

**LAND ACQUISITION (CONSEQUENTIAL
AMENDMENTS) ACT 1993**

No. 24 of 1993

TABLE OF PROVISIONS

1. Short title
 2. Commencement
 3. Amendment of Acts
- Schedule 1—Amendment of Acts

AN ACT to amend certain Acts consequent on the enactment of the *Land Acquisition Act 1993* and to make other amendments by way of statute law revision

[Royal Assent 3 June 1993]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

Short title

1—This Act may be cited as the *Land Acquisition (Consequential Amendments) Act 1993*.

Commencement

2—This Act commences on the day proclaimed under section 2 of the *Land Acquisition Act 1993*.

Amendment of Acts

3—The Acts specified in Schedule 1 are amended in the manner specified in that Schedule.

SCHEDULE 1

Section 3

AMENDMENT OF ACTS*Abandoned Lands Act 1973*

(No. 42 of 1973)

Section 11 is amended as follows:—

- (a) by omitting from subsection (7) “assessed” and substituting “determined”;
- (b) by omitting from subsection (9) “Division I of Part IV of the *Lands Resumption Act 1957*” and substituting “Division 2 of Part 3 of the *Land Acquisition Act 1993*”;
- (c) by omitting from subsection (9) “assessment” (twice occurring) and substituting “determination”.

Associated Pulp and Paper Mills Act 1936

(1 Edw. VIII No. 35)

Section 8 is amended by omitting subsection (7) and substituting the following subsection:—

(7) The amount of compensation payable under subsection (6) is to be determined in the same manner as a disputed claim for compensation under the *Land Acquisition Act 1993*.

Beauty Point Landslip Act 1970
(No. 78 of 1970)

1—Section 2 is amended as follows:—

(a) by omitting “section 31 of the *Lands Resumption Act 1957*” from the definition of “real value” and substituting “section 27 of the *Land Acquisition Act 1993*”;

(b) by omitting “assessed” from that definition and substituting “determined”.

2 —Section 8 is amended by omitting subsection (2) and substituting the following subsection:—

(2) In respect of all matters relating to the purchase or taking of any prescribed lands, the *Land Acquisition Act 1993*—

(a) has effect subject to the provisions of this Act; and

(b) is to be construed as if “Court” meant a magistrate sitting alone.

3—Section 10 is amended as follows:—

(a) by omitting “section 30 of the *Lands Resumption Act 1957*” from subsection (1) and substituting “the *Land Acquisition Act 1993*”;

(b) by omitting “section 30 of that Act.” from subsection (2) (b) and substituting “the *Land Acquisition Act 1993*.”.

4—Section 13 is amended as follows:—

(a) by omitting subsection (9) and substituting the following subsection:—

(9) All interest received from the investment under the *Public Account Act 1986* of the sum deposited in the Special Deposits and Trust Fund less a fair charge to reimburse the Treasurer for the costs of investment and management is to be taken to be part of the special compensation.

(b) by omitting from subsections (10) and (11) “*Lands Resumption Act 1957*” (wherever occurring) and substituting “*Land Acquisition Act 1993*”.

Clyde Water Act 1898

(62 Vict. No. 62)

Section 9 is amended by omitting “such compensation shall be ascertained and determined in the mode prescribed by the *Lands Clauses Act 1857* in cases of disputed compensation” and substituting “that compensation is to be determined in the same manner as a disputed claim for compensation under the *Land Acquisition Act 1993*”.

Commercial Arbitration Act 1986

(No. 91 of 1986)

Section 3 (7) is amended by omitting “section 3A of the *Lands Resumption Act 1957*” and substituting “section 6 of the *Land Acquisition Act 1993*”.

Crown Lands Act 1976

(No. 28 of 1976)

1—Section 8 is amended by inserting the following subsections after subsection (5):—

(6) Orders-in-council made under section 22 of the *Lands Resumption Act 1957*, including proclamations referred to in subsection (7), and in force immediately before the commencement of this Act are to be taken to have continued in force and to have had effect after that commencement as if they were orders made under subsection (1) and may be revoked or amended accordingly.

(7) Proclamations made under section 68 of the *Lands Resumption Act 1910* and in force immediately before the commencement of the *Lands Resumption Act 1957* are to be taken to have continued in force and to have had effect after that commencement as if they were orders-in-council made under section 22 of the *Lands Resumption Act 1957*.

2—Section 45 (3) is amended as follows:—

(a) by omitting “section 38 of the *Lands Resumption Act 1957*” and substituting “section 41 of the *Land Acquisition Act 1993*”;

(b) by omitting “section 31” and substituting “Division 2 of Part 3 of that Act”.

3—Section 51 is amended by omitting “*Lands Resumption Act 1957*” and substituting “*Land Acquisition Act 1993*”.

4—Section 53 (4) is amended by omitting “*Public Authorities’ Land Acquisition Act 1949* or the *Lands Resumption Act 1957*, according to whichever Act applies to that case.” and substituting “*Land Acquisition Act 1993*.”.

5—Section 59 is amended as follows:—

(a) by omitting subsection (7);

(b) by omitting from subsection (11) “by notification under the *Lands Resumption Act 1957*.” and substituting “under the *Land Acquisition Act 1993*.”.

6—Section 63 (1) is amended by omitting “*Lands Resumption Act 1957*” and substituting “*Land Acquisition Act 1993*”.

Crown Lands (Miscellaneous Provisions) Act 1985

(No. 32 of 1985)

Section 12 is amended by omitting “*Lands Resumption Act 1957*” and substituting “*Land Acquisition Act 1993*”.

