



Australian Capital Territory

Planning and Land Act 2002

A2002-55

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About this republication

The republished law

This is a republication of the *Planning and Land Act 2002* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 1 January 2006. It also includes any amendment, repeal or expiry affecting the republished law to 1 January 2006.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at www.legislation.act.gov.au):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication does not include amendments made under part 11.3 (see endnote 1).

Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see *Legislation Act 2001*, section 95.

Penalties

The value of a penalty unit for an offence against this republished law at the republication date is—

- (a) if the person charged is an individual—\$100; or
- (b) if the person charged is a corporation—\$500.



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Australian Capital Territory

Planning and Land Act 2002

An Act to provide for planning and the development of land, and for other purposes

Chapter 1 Preliminary

1 Name of Act

This Act is the *Planning and Land Act 2002*.

3 Dictionary

The dictionary at the end of this Act is part of this Act.

Note 1 The dictionary at the end of this Act defines certain words and expressions used in this Act, and includes references (*signpost definitions*) to other words and expressions defined elsewhere in this Act or in other legislation.

For example, the signpost definition ‘*development*—see the *Land (Planning and Environment) Act 1991*, section 222 (Definitions for pt 6).’ means that development is defined in that section and the definition applies to this Act.

Note 2 A definition in the dictionary (including a signpost definition) applies to the entire Act unless the definition, or another provision of the Act, provides otherwise or the contrary intention otherwise appears (see Legislation Act, s 155 and s 156 (1)).

4 Notes

A note included in this Act is explanatory and is not part of this Act.

Note See the Legislation Act, s 127 (1), (4) and (5) for the legal status of notes.

5 Offences against Act—application of Criminal Code etc

Other legislation applies in relation to offences against this Act.

Note 1 Criminal Code

The Criminal Code, ch 2 applies to all offences against this Act (see Code, pt 2.1).

The chapter sets out the general principles of criminal responsibility (including burdens of proof and general defences), and defines terms used for offences to which the Code applies (eg *conduct*, *intention*, *recklessness* and *strict liability*).

Note 2 Penalty units

The Legislation Act, s 133 deals with the meaning of offence penalties that are expressed in penalty units.

6 Object of Act

The object of this Act is to provide a planning and land system that contributes to the orderly and sustainable development of the ACT—

- (a) consistently with the social, environmental and economic aspirations of the people of the ACT; and
- (b) in accordance with sound financial principles.

Chapter 2 The authority and chief planning executive

Part 2.1 The authority

7 Establishment of authority

- (1) The Planning and Land Authority is established.
- (2) The authority—
 - (a) is a body corporate; and
 - (b) must have a seal.
- (3) The chief planning executive is the authority.

8 Territory bound by actions of authority

Anything done in the name of, or for, the authority by the chief planning executive in exercising a function of the authority is taken to have been done for, and binds, the Territory.

Part 2.2 Functions of authority

9 Authority functions

- (1) The authority has the following functions:
- (a) to administer the territory plan;
 - (b) to continually assess the territory plan and propose amendments as necessary;
 - (c) to plan and regulate the development of land;
 - (d) to advise on planning and land policy, including the broad spatial planning framework for the ACT;
 - (e) to maintain the digital cadastral database;
 - (f) to make available land information;
 - (g) to grant, administer, vary and end leases on behalf of the Executive;

Note Under the *Land (Planning and Environment) Act 1991*, s 160B, the planning and land authority is authorised to grant, on behalf of the Executive, leases the Executive may grant on behalf of the Commonwealth.

- (h) to grant licences over unleased territory land;
- (i) to decide applications for approval to undertake development;
- (j) to regulate the building industry;
- (k) to make orders under the *Land (Planning and Environment) Act 1991*, part 6 (Approvals and orders);

- (l) to provide planning services, including services to entities outside the ACT;

Note The provision of planning services to somebody other than the Territory is subject to s 15 (Provision of planning services to others—ministerial approval).

- (m) to review its own decisions;
- (n) to provide administrative support and facilities for the council;
- (o) to ensure community consultation and participation in planning decisions;
- (p) to promote public education and understanding of the planning process, including by providing easily accessible public information and documentation on planning and land use.

- (2) The authority may exercise any other function given to the authority under this Act, another territory law or a Commonwealth law.

Note A provision of a law that gives an entity (including a person) a function also gives the entity powers necessary and convenient to exercise the function (see Legislation Act, s 196 and dict, pt 1, def of *entity*).

- (3) The authority must exercise its functions—

- (a) in a way that has regard to sustainable development; and
- (b) taking into consideration the statement of planning intent.

Note For the meaning of *sustainable development*, see s 53. The statement of planning intent is dealt with in s 14.

- (4) In this section:

digital cadastral database—see the *Districts Act 2002*, section 17.

