

3A. Meaning of owner of land

In this Act —

“owner” —

- (a) in relation to Crown land, means —
 - (i) a lessee of the land or another person with a right to occupy the land otherwise than as an owner according to paragraph (b) or (c); or
 - (ii) a person with a right to acquire by purchase or otherwise the fee simple of the land;
- (b) in relation to Crown land that does not have an owner according to paragraph (a) and that —
 - (i) is vested in a person;
 - (ii) is dedicated to a purpose of a person; or
 - (iii) is placed under the control of a person,
means that person or, if applicable, the management body within the meaning of the *Land Administration Act 1997* for the land;
- (c) in relation to Crown land that does not have an owner according to paragraph (a) or (b), means the State;
- (d) in relation to freehold land that is under the operation of the *Transfer of Land Act 1893*, means a proprietor within the meaning of that Act, except a mortgagee who is not a mortgagee in possession of the land;
- (e) in relation to land that is subject to the *Registration of Deeds Act 1856*, means the holder of an interest registered by memorial under that Act, except a mortgagee who is not a mortgagee in possession of the land; or
- (f) means a person who —
 - (i) under the *Mining Act 1978*, holds in respect of the land a mining tenement within the meaning of that Act;
 - (ii) in accordance with the *Mining Act 1978*, holds, occupies, uses, or enjoys in respect of the land a mining tenement within the meaning of the *Mining Act 1904*²; or
 - (iii) under the *Petroleum Act 1967*, holds in respect of the land a petroleum production licence or a petroleum exploration permit within the meaning of that Act.

[Section 3A inserted by No. 42 of 2002 s. 5.]