

1992

AUSTRALIAN CAPITAL TERRITORY LEGISLATIVE ASSEMBLY

LAND (PLANNING AND ENVIRONMENT) (AMENDMENT) BILL 1992

EXPLANATORY MEMORANDUM

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Bill Wood Minister for the Environment, Land and Planning

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OUTLINE

The Land (Planning and Environment) (Amendment) Bill 1992 (the Bill) will amend sections 210, 242 and 282 of the Land (Planning and Environment) Act 1991 (the Land Act). The amendment to section 210 will ensure that the section is consistent with a related provision of the Land Act. The amendment to section 242 will remove an inconsistency in that section. The amendment to section 282 will remove a possible ambiguity in the regulation making power.

PROVISIONS OF FINANCIAL CONSIDERATIONS

The Bill will have no effect on revenue or expenditure.

DETAILS OF THE BILL

Clauses 1 and 2 deal with formal matters.

Clause 3 amends section 210 of the Land Act. Section 210 of the Land Act specifies that the Executive may, on the written recommendation of the Conservator appointed under the Nature Conservation Act 1980, grant a licence for purposes connected with the occupancy of public land. The amendment to section 210 will allow the Executive on the recommendation of the Conservator to grant a licence to occupy or use an area of unleased public land. This amendment to section 210 will mean that the purposes for which a licence in respect of public land may be granted will be identical to the purposes for which a licence may be granted under section 217. Section 217 of the Land Act provides for the grant of a licence to occupy or use an area of unleased Territory Land that is not public land.

Clause 4 amends section 242 of the Land Act. Section 242 of the Land Act imposes an obligation on the Minister and the Executive to notify an applicant of a decision to approve an application to conduct a controlled activity. Subsection 242 (3) imposes an obligation on the Minister to give the Registrar of Titles notice of a decision to approve an application to vary a lease of Territory Land or to subdivide or consolidate Territory Land. Clause 4 will amend subsection 242 (3) to impose the obligation to notify the Registrar of Titles on both the Minister and the Executive.

Clause 5 amends paragraph 282 of the Land Act to remove any possible ambiguity from that paragraph by making it clear that the regulations may exempt the conduct of a specified controlled activity, or a controlled activity included in a specified class of controlled activities, from the application of all or any of the provisions of Part VI of the Land Act. Clause 5 also specifies that the amendment to paragraph 282 (e) shall be taken to have come into operation on the date the Act commenced. Therefore, any regulation made before the commencement of the Bill exempting the conducted of a controlled activity from a provision of part VI of the Land Act will be taken to have been made under the amended provision.