Education Act 1932

(23 Geo. V No. 22)

Section 17 (2) is amended as follows:—

(a) by omitting “*Lands Resumption Act 1957*” and substituting “*Land Acquisition Act 1993*”;

(b) by omitting “26” and substituting “56”;

- (c) by omitting “description contained in paragraph (a)” and substituting “distance of 200 metres from the nearest boundary of required land or land acquired under that Act as is specified in the definition of ‘adjacent land’ contained in subsection (1)”.
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Fire Service Act 1979

(No. 35 of 1979)

Section 8 (5) is amended as follows:—

- (a) by omitting “*Public Authorities’ Land Acquisition Act 1949*” and substituting “*Land Acquisition Act 1993*”;
- (b) by omitting “undertaking” and substituting “authorized purpose”.
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Fisheries Act 1959

(No. 16 of 1959)

Section 50 is amended as follows:—

- (a) by omitting subsection (2) and substituting the following subsection:—
- (2) The *Land Acquisition Act 1993* applies to the acquisition of land by the Commission.
- (b) by omitting from subsection (3) “dispose of land under section 60 of the *Public Authorities’ Land Acquisition Act 1949*” and substituting “sell land under section 73 of the *Land Acquisition Act 1993*”.
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Florentine Valley Paper Industry Act 1935

(26 Geo. V No. 27)

Section 21A is amended as follows:—

- (a) by omitting “take in accordance with the *Lands Clauses Act 1857*” from subsection (2) (b) and substituting “purchase or take”;

(b) by inserting the following subsection after subsection (3):—

(4) The *Land Acquisition Act 1993* applies in relation to the acquisition of land, and the land acquired, by the Promoter.

Forestry Act 1920

(11 Geo. V No. 60)

Section 8B (4) is amended by omitting “as provided by the *Lands Resumption Act 1957*.” and substituting “in the same manner as a disputed claim for compensation under the *Land Acquisition Act 1993*.”.

Grain Reserve Act 1950

(No. 44 of 1950)

Section 10 of the Principal Act is amended as follows:—

(a) by omitting from subsection (2) (i) “*Public Authorities’ Land Acquisition Act 1949*” and substituting “*Land Acquisition Act 1993*”;

(b) by omitting subsection (4) and substituting the following subsection:—

(4) The *Land Acquisition Act 1993* applies in relation to the acquisition of land, and the land acquired, by the Board under subsection (2) (i).

Hobart Bridge Act 1958

(No. 81 of 1958)

1—Section 2 is amended by omitting the definition of “Loan Fund”.

2—Section 5 is amended as follows:—

(a) by omitting from subsection (1) “*Lands Resumption Act 1957*” and substituting “*Land Acquisition Act 1993*”;

- (b) by omitting “*Arbitration Act 1892*,” from subsection (2) and substituting “*Commercial Arbitration Act 1986*”;
- (c) by omitting “a submission” from subsection (2) and substituting “an arbitration agreement”;
- (d) by omitting “*Lands Resumption Act 1957*,” from subsection (4) and substituting “*Land Acquisition Act 1993*,”;
- (e) by omitting “Loan” from subsection (6) and substituting “Consolidated”.

3—Section 8 is amended by omitting “Loan” and substituting “Consolidated”.

Hobart Corporation Act 1963

(No. 81 of 1963)

1—Section 147 (3) is amended by omitting “in accordance with the provisions of the *Public Authorities’ Land Acquisition Act 1949* as modified by this section” and substituting “in the same manner as a disputed claim for compensation under the *Land Acquisition Act 1993*”.

2—Section 150 is amended by omitting “as a disputed claim for compensation under the *Public Authorities’ Land Acquisition Act 1949*.” and substituting “in the same manner as a disputed claim for compensation under the *Land Acquisition Act 1993*.”.

3—Section 190 (2) is amended by omitting “section 12 of the *Public Authorities’ Land Acquisition Act 1949*, and section 17 of that Act shall, except for subsections (7) and (8) thereof, apply” and substituting “the *Land Acquisition Act 1993*, and section 20 of that Act applies in relation to the registration”.

4—Section 198 (10) is amended by omitting “*Public Authorities’ Land Acquisition Act 1949*.” and substituting “*Land Acquisition Act 1993*.”.

5—Section 232 is repealed and the following section is substituted:—

Reconveyance of certain land taken

232—Where—

- (a) land is taken by the corporation for the purpose of constructing, altering, widening, diverting or improving a street or other way; and
- (b) compensation has been determined in the manner of a disputed claim for compensation under the *Land Acquisition Act 1993*; and
- (c) the corporation considers it inappropriate to pay the amount of compensation so determined—

the corporation may reconvey the land in accordance with, and subject to, section 23 of that Act notwithstanding that the period specified in subsection (1) of that section has expired.

Hobart Regional Water Act 1984

(No. 51 of 1984)

Section 7 is amended as follows:—

- (a) by omitting “The Board” and substituting “(1) The Board”;
- (b) by omitting from subsection (1) “in accordance with the *Public Authorities’ Land Acquisition Act 1949* which for the purpose is incorporated in this Act”;
- (c) by adding the following subsection after subsection (1):—

(2) The *Land Acquisition Act 1993* applies in relation to the acquisition of land, and the land acquired, by the Board under subsection (1) (a).

Homes Act 1935

(26 Geo. V No. 98)

Section 11 is amended as follows:—

- (a) by omitting “may, under and in accordance with the provisions of the *Public Authorities’ Land Acquisition Act 1949*,” from subsection (1) and substituting “may”;

- (b) by omitting “this Act, and that Act is incorporated with this Act accordingly.” from subsection (1) and substituting “this Act.”;
- (c) by inserting the following subsection after subsection (2):—

(3) The *Land Acquisition Act 1993* applies in relation to the acquisition of land, and the land acquired, by the Director under subsection (1).

Huon Valley Pulp and Paper Industry Act 1959

(No. 70 of 1959)

1—Section 9 is amended as follows:—

- (a) by omitting paragraph (a) of subsection (3) and substituting the following paragraph:—

(a) the company may purchase or take land (other than Crown land); and

- (b) by omitting subsection (4) and substituting the following subsection:—

(4) The *Land Acquisition Act 1993* applies in relation to the acquisition of land, and the land acquired, by the company under subsection (3).

2—Section 12 (4) is amended by omitting “by arbitration as provided in the *Lands Clauses Act 1857* as if it were a claim made under that Act in respect of a disputed amount of compensation,” and substituting “in the same manner as a disputed claim for compensation under the *Land Acquisition Act 1993*,”.

3—Section 14 is amended by omitting subsection (8).

