



The Northern Territory of Australia

Lands and Mining Tribunal Act 1999 (“the Act”)

Lands and Mining Tribunal

Practice Direction No 4 of 2000

Lands Acquisition Act

As Chairperson of the Lands and Mining Tribunal, I make the following Practice Direction:

Where the Minister or a person objecting to a compulsory acquisition applies to the Tribunal under s 38 of the *Lands Acquisition Act* to have the objection to the acquisition heard by the Tribunal, in respect of land to which there is either a Native Title determination or there is a registered Native Title claim, the applicant, in the application form prescribed in the Rules, shall specify which provision of the *Native Title Act* (Commonwealth) entitles the Tribunal to exercise its jurisdiction.

If the reason for the Tribunal being possessed of jurisdiction is derived from –

- (a) the exception set out in section 26(1)(c)(iii)(A) of the *Native Title Act*, the applicant shall specify precisely what rights or interests in relation to the land or waters are to be conferred on the “Government party”. Further, a copy of the “statement in writing” referred to in that section is to be attached;
- (b) the exception set out in section 26(1)(c)(iii)(B) of the *Native Title Act*, the applicant shall specify the infrastructure facility to be provided. If it is alleged that the infrastructure facility falls under paragraph (i) of the definition of “infrastructure facility” in section 253 of the *Native Title Act* –
 - (i) the similarity to a specific infrastructure facility mentioned in paragraphs (a) – (h) shall be specified; and
 - (ii) the determination of the Commonwealth Minister shall be attached to the application;

- (c) any one of the exclusions in section 26(2) of the *Native Title Act*, the specific provision shall be set out; and
- (d) the exclusion in section 26(2)(f) of the *Native Title Act*, the applicant shall provide the relevant and necessary information so as to enable the Tribunal to identify that the location of the land or waters intended to be acquired falls wholly within a town or city as defined in –
 - (i) section 251C(3) of the *Native Title Act*, including extracts or copies of the relevant schedules, declarations or gazettals; or
 - (ii) section 251C(5) of the *Native Title Act*, including a copy of the written determination by the Commonwealth Minister referred to in that sub-section.

David Loadman
Chairperson
1 September 2000