN TERRITORY LAND CORPORATION ACT

An Act to provide for the continuation of the Northern Territory Development Land Corporation as the Northern Territory Land Corporation to hold certain land in the Northern Territory, and for related purposes

Part I Preliminary

1 Short title

This Act may be cited as the *Northern Territory Land Corporation Act*.

2 Commencement

(1) Sections 1 and 2 shall come into operation on the day on which the Administrator's assent to this Act is declared.

(2) The remaining provisions of this Act shall come into operation on a date to be fixed by the Administrator by notice in the *Gazette*.

3 Definitions

In this Act:

Corporation means the Northern Territory Development Land Corporation continued in existence as the Northern Territory Land Corporation by this Act.

member means a member of the Corporation.

Part II Northern Territory Land Corporation

4 Corporation

(1) Notwithstanding the repeals effected by section 4 of the *Territory Loans Management Corporation Act 1986*, the Northern Territory Development Land Corporation that was, immediately before the commencement of this Act (other than sections 1 and 2), in existence by virtue of the *Territory Development Act* as then in

force, is continued in existence and shall be known as the Northern Territory Land Corporation.

(2) The Corporation is:

(a) a body corporate with perpetual succession and a common seal; and

(b) capable, in its corporate name, of:

(i) subject to this Act, acquiring, holding and disposing of real (including leasehold) and personal property; and

(ii) suing and being sued.

5 Common seal

All courts, judges and persons acting judicially shall take judicial notice of the common seal of the Corporation affixed to a document and shall presume that it was duly affixed.

6 Status of Corporation

(1) The Corporation is not an Authority or Instrumentality of the Crown and is not, for the purposes of the *Interpretation Act*, a statutory corporation.

(1A) The Corporation is not, and is not capable of being, an Agency within the meaning and for the purposes of the *Financial Management Act*.

(2) The Corporation is not subject to the control and direction of a minister or the Crown.

7 Members

(1) The Corporation shall consist of not less than 2 members.

(2) The Minister may appoint a person to be a member of the Corporation.

(3) The performance of a function by the Corporation is not invalid by reason only of there being a vacancy in its membership.

8 Removal of member

(1) The Minister shall remove a member from office if the member:

(a) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his remuneration for their benefit;

(b) becomes, by reason of incapacity, incapable of continuing as a member;

(c) has been convicted and is under sentence of imprisonment for a period of not less than 3 months for an offence against a law of the Territory, the Commonwealth or a State of the Commonwealth or another Territory;

(d) is absent, except on leave granted by the Corporation, from 3 consecutive meetings of the Corporation; or

(e) fails to comply with section 13.

(2) A member may resign his office by writing under his hand delivered to the Minister.

9 Chairman

The Minister may appoint a member to be the Chairman of the Corporation.

10 Appointments

An appointment under section 7(2) shall be notified in the *Gazette* and shall take effect on:

(a) the date of publication of the notice; or

(b) if there is a later date specified in the notice, that later date.

11 Protection of member, &c.

A member or person acting with the authority of the Corporation is not personally liable in respect of any matter or thing done or contract entered into by:

(a) the Corporation; or

(b) that person,

if the matter or thing was done, or the contract was entered into, in good faith for the purpose of executing this Act or any other Act conferring or imposing functions on the Corporation.

12 Confidentiality

A member shall not disclose information obtained in the course of his duties as a member unless that disclosure is made in the course of his duty as a member.

Maximum penalty: 25 penalty units or imprisonment for 3 months.

13 Disclosure of interests

(1) If a member has a direct or indirect interest in a matter:

(a) which is the subject of consideration at a meeting of the Corporation; or

(b) in which the Corporation is concerned,

he shall, as soon as possible after he knows that he has the interest and that the Corporation is considering the matter, disclose his interest to the Corporation.

(2) The Corporation may direct a member who has disclosed an interest in a matter under subsection (1) to refrain from taking part in the deliberations in the Corporation in relation to the matter, and the member shall comply with that direction.

Maximum penalty: 8 penalty units.

14 Procedures

The Corporation may, subject to this Act, determine its own procedures.

15 Corporation to acquire, &c., land

(1) The function of the Corporation is to acquire (by agreement or otherwise), hold and dispose of real property (including an estate or interest in real property) in accordance with this Act and it may acquire and hold such property notwithstanding any other law in force in the Territory which would restrict or otherwise limit the capacity of the Corporation to acquire and hold it.