Hydro-Electric Commission Act 1944

(8 & 9 Geo. VI No. 22)

1—Sections 37 and 38 are repealed and the following section is substituted:—

Acquisition of land

37—(1) Subject to this Act, the *Land Acquisition Act 1993* applies in relation to any acquisition of land by the Commission under this Act.

(2) Notwithstanding section 37 (a) of the *Land Acquisition Act 1993*, a claim for compensation in respect of any land taken by the Commission may be made under that Act within the period of 5 years after the gazettal of the notice of acquisition relating to that land.

2—Section 39 (1) (c) is amended by omitting “1957” and substituting “1910”.

3—Section 42 is amended by omitting “In the application of the *Public Authorities’ Land Acquisition Act 1949* to this Part—” and substituting “The *Land Acquisition Act 1993* applies to a claim for compensation under this Part as if the claim had arisen from the Commission exercising a power under Part 6 of that Act, and in the application of that Act to this Part—”.

4—Section 44A is amended as follows:—

- (a) by omitting “The” and substituting “(1) The”;
- (b) by omitting “in accordance with the provisions of the *Public Authorities’ Land Acquisition Act 1949*” from subsection (1);
- (c) by adding the following subsection after subsection (1):—

(2) The *Land Acquisition Act 1993* applies to a claim for compensation under this section as if the claim had arisen from the Commission exercising a power under Part 6 of that Act.

5—Section 46 is amended as follows:—

- (a) by omitting “in accordance with the *Public Authorities’ Land Acquisition Act 1949*” from subsection (2) (c);

(b) by inserting the following subsection after subsection (2):—

(2A) The *Land Acquisition Act 1993* applies to a claim for compensation under subsection (2) (c) as if the claim had arisen from the Commission exercising a power under Part 6 of that Act.

6—Section 47 is amended by omitting subsection (11) and substituting the following subsection:—

(11) The *Land Acquisition Act 1993* applies in relation to any acquisition of a wayleave easement, and the wayleave easement acquired, by the Commission under this section.

7—Section 50 (2) is amended by omitting all the words after “determined” and substituting “as if there was a disputed claim for compensation under the *Land Acquisition Act 1993*”.

8—The heading to Part XIII is amended by omitting “*LANDS CLAUSES ACT 1857*” and substituting “*LAND ACQUISITION ACT 1993*”.

9—Section 64 (1) is amended as follows:—

- (a) by omitting “acquired” and substituting “taken”;
- (b) by omitting “*Lands Clauses Act 1857,*” and substituting “*Land Acquisition Act 1993,*”;
- (c) by omitting “or acquire” and substituting “or take”;
- (d) by omitting “that Act, except sections 8 and 9 thereof,” and substituting “that Act”.

Iron Ore (Savage River) Agreement Act 1965

(No. 56 of 1965)

1—Section 5 is amended as follows:—

- (a) by omitting “may, under and in accordance with the provisions of the *Lands Resumption Act 1957,*” from subsection (1) and substituting “may”;
- (b) by omitting “as if that purpose were a public purpose within the meaning of that Act” from subsection (1);

- (c) by inserting the following subsection after subsection (2):—

(3) The *Land Acquisition Act 1993* applies in relation to the acquisition of land, and the land acquired, by the Minister under subsection (1).

2—Section 12 is amended by omitting “*Lands Clauses Act 1857*” and substituting “*Land Acquisition Act 1993*”.

Irrigation Clauses Act 1973

(No. 39 of 1973)

1—Section 5 is amended as follows:—

- (a) by omitting “The undertakers” and substituting “(1) The undertakers”;
- (b) by omitting “in accordance with the provisions of the *Public Authorities’ Land Acquisition Act 1949*” from subsection (1);
- (c) by adding the following subsection after subsection (1):—

(2) The *Land Acquisition Act 1993* applies in relation to the acquisition of any land or any estate or interest in land, and any land, estate or interest acquired, by the undertakers under subsection (1).

2—Section 6 is repealed and the following section is substituted:—

Reconveyance of certain land taken

6—Where—

- (a) any land, estate or interest in land has been taken under section 5; and
- (b) compensation has been determined in the manner of a disputed claim for compensation under the *Land Acquisition Act 1993*; and

- (c) the undertakers consider it inappropriate to pay the amount of compensation so determined—

the undertakers may reconvey the land, estate or interest in accordance with, and subject to, section 23 of that Act notwithstanding that the period specified in subsection (1) of that section has expired.

3—Section 8 (2) is amended by omitting all the words after “take them” and substituting “under the *Land Acquisition Act 1993*”.

4—Section 20 (4) is amended by omitting all the words after “determined” and substituting “as if it were a disputed claim for compensation under the *Land Acquisition Act 1993*”.

5—Section 21 is amended as follows:—

(a) by omitting from subsection (4) “*Public Authorities’ Land Acquisition Act 1949.*” and substituting “*Land Acquisition Act 1993.*”;

(b) by omitting subsection (5) and substituting the following subsections:—

(5) Subject to subsection (5A), a claim for compensation shall be made within 120 days after the doing of the act giving rise to the claim.

(5A) The provisions of section 78 of the *Land Acquisition Act 1993* apply to the time prescribed by subsection (5) in the same way as they apply to a time referred to in that section.

6—Section 63 (3) is amended by omitting all the words after “compensation,” and substituting “it is to be determined as if there was a disputed claim for compensation under the *Land Acquisition Act 1993*”.

7—Section 66 (2) is amended by omitting all the words after “minerals,” and substituting “the price is to be settled as if it were compensation, and as if there was a disputed claim for compensation, under the *Land Acquisition Act 1993*”.

Lakes Sorell and Crescent Conservation Act 1901

(1 Edw. VII No. 53)

Section 6 is amended by omitting “and such compensation shall be ascertained and determined in the mode prescribed by the *Lands Clauses Act 1857* in cases of disputed compensation” and substituting “and that compensation shall be determined as if there was a disputed claim for compensation under the *Land Acquisition Act 1993*”.

Land Titles Act 1980

(No. 19 of 1980)

1—Section 40 (3) is amended as follows:—

- (a) by omitting from paragraph (h) “limitations.” and substituting “limitations; and”;
- (b) by inserting after paragraph (h) the following paragraph:—
 - (i) so far as regards land which under the *Land Acquisition Act 1993* has vested in an acquiring authority, within the meaning of that Act, and in respect of which that authority has not been registered as proprietor.