10 Authority to comply with directions

The authority must comply with any directions given to the authority under this Act or another territory law.

Note The authority may be given directions by the Minister under s 12.

11 Asking council's advice

- (1) The authority must ask for, and consider, the council's advice—
 - (a) before exercising a function prescribed by regulation; or
 - (b) before exercising a function in circumstances prescribed by regulation.
- (2) The authority may ask for the council's advice in relation to the exercise of any other function.

Part 2.3 **Operations of authority**

12 **Ministerial directions to authority**

- (1) The Minister may give a written direction to the authority—
 - (a) about the general policies the authority must follow; or
 - (b) requiring the authority to revise the territory plan, or a provision of the plan.
- (2) Before giving a direction, the Minister must—
 - (a) tell the authority about the proposed direction; and
 - (b) give the authority reasonable opportunity to comment on the proposed direction; and
 - (c) consider any comment made by the authority.
- (3) The Minister must—
 - (a) present a copy of a direction to the Legislative Assembly within 6 sitting days after the day it is given to the authority; and
 - (b) if the copy would not be presented to the Legislative Assembly under paragraph (a) within 14 days after the day it is given to the authority—give a copy of the direction to the members of the Legislative Assembly within the 14 days.
- (4) If subsection (3) is not complied with, the direction is taken to have been revoked at the end of the period within which the copy of the direction should have been presented or given to members.
- (5) A direction is a notifiable instrument.

Note A notifiable instrument must be notified under the Legislation Act.

13 Assembly may recommend directions to authority

- (1) The Legislative Assembly may, by resolution, recommend that the Minister give the authority a stated direction under section 12.
- (2) The Minister must consider the recommended direction and must either—
 - (a) direct the authority under section 12; or
 - (b) tell the Legislative Assembly that the Minister does not propose to direct the authority as recommended.
- (3) A direction mentioned in subsection (2) (a) may be in accordance with the Legislative Assembly's resolution or as changed by the Minister.

14 Statement of planning intent

- (1) The Minister may give the authority a written statement that sets out the main principles that are to govern planning and land development in the ACT (the *statement of planning intent*).
- (2) The Minister must—
 - (a) present a copy of the statement of planning intent to the Legislative Assembly within 6 sitting days after the day it is given to the authority; and
 - (b) if the copy would not be presented to the Legislative Assembly under paragraph (a) within 14 days after the day it is given to the authority—give a copy of the statement to members of the Legislative Assembly within the 14 days.

- (3) To remove any doubt, the statement of planning intent does not authorise a person to whom the *Land (Planning and Environment) Act 1991*, section 8 (Effect of plan) applies to do anything inconsistent with the plan.

Example

The statement of planning intent may include policy material inconsistent with the territory plan, but the plan would have to be amended before the policy could be implemented.

Note An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

15 Provision of planning services to others—ministerial approval

The authority may provide planning services to somebody other than the Territory only with the Minister's written approval.

16 Reports by authority to Minister

- (1) The authority must give the Minister a report, or information about its operations, required by the Minister.
- (2) A report under this section must be prepared in the form (if any) that the Minister requires.
- (3) This section is in addition to any other provision about the giving of reports or information by the authority.

17 Authority's annual report

A report prepared by the authority under the *Annual Reports (Government Agencies) Act 2004* for a financial year must include—

- (a) a copy of any direction given to the authority under this Act or another territory law during the year; and

- (b) a statement by the authority about action taken during the year to give effect to any direction given (whether before or during the year).

Note **Financial year** has an extended meaning in the *Annual Reports (Government Agencies) Act 2004*.

18 Delegations by authority

- (1) The authority may delegate the authority's functions under this Act or another territory law to a public servant who is an authority staff member.
- (2) The authority may also delegate the function of granting leases on behalf of the Executive to the land agency.

Note For the making of delegations and the exercise of delegated functions, see the Legislation Act, pt 19.4.

Part 2.4 The chief planning executive

19 Appointment of chief planning executive

- (1) The Executive must, after consulting with the council, appoint a person to be the Chief Planning Executive (the *chief planning executive*).

Note 1 For the making of appointments generally, see the Legislation Act, div 19.3.

Note 2 A power to appoint a person to a position includes power to appoint a person to act in the position (see Legislation Act, s 209).

- (2) However, the Executive must not appoint a person under subsection (1) unless satisfied that the person has the management and planning experience or expertise to exercise the functions of the chief planning executive.
- (3) An appointment must be for a term of not longer than 5 years.

Note A person may be reappointed to a position if the person is eligible to be appointed to the position (see Legislation Act, s 208 (1) (c)).

- (4) An appointment is a notifiable instrument.

Note A notifiable instrument must be notified under the Legislation Act.

20 Chief planning executive's employment conditions

The chief planning executive's conditions of appointment are the conditions agreed between the Executive and the chief planning executive, subject to any determination under the *Remuneration Tribunal Act 1995*.

