

2004

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Mrs Vicki Dunne)

Projects of Territorial Significance Bill 2004

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Projects of Territorial Significance Bill 2004

A Bill for

An Act to streamline approval procedures for projects of territorial significance,
and for other purposes

The Legislative Assembly for the Australian Capital Territory enacts as
follows:

1 **Part 1 Preliminary**

2 **1 Name of Act**

3 This Act is the *Projects of Territorial Significance Act 2004*.

4 **2 Commencement**

5 This Act commences on the day after its notification day.

6 *Note* The naming and commencement provisions automatically commence on
7 the notification day (see Legislation Act, s 75 (1)).

8 **3 Dictionary**

9 The dictionary at the end of this Act is part of this Act.

10 *Note 1* The dictionary at the end of this Act defines certain terms used in this
11 Act, and includes references (*signpost definitions*) to other terms
12 defined elsewhere.

13 For example, the signpost definition '*development*—see the Land Act,
14 section 222' means that the term 'development' is defined in that
15 section and the definition applies to this Act.

16 *Note 2* A definition in the dictionary (including a signpost definition) applies to
17 the entire Act unless the definition, or another provision of the Act,
18 provides otherwise or the contrary intention otherwise appears (see
19 Legislation Act, s 155 and s 156 (1)).

20 **4 Notes**

21 A note included in this Act is explanatory and is not part of this Act.

22 *Note* See Legislation Act, s 127 (1), (4) and (5) for the legal status of notes.

23 **5 Chief Minister responsible**

24 The Chief Minister is responsible for the administration of this Act.

Part 2 Projects of territorial significance

6 Meaning of *project of territorial significance*

In this Act:

project of territorial significance means a development prescribed under regulations made for section 7, and includes any works undertaken, or to be undertaken, in relation to such a development.

7 Prescription of projects of territorial significance

The regulations may prescribe a development as a project of territorial significance if, in the opinion of the Chief Minister, the development—

- (a) is in accordance with a major policy initiative of the Territory government; or
- (b) would make a substantial contribution to the development of the ACT; or
- (c) would provide a substantial public benefit.

8 Exclusion of AAT review—application by third parties

- (1) Despite anything in the Land Act or any other Territory law, an application may not be made to the Administrative Appeals Tribunal for the review of any of the following decisions by anyone other than the person who applied for the relevant approval or associated approval:

- (a) a decision of the relevant authority under the Land Act, part 6 (Approvals and orders) about the approval of a project of territorial significance;
- (b) a decision about an associated approval.

Part 2 Projects of territorial significance

Section 8

Example

The construction of a major new dam is prescribed under the regulations as a **project of territorial significance**. In association with an application under the Land Act, pt 6 for approval for the development of the new dam, various environmental authorisations (**associated approvals** for s (1) (b)) are applied for, and granted, under the *Environment Protection Act 1997*, s 49.

That Act, s 135 provides for application to be made to the AAT for the review of a decision to grant an environmental authorisation by anyone whose interests are affected by the decision. However, because of this Act, s 8 (2), no-one except the applicant for the environmental authorisations may apply to the AAT for review of the authorisations.

Note An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

(2) In this section:

associated approval means an approval, however described, under a Territory law (other than the Land Act) sought in association with a decision about the approval, under the Land Act, part 6, of a project of territorial significance.

Examples of forms of associated approval

- 1 an authorisation
- 2 a consent
- 3 a licence
- 4 a permit

relevant authority—see the Land Act, section 222.

9 Exclusion of Land Act, pt 6—developments in designated areas

- (1) The Land Act, part 6 does not apply in relation to any aspect of a project of territorial significance that is, or that is to be, carried out in a designated area.

Examples

- 1 works in a designated area related to a project of territorial significance
- 2 a development in a designated area related to a project of territorial significance, if the development requires approval under the Commonwealth Act, section 12 (Works in Designated Areas to be subject to Plan and approval by the Authority)

Note An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

- (2) In this section:

Commonwealth Act means the *Australian Capital Territory (Planning and Land Management) Act 1988* (Cwlth).

designated area—see the Commonwealth Act, section 4, definition of *Designated Area*.

works—see the Commonwealth Act, section 4.

1 **Part 3 Regulations**

2 **10 Regulation-making power**

3 (1) The Executive may make regulations for this Act.

4 *Note* Regulations must be notified, and presented to the Legislative
5 Assembly, under the Legislation Act.

6 (2) Regulations made for subsection (1) may incorporate a law or
7 instrument, or a provision of a law or instrument, as in force from
8 time to time.

Part 4 New regulations

11 Projects of Territorial Significance Regulations 2004

- (1) The provisions set out in schedule 1 are taken, on the day this part commences (the *commencement day*), to be regulations made under this Act, section 10.
- (2) To remove any doubt and without limiting subsection (1), the provisions set out in schedule 1 may be amended or repealed as if they had been made as regulations by the Executive under this Act, section 10.
- (3) To remove any doubt, the regulations mentioned in subsection (1) are taken—
- (a) to have been notified under the Legislation Act on the day this Act is notified; and
 - (b) to have commenced on the commencement day; and
 - (c) not to be required to be presented to the Legislative Assembly under the Legislation Act, section 64 (1).
- (4) This part and schedule 1 are laws to which the Legislation Act, section 88 (Repeal does not end effect of transitional laws etc) applies.
- (5) This part and schedule 1 expire on the commencement day.