2—Section 126 is amended as follows:—

- (a) by omitting from subsection (1) (a) “shall issue a certificate of title” and substituting “may issue a certificate of title in relation”;
- (b) by omitting from subsection (1) (b) all the words after “for the land and” and substituting “may issue such certificates of title in relation to the land as the Recorder considers proper”;
- (c) by omitting subsection (2);
- (d) by inserting after subsection (5) the following subsections:—

(5A) Where land vests in an acquiring authority or a person on the gazettal of a notice which amends or revokes a notice of acquisition and a plan of the land affected and a copy of that first-mentioned notice is lodged with the Recorder, the Recorder—

- (a) must make such cancellations, corrections or recordings in the Register as are necessary; and

(b) must make the necessary cancellations, corrections and recordings on the corresponding certificates of title, grants or duplicate registered dealings when they are next produced to him or her.

(5B) For the purpose of complying with subsection (5A) (b), the Recorder may call in such certificates of title, grants or duplicate dealings as he or she considers appropriate.

3—Section 129 is amended as follows:—

(a) by omitting from subsection (1) “immediately” and substituting “as soon as practicable”;

(b) by omitting subsection (2);

(c) by omitting subsection (3) and substituting the following subsection:—

(3) Where a notice to treat or a notice of intention is withdrawn, the acquiring authority must lodge with the Recorder as soon as practicable after that withdrawal a copy of the notice of withdrawal or other document effecting that withdrawal.

(d) by inserting after subsection (3) the following subsections:—

(4) The statement referred to in subsection (1) and the notice or other document referred to in subsection (3) are to be signed by—

(a) the acquiring authority; or

(b) the clerk, within the meaning of the *Land Acquisition Act 1993*, or solicitor of the acquiring authority if the acquiring authority is not the Crown; or

(c) the Secretary of the Department responsible to the Minister for the time being administering that Act; or

(d) a person authorized by the acquiring authority or that Secretary.

(5) On receipt of a notice or other document referred to in subsection (3), the Recorder must make such recordings in, or do such corrections to, the Register as the Recorder considers appropriate.

Launceston Corporation Act 1963
(No. 82 of 1963)

1—Section 150 (3) is amended by omitting “in accordance with the provisions of the *Public Authorities’ Land Acquisition Act 1949*” and substituting “as if there was a disputed claim for compensation under the *Land Acquisition Act 1993*”.

2—Section 153 is amended by omitting “a disputed claim for compensation under the *Public Authorities’ Land Acquisition Act 1949*.” and substituting “if there was a disputed claim for compensation under the *Land Acquisition Act 1993*.”.

Lawrence Vale Landslip Act 1961
(No. 50 of 1961)

1—Section 8 (2) is amended by omitting “*Lands Resumption Act 1957*” and substituting “*Land Acquisition Act 1993*”.

2—Section 9 (5) is amended by omitting “*Lands Resumption Act 1957*” and substituting “*Land Acquisition Act 1993*,”.

3—Section 10 is amended as follows:—

(a) by omitting from subsection (7) “Treasury” and substituting “Special Deposits and Trust Fund”;

(b) by omitting subsection (9) and substituting the following subsections:—

(9) All interest received from the investment under the *Public Account Act 1986* of the sum deposited in the Special Deposits and Trust Fund less a fair charge to reimburse the Treasurer for the costs of investment and management is to be taken to be part of the additional sum.

(c) by omitting from subsections (10) and (11) “*Lands Resumption Act 1957*” (wherever occurring) and substituting “*Land Acquisition Act 1993*”.

Local Government Act 1962
(No. 67 of 1962)

1—Section 468 (5) is amended by omitting all the words after “determined” and substituting “as if there was a disputed claim for compensation under the *Land Acquisition Act 1993*”.

2—Section 473 (2) is amended by omitting “*Public Authorities’ Land Acquisition Act 1949.*” and substituting “*Land Acquisition Act 1993.*”.

3—Section 473A (7) is amended by omitting “*Lands Resumption Act 1957.*” and substituting “*Land Acquisition Act 1993.*”.

4—Section 473B (2) is amended by omitting “*Public Authorities’ Land Acquisition Act 1949.*” and substituting “*Land Acquisition Act 1993.*”.

5—Section 474 (1) is amended by omitting all the words after “licence” (second occurring) and substituting “were an estate in land that had been acquired by compulsory process under the *Land Acquisition Act 1993*”.

6—Section 616 (2) is amended by omitting “in accordance with the *Public Authorities’ Land Acquisition Act 1949*” and substituting “as if an estate in land had been acquired by compulsory process under the *Land Acquisition Act 1993*”.

7—Section 690A is amended as follows:—

(a) by omitting from subsection (3) (a) (i) “, in accordance with Part III of the *Public Authorities’ Land Acquisition Act 1949;*” and substituting “, determined as if there was as a disputed claim for compensation under the *Land Acquisition Act 1993;*”;

(b) by omitting from subsection (3) (b) all the words after “determined” and substituting “as if there was a disputed claim for compensation under the *Land Acquisition Act 1993*”.

8—Section 695 (1) (a) (ix) is amended by omitting “*Public Authorities’ Land Acquisition Act 1949;*” and substituting “*Land Acquisition Act 1993;*”.

9—Section 735 (1) is amended by omitting “in accordance with Part III of the *Public Authorities’ Land Acquisition Act 1949.*” and substituting “which shall be determined as if there was a disputed claim for compensation under the *Land Acquisition Act 1993.*”.

10—Section 762 is amended by omitting subsection (2) and substituting the following subsection:—

(2) The *Land Acquisition Act 1993* applies in relation to the acquisition of land, and the land acquired, by the corporation under subsection (1).