21 Functions of chief planning executive

The chief planning executive may exercise the functions given to the chief planning executive under this Act or another territory law.

22 Suspension or ending of chief planning executive's appointment

- (1) The Executive may suspend the chief planning executive from duty—
 - (a) for misbehaviour; or
 - (b) for physical or mental incapacity, if the incapacity affects the exercise of the chief planning executive's functions; or
 - (c) if the chief planning executive is convicted, in Australia or elsewhere, of an offence punishable by imprisonment for at least 1 year.
- (2) The Minister must present to the Legislative Assembly a statement of the reasons for the suspension on the first sitting day after the day the chief planning executive is suspended.
- (3) If, within 6 sitting days after the day the statement is presented, the Legislative Assembly resolves to require the Executive to end the chief planning executive's appointment, the Executive must end the chief planning executive's appointment.
- (4) The chief planning executive's suspension ends—
 - (a) if the Minister does not comply with subsection (2)—at the end of the day the Minister should have presented to the Legislative Assembly the statement mentioned in that subsection; or
 - (b) if the Assembly does not pass a resolution mentioned in subsection (3) within the 6 sitting days—at the end of the 6th sitting day.
- (5) The chief planning executive is entitled to be paid salary and allowances while suspended.

Note An appointment also ends if the appointee resigns (see Legislation Act, s 210).

Part 2.5 Authority staff and consultants

23 Authority staff

The authority's staff must be employed under the *Public Sector Management Act 1994*.

24 Authority consultants

- (1) The authority may engage consultants.
- (2) However, the authority must not enter into a contract of employment under this section.

Chapter 3 The council

Part 3.1 Establishment, constitution and functions

25 Establishment of council

The Planning and Land Council is established.

26 Constitution of council

- (1) The council consists of—
 - (a) a chairperson; and
 - (b) a deputy chairperson; and
 - (c) at least 3, and not more than 5, other members.
- (2) The following must not be appointed under subsection (1):
 - (a) the chief planning executive;
 - (b) a member of the authority staff;
 - (c) the chief executive officer.
- (3) The council deputy chairperson acts in the position of council chairperson—
 - (a) during all vacancies in the position; and
 - (b) during all periods when the council chairperson cannot for any reason exercise the functions of the position.

Note The Legislation Act, div 19.3.2, deals with acting appointments

27 Functions of council

- (1) The council must give advice on matters arising under this Act if asked by the Minister or the authority.
- (2) The council may exercise any other function given to the council under this Act or another territory law.

Note A provision of a law that gives an entity (including a person) a function also gives the entity powers necessary and convenient to exercise the function (see Legislation Act, s 196 and dict, pt 1, def of *entity*).

Part 3.2 Council membership

28 Council members

- (1) The Minister may appoint the council members.

Note 1 For the making of appointments generally, see the Legislation Act, div 19.3.

Note 2 Certain Ministerial appointments require consultation with an Assembly committee and are disallowable (see Legislation Act, div 19.3.3). The appointment of someone other than a public servant for more than 6 months under this section would require consultation and be disallowable (see Legislation Act, s 227).

Note 3 A power to appoint a person to a position includes power to appoint a person to act in the position (see Legislation Act, s 209).

- (2) The Minister must try to ensure that the following disciplines and areas of expertise are represented among the members appointed:
- (a) urban economics;
 - (b) community and social planning;
 - (c) urban and regional planning;
 - (d) environmental management;
 - (e) land development;
 - (f) public policy or public law;
 - (g) urban design;
 - (h) transport planning;
 - (i) public administration;
 - (j) engineering.

- (3) An appointment must be for a term of not longer than 4 years.

Note A person may be reappointed to a position if the person is eligible to be appointed to the position (see Legislation Act, s 208 and dict , pt 1, def of *appoint*).

29 Ending of council members' appointments

The Minister may end the appointment of a council member—

- (a) for misbehaviour; or
- (b) for physical or mental incapacity, if the incapacity affects the exercise of the member's functions; or
- (c) if the member—
 - (i) becomes bankrupt, applies to take the benefit of a law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of remuneration for their benefit; or
 - (ii) is absent, other than on leave approved by the Minister, from 3 consecutive meetings of the council; or
 - (iii) contravenes section 36 (Disclosure of interests by council members) without reasonable excuse; or
 - (iv) commits, in Australia or elsewhere, an offence punishable by imprisonment for at least 1 year; or
- (d) if the Minister is satisfied that the member's ability to function as a council member is affected by an interest disclosed under section 36.

Note The appointment of a member also ends if the member resigns (see Legislation Act, s 210).

30 Calling council meetings

- (1) The council is to meet at the times and places the council chairperson decides.
- (2) The council chairperson must ensure that council members have reasonable notice of meetings.
- (3) The council chairperson must ensure that, as far as practicable, the council meets at least monthly.

