

**2017**

**LEGISLATIVE ASSEMBLY FOR THE  
AUSTRALIAN CAPITAL TERRITORY**

**CITY RENEWAL AUTHORITY AND SUBURBAN LAND AGENCY  
(TRANSITIONAL PROVISIONS) REGULATION 2017  
SL2017-18**

**EXPLANATORY STATEMENT**

**Circulated by authority of  
Yvette Berry MLA  
Acting Chief Minister**

## EXPLANATORY STATEMENT

This explanatory statement relates to the *City Renewal Authority and Suburban Land Agency (Transitional Provisions) Regulation 2017* (the regulation). It has been prepared in order to assist the reader of the regulation and to help inform debate on it. It does not form part of the regulation and has not been endorsed by the Legislative Assembly.

This statement must be read in conjunction with the regulation. It is not, and is not meant to be, a comprehensive description of the regulation. What is said about a provision is not taken as an authoritative guide to the meaning of a provision, this being a task for the courts.

### Background

The *City Renewal Authority and Suburban Land Agency Act 2017* (the Act) establishes the City Renewal Authority and the Suburban Land Agency and includes consequential amendments to the *Planning and Development Act 2007* (P&D Act). The Act includes transitional provisions such as those designed to allow the land development agency (LDA) to prepare a report or financial statement for the 2016-2017 financial year.

Item 1.10 of schedule 1 of the Act enables this by inserting section 494 into the P&D Act. Section 494 provides that the offices of the chief executive officer of the LDA and the chair of the LDA Board continue to exist until the requirement to prepare a report or financial statement for the 2016-2017 financial year is met.

It would also be beneficial for the office of the deputy chair of the LDA Board to continue to exist for this purpose. The deputy chair of the LDA Board is also the chair of the Board's Audit and Risk Committee, which plays an important role in the preparation of the financial statements and reports. It is therefore necessary to amend section 494 of the Planning and Development Act to also include the office of the deputy chair of the LDA Board.

Section 200 of the Act allows transitional provisions to be amended by regulation if a matter is not adequately dealt with by the existing transitional provisions.

### Overview

The effect of this regulation is to enable the office of the deputy chair of the LDA to continue to exist until the legislative requirement to prepare a report or financial statement for the 2016-2017 financial year is met.

Part 10 of the Act contains transitional provisions. Section 200(1) allows a regulation to prescribe matters necessary or convenient to be prescribed because of the enactment of the Act. Section 200(2) allows a regulation to modify part 10 in relation to anything that is not adequately dealt with.

This regulation, in clause 3, uses this power to amend part 10 by inserting a new section 200A. New section 200A of the Act provides that the P&D Act is modified as set out in schedule 1 of the regulation. Schedule 1 of the regulation modifies section 494 of the P&D Act by inserting a new subsection (2)(c) which adds the deputy chair of the LDA Board to the list of offices that continues in existence for the purpose of preparing the report or financial statement for the 2016-2017 financial year.

The result of this regulation is that the deputy chair of the LDA Board is added to the offices of the chief executive officer of the LDA and the chair of the LDA Board as offices that continue in existence. These positions continue in existence for the purpose of ensuring that the legislative requirement to prepare a report or financial statement for the 2016-2017 financial year is met

### **Regulatory Impact Statement**

It is considered that a regulatory impact statement (RIS) is not required for this regulation as it is not imposing appreciable costs on the community (see s 34(1) of the Legislation Act). Further, under s 36(1)(b) of the Legislation Act, a RIS is also unnecessary as the regulation does not operate to the disadvantage of anyone. The regulation does not adversely affect rights or impose obligations on anyone other than the Territory. The regulation simply provides that a given office continues to exist for a transitional period to ensure that a legislative requirement is met.

### **Human Rights**

The Standing Committee on Justice and Community Safety (Legislative Scrutiny Role) terms of reference requires consideration of human rights, among other matters. In this case, no human rights are impacted.

## **Outline of Provisions**

### **Clause 1 Name of regulation**

This clause names the regulation.

### **Clause 2 Commencement**

This clause provides for the commencement of the regulation.

### **Clause 3 Transitional—modification of Act, pt 10—Act, s 200 (2)**

This clause inserts new section 200A into the Act. The new section provides that the Planning and Development Act is modified as provided in schedule 1 of the regulation.

New section 200A also provides that the section expires on the same day as the regulation, which is provided for in clause 4 below.

### **Clause 4 Expiry**

This clause states that the regulation expires on the same day as part 10 of the Act.

### **Schedule 1 Modification—Planning and Development Act 2007**

This schedule provides that a new subsection (c) is inserted into section 494(2) of the Planning and Development Act. Subsection (c) adds the deputy chair of the LDA Board to an existing list of offices that continue in existence after the LDA is abolished. This is so that this office will continue to exist to enable the completion of the 2016-2017 financial statement and reports.

The schedule is given effect by section 200A of the Act, which is inserted by clause 3 above.