11—Section 764 (1) is amended by omitting paragraph (a) and substituting the following paragraph:—

(a) sold in accordance with section 73 of the *Land Acquisition Act 1993*; or

Local Government (Highways) Act 1982

(No. 57 of 1982)

1—Section 57 is amended as follows:—

- (a) by omitting from subsection (3) “section 15 (2) of the *Public Authorities’ Land Acquisition Act 1949* has” and substituting “sections 22 and 23 of the *Land Acquisition Act 1993* have”;
- (b) by omitting from subsection (3) “that section” and substituting “those sections”;
- (c) by omitting subsection (4) and substituting the following subsection:—

(4) On the publication in the *Gazette* of a notice that a corporation has reconveyed land under section 23 of the *Land Acquisition Act 1993*, any public rights of passage over that land that were created by the acquisition of the land by the corporation for highway purposes are abolished.

2—Section 62 is amended as follows:—

- (a) by omitting from subsection (6) all the words following “entitled to” and substituting “compensation determined in the same manner as a disputed claim for compensation under the *Land Acquisition Act 1993*”;

- (b) by omitting “paragraph (b) or paragraph (c) of section 19 (1) of the Acquisition Act” from subsection (8) and substituting “section 27 (1) (c) and (e) of the *Land Acquisition Act 1993*”;
 - (c) by omitting from subsection (9) “costs and expenses referred to in section 19 (1) (e) of the Acquisition Act shall be deemed” and substituting “compensation payable under the *Land Acquisition Act 1993* is”.
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Local Government (Municipality of Lyell) Act 1986

(No. 28 of 1986)

Section 30 is amended as follows:—

- (a) by omitting from subsection (8) “assessed” and substituting “determined”;
 - (b) by omitting from subsection (10) “Division I of Part IV of the *Lands Resumption Act 1957*,” and substituting “Part 3 of the *Land Acquisition Act 1993*,”;
 - (c) by omitting from subsection (10) “assessment” (twice occurring) and substituting “determination”.
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Marine Act 1976

(No. 18 of 1976)

1—Section 65 (1) (b) is amended by omitting “*Public Authorities’ Land Acquisition Act 1949*” and substituting “*Land Acquisition Act 1993*”.

2—Section 67 (8) is amended by omitting all the words following “determined” and substituting “in the same manner as a disputed claim for compensation under the *Land Acquisition Act 1993*”.

Metropolitan Transport Act 1954

(No. 77 of 1954)

Section 12 is amended as follows:—

(a) by omitting from subsection (1) (i) “under and in accordance with the provisions of the *Public Authorities’ Land Acquisition Act 1949*,”;

(b) by omitting subsection (6) and substituting the following subsection:—

(6) The *Land Acquisition Act 1993* applies in relation to the acquisition of land, and the land acquired, by the Trust under subsection (1) (i).

Mining Act 1929

(20 Geo. V No. 71)

1—Section 131A is amended as follows:—

(a) by omitting from subsection (1) “*Lands Resumption Act 1957*” and substituting “*Land Acquisition Act 1993*”;

(b) by omitting from subsection (1) “a public purpose” and substituting “an authorized purpose”;

- (c) by omitting from subsection (2) “*Lands Resumption Act 1957*” and substituting “*Land Acquisition Act 1993*”;
- (d) by omitting from subsection (4) “*Lands Resumption Act 1957*” and substituting “*Land Acquisition Act 1993*”.

2—Section 131D (3) is amended by omitting “as a disputed claim for compensation under the *Lands Resumption Act 1957*” and substituting “in the same manner as a disputed claim for compensation under the *Land Acquisition Act 1993*”.

Mount Dundas and Zeehan Railway Act 1890

(54 Vict. No. 54)

1—Section 19 is repealed and the following section is substituted:—

Incorporation of *Land Acquisition Act 1993*

19—(1) The *Land Acquisition Act 1993* is incorporated with this Act.

(2) For the purposes of the interpretation of this Act and the *Land Acquisition Act 1993*, this Act is to be taken to be the special Act and the said lessees are to be taken to be the promoters.

2—Section 20 is amended by omitting “such compensation shall be settled by arbitration in the mode prescribed by the *Lands Clauses Act 1857* in cases of disputed compensation” and substituting “that compensation is to be determined in the same manner as a disputed claim for compensation under the *Land Acquisition Act 1993*”.

Mount Lyell and Strahan Railway Act 1892

(56 Vict.—Private)

1—Section 18 is repealed and the following section is substituted:—

Incorporation of *Land Acquisition Act 1993*

18—(1) The *Land Acquisition Act 1993* is incorporated with this Act.

(2) For the purposes of the interpretation of this Act and the *Land Acquisition Act 1993*, this Act is to be taken to be the special Act and the Company is to be taken to be the promoter.

2—Section 28 is amended by omitting “such compensation shall be settled by arbitration in the mode prescribed by the *Lands Clauses Act 1857* in cases of disputed compensation” and substituting “that compensation is to be determined in the same manner as a disputed claim for compensation under the *Land Acquisition Act 1993*”.

3—Section 62 is amended by omitting “settled by arbitration in the mode prescribed by the *Lands Clauses Act 1857* in cases of disputed compensation” and substituting “determined in the same manner as a disputed claim for compensation under the *Land Acquisition Act 1993*”.

4—Section 64 is amended as follows:—

- (a) by omitting “*Lands Clauses Act 1857*” (first occurring) and substituting “*Land Acquisition Act 1993*”;
- (b) by omitting “a reference to arbitration takes place under the *Lands Clauses Act 1857*, and the arbitrators or umpire award a sum not exceeding the amount of compensation so tendered, all the costs of the reference, arbitration, and award” and substituting “the matter becomes a disputed claim under that Act, and, on the determination of that claim, a sum not exceeding the amount of compensation so tendered is awarded or agreed to, all the costs relating to the determination of that claim”.

Mount Lyell and Strahan Railway Act 1898
(62 Vict.—Private)

Section 9 is amended by omitting “, in case of dispute, shall be settled by arbitration in the manner prescribed by the *Lands Clauses Act 1857* in cases of disputed compensation” and substituting “is to be determined in the same manner as a disputed claim for compensation under the *Land Acquisition Act 1993*”.

Mount Lyell and Strahan Railway Act 1900
(64 Vict. No. 54)

Section 4 is amended by omitting “, in case of dispute, shall be settled by arbitration in the manner prescribed by the *Lands Clauses Act 1857* in cases of disputed compensation” and substituting “is to be determined in the same manner as a disputed claim for compensation under the *Land Acquisition Act 1993*”.