31 Council meetings

- (1) The council chairperson presides at meetings of the council.
- (2) The council may decide its own procedure in relation to anything for which a procedure is not provided under this Act.
- (3) If all the council members agree, a meeting may be held by means of a method of communication, or a combination of methods of communication, that allows the members taking part to hear what each other member says without being in each other's presence.
- (4) A council member who takes part in a meeting conducted under subsection (3) is taken, for all purposes, to be present at the meeting.

32 Council resolutions

A resolution is a valid resolution of the council, even if it was not passed at a meeting of the council, if—

- (a) notice of the resolution is given under procedures decided by the council; and
- (b) all council members agree, in writing, to the proposed resolution.

33 Minimum number for council meetings

Business may be carried on at a council meeting only if at least 4 council members are present.

34 Voting at council meetings

- (1) Questions arising at a council meeting may be decided by a majority of the votes of the council members present and voting.
- (2) If the votes of council members on a question are equally divided, the decision of the council chairperson is the decision of the council on the question.

35 Minutes of council proceedings

- (1) The council must keep minutes of its proceedings.
- (2) At a council meeting the council chairperson must ensure that the council considers the minutes of its last meeting.
- (3) The council must publish the minutes of its proceedings within 7 days after the day the minutes are confirmed by the council.

Example

The council may put the minutes of its proceedings on a website

Note An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

36 Disclosure of interests by council members

- (1) A council member who has a relevant interest in an issue being considered, or about to be considered, by the council must, as soon as practicable after the relevant facts have come to the council member's knowledge, disclose the nature of the interest at a meeting of the council.

- (2) The disclosure must be recorded in the council's minutes and, unless the council otherwise decides, the council member must not—
- (a) be present when the council considers the issue; or
 - (b) take part in a decision of the council on the issue.
- (3) Any other council member who also has a relevant interest in the issue must not—
- (a) be present when the council is considering its decision under subsection (2); or
 - (b) take part in the decision.
- (4) In this section:
- relevant interest*, in an issue, means—
- (a) a direct or indirect financial interest in the issue; or
 - (b) a direct or indirect interest of any other kind if the interest could conflict with the proper exercise of the council member's functions in relation to the council's consideration of the issue.

37 Reporting of disclosed interests to Minister

- (1) Within 14 days after the day an interest is disclosed under section 36 (1), the council chairperson must report to the Minister in writing about—
- (a) the disclosure; and
 - (b) the nature of the interest disclosed; and
 - (c) any decision by the council under section 36 (2).
- (2) The council chairperson must give to the Minister, by 31 July in each year, a statement that sets out the information given to the Minister in reports under subsection (1) that relate to disclosures made during the previous financial year.

- (3) The Minister must give a copy of the statement to the relevant committee of the Legislative Assembly within 14 days after the day the Minister receives the statement.
- (4) In this section:
relevant committee means—
- (a) a standing committee of the Legislative Assembly nominated by the Speaker for subsection (3); or
 - (b) if no nomination under paragraph (a) is in effect—the standing committee of the Legislative Assembly responsible for public accounts.

Chapter 4 The land agency

Part 4.1 Establishment and functions of land agency

Note for pt 4.1

The governance of territory authorities, including the land agency, is regulated by the *Financial Management Act 1996* (the *FMA*), pt 9 as well as the Act that establishes them.

The FMA, pt 9 deals, for example, with the corporate status of territory authorities and their powers, the make-up of governing boards, the responsibilities of the governing board and board members, how governing board positions can be ended, meetings of governing boards and conflicts of interest.

38 Establishment of land agency

The Land Development Agency (the *land agency*) is established.

39 Functions of land agency

- (1) The land agency has the following functions:
 - (a) to develop land;
 - (b) to carry out works for the development and enhancement of land;
 - (c) to carry out strategic or complex urban development projects.
- (2) The land agency may exercise any other function given to the land agency under this Act or another territory law.
- (3) The land agency may exercise its functions—
 - (a) alone; or
 - (b) through subsidiaries, joint ventures or trusts; or

- (c) by holding shares in, or other securities of, corporations.
- (4) The land agency must exercise its functions—
- (a) in accordance with the objectives of the territory plan; and
- (b) in accordance with the latest statement of intent for the land agency.

Note 1 The land agency is required to prepare a statement of intent under the *Financial Management Act 1996*.

Note 2 A provision of a law that gives an entity (including a person) a function also gives the entity powers necessary and convenient to exercise the function (see Legislation Act, s 196 and dict, pt 1, def *entity*).

40 Land agency functions to be exercised in accordance with directions

The land agency must comply with directions given to the land agency under this Act or another territory law.

Note The land agency may be given a direction under s 44.

