

2006

**LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL
TERRITORY**

TREE PROTECTION REGULATION 2006

SUBORDINATE LAW NO SL2006-16

EXPLANATORY STATEMENT

Circulated by authority of the
Minister for the Territory and Municipal Services
John Hargreaves MLA

This Explanatory Statement relates to the *Tree Protection Regulation 2006* (the Regulation) as introduced into the Legislative Assembly.

Overview

The commencement of the *Tree Protection Act 2005* replaced the *Tree Protection (Interim Scheme) Act 2001* (old Act). The new legislation sets out provisions for the protection of trees in the urban area.

The Regulation is required as the transitional provisions of the new Act do not provide direction about which criteria should be applied should the Administrative Appeals Tribunal (AAT) consider a decision made by the Conservator under the old Act. The proposed regulation will remove doubt by directing that the relevant criteria are those that were in place at the time the decision was made.

Clauses

Section 1 – Name of regulation

This clause provides that the Regulation is the *Tree Protection Regulation 2006*.

Section 2 – Commencement

This clause provides that the Regulation commences on the day it is notified.

Section 3 – Transitional Provision

This clause provides the direction that the AAT, when considering decisions made by the conservator under the old Act, shall apply the criteria determined under that Act.

Section 4 – Expiry of regulation

This clause provides for the Regulation to expire one year after the day it commences.