

1993

**THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY**

**LAND (PLANNING AND ENVIRONMENT) ACT 1991**

**LAND (PLANNING AND ENVIRONMENT) REGULATIONS (AMENDMENT)**

**EXPLANATORY MEMORANDUM**

**Circulated by authority of the Minister for the  
Environment, Land and Planning**

**Bill Wood MLA**

# LAND (PLANNING AND ENVIRONMENT) REGULATIONS (AMENDMENT)

## GENERAL OUTLINE

The term "public works" is defined in section 4 of the *Land (Planning and Environment) Act 1991* (the Act) to mean installation work or construction work being carried out, or that is to be carried out, by or on behalf of the Territory but does not include any prescribed works or works included in a prescribed class of works.

Regulation 3 (as amended) of the Land (Planning and Environment) Regulations specifies that for the purposes of the definition of public works in the Act, each of the following classes of works is a prescribed class of works and therefore not subject to the provisions of the Act:

- (a) works for which funding was authorised for public money of the Territory before 1 July 1993;
- (b) works for which a contract has been entered into before 1 December 1992;
- (c) works carried out by the Territory or a body established for a public purpose by a law of the Territory, where the order or request for the carrying out of the works was given or made before 1 December 1992; or
- (d) work for which the Territory has, by contract, engaged a person as a project manager.

The proposed Land (Planning and Environment) Regulations (Amendment) (the Regulations) will amend the date specified in paragraph (a) of Regulation 3 of the Land (Planning and Environment) Regulations so that the exemption will apply to works for which funding was authorised from public money of the Territory before 1 October 1993.

The *Buildings (Design and Siting) Act 1964* provides that when a regulation has been made under the Act prescribing works, such a work would not be subject to the requirements of the *Buildings (Design and Siting) Act 1964*.

Although the Regulation will have retrospective application, section 7 of the *Subordinate Laws Act 1989* will not be breached in that the Regulations do not effect a right in a manner prejudicial to a person or impose a liability.

## NOTES ON CLAUSES

Regulation 1 provides that the Regulations will commence on the day they are notified.

Regulation 2 will amend regulation 3 of the Land (Planning and Environment) Regulations by omitting from paragraph (a) the word "July" and substituting the word "October". The effect of the proposed amendment will be that public works for which funding has been authorised from the public money of the Territory before 1 October will not be subject to the provisions of the *Land (Planning and Environment) Act 1991* or the *Buildings (Design and Siting) Act 1964*.