Part 4.2 **Financial and general land agency provisions**

Note for pt 4.2

The land agency must not give a guarantee without the Treasurer's approval (see *Financial Management Act 1996*, s 60).

41 **Proceeds of lease sale**

Consideration received by the land agency for the sale of a lease of land is income of the land agency.

42 **Payment of funds to Territory**

- (1) The Treasurer may, in writing, direct the land agency to pay to the Territory—
 - (a) the amount stated in the direction; or
 - (b) an amount calculated in the way stated in the direction.
- (2) The Treasurer may also direct the land agency, in a direction under subsection (1) or another instrument, about—
 - (a) how payment is to be made; and
 - (b) when payment is to be made; and
 - (c) the conditions relating to payment.
- (3) In giving a direction under subsection (1), the Treasurer must have regard to—
 - (a) the land agency's assets and liabilities; and
 - (b) the land agency's income and expenditure; and
 - (c) the land agency's ability to exercise its functions; and

- (d) the requirement that the Territory obtain a reasonable return from the development and disposal of land.
- (4) The Treasurer must—
 - (a) present a copy of a direction under subsection (1) to the Legislative Assembly within 6 sitting days after the day it is given to the land agency; and
 - (b) if the copy would not be presented to the Legislative Assembly under paragraph (a) within 14 days after the day it is given to the land agency—give a copy of the direction to the members of the Legislative Assembly within the 14 days.
- (5) If subsection (4) is not complied with, the direction is taken to have been revoked at the end of the period within which the copy of the direction should have been presented or given to members.

43 Liability for territory taxes

This Act does not exempt the land agency from liability for a tax under any other territory law.

44 Ministerial directions to land agency

- (1) The Minister may give written directions to the land agency about the principles that are to govern the exercise of its functions.
- (2) Before giving a direction, the Minister must—
 - (a) tell the land agency about the proposed direction; and
 - (b) give the land agency reasonable opportunity to comment on the proposed direction; and
 - (c) consider any comments made by the land agency.
- (3) A direction is a notifiable instrument.

Note A notifiable instrument must be notified under the Legislation Act.

- (4) A direction must be notified under the Legislation Act within 14 days after the day it is made.
- (5) If subsection (4) is not complied with, the direction is taken to have been revoked at the end of the 14 days.

45 Territory to compensate land agency for cost of complying with directions

- (1) The Territory must pay to the land agency the reasonable net cost of complying with a direction under section 44.
- (2) The amount payable under subsection (1) is the amount agreed between the land agency and the Treasurer or, failing agreement, the amount decided by the Chief Minister.

46 Committees

- (1) The land agency board—
 - (a) must establish an audit committee; and
 - (b) may establish any other committee; and
 - (c) may appoint land agency board members and other people to committees.
- (2) However, the chief executive officer must not be appointed a member of the audit committee.
- (3) Also, the chairperson of the audit committee must be a land agency board member.
- (4) The procedures of a committee are decided by the land agency board or, if there is no relevant decision of the board, by the committee.

47 Land agency's annual report

A report prepared by the land agency under the *Annual Reports (Government Agencies) Act 2004* for a financial year must include—

- (a) a copy of any direction given under section 44 (Ministerial directions to land agency) during the year; and
- (b) a statement by the land agency about action taken during the year to give effect to any direction given (whether before or during the year) under that section.

Note **Financial year** has an extended meaning in the *Annual Reports (Government Agencies) Act 2004*.

48 Delegation by land agency

The land agency may delegate its functions, including functions delegated to it by the authority, to the chief executive officer or a land agency staff member.

Note For the making of delegations and the exercise of delegated functions, see the Legislation Act, pt 19.4.

Part 4.3 Land agency governing board

49 Establishment of land agency board

The land agency has a governing board (the *land agency board*).

50 Land agency board members

- (1) The land agency board has at least 5, but not more than 8, members.

Note 1 A chair and deputy chair of the governing board must be appointed under the *Financial Management Act 1996*, s 79.

Note 2 The chief executive officer of the corporation is a member of the governing board (see *Financial Management Act 1996*, s 80 (4)).

- (2) The Minister must try to ensure that the following disciplines and areas of expertise are represented among the members appointed:
- (a) land development;
 - (b) economics;
 - (c) public law;
 - (d) finance or accounting;
 - (e) public administration;
 - (f) engineering.
- (3) The following people must not be appointed as members of the land agency board:
- (a) the chief planning executive;
 - (b) a member of the authority staff.

- (4) The appointment of a member, other than the chief executive officer, must be for a term of not longer than 4 years.

Note A person may be reappointed to a position if the person is eligible to be appointed to the position (see Legislation Act, s 208 and dict, pt 1, def ***appoint***).

Part 4.4 Land agency staff and consultants

51 Land agency staff

The land agency's staff must be employed under the *Public Sector Management Act 1994*.

