

House of Assembly—No 126

As introduced, read a first time, suspension of Standing Orders, passed remaining stages, reported without amendment, 10 April 2024

South Australia

AUKUS (Land Acquisition) Bill 2024

A BILL FOR

An Act to facilitate the AUKUS submarine project by providing for the acquisition of certain land.

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The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

This Act may be cited as the *AUKUS (Land Acquisition) Act 2024*.

5 2—Commencement

This Act comes into operation on a day to be fixed by proclamation.

3—Interpretation

In this Act—

project land means the land specified in Schedule 1;

10 *road* has the same meaning as in the *Local Government Act 1999*;

Urban Renewal Authority means the Urban Renewal Authority under the *Urban Renewal Act 1995*.

4—Application of Act

(1) This Act has effect despite any other Act or law of the State.

15 (2) This Act applies to land notwithstanding the provisions of the *Real Property Act 1886*.

- (3) The *Land Acquisition Act 1969* and the *Local Government Act 1999* do not apply to the acquisition or vesting of the project land under this Act.

Note—

Nothing in this Act affects the operation of any Commonwealth law or authorises the Minister to affect any right, title or interest held by the Crown in right of the Commonwealth.

5—Certain requirements not to apply in relation to Act

Except as may be prescribed by the regulations, no—

- (a) assessment, decision, consent, approval, authorisation, certificate, licence, permit or permission; or

- (b) consultation, notification or other procedural step,

is required under a law of the State in connection with any action taken under this Act or the performance of functions under this Act.

Part 2—Acquisition of project land

6—Acquisition of project land

- (1) The project land is, by force of this section, vested in the Urban Renewal Authority in fee simple and, subject to subsection (2), free from all dedications, encumbrances, estates and interests.

- (2) Despite subsection (1), the project land remains subject to the following easements (being easements entered on the relevant certificate of title before the commencement of this section):

- (a) in relation to that part of the project land referred to in Schedule 1 clause 1(a)—

(i) the easement(s) over the land marked B on F256772 for Sewerage Purposes to South Australian Water Corporation;

(ii) the easement(s) over the land marked D on F256772 to Distribution Lessor Corporation (subject to Lease 8890000);

(iii) the easement(s) over the land marked T on F256772 to Transmission Lessor Corporation of 1 undivided 2nd part (subject to Lease 9061500) and Electranet Pty. Ltd. of 1 undivided 2nd part;

(iv) the easement(s) over the land marked V on F256555 for sewerage purposes to South Australian Water Corporation;

(v) the easement(s) over the land marked W on F256555 for water supply purposes to South Australian Water Corporation;

- (b) in relation to that part of the project land referred to in Schedule 1 clause 1(b)—

(i) the easements(s) over the land marked E on DP 87145 for electricity supply purposes to Distribution Lesser Corporation (subject to lease 8890000);

(ii) the easement(s) over the land marked T on DP 87145 to Transmission Lessor Corporation of 1 undivided 2nd part (subject to Lease 9061500) and Electranet Pty. Ltd. of 1 undivided 2nd part;

(iii) the easement(s) over the land marked H and Q (no purposes listed) on DP87145;

(c) in relation to that part of the project land referred to in Schedule 1 clause 1(c)—

(i) the easement(s) over the land marked T on F256772 to transmission lessor corporation of 1 undivided 2nd part (subject to lease 9061500) and Electranet Pty. Ltd of 1 undivided 2nd part;

(ii) the easement(s) over the land marked V on F256555 for sewerage purposes to South Australian Water Corporation;

(iii) the easement(s) over the land marked W on F256555 for water supply purposes to South Australian Water Corporation.

7—Revocation of status of project land as community land

The classification of any part of the project land as community land under the *Local Government Act 1999* is, by force of this section, revoked.

Note—

See Chapter 11 Part 1 Division 3 of the *Local Government Act 1999*.

8—Closure of roads

(1) Any road comprising part of the project land is, on the vesting of the project land under section 6 and by force of this section, closed.

(2) The dedication of any part of the project land as a road is, on the vesting of the project land under section 6 and by force of this section, revoked.

Part 3—Compensation

9—Compensation

(1) The City of Port Adelaide Enfield is entitled to compensation for the acquisition of the project land under this Act in an amount equal to the market value of the project land.

(2) Without limiting subsection (1), compensation under this section may consist of, or include, non-monetary compensation.

(3) The Urban Renewal Authority must cause a valuation of the project land to be undertaken for the purpose of determining the market value of the project land.

(4) The following provisions apply in relation to a valuation of the project land under subsection (3):

(a) the valuation must be conducted by an independent licensed valuer jointly agreed upon by the Urban Renewal Authority and the City of Port Adelaide Enfield (or, if a valuer cannot be so agreed upon within 30 days, by an independent licensed valuer appointed by the Valuer-General);

(b) the valuer is to act as an expert and not as an arbitrator;

- (c) the costs of the valuation are to be borne by the Urban Renewal Authority.
- (5) For the purposes of this section, a reference to the *market value* of the project land will be taken to be a reference to the estimated amount for which the project land should exchange immediately before the commencement of section 6 between a willing buyer and a willing seller in an arm's length transaction, after proper marketing and where the parties had each acted knowledgeably, prudently and without compulsion.

Part 4—Miscellaneous

10—Duties of Registrar-General

- (1) The Registrar-General must, at the direction of the Minister, take such action as may be required by the Minister for or in connection with—
- (a) the issue, alteration, correction or cancellation of certificates or other documents of title; or
 - (b) the making, recording, alteration, correction or cancellation of entries or endorsements in the Crown land register or in the Register Books, as may be necessary or expedient for the purposes of this Act; or
 - (c) the deposit of any plan in the Lands Titles Registration Office.
- (2) If the Minister directs the Registrar-General to take action under this Act to give effect to a determination or action of the Minister, the Minister will, if required by the Registrar-General—
- (a) furnish the Registrar-General with any map or plan required by the Registrar-General to give effect to the determination or action; or
 - (b) furnish the Registrar-General with any document required by the Registrar-General in relation to the determination or action.