Mount Read and Rosebery Mines Limited Leases Act 1916
(7 Geo. V—Private)

1—Section 12 is amended by omitting all the words after “the provisions of this Act,” and substituting “the *Land Acquisition Act 1993* applies in relation to the acquisition and purchase of land, and the land so acquired or purchased, by the Company”.

2—Section 13 is amended by omitting “*Lands Clauses Act 1857*” and substituting “*Land Acquisition Act 1993*”.

National Parks and Wildlife Act 1970
(No. 47 of 1970)

1—Section 3 (1) is amended by omitting from the definition of “owner” “*Lands Resumption Act 1957*” and substituting “*Land Acquisition Act 1993*”.

2—Section 18(1) is amended by omitting “*Lands Resumption Act 1957*” and substituting “*Land Acquisition Act 1993*”.

*North Mount Lyell and Macquarie Harbour Railway Act
1897*

(61 Vict.—Private)

1—Section 14 is repealed and the following section is substituted:—

Land Acquisition Act 1993 applies

14—Subject to this Act, the *Land Acquisition Act 1993* applies in relation to the acquisition of land, and the land acquired, by the Company under section 13.

2—Section 24 is amended by omitting “such compensation shall be settled by arbitration in the mode prescribed by the *Lands Clauses Act 1857* in cases of disputed compensation” and substituting “that compensation is to be determined in the same manner as a disputed claim for compensation under the *Land Acquisition Act 1993*”.

3—Section 58 is amended by omitting “settled by arbitration in the mode prescribed by the *Lands Clauses Act 1857* in cases of disputed compensation” and substituting “determined in the same manner as a disputed claim for compensation under the *Land Acquisition Act 1993*”.

4—Section 60 is amended as follows:—

- (a) by omitting “*Lands Clauses Act 1857*” (first occurring) and substituting “*Land Acquisition Act 1993*”;
- (b) by omitting “a reference to arbitration takes place under the *Lands Clauses Act 1857*, and the arbitrators or umpire award a sum not exceeding the amount of compensation so tendered, all the costs of the reference, arbitration, and award” and substituting “the matter becomes a disputed claim under that Act, and, on the determination of that claim, a sum not exceeding the amount of compensation so tendered is awarded or agreed to, all the costs relating to the determination of that claim”.

North Mount Lyell Mining and Railway Act 1901

(1 Edw. VII—Private)

Section 8 is amended by omitting “, in case of dispute, shall be settled by arbitration in the manner prescribed by the *Lands Clauses Act 1857* in cases of disputed compensation” and substituting “is to be determined in the same manner as a disputed claim for compensation under the *Land Acquisition Act 1993*”.

North West Regional Water Act 1987

(No. 43 of 1987)

Section 8 is amended as follows:—

- (a) by omitting “The Authority” and substituting “(1) The Authority”;
- (b) by omitting paragraph (a) of subsection (1) and substituting the following paragraph:—
 - (a) to acquire land;
- (c) by adding the following subsection after subsection (1):—

(2) The *Land Acquisition Act 1993* applies in relation to the acquisition of land, and the land acquired, by the Authority under subsection (1) (a).

Noxious Weeds Act 1964

(No. 3 of 1964)

Clause 9 of the first Schedule is amended as follows:—

- (a) by omitting from subclause (1) “*Lands Resumption Act 1957*” and substituting “*Land Acquisition Act 1993*”;
- (b) by omitting from subclause (2) “Section sixty-seven of the *Lands Resumption Act 1957*” and substituting “Section 73 of the *Land Acquisition Act 1993*”.

Public Works Construction Act 1880

(44 Vict. No. 32)

1—Section 2 is amended by omitting “*Lands Resumption Act 1957*” (twice occurring) and substituting “*Land Acquisition Act 1993*”.

2—Section 8 (1) is amended by omitting all the words after “this Act” and substituting “is to be determined in the same manner as a disputed claim for compensation under the *Land Acquisition Act 1993*”.

*Pulpwood Products Industry (Eastern and Central Tasmania)
Act 1968*

(No. 71 of 1968)

1—Section 23 (7) is amended by omitting “by arbitration as provided in the *Lands Clauses Act 1857* as if it were a claim made under that Act in respect of a disputed amount of compensation” and substituting “in the same manner as a disputed claim for compensation under the *Land Acquisition Act 1993*”.

2—Section 24 is amended by omitting subsections (3) and (4) and substituting the following subsection:—

(3) The *Land Acquisition Act 1993* applies in relation to the acquisition of land, and the land acquired, by the Company under subsection (2).

Racing Act 1983

(No. 87 of 1983)

Section 9 (3) is amended by omitting “*Lands Resumption Act 1957*” and substituting “*Land Acquisition Act 1993*”.

Railway Management Act 1935

(26 Geo. V No. 33)

Sections 37, 42, 43A and 49 are repealed.

Railways Clauses Consolidation Act 1901

(1 Edw. VII No. 14)

1—Section 46 is repealed and the following section is substituted:—

Land Acquisition Act 1993 applies

46—The *Land Acquisition Act 1993* applies in relation to the acquisition of land, and the land acquired, by the promoters under section 44.

2—Section 52 (2) is amended as follows:—

- (a) by omitting “the same shall be decided by arbitration in the mode prescribed by the *Lands Clauses Act 1857* and the arbitrators or umpire” and substituting “, the dispute is to be determined in the same manner as a disputed claim for compensation under the *Land Acquisition Act 1993*, and the person or Court determining the dispute”;
- (b) by omitting “them” and substituting “the person or Court”.

3—Section 58 is repealed and the following section is substituted:—

Determination of compensation

58—Where, under this Act, compensation is payable by the promoters to any persons whose interests are affected by the exercise of the powers conferred on the promoters by this Act, that compensation, except as otherwise specially provided for by this Act, is to be determined in the same manner as a disputed claim for compensation under the *Land Acquisition Act 1993*.

4—Section 73 is repealed.