Note The *Public Sector Management Act 1994*, s 24 provides that the chief executive officer of a territory instrumentality has all the powers of a chief executive under the Act in relation to the instrumentality staff to be employed under that Act (including, for example, in relation to the appointment of people to, or the employment of people for, that staff). Under that Act, s 3, def *chief executive officer*, the chief executive officer of an instrumentality is the person who has responsibility for managing its affairs.

52 Land agency consultants

- (1) The land agency may engage consultants.
- (2) However, the land agency must not enter into a contract of employment under this section.

Chapter 5 Miscellaneous

53 **Meaning of *sustainable development***

For this Act:

sustainable development means the effective integration of social, economic and environmental considerations in decision-making processes, achievable through implementation of the following principles:

- (a) the precautionary principle;
- (b) the inter-generational equity principle;
- (c) conservation of biological diversity and ecological integrity;
- (d) appropriate valuation and pricing of environmental resources.

the inter-generational equity principle means that the present generation should ensure that the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations.

the precautionary principle means that, if there is a threat of serious or irreversible environmental damage, a lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation.

54 **Review of Act**

- (1) The Minister must begin a review of the operation and effectiveness of this Act not later than 31 December 2006.
- (2) The Minister must ensure that, during the review, regard is had to—
 - (a) the effectiveness of the operations of the entities established by this Act; and

- (b) the need for the continuation of the existence of each entity;
and
 - (c) the need for the continuation of this Act.
- (3) The Minister must also consider anything else that seems to the Minister to be relevant to the operation and effectiveness of this Act.
 - (4) The Minister must prepare a report based on the review and must, as soon as practicable, present a copy to the Legislative Assembly.
 - (5) This section expires on 31 December 2008.

55 Regulation-making power

The Executive may make regulations for this Act.

Note A regulation must be notified, and presented to the Legislative Assembly, under the Legislation Act.

Dictionary

(see s 3)

Note 1 The Legislation Act contains definitions and other provisions relevant to this Act.

Note 2 For example, the Legislation Act, dict, pt 1, defines the following terms:

- commissioner for revenue
- corporation
- function
- person
- territory plan.

authority means the Planning and Land Authority established under section 7 (1).

chief executive officer means the chief executive officer of the land agency.

chief planning executive—see section 19 (Appointment of chief planning executive).

council means the Planning and Land Council established under section 25.

council chairperson means the council member mentioned in section 26 (1) (a).

council deputy chairperson means the council member mentioned in section 26 (1) (b).

council member means a person mentioned in section 26 (1) (Constitution of council).

development—see the *Land (Planning and Environment) Act 1991*, section 222 (Definitions for pt 6).

joint venture includes partnership and arrangement for sharing profit.

land agency means the Land Development Agency.

land agency board means the governing board of the land agency.

land agency board member means a member of the land agency board.

statement of planning intent—see section 14 (Statement of planning intent).

sustainable development—see section 53.

tax includes duty, fee or charge.

Endnotes

1 About the endnotes

Endnotes

1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws and expiries are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnote.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

2 Abbreviation key

am = amended	ord = ordinance
amdt = amendment	orig = original
ch = chapter	par = paragraph/subparagraph
def = definition	pres = present
dict = dictionary	prev = previous
disallowed = disallowed by the Legislative Assembly	(prev...) = previously
div = division	pt = part
exp = expires/expired	r = rule/subrule
Gaz = gazette	renum = renumbered
hdg = heading	reloc = relocated
IA = Interpretation Act 1967	R[X] = Republication No
ins = inserted/added	RI = reissue
LA = Legislation Act 2001	s = section/subsection
LR = legislation register	sch = schedule
LRA = Legislation (Republication) Act 1996	sdiv = subdivision
mod = modified/modification	sub = substituted
o = order	SL = Subordinate Law
om = omitted/repealed	<u>underlining</u> = whole or part not commenced or to be expired

3 Legislation history

Planning and Land Act 2002 A2002-55

notified LR 20 December 2002

s 1, s 2 commenced 20 December 2002 (LA s 75 (1))

remainder commenced 1 July 2003 (s 2)

as amended by

Planning and Land Legislation Amendment Act 2003 A2003-30 pt 2 and sch 1 pt 1.2

notified LR 30 June 2003

s 1, s 2 commenced 30 June 2003 (LA s 75 (1))

pt 2 and sch 1 pt 1.2 commenced 1 July 2003 (s 2 and see A2002-55, s 2)

Annual Reports Legislation Amendment Act 2004 A2004-9 sch 1 pt 1.26

notified LR 19 March 2004

s 1, s 2 commenced 19 March 2004 (LA s 75 (1))

sch 1 pt 1.26 commenced 13 April 2004 (s 2 and see Annual Reports (Government Agencies) Act 2004 A2004-8, s 2 and CN2004-5)

