

**2021**

**THE LEGISLATIVE ASSEMBLY FOR THE  
AUSTRALIAN CAPITAL TERRITORY**

**CITY RENEWAL AUTHORITY AND SUBURBAN LAND AGENCY AMENDMENT  
BILL 2021**

**EXPLANATORY STATEMENT**

**Presented by  
Yvette Berry MLA  
Minister for Housing and Suburban Development**

# **CITY RENEWAL AUTHORITY AND SUBURBAN LAND AGENCY AMENDMENT BILL 2021**

## **INTRODUCTION**

This explanatory statement relates to the City Renewal Authority and Suburban Land Agency Bill 2021 (the Bill) as presented to the ACT Legislative Assembly. It has been prepared in order to assist the reader of the Bill and to help inform debate on the Bill. It does not form part of the Bill and has not been endorsed by the Legislative Assembly.

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

This Bill is not a Significant Bill. Significant Bills are bills that have been assessed as likely to have significant engagement of human rights and require more detailed reasoning in relation to compatibility with the *Human Rights Act 2004*.

## **BACKGROUND**

The Suburban Land Agency (the Agency) is established by section 37 of the *City Renewal Authority and Suburban Land Agency 2017* (the Act). The Agency's objects include in section 38 (a) of the Act to:

Encourage and promote—

- i) Inclusive communities through the delivery of people-focussed neighbourhoods; and
- ii) suburban development that supports the following:
  - (A) affordable living;
  - (B) a safe and healthy population;
  - (C) social inclusion;
  - (D) housing choice; and
  - (E) environmental sustainability.

Pursuant to section 39 (1) of the Act, the Agency achieves these objects by performing the following relevant functions:

- a) to buy and sell leases of land on behalf of the Territory; and
- b) to ensure a mixture of public and private housing in new suburbs; and
- c) to increase the supply of affordable and community housing; and
- d) to meet housing targets determined under section 65 (Affordable, community and public housing targets); and
- e) to carry out the development of land in a manner that is environmentally sustainable; and

- f) to exercise functions in a way that supports statutory greenhouse gas emission targets and delivers environmentally sustainable development; and
- g) to follow and support whole-of-government strategies; and
- h) any other function given to the agency under this Act or another territory law.

## **OVERVIEW OF THE BILL**

The form of land tenure used in the ACT is a leasehold system. This means that underlying land title deeds in the ACT are Crown leases, which are an agreement between the government and the landowner that defines the rights and obligations attached to the parcel of land. The predominant form of tenure used throughout the rest of Australia, and predominately in NSW, is the freehold land tenure system which does not have Crown leases underlying the land title deed.

The language of the Act which describes the functions and financial matters of the Agency uses the term 'leases of land' to define the type of land title tenure the Agency is permitted to deal with. Effectively this limits the operations of the Agency to the ACT where the leasehold system is used. This Bill has amended the definition of 'land' in the Act. It removed references to 'leases' to ensure that, if needed in the future, the Agency has the legal authority to buy and sell land in NSW.

## **SCRUTINY OF BILLS COMMITTEE PRINCIPLES**

This Bill is consistent with the Scrutiny of Bills Committee Principles in that it:

- (a) Does not unduly trespass on personal rights and liberties;
- (b) Does not make rights, liberties, and/or obligations unduly dependent upon insufficiently defined administrative powers;
- (c) Does not make rights, liberties and/or obligations unduly dependent upon nonreviewable decisions;
- (d) Does not inappropriately delegate legislative powers; and
- (e) Does not insufficiently subject the exercise of legislative power to parliamentary scrutiny.

## **CONSISTENCY WITH HUMAN RIGHTS**

This Bill does not engage or limit any human rights under the *Human Rights Act 2004*.

## APPENDIX A

### City Renewal Authority and Suburban Land Agency Amendment Bill 2021

#### *Human Rights Act 2004 - Compatibility Statement*

In accordance with section 37 of the *Human Rights Act 2004* I have examined the **City Renewal Authority and Suburban Land Agency Amendment Bill 2021**. In my opinion, having regard to the outline of the policy considerations and justification of any limitations on rights outlined in this explanatory statement, the Bill as presented to the Legislative Assembly is consistent with the *Human Rights Act 2004*.

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Shane Rattenbury MLA  
Attorney-General

## **CLAUSE NOTES**

### **Clause 1      Name of Act**

This clause provides the name of the Act is the *City Renewal Authority and Suburban Land Agency Amendment Act 2021*.

### **Clause 2      Commencement**

This clause provides that the Act will commence on a day fixed by the Minister by written notice. If the Act has not commenced within six months, it will commence on the first day after that period in accordance with section 79 of the *Legislation Act 2001*.

### **Clause 3      Legislation amended**

This clause provides that the legislation being amended by the Bill is the *City Renewal Authority and Suburban Land Agency Act 2017*.

### **Clause 4      Urban renewal precinct may be declared Section 35 (1)**

This clause inserts the words ‘in the ACT’ after the word ‘land’ in section 35 (1) of the Act. This amendment is consequential on the amendment made by clause 10 which provides a new definition of ‘land’ and ensures that the Minister may only declare an urban renewal precinct over land in the ACT, and not land purchased interstate.

### **Clause 5      Functions of agency Section 39 (1) (a)**

This clause removes the words ‘leases of’ from section 39 (1) (a) of the Act which empowers the Agency to buy and sell land, to provide that the Agency may purchase freehold land, rather than solely leasehold land.

### **Clause 6      Section 53**

This clause substitutes a new provision to clarify that all proceeds from the sale of land is income of the agency and not just the proceeds from the sale of leases of land.

### **Clause 7      Affordable, community and public housing targets Section 65 (5) (a)**

This clause substitutes the words ‘land identifiers’ in place of the words ‘block and section numbers’, to recognise that land in New South Wales is not identified by block and section numbers as it is in the ACT.

## **Clause 8     Section 65 (8)**

This clause omits section 65 (8) which links the definition of ‘dwelling’ to the *Planning and Development Regulation 2008*, to favour the natural and ordinary meaning of the term ‘dwelling’.

## **Clause 9     Dictionary, definition of *development***

This clause omits the definition of ‘development’ which is linked to the *Planning and Development Act 2007* from the dictionary, to favour the natural and ordinary meaning of the term ‘development’.

## **Clause 10    Dictionary, new definition of *land***

This clause inserts a new definition of the word ‘land’ to clarify that land under the Act also includes land in New South Wales.

## **Clause 11    Dictionary, definition of *land improvements*, paragraph (a)**

This clause removes the word ‘territory’ from the definition of ‘land improvements’, so that the Agency may also carry out activity to improve the quality, amenity or value of any land that it purchases in New South Wales.