

South Australia

## **Land Acquisition Regulations 2004**

under the *Land Acquisition Act 1969*

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#### **1—Short title**

These regulations may be cited as the *Land Acquisition Regulations 2004*.

#### **2—Commencement**

These regulations will come into operation on 1 September 2004.

#### **3—Interpretation**

In these regulations, unless the contrary intention appears—

*Act* means the *Land Acquisition Act 1969*.

#### **4—Forms**

- (1) The forms set out in Schedule 1 must—
  - (a) be used for the purposes specified in Schedule 1; and
  - (b) be completed in accordance with the instructions contained in the forms.
- (2) The name of a person signing a form set out in Schedule 1 must be written legibly under or alongside the signature of that person.
- (3) Where the space provided in a form is insufficient to contain all the required information—
  - (a) the information must be set out in an annexure to the form; and
  - (b) the annexure must have an identifying mark such as a letter or numeral; and

- (c) the space in the form must contain the statement "See Annexure" together with the distinguishing mark for the annexure, or words to similar effect.
- (4) A person preparing a notice or offer under these regulations may annex to the notice or offer a map or plan of any land referred to in the notice or offer.
- (5) A map or plan annexed to a notice or offer in accordance with subregulation (4) has the effect of being part of the notice or offer.

### **5—Authority complies with regulations if executes document under common seal**

Despite the method of execution prescribed by the forms contained in Schedule 1, it is to be taken to be a sufficient compliance with these regulations if a notice or offer, in any of those forms, is executed by an Authority under its common seal.

### **6—Notice of intention to acquire land**

For the purposes of section 10(2)(b)(ii)(B) of the Act, the following supporting materials must be exhibited:

- (a) in the case of service by publication in a newspaper or relevant special-interest publication in accordance with the *Native Title (South Australia) Act 1994*—a copy of an extract from the publication containing the notice and identifying the name of the publication and the date of publication;
- (b) in the case of service by giving a copy of the notice personally or by post or by some other agreed method in accordance with the *Native Title (South Australia) Act 1994*—a copy of the notice so served.

### **7—Explanation of acquisition scheme may be required**

For the purposes of section 11(2)(b)(iii)(B) and 12(2)(b)(iii)(B) of the Act, an Aboriginal group must authorise the representative Aboriginal body to act on its behalf as follows:

- (a) the authorisation must be in writing; and
- (b) the authorisation must—
  - (i) name the persons comprising the Aboriginal group claiming native title or otherwise define the Aboriginal group sufficiently clearly so that it can be ascertained whether any particular person is a member of the group; and
  - (ii) state that the Aboriginal group does not have, and is not part of another Aboriginal group that has, a registered representative; and
  - (iii) define the land to which the claim relates with sufficient particularity to enable the boundaries of the area covered by the claim and any areas within those boundaries that are not covered by the claim to be readily identified; and
  - (iv) state the nature of the rights conferred by the native title claimed and the nature of activities that may be carried out pursuant to those rights; and
  - (v) state the factual basis on which it is asserted that the Aboriginal group holds the native title claimed; and

- (c) the authorisation must expressly authorise the representative Aboriginal body to act under section 11 and 12 of the Act on behalf of the group in relation to a specified notice of intention to acquire land to which the native title claim relates; and
- (d) the authorisation must be signed by a member of the group authorised to sign on behalf of the group following either—
  - (i) a process of decision making recognised by the traditional laws or customs of the Aboriginal group; or
  - (ii) a process of decision making agreed to and adopted by the Aboriginal group in relation to the decision or in relation to decisions of that kind.

### **8—Terms and conditions of tenancy at will (section 24(5))**

The terms and conditions on which a person is taken to be in possession of land acquired under the Act as a tenant at will under section 24(5) are—