Statute Law Amendment Act 2005 A2005-20 sch 3 pt 3.45

notified LR 12 May 2005

s 1, s 2 taken to have commenced 8 March 2005 (LA s 75 (2))

sch 3 pt 3.45 commenced 2 June 2005 (s 2 (1))

Public Sector Management Amendment Act 2005 (No 2) A2005-44 sch 1 pt 1.5

notified LR 30 August 2005

s 1, s 2 commenced 30 August 2005 (LA s 75 (1))

sch 1 pt 1.5 commenced 8 September 2005 (s 2 and CN2005-19)

Financial Management Legislation Amendment Act 2005 A2005-52 sch 1 pt 1.16

notified LR 26 October 2005

s 1, s 2 commenced 26 October 2005 (LA s 75 (1))

sch 1 pt 1.16 commenced 1 January 2006 (s 2 (2))

Endnotes

4 Amendment history

4 Amendment history

Commencement

s 2 om LA s 89 (4)

Authority functions

s 9 am A2005-52 amdt 1.215

Authority's annual report

s 17 sub A2004-9 amdt 1.34

Authority staff

s 23 sub A2005-44 amdt 1.6

Reporting of disclosed interests to Minister

s 37 am A2005-20 amdt 3.326

Establishment and functions of land agency

pt 4.1 hdg am A2005-52 amdt 1.216

Establishment of land agency

s 38 sub A2005-52 amdt 1.217

Functions of land agency

s 39 am A2005-52 amdt 1.218

Land agency functions to be exercised in accordance with directions

s 40 am A2005-52 amdt 1.219

Financial and general land agency provisions

pt 4.2 hdg sub A2005-52 amdt 1.221

Introductory concepts

div 4.2.1 hdg om A2005-52 amdt 1.222

Land agency business plans

div 4.2.2 hdg om A2005-52 amdt 1.223

Land agency financial provisions

div 4.2.3 hdg om A2005-52 amdt 1.224

Proceeds of lease sale

s 41 orig s 41 om A2005-52 amdt 1.220
(prev s 47) renum A2005-52 amdt 1.225

Payment of funds to Territory

s 42 orig s 42 om A2005-52 amdt 1.220
(prev s 48) am A2003-30 amdt 1.10, amdt 1.11
renum A2005-52 amdt 1.225

Liability for territory taxes

s 43 orig s 43 om A2005-52 amdt 1.220
(prev s 49) renum A2005-52 amdt 1.225

Ministerial directions to land agency

s 44 orig s 44 om A2005-52 amdt 1.222
(prev s 52) am A2005-52 amdt 1.229
renum A2005-52 amdt 1.231

Territory to compensate land agency for cost of complying with directions

s 45 orig s 45 om A2005-52 amdt 1.223
(prev s 53) am A2005-52 amdt 1.230
renum A2005-52 amdt 1.231

Committees

s 46 orig s 46 om A2005-52 amdt 1.223
(prev s 54) renum A2005-52 amdt 1.231

Proceeds of lease sale

s 47 orig s 47 renum as s 41
(prev s 55) sub A2004-9 amdt 1.35
am A2005-52 amdt 1.230
renum A2005-52 amdt 1.231

Payment of funds to Territory

s 48 orig s 48 renum as s 42
(prev s 56) am A2003-30 s 4
renum A2005-52 amdt 1.231

Establishment of land agency board

s 49 orig s 49 renum as s 43
(prev s 57) sub and renum A2005-52 amdt 1.233

Land agency board members

s 50 orig s 50 om A2005-52 amdt 1.226
(prev s 58) sub and renum A2005-52 amdt 1.233

General

div 4.2.4 hdg om A2005-52 amdt 1.227

Land agency staff

s 51 orig s 51 om A2005-52 amdt 1.228
(prev s 72) sub A2005-44 amdt 1.7
am A2005-52 amdt 1.239
renum A2005-52 amdt 1.240

Land agency consultants

s 52 orig s 52 renum as s 44
(prev s 73) renum A2005-52 amdt 1.240

Meaning of *sustainable development*

s 53 orig s 53 renum as s 45
(prev s 74) renum A2005-52 amdt 1.240

Endnotes

4 Amendment history

Committees

s 54 orig s 54 renum as s 46
(prev s 76) renum A2005-52 amdt 1.242
exp 31 December 2008 (s 54 (5))

Land agency's annual report

s 55 orig s 55 renum as s 47
(prev s 77) renum A2005-52 amdt 1.242

Delegation by land agency

s 56 renum as s 48

Land agency governing board

pt 4.3 hdg sub A2005-52 amdt 1.232

Constitution of land agency

s 57 sub and renum as s 49

Land agency board

s 58 sub and renum as s 50

Appointment of land agency board members

s 59 om A2005-52 amdt 1.234

Honesty, care and diligence of land agency board members

s 60 om A2005-52 amdt 1.234

Ending of land agency board members' appointments

s 61 om A2005-52 amdt 1.234

Land agency staff and consultants

pt 4.4 hdg orig pt 4.4 hdg om A2005-52 amdt 1.235
(prev pt 4.5 hdg) sub and renum A2005-52 amdt 1.236

