

**NORTHERN TERRITORY OF AUSTRALIA**

**NORTHERN TERRITORY LAND CORPORATION ACT 1989**

As in force at 28 August 2013

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# NORTHERN TERRITORY OF AUSTRALIA

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## NORTHERN TERRITORY LAND CORPORATION ACT 1989

**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 1989*.

#### **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 1978* 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 1978*, 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 1995*.
- (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 1978*, 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.

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## 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 GENERAL AMENDMENTS

General amendments of a formal nature (which are not referred to in the table of amendments to this reprint) are made by the *Interpretation Legislation Amendment Act 2018* (Act No. 22, 2018) to: ss 1, 4, 6 and 15.

### 4 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