- (a) that the tenant, or, where there are more than one, the tenants jointly and severally, are to be taken to have covenanted as follows:
  - (i) on the days and in the manner agreed between the Authority and the tenant, but in default of agreement, then weekly and at the place specified by the Authority for the purpose, to pay rent at a rate that represents a fair economic rate, having regard to the use that, during the currency of the tenancy, will probably be made of the land; and
  - (ii) to keep all fixtures and structures in or on the land in as good a state of repair as those fixtures and structures were at the commencement of the tenancy, reasonable wear and tear and damage by fire, tempest and earthquake only excepted; and
  - (iii) not to make any alteration or addition to the improvements, fixtures or structures in or on the land; and
  - (iv) not to make a use of the land that is, in any material respect, a departure from the use being lawfully made of the land at the commencement of the tenancy; and
  - (v) without affecting the generality of subparagraph (iv), not to do, or to permit or suffer to be done, on the land, anything that may be or become a nuisance or annoyance to the Authority or to the occupiers of any neighbouring property; and
  - (vi) not to assign, underlet, or charge or part with the possession of the land or any part of the land; and
  - (vii) to permit all duly authorised agents, servants and employees of the Authority at all reasonable times to enter and inspect the land and to make reasonable surveys and other calculations with respect to any undertaking to be carried out by the Authority; and
  - (viii) on the Authority's giving to the tenant or tenants reasonable notice (which must not be less than one month) of determination of the tenancy, and at the expiration of the period of notice, peaceably to surrender the land to the Authority; and

- (ix) to insure and keep insured, to their full insurable value, in the joint names of the Authority and the tenant or tenants, all improvements, fixtures or structures in or on the land against loss or damage by fire, tempest and earthquake;
- (b) that the Authority is to be taken to have covenanted with the tenant, or where there are more than one, with the tenants jointly and severally as follows:
  - (i) to permit the tenant or tenants peaceably to hold and use the land until the tenancy is lawfully determined; and
  - (ii) to pay all rates, taxes and other charges and outgoings adjusted, if necessary, in accordance with the date of the commencement of the tenancy;
- (c) that the Authority may, from time to time, waive, in whole or in part, all or any of the obligations imposed by paragraph (a), on such conditions as it thinks fit;
- (d) that the obligation imposed by paragraph (b)(i) is binding only so long as the tenant or tenants observe and perform the obligations that are, subject to paragraph (c), imposed by paragraph (a);
- (e) that the provisions of paragraph (a)(i) apply subject to the operation of section 24(4) of the Act and to any order made under that section.

### **9—Offence of making false statement**

A person who, in a notice in writing served on an Authority pursuant to section 12 of the Act, knowingly makes a statement that is false in a material particular, is guilty of an offence.

Penalty: \$100.

## Schedule 1—Forms

(regulation 4)

### Form 1—Notice of intention to acquire land

*Land Acquisition Act 1969*  
(section 10)

*[This form is to be used for an acquisition other than one to which Part 4 Division 1 of the Act applies.]*

TO: .....  
of .....<sup>1</sup>

#### 1 Notice of intention to acquire land

This notice is to inform you that

.....(*the Authority*)

of.....

intends to acquire the following interests in the following land:

.....

for the following purpose:

.....

.....

.....

.....

(If—

- the Authority is the Crown or an instrumentality of the Crown; and
- the Authority proposes to acquire native title; and
- the Authority does not propose to acquire the land for the purpose of conferring rights or interests on someone other than the Crown or an instrumentality of the Crown,

the notice must state that the purpose of the acquisition is to confer rights or interests in relation to the land on the Crown or an instrumentality of the Crown.)

The Authority seeks to negotiate the compensation payable for the acquisition.

This notice is given under section 10 of the *Land Acquisition Act 1969*. It does not bind the Authority to acquire the land.

#### 2 Right to obtain explanation of reasons for acquisition (section 11)

Within 30 days a person who has an interest in the land (including in the case of native title land, the registered representative of a native title claimant or holder or, in certain cases, the representative Aboriginal body for the area) may require the Authority, by written notice—

- to give an explanation of the reasons for acquisition of the land; and
- to provide reasonable details of any statutory scheme in accordance with which the land is to be acquired.

### **3 Right to object (section 12)**

Within 30 days or, if an explanation of the reasons for the acquisition was requested, within 30 days after the explanation is provided, a person who has an interest in the land (including in the case of native title land, the registered representative of a native title claimant or holder or, in certain cases, the representative Aboriginal body for the area) may request the Authority, by written notice—

- not to proceed with the acquisition of the land; or
- to alter the boundaries of the land to be acquired; or
- not to acquire a particular part of the land or to acquire further land.

