



New South Wales

# Land Acquisition (Just Terms Compensation) Amendment Act 2009 No 39

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New South Wales

# Land Acquisition (Just Terms Compensation) Amendment Act 2009 No 39

Act No 39, 2009

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An Act to amend the *Land Acquisition (Just Terms Compensation) Act 1991* with respect to the authorisation of the compulsory acquisition of land; and for other purposes. [Assented to 19 June 2009]

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**The Legislature of New South Wales enacts:**

**1 Name of Act**

This Act is the *Land Acquisition (Just Terms Compensation) Amendment Act 2009*.

**2 Commencement**

This Act commences on the date of assent to this Act.

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## **Schedule 1      Amendment of Land Acquisition (Just Terms Compensation) Act 1991 No 22**

### **[1] Section 7**

Omit the section. Insert instead:

#### **7 Act not to empower authority to acquire land**

- (1) This Act does not empower an authority of the State to acquire land if it does not have the power (apart from this Act) to acquire the land.
- (2) The power of an authority of the State to acquire land under another Act is affected by sections 7A and 7B of this Act. Any such acquisition to which section 7A or 7B applies remains, for all purposes, an acquisition of land under and subject to that other Act.

### **[2] Section 7A Authority empowered to acquire native title**

Omit “by compulsory process under this Act” from section 7A (1).

Insert instead “by compulsory process in accordance with this Act”.

### **[3] Schedule 3 Savings, transitional and other provisions**

Insert at the end of clause 1 (1):

*Land Acquisition (Just Terms Compensation) Amendment  
Act 2009*

### **[4] Schedule 3, Part 3**

Insert after Part 2:

## **Part 3 Provisions consequent on enactment of Land Acquisition (Just Terms Compensation) Amendment Act 2009**

#### **4 Acquisitions before enactment of 2009 amending Act**

- (1) In this clause, the *2009 amending Act* means the *Land Acquisition (Just Terms Compensation) Amendment Act 2009*.
- (2) Section 7 of this Act (as substituted by the 2009 amending Act) extends to an acquisition of land by compulsory process before the commencement of the 2009 amending Act (including a proposed acquisition commenced but not completed before the commencement of the 2009 amending Act).

- (3) Subclause (2) does not affect any determination made by a court before the commencement of the 2009 amending Act in relation to a purported acquisition of land that has been the subject of proceedings before the court.
- (4) Despite anything to the contrary in this clause, any acquisition or proposed acquisition of native title rights and interests at any time after the enactment of section 7A of this Act and before the commencement of the 2009 amending Act that would not have been a valid acquisition if the 2009 amending Act had been in force at that time does not operate to extinguish or otherwise affect those native title rights and interests.

**5 Restriction on compulsory acquisition of land by councils for re-sale**

Before approval is given to the acquisition of land by a council for the purposes of resale without the owner's approval because of an acquisition at the same time of other land vested in the council as referred to section 188 (2) (a) of the *Local Government Act 1993*, the council must provide a written explanation to the Minister administering that Act as to the purpose (not being the purpose of resale) for which the other land vested in the council is being wholly or partly compulsorily acquired.

[Agreement in principle speech made in Legislative Assembly on 15 May 2009  
Second reading speech made in Legislative Council on 17 June 2009]

BY AUTHORITY