

1992

LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

LAND (PLANNING AND ENVIRONMENT) AMENDMENT BILL (No.2) 1992

EXPLANATORY MEMORANDUM

Circulated by authority of Bill Wood MLA  
Minister for the Environment, Land and Planning

## LAND (PLANNING AND ENVIRONMENT) (AMENDMENT) BILL (No. 2) 1992

The Land (Planning and Environment) Act 1991 establishes a regime for dealing with land, planning, environment and heritage matters. The Land (Planning and Environment) (Amendment) Bill (No. 2) 1992 amends that Act so that a list of leases that were granted by the Executive during a period of time, in accordance with criteria that are specified by way of a disallowable instrument, shall be tabled in the Assembly at the end of that period. Copies of those leases will be made available on request.

The amendment arose from concerns about the administrative resources that were required to give effect to the requirement to table a lease. The provisions as drafted were intended to enable scrutiny of the leasing process. However, this objective has been met in a large part by specifying that leases can only be granted in accordance with criteria set out in a disallowable instrument.

The requirement to table certain classes of leases was seen as providing for scrutiny of the leasing process. However, accountability and scrutiny is possible where the Executive exercises its power to grant a lease under paragraph 161(1)(d) and sections 163, 164 and 209 or where the Executive decides to grant a lease notwithstanding advice from the ACT Planning Authority that it is not appropriate to grant the lease, in that the Executive will be required to table a statement which will list details of leases thus granted during the preceeding quarter.

### Financial Impact

The cost of implementing the amendment will be met from existing resources.

## NOTES

Clause 1 : Short title

Clause 2 : Commencement

Clause 3 : Principal Act

Clauses 1, 2 and 3 are mechanical clauses that deal with the identification, application and commencement of the Bill.

Clause 4 : Granting of leases

Clause 5 : Leases to community organisations

Clause 6 : Special leases

Clause 7 : Authority to consider proposed leases

Clause 8 : Grant of Leases

Clauses 4 to 8 (inclusive) amend sections 161, 163, 164, 165 and 209 of the Principal Act by omitting those provisions that require either the Executive or the Minister to table a lease, and such other required information, when a lease has been granted under those sections.

Clause 9 : Insertion

Clause 9 inserts section 216A after section 216 of the Principal Act. New section 216A imposes an obligation on the Minister to provide information periodically to the Assembly about the granting of leases that previously were tabled. Specifically:

### Notification of certain leases to the Legislative Assembly

Subsection (1) provides that where a lease is granted under paragraph 161(d), or section 163, 164 or 209 during a quarter, the Minister shall table in the Legislative Assembly within 5 sitting days after the end of the quarter, a statement setting out:

the name of each person to whom the lease was granted;

a description of the land comprised in the lease;

- . the amount (if any) paid for the grant of the lease;  
and
- . the provision of the Act under which the lease was  
granted.

Subsection (2) provides that the provisions set out in subsection (1) apply where the Executive grants an unrecommended lease.

Subsection (3) that the validity of a lease referred to in subsections (1) and (2) is not affected by the failure to comply with that subsection.

Subsection (4) defines the terms "quarter" and "unrecommended lease".