The request may be made—

- on the ground that acquisition of the land or a particular part of the land is not necessary for the purposes of carrying out the undertaking to which the acquisition relates; or
- on the ground that the acquisition of the land or carrying out the purposes for which the acquisition is proposed would—
  - seriously impair an area of scenic beauty; or
  - destroy, damage or interfere with an Aboriginal site within the meaning of the *Aboriginal Heritage Act 1988*; or
  - destroy or impair a site of architectural, historic or scientific interest; or
  - prejudice the conservation of flora or fauna that should be conserved in the public interest; or
  - prejudice some other public interest; or
- on some other ground stated in the request.

### **4 Right of review (section 12A)**

Within 7 days after refusal by the Authority of a request by a person under section 12 or such longer period as the Minister will allow, the person may apply in writing, and in a manner and form determined by the Minister, to the Minister for a review of the decision. The merits or otherwise of the undertaking to which the proposed acquisition relates cannot be called into question in a review.

The review, if conducted by the Minister, must be completed within 14 days of receipt of the application. If the review is conducted by a person on the Minister's behalf, it must be completed, and the reviewer's report furnished to the Minister, within 14 days of his or her appointment.

A decision made on review is not subject to review by a court or tribunal.

## 5 Additional right of native title parties to object to prescribed private acquisition (section 12B)

Within 2 months or, if an explanation of the reasons for the acquisition is required, within 2 months after the explanation is provided, native title parties may, by written notice to the Minister, object to a prescribed private acquisition<sup>2</sup> so far as it affects their registered native title rights.

Note—

- The Minister must consult any native title parties who object about ways of minimising the impact of the acquisition project on registered native title rights and, if relevant, access to the land.
- The Attorney-General must, at the request of a native title party who has made an objection under this section, appoint an independent person or body to hear the objection.
- Before making such an appointment, the Attorney-General must consult the Minister and the native title party.
- If the independent person or body hearing an objection under this section makes a determination upholding the objection, or that contains conditions about the acquisition that relate to registered native title rights, the determination must be complied with unless—
  - the Minister responsible for indigenous affairs is consulted; and
  - the consultation is taken into account; and
  - it is in the interests of the State not to comply with the recommendation.

## 6 Right to compensation (Part 4 Division 2)

The Authority seeks to negotiate in good faith with you about the compensation payable for the acquisition of the land.

Note—

- The Authority is required to negotiate with the persons who have or had, or claim to have or to have had, an interest in the land that is divested or diminished by the acquisition or the enjoyment of which is adversely affected by the acquisition.
- If the land is native title land, any party may request the Environment, Resources and Development Court to mediate between the parties to assist in obtaining their agreement on the matters at issue between them.
- The Authority may offer, and must consider any request made by a party who is the holder of native title to the negotiations for, non-monetary compensation (eg a transfer of land, the provision of goods or services, or the carrying out of work for the reinstatement or improvement of land remaining in the claimant's ownership after acquisition).
- The land is acquired by notice of acquisition. Notice of acquisition may be given at any time after 3 months, and before 18 months or a longer period fixed under section 15(4a) of the *Land Acquisition Act 1969*, from the giving of this notice.
- At that time the Authority is required to make an offer to the person or persons whom it believes to be entitled to compensation for the acquisition, stating the amount of compensation the Authority is prepared to pay. The claimant may dispute the offer.
- Part 4 Division 2 of the *Land Acquisition Act 1969* governs compensation. In particular, section 25 sets out the principles for determining compensation.

**7 Prospective purchasers of land etc to be informed about this notice (section 13)**

You must not enter into a transaction in respect of the land without first disclosing the fact that this notice of intention to acquire the land has been served on you. Any contract or agreement in relation to the land entered into without that disclosure would be voidable at the option of the person to whom disclosure should have been made.

*[Clause 7 is only to be included if the land has not been brought under the Real Property Act 1886 and the land is not native title land.]*

**8 Inquiries**

Inquiries should be directed to:

.....  
.....

Date: .....

Signed: .....

