

2002

LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL  
TERRITORY

DISTRICTS BILL 2002

EXPLANATORY MEMORANDUM

Circulated by authority of  
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## Overview

The *Districts Bill 2002* (the Bill) replaces the *Districts Act 1966* (the Act). The Bill will implement elements of the recommendations of the Searson Report “*Review of the Districts Act 1966*”. The Bill also provides for changes in technology used in preparing deposited plans. Deposited plans are prepared by a surveyor and lodged with the Registrar-General. They describe the boundaries of, and the distinguishing number or name given to, each division, section or block. The Bill also provides for structuring and regulating the allocation and management of street addresses and incorporates administrative changes related to the position of Commissioner for Surveys.

### Proposed Amendments arising from the Searson Report

District boundaries are presently defined in the Act by written description as a Schedule to the Act. The Bill enables the written description for each district to be replaced by a deposited plan, making a Schedule of this kind unnecessary. This would enable adjustments to district boundaries to be made without amending the new Act.

The Bill makes provision for holding lease deposited plans to be prepared from information contained in the Digital Cadastral Data Base (DCDB) with little or no field measurement. A holding lease deposited plan is a deposited plan lodged for issuing a temporary (short-term) lease for the release of a broad acre site to a developer for development and subdivision into sections and blocks. This deposited plan is eventually superseded by subdivision deposited plans.

The Bill also makes the integrity of the DCDB a responsibility of the Commissioner for Surveys so that confidence in the database is maintained among users.

### Proposed Additional Amendments

The Bill removes a restriction imposed by current legislation by allowing the Registrar-General to accept deposited plans for registration in electronic as well as hard copy format. This is consistent with initiatives in other jurisdictions.

The Bill introduces control over the allocation and management of street addresses and the display of address identifiers. This will ensure that the correct address is displayed at the block frontage and that addresses are allocated in accordance with standards in place at the time.

The Bill also introduces minor administrative changes to clarify the role of the Commissioner for Surveys.

## Clause Notes

### Part I - Preliminary

Clauses 1, 2, 3 and 4 are formal clauses that deal with the name of the Bill, its commencement, dictionary details and explanatory notes.

## **Part II – Dividing land in the ACT**

Clause 5 deals with dividing the land in the ACT into districts and giving each district a distinguishing name.

Clause 6 provides for the subdivision of districts into divisions, sections and blocks. This clause also deals with the naming of divisions and the identifying of section and blocks by distinguishing numbers.

Clause 7 specifies the information that must be shown on deposited plans, and requirements for their subsequent certification by the Commissioner for Surveys and registration by the Registrar-General.

Clause 8 specifies that a deposited plan is evidence of the measurements and boundaries of areas it shows, unless it can be proven otherwise.

Clause 9 provides that the description of a parcel of land on a deposited plan is sufficient description for any dealings involving the land.

Clause 10 allows the name of a district or division to be changed.

Clause 11 places a requirement on the Registrar-General to ensure that on instruments relating to parcels of land shown on a deposited plan, the land is described in the same manner by which it is described on the deposited plan.

Clause 12 requires that plans lodged with the Registrar-General be available for inspection.

## **Part III – Street Addresses**

Clauses 13 and 14 deal with the allocation of street addresses and require addresses to be allocated in accordance with standards in place at the time. It also enables the Minister to make written guidelines on these matters, which are a notifiable instrument.

Clause 15 enables the Minister to require an owner to show the correct street address at the frontage of their block. This includes circumstances where no address or an incorrect street address is shown. The owner must first be informed in writing of the correct number and then be given written notice of the requirement and have at least 21 days to display the correct street address.

Clause 16 enables the Minister to arrange for the correct street address to be displayed if the owner fails to respond to a written notice under clause 15. The cost of installing the correct street address will be billed to the owner, and becomes a debt payable to the Territory.

## **Part IV – Digital Cadastral Database**

Clause 17 requires the Commissioner for Surveys to establish and maintain an electronic database about land and specifies requirements for that database.

## **Part V – Miscellaneous**

Clauses 18 and 19 enable the Minister to delegate his/her powers under the Act, and provide for the Executive to make regulations.

Clauses 20, 21, 22 and 23 deal with transitional provisions for the Bill. The clauses provide for the districts that are defined by the *Districts Act 1966* to be taken as districts formed under this Bill, the repeal of the *Districts Act 1966*, and for the expiry of these provisions one year after their commencement.

## **Schedule 1**

Schedule 1 makes consequential amendments to other legislation affected by this Bill.