

AUSTRALIAN CAPITAL TERRITORY

LAND (PLANNING AND ENVIRONMENT) ACT 1991

LAND (PLANNING AND ENVIRONMENT) SECTION 167 LEASES
DETERMINATION 2003 (No 4)

DISALLOWABLE INSTRUMENT DI2003-216

EXPLANATORY STATEMENT

This disallowable instrument is being redetermined as a result of the *Planning and Land (Consequential Amendments) Act 2002* which transfers certain powers from the Minister/Executive to the Planning and Land Authority.

Section 167 of the *Land (Planning and Environment) Act 1991* enables the Australian Capital Territory Executive to exercise control over the transfer of leases by specifying criteria under an instrument. Such an instrument is to be for the purposes of section 10 of the *Subordinate Laws Act 1989*.

This disallowable instrument made under paragraphs 167(1)(a) and 167(1)(b) of the *Land (Planning and Environment) Act 1991* establishes criteria in accordance with subsection 167(6) to enable the Executive to declare the lease over Block 1 Section 4 Division of City (the lease) to be a lease to which section 167 shall apply and to specify criteria to determine whether a person is eligible to hold the lease.

The disallowable instrument provides that the proposed transferee or sublessee must:

- be the Canberra Labor Club Limited or its sublessee;
- not be an association formed or carried on for the purpose of trading or securing pecuniary profit to its members;
- satisfy the Planning and Land Authority that it can comply with the existing lease conditions;
- provide details of its full name and address for the service of notices;
- provide proof of incorporation and a copy of its "Articles of Association";
- demonstrate financial capacity to develop and manage the land;
- demonstrate the non-financial capacity to develop and manage the land, including details of expertise, resources and experience;
- pay the fees and charges for the time being notified by the Planning and Land Authority as being applicable.

This instrument will enable the transfer of the lease held by the Canberra Workmen's Club and will allow the new lessee to continue operating the existing licensed club on the premises in accordance with the lease.