

AUSTRALIAN CAPITAL TERRITORY

LAND (PLANNING AND ENVIRONMENT) ACT 1991

**EXPLANATORY MEMORANDUM
DISALLOWABLE INSTRUMENT FOR THE PURPOSES OF SUBSECTION
161(5)**

INSTRUMENT NO. 223 OF 2001

**The Land (Planning and Environment) and Environment Act 1991 (ACT) (the Act”)
provides for planning, heritage, environmental and leasing matters in respect of
Territory Land.**

The Act enables Territory Land to be granted by auction, tender, ballot or direct grant.

A direct grant must be in accordance with criteria that are specified in a disallowable instrument.

The Disallowable Instrument made under subsection 161(5) establishes criteria in accordance with subsection 161(5) for the direct grant of a Crown lease to community organisations proposing to add land to an existing lease granted for the purposes of an educational establishment that is capable of being transferred.

For the purposes of the Instrument ‘educational establishment’ means the use of land for the purpose of tuition or training, whether or not for pecuniary profit or gain, and may include associated residential accommodation.

The Disallowable Instrument provides, inter alia, that the applicant must:

1. Be an association incorporated under the Associations Incorporation Act 1991 (ACT), incorporated under the Corporations Law or some other entity, the principal objects of which include the conduct of an educational establishment for the provision of promotion of education in the ACT.
2. Be a non-profit organisation.
3. Hold an existing lease that has been granted for the purpose of an educational establishment, which is capable of being transferred
4. Demonstrate to the Territory its financial and non-financial capacity to develop and manage the land.
5. Have the support of the relevant government agencies to develop and operate an educational facility.