1 *The notice must be given to each person whose interest in the land is subject to acquisition, or such of those persons as, after diligent inquiry, become known to the Authority. If the Authority proposes to acquire native title in land, the notice must also be given to—*

- *if there is a native title declaration for the land—the registered representative of the native title holders and the relevant representative Aboriginal body;*
- *if there is no native title declaration for the land—to all persons who hold, or may hold, native title in the land (see Part 5 of the Native Title (South Australia) Act 1994).*

2 *A prescribed private acquisition means—*

- *an acquisition by the Crown or an instrumentality of the Crown of native title in land for the purpose of conferring rights or interests in relation to the land on a person other than the Crown or an instrumentality of the Crown so that an infrastructure facility may be provided; or*
- *an acquisition by the Crown or an instrumentality of the Crown of native title in land wholly within a town or city for the purpose of conferring rights or interests on a person other than the Crown or an instrumentality of the Crown; or*
- *an acquisition by the Crown or an instrumentality of the Crown of native title in land situated on the seaward side of the mean high-water mark of the sea for the purpose of conferring rights or interests on a person other than the Crown or an instrumentality of the Crown; or*
- *an acquisition of native title in land that is neither made by the Crown or an instrumentality of the Crown nor made for the purpose of conferring rights or interests on the Crown or an instrumentality of the Crown.*



## Form 2—Notice of intention to acquire native title in land for purpose of conferring rights or interests on third party

*Land Acquisition Act 1969*  
(section 10(2) and Part 4 Division 1)

*[This form is to be used for a proposed acquisition of native title if the acquisition is to be made by the Crown or an instrumentality of the Crown for the purpose of conferring rights or interests on a person other than the Crown or an instrumentality of the Crown and the proposed acquisition is not a prescribed private acquisition.]*

TO:.....  
of.....<sup>1</sup>

### 1 Notice of intention to acquire land

This notice is to inform you that

.....(the Authority)  
of.....

intends to acquire the following interests in the following land:

.....  
for the following purpose:

.....  
.....

The Authority intends to confer the following rights or interests on a person other than the Crown or a Crown instrumentality:

.....  
The Authority seeks to negotiate an agreement about the acquisition of the land and the compensation payable for the acquisition.

Aboriginal groups who are not registered under the law of the State or the Commonwealth as holders of or claimants to native title in the land but want to participate in the negotiations must take the necessary steps under that law to become native title parties in relation to the relevant land within three months after service of this notice. In order to be appropriate native title parties with whom the Authority must negotiate under section 19 of the *Land Acquisition Act 1969*, the parties must be registered as holders of or claimants to native title in the land on the date falling four months after service of this notice.

This notice is given under section 10 of the *Land Acquisition Act 1969*. It does not bind the Authority to acquire the land.

## **2 Right to obtain explanation of reasons for acquisition (section 11)**

Within 30 days a person who has an interest in the land (including the registered representative of a native title claimant or holder or, in certain cases, the representative Aboriginal body for the area) may require the Authority, by written notice—

- to give an explanation of the reasons for acquisition of the land; and
- to provide reasonable details of any statutory scheme in accordance with which the land is to be acquired.

## **3 Right to object (section 12)**

Within 30 days or, if an explanation of the reasons for the acquisition was requested, within 30 days after the explanation is provided, a person who has an interest in the land (including the registered representative of a native title claimant or holder or, in certain cases, the representative Aboriginal body for the area) may request the Authority, by written notice—

- not to proceed with the acquisition of the land; or
- to alter the boundaries of the land to be acquired; or
- not to acquire a particular part of the land or to acquire further land.

The request may be made—

- on the ground that acquisition of the land or a particular part of the land is not necessary for the purposes of carrying out the undertaking to which the acquisition relates; or
- on the ground that the acquisition of the land or carrying out the purposes for which the acquisition is proposed would—
  - seriously impair an area of scenic beauty; or
  - destroy, damage or interfere with an Aboriginal site within the meaning of the *Aboriginal Heritage Act 1988*; or
  - destroy or impair a site of architectural, historic or scientific interest; or
  - prejudice the conservation of flora or fauna that should be conserved in the public interest; or
  - prejudice some other public interest; or
- on some other ground stated in the request.