Calling land agency board meetings

s 62 om A2005-52 amdt 1.235

Procedure at land agency board meetings

s 63 om A2005-52 amdt 1.235

Land agency board resolutions

s 64 om A2005-52 amdt 1.235

Minimum number for land agency board meetings

s 65 om A2005-52 amdt 1.235

Voting at land agency board meetings

s 66 om A2005-52 amdt 1.235

Minutes of land agency board proceedings

s 67 om A2005-52 amdt 1.235

Disclosure of interests by land agency board members

s 68 om A2005-52 amdt 1.235

Reporting of disclosed interests to Minister	
s 69	om A2005-52 amdt 1.235
Land agency chief executive officer, staff and consultants	
pt 4.5 hdg	sub and renum as pt 4.4 hdg
Land agency chief executive officer	
div 4.5.1 hdg	om A2005-52 amdt 1.237
Appointment of chief executive officer	
s 70	om A2005-52 amdt 1.237
Functions of chief executive officer	
s 71	om A2005-52 amdt 1.237
Land agency staff and consultants	
div 4.5.2 hdg	om A2005-52 amdt 1.238
Land agency staff	
s 72	renum as s 51
Land agency consultants	
s 73	renum as s 52
Meaning of <i>sustainable development</i>	
s 74	renum as s 53
Abuse of position	
s 75	am A2003-30 amdt 1.12 om A2005-52 amdt 1.241
Review of Act	
s 76	renum as s 54
Regulation-making power	
s 77	renum as s 55
Transitional provisions	
ch 6 hdg	ins A2003-30 s 4 exp 1 July 2004 (s 86)
Interpretation	
pt 6.1 hdg	ins A2003-30 s 4 exp 1 July 2004 (s 86)
Definitions for ch 6	
s 78	ins A2003-30 s 4 exp 1 July 2004 (s 86)
Assets, rights and liabilities	
pt 6.2 hdg	ins A2003-30 s 4 exp 1 July 2004 (s 86)

Endnotes

4 Amendment history

Vesting of assets, rights and liabilities

s 79 ins A2003-30 s 4
exp 1 July 2004 (s 86)

Registration of changes in ownership of certain assets

s 80 ins A2003-30 s 4
exp 1 July 2004 (s 86)

Evidentiary certificate for vested assets and liabilities

s 81 ins A2003-30 s 4
exp 1 July 2004 (s 86)

Proceedings and evidence

s 82 ins A2003-30 s 4
exp 1 July 2004 (s 86)

Reports and financial statements of repealed authorities

pt 6.3 hdg ins A2003-30 s 4
exp 1 July 2004 (s 86)

Continuation of repealed authorities for annual reports

s 83 ins A2003-30 s 4
exp 1 July 2004 (s 86)

Continuation of repealed authorities CEOs for certain purposes

s 84 ins A2003-30 s 4
exp 1 July 2004 (s 86)

Other provisions

pt 6.4 hdg ins A2003-30 s 4
exp 1 July 2004 (s 86)

Transitional regulations

s 85 ins A2003-30 s 4
exp 1 July 2004 (s 86)

Expiry of ch 6

s 86 ins A2003-30 s 4
exp 1 July 2004 (s 86)

Dictionary

dict def **business plan** om A2005-52 amdt 1.243
def **chief executive officer** sub A2005-52 amdt 1.243
def **land agency** sub A2005-52 amdt 1.244
def **land agency board** sub A2005-52 amdt 1.244
def **land agency board member** sub A2005-52 amdt 1.244
def **land agency chairperson** om A2005-52 amdt 1.244
def **land agency deputy chairperson** om A2005-52
amdt 1.244
def **sustainable development** sub A2005-52 amdt 1.245

5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (*) in column 1. Electronic and printed versions of an authorised republication are identical.

Republication No and date	Effective	Last amendment made by	Republication for
R1 (RI) 3 July 2003	3 July 2003– 12 Apr 2004	A2003-30	new Act and amendments by A2003-30 reissue for textual correction in s 56
R2 13 Apr 2004	13 Apr 2004– 1 July 2004	A2004-9	amendments by A2004-9
R3 2 July 2004	2 July 2004– 1 June 2005	A2004-9	commenced expiry
R4 2 June 2005	2 June 2005– 7 Sept 2005	A2005-20	amendments by A2005-20
R5 8 Sept 2005	8 Sept 2005– 31 Dec 2005	A2005-44	amendments by A2005-44

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