(2) The Corporation has power to do all things necessary or convenient to be done for or in connection with or incidental to the carrying out of its function.

(3) Moneys payable by the Corporation for or incidental to the acquisition of an estate or interest in real property may be advanced by the Territory on such terms and conditions as the Treasurer thinks fit.

(4) Moneys payable to the Corporation in respect of an estate or interest in real property held or disposed of by the Corporation shall be paid to the Territory, whose receipt shall be a sufficient discharge therefor, and moneys payable by the Corporation in respect of an estate or interest in real property held by the Corporation may be paid by the Territory.

(5) Notwithstanding anything contained in the *Stamp Duty Act*, no stamp duty shall be payable on an instrument by which any property or interest is granted, assured to or vested in the Corporation.

(6) The Corporation may enter into such arrangements as it thinks fit with the Territory or any other person in relation to the care, control and management of land or an interest in land held by the Corporation.

(7) Subject to subsection (6), the Minister has the care, control and management of all land and interests in land held by the Corporation.

16 Administrator may vest land, &c.

(1) The Administrator may, by notice in the *Gazette*, declare any land in respect of which:

(a) all the right, title and interest is vested in the Territory; or

(b) no person, other than the Territory or the Corporation, holds a right, title or interest,

to be vested in the Corporation.

(2) On the publication of a notice under subsection (1), all right, title and interest, both legal and beneficial, held by any person in respect of the land (including any subsoil), described in the notice, but not in respect of any minerals, becomes, by force of this subsection, vested in the Corporation as though the notice were an alienation in fee from the Crown by way of grant to the Corporation.

(3) On lodgement of a copy of a notice under subsection (1) in relation to land with the Registrar-General or the proper officer controlling any official register or record of the land described in the notice, the Registrar-General or that officer shall deal with the copy of the notice as though it were an instrument of transfer or conveyance of all the right, title and interest in the land to the Corporation.

Part III Transitional

17 Chairman and members

The Chairman and members of the Corporation holding office immediately before the commencement of this Act (other than sections 1 and 2) shall continue as the Chairman and members, as the case may be, as if they were appointed to their respective offices under this Act.

18 Certain Registers and documents to be amended

On the lodgement of a copy of this Act with the Registrar-General or a proper officer controlling any official register or record of real property vested in the Corporation before the commencement of this Act (other than sections 1 and 2) or in which the Corporation held, immediately before that commencement, an interest, the Registrar-General or that officer shall make the necessary entries in the relevant registers and other records to record the change of name of the Corporation.

ENDNOTES

1 KEY

Key to abbreviations

amd = amended
app = appendix
bl = by-law
ch = Chapter
cl = clause
div = Division
exp = expires/expired
f = forms
Gaz* = *Gazette
hdg = heading
ins = inserted
lt = long title
nc = not commenced
od = order
om = omitted
pt = Part
r = regulation/rule
rem = remainder
renum = renumbered
rep = repealed
s = section
sch = Schedule
sdiv = Subdivision
SL = Subordinate Legislation
sub = substituted

2 LIST OF LEGISLATION

***Northern Territory Land Corporation Act 1989* (Act No. 53, 1986)**

Assent date	19 December 1986
Commenced	24 December 1986 (*Gaz* S90, 24 December 1986)

***Statute Law Revision Act 1989* (Act No. 60, 1989)**

Assent date	2 October 1989
Commenced	2 October 1989

***Financial Management (Consequential Amendments) Act 1995* (Act No. 5, 1995)**

Assent date	21 March 1995
Commenced	1 April 1995 (s 2, s 2 *Financial Management Act 1992* (Act No. 4, 1995) and *Gaz* S13, 31 March 1995)

***Penalties Amendment (Miscellaneous) Act 2013* (Act No. 23, 2013)**

Assent date	12 July 2013
Commenced	28 August 2013 (*Gaz* G35, 28 August 2013, p 2)

3 LIST OF AMENDMENTS

s 6	amd No. 5, 1995, s 19
ss 12 – 13	amd No. 23, 2013, s 12
s 16	amd No. 60, 1989, s 6
s 18	amd No. 60, 1989, s 6