#### **4 Right of review (section 12A)**

Within 7 days after refusal by the Authority of a request by a person under section 12 or such longer period as the Minister will allow, the person may apply in writing, and in a manner and form determined by the Minister, to the Minister for a review of the decision. The merits or otherwise of the undertaking to which the proposed acquisition relates cannot be called into question in a review.

The review, if conducted by the Minister, must be completed within 14 days of receipt of the application. If the review is conducted by a person on the Minister's behalf, it must be completed, and the reviewer's report furnished to the Minister, within 14 days of his or her appointment.

A decision made on review is not subject to review by a court or tribunal.

#### **5 Right to negotiate about acquisition (Part 4 Division 1)**

The Authority seeks to negotiate in good faith with the native title parties in an attempt to reach agreement about the acquisition of the native title in the land.

Note—

- If, 4 months after this notice is given no persons are registered under the law of the State or the Commonwealth as the holders of, or claimants to, native title in the land, negotiation is not required and the Authority may acquire the land.
- If any of the negotiating parties requests the Environment, Resources and Development Court (ERD Court) to do so, the Court must mediate among the parties to assist in obtaining their agreement.
- If agreement is not reached between the Authority and the native title parties within 6 months after this notice is given, any party may apply to the ERD Court for a resolution of the matter.
- The ERD Court may determine whether the Authority may acquire the land and, if so, the conditions on which the acquisition is to proceed (but a final determination of compensation cannot be made at this stage).
- Section 21 of the *Land Acquisition Act 1969* sets out criteria that the ERD Court must take into account.
- The Minister may, within 2 months, overrule a determination of the ERD Court if the Minister considers it to be in the interests of the State or in the national interest.

#### **6 Right to compensation (Part 4 Division 2)**

The Authority seeks to negotiate in good faith with the native title parties about the compensation payable for the acquisition of the land.

Note—

- The Authority is required to negotiate with the persons who have or had, or claim to have or to have had, an interest in the land that is divested or diminished by the acquisition or the enjoyment of which is adversely affected by the acquisition.
- Any party may request the Environment, Resources and Development Court to mediate between the parties to assist in obtaining their agreement on the matters at issue between them.

- The Authority may offer, and must consider any request made by a party who is the holder of native title to the negotiations for, non-monetary compensation (eg a transfer of land, the provision of goods or services, or the carrying out of work for the reinstatement or improvement of land remaining in the claimant's ownership after acquisition).
- The land is acquired by notice of acquisition. Notice of acquisition may be given at any time after 3 months, and before 18 months or a longer period fixed under section 15(4a) of the *Land Acquisition Act 1969*, from the giving of this notice.
- At that time the Authority is required to make an offer to the person or persons whom it believes to be entitled to compensation for the acquisition, stating the amount of compensation the Authority is prepared to pay. The claimant may dispute the offer.
- Part 4 Division 2 of the *Land Acquisition Act 1969* governs compensation. In particular, section 25 sets out the principles for determining compensation.

## 7 Inquiries

Inquiries should be directed to:

.....  
.....

Date: .....

Signed: .....

### 1 *The notice must be given to—*

- *if there is a native title declaration for the land—the registered representative of the native title holders and the relevant representative Aboriginal body;*
- *if there is no native title declaration for the land—to all persons who hold, or may hold, native title in the land (see Part 5 of the Native Title (South Australia) Act 1994).*

*In addition, the Authority must—*

- *give a copy of the notice of intention to acquire the land to the Registrar of the Environment, Resources and Development Court and the Commonwealth Registrar; and*
- *as soon as practicable after completing all requirements for service of the notice, give the Registrar of the Environment, Resources and Development Court, the Commonwealth Registrar, the relevant representative Aboriginal body and any other prescribed persons a statutory declaration—*
  - *specifying the steps that have been taken to effect service, the date of each step, and when the requirements for service were completed; and*
  - *exhibiting any supporting materials required under the regulations.*

*NOTE: The periods referred to in this notice run from the date when the requirements for service of the notice are completed. Information about when the requirements for service were completed, as disclosed in the Authority's statutory declaration, can be obtained by contacting the Registrar of the Environment, Resources and Development Court, the Commonwealth Registrar or the relevant representative Aboriginal body.*

## Form 3—Notice of amendment of notice of intention to acquire land

*Land Acquisition Act 1969*  
(section 10(4))

TO:.....  
of.....