Roads and Jetties Act 1935

(26 Geo. V No. 82)

1—Section 9A is amended as follows:—

- (a) by omitting from subsections (5) (e) (i), (6) (b) (i), (6) (c) (i) and (6A) (a) “as a disputed claim for compensation under the *Lands Resumption Act 1957*” (wherever occurring) and substituting “in the same manner as a disputed claim for compensation under the *Land Acquisition Act 1993*”;
- (b) by omitting from subsection (5) (f) “*Lands Resumption Act 1957*” and substituting “*Land Acquisition Act 1993*”.

2—The following sections are amended by omitting “*Lands Resumption Act 1957*” (wherever occurring) and substituting “*Land Acquisition Act 1993*”:—

- (a) section 9B (2) (b);
- (b) section 9D (12);
- (c) section 9D (15);
- (d) section 9F;
- (e) section 26.

3—Section 35 is amended by omitting subsection (4) and substituting the following subsection:—

(4) The compensation payable in respect of the exercise by a road authority of any of the powers conferred by this section is to be determined in the same manner as a disputed claim for compensation under the *Land Acquisition Act 1993*.

4—Section 52C is amended as follows:—

- (a) by omitting from subsection (1) all the words after “determined” and substituting “in the same manner as a disputed claim for compensation under the *Land Acquisition Act 1993*”;
- (b) by omitting from subsection (1C) “the Minister may proceed in the manner set out in section 42 of the *Lands Resumption Act 1957*” and substituting “the *Land Acquisition Act 1993* applies”.

5—Section 52E (3) is amended by omitting all the words after “determined” and substituting “in the same manner as a disputed claim for compensation under the *Land Acquisition Act 1993*”.

6—Section 52F is amended by omitting “*Lands Resumption Act 1957*” and substituting “*Land Acquisition Act 1993*”.

7—Section 54F is amended by omitting “*Public Authorities’ Land Acquisition Act 1949*” (twice occurring) and substituting “*Land Acquisition Act 1993*”.

Salt-water Salmonid Culture Act 1985

(No. 53 of 1985)

Section 8 is amended by omitting subsections (2) and (3) and substituting the following subsection:—

(2) The *Land Acquisition Act 1993* applies in relation to the acquisition of land, and the land acquired, by the New Company or Tassal under subsection (1).

Settled Land Act 1884

(48 Vict. No. 10)

Section 29 is amended by omitting “*Lands Clauses Act 1857*” and substituting “*Land Acquisition Act 1993*”.

Sewers and Drains Act 1954

(No. 67 of 1954)

1—Section 16 (1) (d) is amended by omitting “*Public Authorities’ Land Acquisition Act 1949*” and substituting “*Land Acquisition Act 1993*”.

2—Section 25 (2) is amended by omitting “*Public Authorities’ Land Acquisition Act 1949*” and substituting “*Land Acquisition Act 1993*”.

3—Section 38 (3) is amended by omitting “*Public Authorities’ Land Acquisition Act 1949*” and substituting “*Land Acquisition Act 1993*”.

Stamp Duties Act 1931

(22 Geo. V No. 19)

1—Section 24 is repealed and the following section is substituted:—

Special provision relating to notices of acquisition

24—(1) In this section, “**acquiring authority**”, “**clerk**”, “**Crown**” and “**notice of acquisition**” have the same meaning as in the *Land Acquisition Act 1993*.

(2) Before lodging a notice of acquisition with the Recorder of Titles for registration, an acquiring authority other than the Crown must produce to an assessor—

(a) that notice; and

(b) a certificate of valuation issued under section 41 of the *Land Valuation Act 1971* specifying the capital value of the land as at the date of gazettal of that notice.

(3) Where an acquiring authority has paid duty in respect of a notice of acquisition, the authority, within 3 months after all compensation payable in respect of the land to which the notice relates has been finally determined, must provide the Commissioner with a statutory declaration of the clerk of the authority stating the total amount of that compensation.

(4) If the total amount of compensation referred to in subsection (3)—

(a) exceeds the value of the land upon which the duty referred to in that subsection was paid, the acquiring authority must pay to the Commissioner, or as the Commissioner directs, such additional duty as would have been payable had the land been purchased for a consideration equal to that total amount; or

(b) is less than the value of the land upon which the duty referred to in that subsection was paid, the Commissioner must cause to be refunded to the acquiring authority the difference between the duty paid and the duty that would have been payable had the land been purchased for a consideration equal to that total amount.

2—Schedule 2 is amended as follows:—

- (a) by omitting from column 2 of item 17 “Memorial of a notice of acquisition under section 17 of the *Public Authorities’ Land Acquisition Act 1949*” and substituting “Notice of acquisition gazetted by an acquiring authority within the meaning of the *Land Acquisition Act 1993* (other than the Crown)”;
- (b) by omitting the entry in column 4 of that item and substituting the entry “By that acquiring authority.”.

3—Schedule 3 is amended by omitting the entry in column 2 of item 17 and substituting the following entry:—

Notices of acquisition—

A notice of acquisition gazetted by the corporation of a city or other municipality under the *Land Acquisition Act 1993*.

Tamar Improvement Act 1912

(3 Geo. V No. 52)

Section 8 is repealed and the following section is substituted:—

Acquisition of land

8—(1) The Board may acquire land for the purposes of this Act.

(2) Subject to this Act, the *Land Acquisition Act 1993* applies in relation to the acquisition of land, and land acquired, by the Board under subsection (1).

(3) Section 73 of the *Land Acquisition Act 1993* does not apply in relation to land acquired by the Board under subsection (1).

Tamar Improvement Act (No. 2) 1913

(4 Geo. V No. 56)

Section 2 is amended by omitting “*Lands Clauses Act 1857*” and substituting “*Land Acquisition Act 1993*”.

Tamar Improvement Act (No. 4) 1918
(9 Geo. V No. 46)

Section 6 is repealed.

*Van Diemen's Land Company's Waratah and Zeehan
Railway Act 1895*

(59 Vict.—Private)

1—Section 10 is repealed and the following section is substituted:—

Land Acquisition Act 1993 applies

10—Subject to this Act, the *Land Acquisition Act 1993* applies in relation to the purchase, acquisition and taking of land, and the land purchased, acquired or taken, by the Company.

