

EXPLANATORY MEMORANDUM

DISALLOWABLE INSTRUMENT FOR THE PURPOSES OF SUBSECTION 161(5)

AUSTRALIAN CAPITAL TERRITORY LAND (PLANNING AND ENVIRONMENT) ACT 1991

INSTRUMENT NO. 215 OF 1998

The *Land (Planning and Environment) Act 1991* (the Land Act) establishes a regime which provides for planning, heritage, environmental and land matters in respect of Territory Land.

The Land Act enables Territory Land to be granted by auction, tender, ballot or direct grant. Where a lease is granted by way of direct grant, it cannot be granted otherwise than in accordance with criteria that are specified in a disallowable instrument.

This disallowable instrument, made under subsection 161 (5), establishes criteria in accordance with subsection 161 (4) for the direct grant of a lease under section 161 (1) (b) to the ACT Leagues Club Limited for land which is to be or is already occupied by this body.

The grant of a lease under this disallowable instrument will finalise arrangements under the Deed of Settlement dated 1 July 1997 between the ACT Leagues Club Limited ("the Club"), the Canberra District Rugby League Football Club Limited ("CDRL"), the Australian Capital Territory and the Australian Capital Territory Executive. The Deed of Settlement facilitates the settlement of a dispute between the Club and the CDRL about ownership of the existing lease over Block 1 Section 30 Division of Braddon, by making provision for the existing lease to be surrendered and new leases to be issued to the Club and the CDRL over separate portions of the site.

The disallowable instrument provides that the applicant must:

- be the ACT Leagues Club Limited;
- pay the fees and charges for the time being notified by the Minister as being applicable.

There will be no amount payable for the grant of a lease under this instrument, because it forms part of a process by which the rights to an existing lease over Block 1 Section 30 Division of Braddon will be allocated in accordance with terms mutually agreed by the parties to the Deed of Settlement.