### 1 Notice of intention to acquire land

On .....  
..... (*the Authority*)  
of.....  
gave notice of intention to acquire the following interests in the following land:  
.....  
.....

### 2 Notice of amendment

This notice is to inform you that the Authority has changed the boundaries of the land it proposes to acquire as follows:

.....  
.....

This notice is given under section 10(4) of the *Land Acquisition Act 1969*.

### 3 Inquiries

Inquiries should be directed to:

.....  
.....

Date: .....

Signed:.....

## Form 4—Notice of determination not to proceed with acquisition of land

*Land Acquisition Act 1969*  
(section 15)

TO:.....  
of.....

### 1 Notice of intention to acquire land

On .....  
..... (the Authority)  
of.....  
gave notice of intention to acquire the following interests in the following land:  
.....  
.....

### 2 Notice of decision not to proceed with acquisition

This notice is to inform you that the Authority has decided not to proceed with the acquisition of the land.  
This notice is given under section 15(3) of the *Land Acquisition Act 1969*.

### 3 Right to compensation (section 15(5)-(7))

Within 6 months you may, by written notice to the Authority claim compensation for—

- disturbance to the use or enjoyment of the land resulting from the proposed acquisition; and
- costs and expenses reasonably incurred in consequence of the proposed acquisition.

If you do claim compensation and 3 months after making the claim there is no agreement on whether you are entitled to compensation, or the amount of the compensation, either you or the Authority may refer the matter to the Land and Valuation Court for determination.

### 4 Inquiries

Inquiries should be directed to:  
.....  
.....

Date: .....

Signed:.....

## Form 5—Notice of acquisition

*Land Acquisition Act 1969*  
(section 16)

### 1 Notice of acquisition

..... (*the Authority*)

of.....

acquires the following interests in the following land:

.....  
.....  
.....  
.....

This notice is given under section 16 of the *Land Acquisition Act 1969*.

### 2 Compensation

A person who has or had an interest in the land that is divested or diminished by the acquisition or the enjoyment of which is adversely affected by the acquisition who does not receive an offer of compensation from the Authority may apply to the Authority for compensation.

### 3 Inquiries

Inquiries should be directed to:

.....  
.....

Date: .....

Signed:.....

## Form 6—Offer of compensation

*Land Acquisition Act 1969*  
(section 23A)

TO:.....  
of.....

### 1 Notice of acquisition

..... (*the Authority*)  
of .....  
has, by notice published in the *Gazette* on ..... at p .....,  
acquired the following interests in the following land:

.....  
.....

### 2 Offer of compensation

The Authority makes an offer of compensation in respect of the acquisition of your  
interest in the land as follows:

.....  
.....

*[The offer must (where appropriate) differentiate between, and quantify, the component of  
compensation representing the value of the acquired land and the component referable to  
disturbance or other compensable matters.]*

The amount of compensation will be paid, within 7 days, into the Land and  
Valuation Court.

(If Part 4 Division 1 of the Act applies and the Authority has already paid an  
amount into the Environment, Resources and Development Court, the amount (if  
any) paid into the Land and Valuation Court will be the amount by which the  
amount of the offer exceeds that amount already paid into the Environment,  
Resources and Development Court.)

### 3 Reference of matters into Court

The Authority or a claimant for compensation may refer a question arising in the  
course of negotiations into the Land and Valuation Court (see section 23C of the  
*Land Acquisition Act 1969*).

The principles for determining compensation are set out in section 25 of the *Land  
Acquisition Act 1969*.

### 4 Inquiries

Inquiries should be directed to:

.....  
.....

Date: .....

Signed:.....



## Form 7—Notice of intention to enter land

*Land Acquisition Act 1969*  
(section 27)

TO:.....  
of.....<sup>1</sup>

### 1 Notice of intention to enter land

This notice is to inform you that

..... (*the Authority*)

of.....

intends to enter the following land:

.....

.....

on the following days or over the following period:

.....

to carry out the following work:

.....

.....

