

2000
THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Mr Corbell)

**Land (Planning and Environment)
Amendment Bill 2000 (No 3)**

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**Land (Planning and Environment)
Amendment Bill 2000 (No 3)**

A BILL

FOR

**An Act to amend the
*Land (Planning and Environment) Act 1991***

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

1 Name of Act

This Act is the *Land (Planning and Environment) Amendment*
5 *Act 2000 (No 3)*.

2 Commencement

This Act commences on a day fixed by the Minister by notice in the Gazette.

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Note 1 The provisions of an Act providing for its name and commencement automatically commence on the date of notification of the Act (see *Interpretation Act 1967*, s 10B).

5 *Note 2* A single day or time may be fixed, or different days or times may be fixed for different provisions (see *Interpretation Act 1967*, s 10C (1)).

Note 3 If a provision has not commenced within 6 months beginning on the date of notification of the Act, it automatically commences on the first day after that period (see *Interpretation Act 1967*, s 10E (2)).

3 **Act amended**

10 This Act amends the *Land (Planning and Environment) Act 1991*.

4 **Interpretation**

Section 5 is amended by inserting the following definition:

“*chief planner* means the Chief Planner for the Australian Capital Territory appointed under subsection 42 (1).”

15 5 **Establishment**

Section 33 is amended by omitting subsections (2) and (3) and substituting the following subsection:

“(2) The authority is constituted by the chief planner.”

6 **Functions**

20 Section 36 is amended by omitting subsections (2) and (3).

7 **Substitution**

Section 37 is repealed and the following sections are substituted:

“37 **Independence**

25 The authority is not subject to directions by the Executive or a Minister in the exercise of its functions, other than directions under section 26 or 37A.

“37A **Ministerial directions**

“(1) The Minister may give a direction to the authority—

30 (a) about the policies and objectives that the authority should pursue in the exercise of its functions; or

(b) to review the plan or a part of the plan; or

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- (c) about any other aspect of the performance of the functions of the authority.

5 “(2) The Legislative Assembly may, by resolution, direct the Minister to give to the authority a direction under subsection (1) specified in the resolution.

“(3) If the Assembly passes a resolution of the kind mentioned in subsection (2), the Minister must give the direction specified in the resolution to the authority as soon as practicable.

10 “(4) The Minister must table in the Assembly a copy of every direction given under this section within 6 sitting days of giving it.

“(5) The authority must comply with a direction under this section.

“(6) Within 2 months after receiving a direction under this section, the authority must give to the Minister a report stating the action that it has taken and intends to take in response to the direction.

15 “(7) The Minister must table in the Assembly a report received under subsection (6) within 6 sitting days of receiving it.”.

8 Powers

Section 38 is amended by omitting subsection (3).

9 Substitution

20 Section 40 is repealed and the following section substituted:

“40 Delegation by authority

The authority may, in writing, delegate to a member of its staff any of the powers of the authority.”.

10 Staff

25 Section 41 is amended by adding at the end the following subsection:

“(2) The chief planner has all the powers of a chief executive in relation to the staff assisting him or her as if the staff were employed in an administrative unit under the control of the chief planner.”.

30 **11 Insertion**

After Division 2.4 the following division is inserted:

“Division 2.4A—Chief Planner

“42 Chief Planner

There is to be a Chief Planner for the Australian Capital Territory.

“43 Appointment of chief planner

5 The chief planner is to be appointed by the Executive.

Note 1 A person may be reappointed to a position if the person is eligible to be appointed to the position (see *Interpretation Act 1967*, par 28 (3) (c) and dictionary, def of *appoint*).

Note 2 A power to appoint a person to a position includes power to appoint a person to act in the position (see *Interpretation Act 1967*, ss 28 (4)–(6)).

10 **“44 Term of appointment**

“(1) The chief planner is to be appointed for a term of not longer than 5 years.

“(2) The instrument appointing, or evidencing the appointment of, the chief planner must state the term for which the chief planner is appointed.

15 **“45 Eligibility**

“(1) A public employee is not eligible to be appointed chief planner.

“(2) Subsection (1) does not apply to the appointment of a person to act as chief planner.

“46 Remuneration and allowances

20 The chief planner is entitled to such remuneration and allowances as are determined under the *Remuneration Tribunal Act 1995*.

“47 Conditions of appointment generally

The chief planner holds the position on the conditions not provided by this Act or another Territory law that are decided by the Executive.

25 **“48 Disclosure of interests**

“(1) A person appointed to be the chief planner or to act as chief planner must, on his or her appointment and on each subsequent 30 June, give written notice to the Minister of all his or her direct or indirect financial interests.

30 **“(2)** If the chief planner or a person acting as chief planner has or acquires a direct or indirect financial interest in an issue that, to his or her

knowledge, is being considered or about to be considered by the authority, the chief planner or person must give written notice of the interest to the Minister as soon as possible.

“49 Other employment, remuneration, business etc

5 “(1) Except with the Minister’s written permission, the chief planner must not—

- (a) accept or continue to hold an office in or under the government of the Commonwealth or a State, or in or under any public corporation or local government; or
- 10 (b) accept or continue to hold or discharge the duties of, or be employed in a paid office in relation to, a business, whether carried on by a corporation, company, firm or individual; or
- (c) engage in any business, whether as principal or agent; or
- 15 (d) engage or continue in the private practice of a profession, occupation or trade, or enter into any employment, whether paid or not, with any person, company or firm who or that is so engaged; or
- (e) act as a director of a corporation, otherwise than in accordance with the requirements of the duties of the position of chief planner; or
- 20 (f) accept, or engage in, any paid employment other than in relation to the duties of the position of chief planner.

“ (2) This section does not prohibit the chief planner from becoming, without the Minister’s permission, a member or shareholder of a corporation that consists of at least 4 other persons.

“50 Ending of chief planner’s appointment

“ (1) The Minister may retire the chief planner on the ground of physical or mental incapacity with the agreement of the chief planner.

“ (2) The Minister must end the chief planner’s appointment if—

- 30 (a) the Legislative Assembly has by resolution declared that the chief planner should be removed from his or her position on the ground of proved misbehaviour or proved physical or mental incapacity; or

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- (b) the chief planner becomes bankrupt, applies to take the benefit of a law for the relief of bankrupt or insolvent debtors, compounds with creditors or makes an assignment of his or her remuneration for the benefit of creditors.”.

5 12 **Amendment of the Remuneration Tribunal Act 1995**

The *Remuneration Tribunal Act 1995* is amended by inserting after paragraph 10 (1) (u) the following paragraph:

“(v) the chief planner; and”.

Endnote

Act amended

- 1 Republished as in force on 28 February 1999. See also Acts 1999 Nos 40, 73 and 87; 2000 Nos and .