2—Section 11 is amended by omitting “*Lands Clauses Act 1857*” and substituting “*Land Acquisition Act 1993*”.

3—Section 12 is repealed.

4—Section 26 is amended by omitting “, in case of dispute, shall be settled by arbitration in the manner prescribed by the *Lands Clauses Act 1857* in cases of disputed compensation” and substituting “is to be determined in the same manner as a disputed claim for compensation under the *Land Acquisition Act 1993*”.

5—Section 33 is amended by omitting “such compensation shall be settled by arbitration in the mode prescribed by the *Lands Clauses Act 1857* in cases of disputed compensation” and substituting “that compensation is to be determined in the same manner as a disputed claim for compensation under the *Land Acquisition Act 1993*”.

6—Section 72 is amended by omitting “settled by arbitration in the mode prescribed by the *Lands Clauses Act 1857* in cases of disputed compensation” and substituting “determined in the same manner as a disputed claim for compensation under the *Land Acquisition Act 1993*”.

War Service Land Settlement Act 1950

(No. 82 of 1950)

1—Section 6 is repealed and the following section is substituted:—

Acquiring land

6—(1) The Board may acquire land for the purposes of this Act.

(2) The *Land Acquisition Act 1993* applies in relation to the acquisition of land, and the land acquired, by the Board.

2—Section 10 (8) is amended by omitting “*Lands Resumption Act 1957*” and substituting “*Land Acquisition Act 1993*”.

3—Section 11 is amended by omitting subsection (1).

4—Section 12 (1) (a) is amended by inserting “or the *Land Acquisition Act 1993*,” after “1949”.

5—Section 12A is amended as follows:—

(a) by inserting in subsection (1) “or the *Land Acquisition Act 1993*” after “1949”;

(b) by omitting from subsection (5) all the words after “determined” and substituting “in the same manner as a disputed claim for compensation under the *Land Acquisition Act 1993* as if the Board were the claimant”.

Water Act 1957

(No. 39 of 1957)

1—Section 3 is amended by omitting the definition of “Acquisition Act” and substituting the following definition:—

“**Acquisition Act**” means the *Land Acquisition Act 1993*;

2—Section 27 is amended as follows:—

(a) by omitting from subsection (3) “as a disputed claim for compensation under the *Lands Resumption Act 1957*” and substituting “in the same manner as a disputed claim for compensation under the Acquisition Act”;

- (b) by omitting from subsection (4) “as a disputed claim for compensation under the *Lands Resumption Act 1957*” and substituting “in the same manner as a disputed claim for compensation under the Acquisition Act”.

3—Section 48A (2) (b) is amended by omitting “with the same consequences as if they had been so converted by section 14 of the *Lands Resumption Act 1957*.” and substituting “which are to be determined in the same manner as a disputed claim for compensation under the Acquisition Act.”.

4—Section 65 (2) is amended by omitting “, or in the case of the Crown, of the *Lands Resumption Act 1957*”.

5—Section 85 is amended as follows:—

- (a) by omitting from subsection (5) “under the *Lands Resumption Act 1957*” and substituting “which is to be determined in the same manner as a disputed claim for compensation under the Acquisition Act”;

- (b) by omitting paragraph (a) of subsection (5) and substituting the following paragraph:—

(a) section 44 of the Acquisition Act is to be construed as if the period of 3 months specified in that section were a period of 4 months commencing on the day on which the notice referred to in subsection (2) of this Act is published in the *Gazette*.

6—Section 86 (1) is amended by omitting “*Lands Resumption Act 1957*” and substituting “Acquisition Act”.

7—Section 135 is amended by omitting subsection (1) and substituting the following subsections:—

(1) With the consent of the Governor, the trust may acquire land for the purposes of this Part.

(1A) The *Acquisition Act* applies in relation to the acquisition of land, and land acquired, by the trust under subsection (1).

Waterworks Clauses Act 1952
(No. 86 of 1952)

1—Section 5 is amended by omitting “*Public Authorities’ Land Acquisition Act 1949*” and substituting “*Land Acquisition Act 1993*”.

2—Section 6 is amended by omitting “subsection (2) of section fifteen of the *Public Authorities’ Land Acquisition Act 1949*” and substituting “section 23 (1) of the *Land Acquisition Act 1993*”.

3—Section 8 (2) is amended by omitting all the words after “provisions of the” and substituting “*Land Acquisition Act 1993*”.

4—Section 16 (4) is amended by omitting all the words after “determined” and substituting “in the same manner as a disputed claim for compensation under the *Land Acquisition Act 1993*”.

5—Section 17 is amended as follows:—

(a) by omitting from subsection (4) “*Public Authorities’ Land Acquisition Act 1949*” and substituting “*Land Acquisition Act 1993*”;

(b) by omitting subsection (5) and substituting the following subsections:—

(5) Subject to subsection (5A), a claim for compensation is to be made within 120 days after the doing of the act giving rise to the claim.

(5A) Section 78 of the *Land Acquisition Act 1993* applies to the time prescribed by subsection (5).

6—Section 68 (2) is amended by omitting all the words after “minerals,” and substituting “the dispute is to be determined in the same manner as a disputed claim for compensation under the *Land Acquisition Act 1993*”.

Wesley Vale Pulp and Paper Industry Act 1961

(No. 48 of 1961)

1—Section 17 (4) is amended by omitting all the words after “claim for compensation” and substituting “is to be determined in the same manner as a disputed claim for compensation under the *Land Acquisition Act 1993*”.

2—Section 18 is amended as follows:—

- (a) by omitting from subsection (1) all the words after “other purpose,” and substituting “the company may acquire land other than Crown land”;
- (b) by omitting subsection (2) and substituting the following subsection:—

(2) The *Land Acquisition Act 1993* applies in relation to the acquisition of land, and the land acquired, by the company under subsection (1).

Whales Protection Act 1988

(No. 58 of 1988)

Section 14 is amended by omitting subsection (3) and substituting the following subsection:—

(3) The amount of compensation payable under subsection (2) is to be determined in the same manner as a disputed claim for compensation under the *Land Acquisition Act 1993*.

*[Second reading presentation speech made in:—
House of Assembly on 25 March 1993
Legislative Council on 21 April 1993]*