### 2 Authority for notice (section 27)

This notice is given under section 27 of the *Land Acquisition Act 1969* which allows the Authority, or any person authorised in writing by the Authority, to—

- enter and remain on land with any assistants, vehicles, machinery or equipment; and
- affix or establish any trigonometrical stations, survey pegs, marks or poles and from time to time alter, remove, reinstate or remove them; and
- dig or bore into the land,

for the purposes of that Act or an Act allowing the Authority to compulsorily acquire land.

It is an offence to—

- wilfully and without authorisation from the Authority, interfere with any trigonometrical stations, survey pegs, marks or poles; or
- wilfully obstruct any person acting in accordance with section 27.

**3 Right to compensation (section 29)**

Within 3 months from the day on which the Authority, or a person authorised by the Authority, was last in occupation of the land you may, by written notice to the Authority, claim compensation.

If you do claim compensation and 3 months after making the claim there is no agreement on the amount of compensation, either you or the Authority may refer the matter to the Land and Valuation Court for determination.

**4 Inquiries**

Inquiries should be directed to:

.....  
.....

Date: .....

Signed:.....

*1 The notice must be given to the owner (including a person who holds native title in land) and occupier of the land at least 7 days before entry.*

## Form 8—Notice of intention to enter into temporary occupation of land

*Land Acquisition Act 1969*  
(section 28)

TO:.....  
of..... 1

### 1 Notice of intention to enter into temporary occupation of land

This notice is to inform you that

..... (*the Authority*)

of.....

intends to enter into temporary occupation of the following land:

.....

.....

on .....

### 2 Authority for notice (section 28)

This notice is given under section 28 of the *Land Acquisition Act 1969* which allows the Authority to temporarily occupy and use land that—

- is within 500 metres of the boundaries of land acquired under the Act; and
- is not a garden, orchard or plantation attached or belonging to a house, or a park, planted walk, avenue or ground ornamentally planted; and
- is not within 500 metres of a place genuinely used as a place of residence,

for purposes authorised by an Act and to—

- take stone, gravel, earth or other material; or
- deposit any material on the land; or
- make cuttings or excavations on the land; or
- make and use roads on the land; or
- manufacture on the land materials required for those purposes; or
- erect workshops, sheds and buildings of a temporary character on the land.

However, the Authority is not authorised to take stone, gravel, earth or other material from land for the purpose of extracting, producing or refining minerals from it or processing it by non-mechanical means.

**3 Right to apply to Court for Authority to acquire interest (section 28(3) and (4))**

You may apply to the Land and Valuation Court for an order that the Authority acquire your interest in the land.

**4 Right to compensation (section 29)**

Within 3 months from the day on which the Authority, or a person authorised by the Authority, was last in occupation of the land you may, by written notice to the Authority claim compensation.

If you do claim compensation and 3 months after making the claim there is no agreement on the amount of compensation, either you or the Authority may refer the matter to the Land and Valuation Court for determination.

**5 Inquiries**

Inquiries should be directed to:

.....  
.....

Date: .....

Signed:.....

*1 The notice must be given to the owner (including a person who holds native title in land) and occupier of the land at least 7 days before entry.*

## Form 9—Notice to deliver documents for inspection

*Land Acquisition Act 1969*  
(section 30)

TO:.....  
of.....

### 1 Notice to deliver documents for inspection

The following documents:

.....  
.....  
.....  
.....

must be delivered to—

.....  
of.....

.....  
on or before.....

for the inspection of  
..... (the Authority)  
of.....

### 2 Authority for notice

This notice is given under section 30 of the *Land Acquisition Act 1969* which allows the Authority to require a person to deliver up for the inspection of the Authority, any specified document in the person's possession or power evidencing the interest of any person in land required for purposes authorised by an Act or any other specified record, account, or document in the person's possession or power relating to any such land.

Failure to comply with this notice is an offence.

### 3 Inquiries

Inquiries should be directed to:

.....  
.....

Date: .....

Signed:.....

## Schedule 2—Revocation of *Land Acquisition Regulations 1991*

The *Land Acquisition Regulations 1991* are revoked.

**Land Acquisition Regulations 2004**

Schedule 2—Revocation of *Land Acquisition Regulations 1991*

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**Note—**

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

**Made by the Governor**

with the advice and consent of the Executive Council  
on 19 August 2004

No 173 of 2004

AGO0121/03CS