

1997

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

LAND (PLANNING AND ENVIRONMENT) (AMENDMENT) BILL 1997

EXPLANATORY MEMORANDUM

Circulated by Authority of Lucy Horodny

Outline

The Land (Planning and Environment) (Amendment) Bill 1997 amends the *Land (Planning and Environment) Act 1991* in two respects

First it corrects a drafting error in s 276(1)(b) which was inserted by the *Land (Planning and Environment) (Amendment) Act (No 3) 1996*. The proposed amendment replaces the word "rights" with the word "interests". That means that third party objectors will be able to apply to the Administrative Appeals Tribunal if their *interests* are substantially and adversely affected by the relevant decision rather than requiring that their *rights* be substantially and adversely affected

Second it inserts provisions that allow any person to bring civil proceedings in the Supreme Court to enforce the Act. This implements a recommendation of the Inquiry into ACT Leasehold Administration that there be a civil enforcement provision with open standing inserted in the Act. An open standing provision relating to judicial review under the *Administrative Decisions (Judicial Review) Act 1989* of decisions under the Act was repealed by the *Land (Planning and Environment) (Amendment) Act (No 3) 1996*.

Financial Implications

The Bill will have no financial impact.

CLAUSE NOTES

PART I - PRELIMINARY

Clauses 1 and 2 - Short Title, Commencement - are machinery provisions that specify the short title of the Bill and provide for the commencement of the Bill

Clause 3 - Principal Act - identifies the Act being amended.

PART II - AMENDMENT OF THE PRINCIPAL ACT

Clause 4 - Review—objectors, third parties - amends section 276(1)(b) by deleting the word “rights” and inserting the word “interests”.

Clause 5 - New Sections - inserts ss 284A-284C allowing for any person to seek an order in the Supreme Court to restrain or remedy a breach of the Act. The Act is defined to include a lease in force under the Act, an approval granted under the Act and the conditions attached to such an approval