- 1 **Part 5** **Transitional**
- 2 **12 Application of Act to Gungahlin Drive extension**
- 3 (1) This Act applies in relation to any of the following decisions
4 whether the decision was made before, on or after the day this part
5 commences (the *commencement day*):
- 6 (a) a decision (a **GDE decision**) under the Land Act, part 6 of the
7 relevant authority about the approval of the Gungahlin Drive
8 extension;
- 9 (b) a decision (a **GDE associated decision**) about any associated
10 approval in relation to the Gungahlin Drive extension.
- 11 (2) Despite the Legislation Act, section 84 (Saving of operation of
12 repealed and amended laws), if a GDE decision or a GDE associated
13 decision was made before the commencement of this Act, the
14 Administrative Appeals Tribunal may not hear, or continue to hear,
15 any of the following applications, if the application is made by a
16 person other than the applicant for the relevant approval or
17 associated approval:
- 18 (a) an application for the review of the GDE decision;
- 19 (b) an application for the review of the GDE associated decision.
- 20 *Note* The Legislation Act, s 84 provides, among other things, that the
21 amendment of a law (including its modification—see that Act, s 82,
22 def **amend**) does not affect the previous operation of the law amended
23 or affect an existing right accrued under the law.
- 24 (3) Section 9 (Exclusion of Land Act, pt 6—developments in
25 designated areas) applies to any aspect of the Gungahlin Drive
26 extension, whether carried out, or proposed to be carried out, before,
27 on or after the commencement day.

- 1 (4) However, this section does not apply to the extent that its
2 application would result in the acquisition of property otherwise
3 than on just terms.

4 *Note* The *Australian Capital Territory (Self-Government) Act 1988* (Cwlth),
5 s 23 (1) (a) provides that the Legislative Assembly has no power to
6 make a law with respect to the acquisition of property otherwise than on
7 just terms.

- 8 (5) This part is a law to which the Legislation Act, section 88 (Repeal
9 does not end effect of transitional laws etc) applies.

- 10 (6) This part expires 5 years after the commencement day.

- 11 (7) In this section:

12 *associated approval*—see section 8 (3).

13 *Gungahlin Drive extension* has the meaning given by the *Projects*
14 *of Territorial Significance Regulations 2004*, regulation 3, and
15 includes any works undertaken, or to be undertaken, in relation to
16 the development described in that regulation.

17 *relevant authority*—see the Land Act, section 222.

1 **Schedule 1 New regulations**

2 (see s 11)



Australian Capital Territory

3 **Projects of Territorial Significance**
4 **Regulations 2004**

5 **Subordinate Law SL2004-**

6 made under the

7 **Projects of Territorial Significance Act 2004**

8 **Part 1 Preliminary**

9 **1 Name of regulations**

10 These regulations are the *Projects of Territorial Significance*
11 *Regulations 2004*.

12 **2 Notes**

13 A note included in these regulations is explanatory and is not part of
14 these regulations.

Note See Legislation Act, s 127 (1), (4) and (5) for the legal status of notes.

Part 2 Gungahlin Drive extension

3 Gungahlin Drive extension—Act, s 7

(1) The Gungahlin Drive extension is prescribed as a project of territorial significance.

(2) In this regulation:

Gungahlin Drive extension means the development that is the construction of a road between the Barton Highway and the Glenloch Interchange, as shown in the following plans in reports published in February 2004 by the administrative unit responsible for road services, as the reports and plans are in force from time to time:

(a) Gungahlin Drive Extension Document Readiness Report, Package A, Project Number US 01176C-01, plan numbers 32416A-PP-061, 062, 063, 064, 065 and 066;

(b) Gungahlin Drive Extension Document Readiness Report, Package B, Project Number US 01176C-02, plan numbers 32416B-PP-061 and 062.

Note 1 The plans and reports may be inspected at:

- Roads ACT, level 7, Macarthur House, 12 Wattle Street, Lyneham ACT 2602
- http://www.gde.act.gov.au/download/alignment_details.htm

Note 2 The plans and reports, and any amendments (or the plans and reports as amended, if they are republished), are taken to be notifiable instruments (see Legislation Act, s 47 (6)). To be enforceable for the Act and these regulations, they must be notified in the legislation register (see Legislation Act, s 62).

Dictionary

(see s 3)

Note 1 The Legislation Act contains definitions and other provisions relevant to this Act.

Note 2 For example, the Legislation Act, dict, pt 1, defines the following terms:

- ACT
- administrative unit
- Executive
- in relation to
- land
- law (of the Territory)
- Legislation Act
- Legislative Assembly
- provision (see s 16)
- Territory plan.

development—see the Land Act, section 222.

Land Act means the *Land (Planning and Environment) Act 1991*.

project of territorial significance—see section 6.

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 2004.

2 Notification

Notified under the Legislation Act on 2004.

3 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

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