

2019

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Alistair Coe)

Planning and Development (Controlled Activities) Amendment Bill 2019

Contents

	Page
1 Name of Act	2
2 Commencement	2
3 Legislation amended	2
4 New section 359A	2
5 New section 360A	3
6 Direction to carry out rectification work Section 366 (3) (f)	3
7 Authorisation to carry out rectification work Section 368 (1)	4
8 Section 371	4

Contents

		Page
9	Reviewable decisions, eligible entities and interested entities Schedule 1, items 44 and 45, column 2	5
10	Controlled activities Schedule 2, item 2, column 3	5
11	Dictionary, definition of <i>authorised person</i>	5

2019

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Alistair Coe)

Planning and Development (Controlled Activities) Amendment Bill 2019

A Bill for

An Act to amend the *Planning and Development Act 2007*

The Legislative Assembly for the Australian Capital Territory enacts as follows:

1 Name of Act

This Act is the *Planning and Development (Controlled Activities) Amendment Act 2019*.

2 Commencement

This Act commences on the day after its notification day.

Note The naming and commencement provisions automatically commence on the notification day (see [Legislation Act](#), s 75 (1)).

3 Legislation amended

This Act amends the *Planning and Development Act 2007*.

4 New section 359A

insert

359A No interim stay of certain controlled activity orders

(1) This section applies if—

(a) the planning and land authority, under section 351 or section 355, makes a controlled activity order in relation to failing to keep a leasehold clean; and

(b) a person makes an application to the ACAT for review of the decision to make the order.

(2) The ACAT must not make an interim order under the *ACT Civil and Administrative Tribunal Act 2008*, section 53 that has the effect of staying the controlled activity order.

5 New section 360A*insert***360A Controlled activity order compliance inspection**

- (1) This section applies to a controlled activity order in relation to failing to keep a leasehold clean.
- (2) The planning and land authority must ensure that an inspector inspects the premises in relation to which the controlled activity order applies—
 - (a) at least once every 20 working days; and
 - (b) if the authority receives a complaint or further complaint in relation to the premises—within 3 working days of receiving the complaint.

Note Chapter 12 deals with powers of inspectors.

**6 Direction to carry out rectification work
Section 366 (3) (f)***substitute*

- (f) that the rectification work must be completed—
 - (i) if the notice is given in relation to an ongoing controlled activity order—not later than 5 working days after the notice is given to the person or any longer period (not exceeding 10 working days) specified in the notice; or
 - (ii) in any other case—not later than 5 working days after the notice is given to the person or any longer period specified in the notice.

7 Authorisation to carry out rectification work
Section 368 (1)

substitute

(1) This section applies if—

- (a) the planning and land authority has given a person notice of a direction to carry out rectification work under section 366; and
- (b) the person has not completed the rectification work by the end of the period stated in the notice.

(1A) The planning and land authority—

- (a) may authorise another person (the ***authorised person***) to enter the premises to which the direction relates to carry out the rectification work required by the notice; or
- (b) if the direction relates to a controlled activity order in relation to failing to keep a leasehold clean—must authorise an authorised person to enter the premises to which the direction relates to carry out the rectification work.

8 Section 371

substitute

371 Liability for cost of rectification work

The person who is required to comply with a direction under section 366 (Direction to carry out rectification work) must pay to the Territory—

- (a) if the direction relates to an ongoing controlled activity order—
an amount equal to twice the reasonable cost of any rectification work carried out by an authorised person to which the direction related; or

1 (b) in any other case—the reasonable cost of any rectification
 2 carried out by an authorised person to which the direction
 3 related.

4 **9 Reviewable decisions, eligible entities and interested**
 5 **entities**
 6 **Schedule 1, items 44 and 45, column 2**

7 *after*
 8 controlled activity order
 9 *insert*
 10 , other than an ongoing controlled activity order

11 **10 Controlled activities**
 12 **Schedule 2, item 2, column 3**

13 *substitute*
 14 • for 1st offence—60 penalty units
 15 • for 2nd or subsequent breach—120 penalty units
 16 • if the contravention relates to a business or commercial activity—
 17 120 penalty units

18 **11 Dictionary, definition of *authorised person***

19 *omit*
 20 section 368 (1)
 21 *substitute*
 22 section 368 (1A)

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 14 August 2019.

2 Notification

Notified under the [Legislation Act](#) on 2019.

3 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

© Australian Capital Territory 2019