11—Stamp duty not payable

No stamp duty is payable under a law of the State in respect of the acquisition of the project land under this Act.

12—Regulations

- (1) The Governor may make such regulations as are contemplated by, or necessary or expedient for the purposes of, this Act.
- (2) The regulations may—
- (a) modify or exclude the application of any Act (or a provision of an Act) or law in connection with operation of this Act; and
 - (b) be of general or limited application; and
 - (c) make different provision according to the matters or circumstances to which they are expressed to apply; and
 - (d) make provisions of a saving or transitional nature consequent on the enactment of this Act or on the commencement of specified provisions of this Act or on the making of regulations under this Act; and

- (e) provide that a matter or thing in respect of which regulations may be made is to be determined according to the discretion of the Minister or any other specified person or body.

Schedule 1—Project land

5 **1—Project land**

The project land is comprised of the following:

- (a) the whole of the land contained in Certificate of Title Volume 6282 Folio 169;

Note—

10 This land is Allotment (Reserve) 777 on Deposited Plan 87145.

- (b) the whole of the land contained in Certificate of Title Volume 6088 Folio 193;

Note—

This land is Allotment (Reserve) 501 on Deposited Plan 87145.

- 15 (c) the whole of the land contained in Certificate of Title Volume 6282 Folio 172;

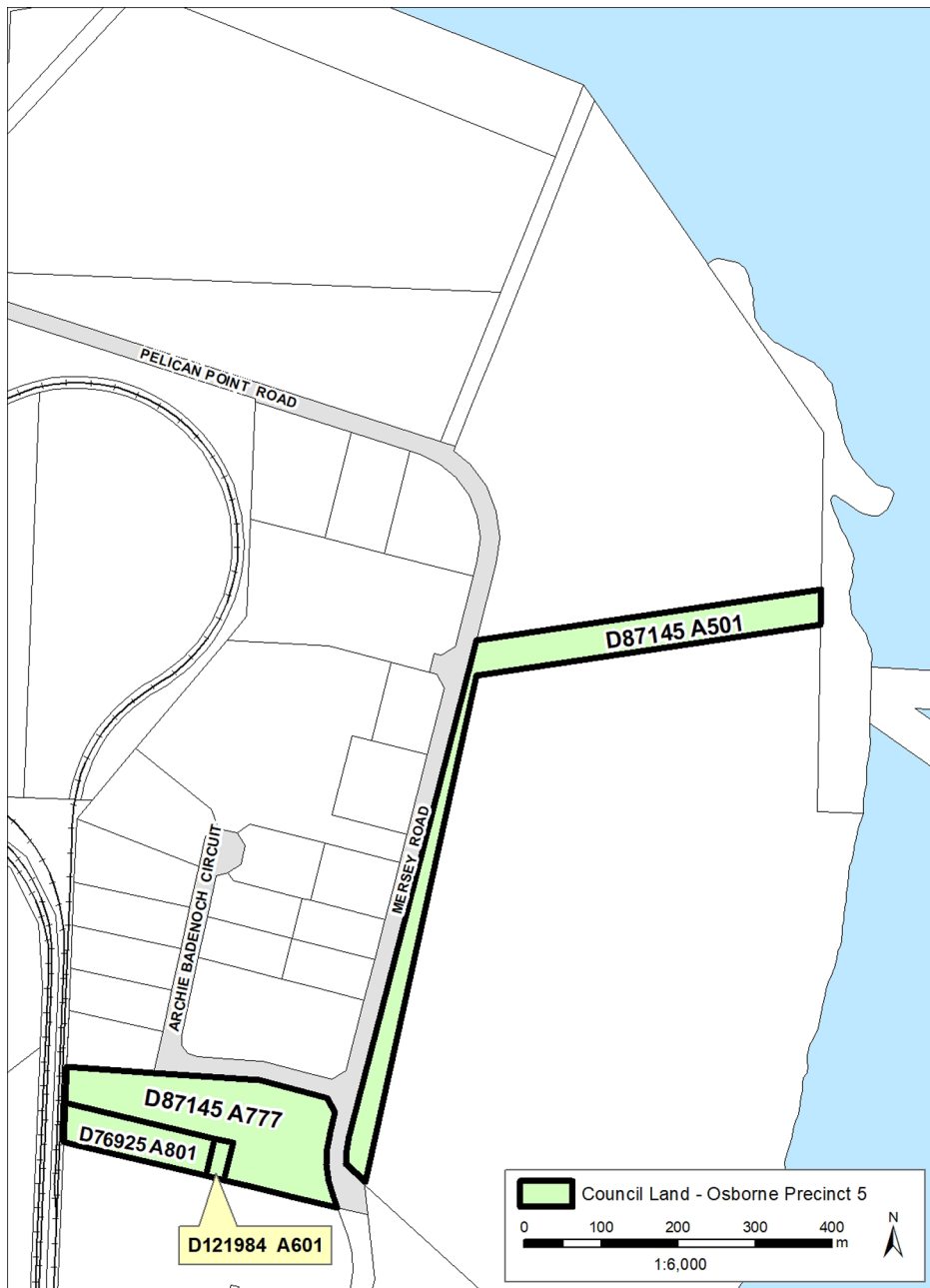
Note—

This land is Allotment (Reserve) 801 on Deposited Plan 76925.

- (d) the whole of the land contained in Certificate of Title 6231 Folio 22.

20 **Note—**

This land is Allotment (Road) 601 on Deposited Plan 121984.



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