

**1994**

**LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY**

**LANDS ACQUISITION BILL 1994  
AMENDMENT**

**SUPPLEMENTARY EXPLANATORY MEMORANDUM**

**Amendment to be moved on behalf of the Government**

Circulated by authority of

**Bill Wood MLA**

**Minister for the Environment, Land and Planning**

## Outline

The proposed Government amendment to the *Lands Acquisition Bill 1994* (the Bill) proposes a number of amendments.

### Amendment No 1

Clause 16 outlines the procedural steps to be followed where an interest in land is being acquired by agreement.

It is proposed to amend clause 16 by inserting the words "under this Act" after "acquisition", in the first line of subclause 16(1). This will make it clear that these procedures only need to be followed where an acquisition by agreement is being made under the Act. The procedures will therefore not apply where the Executive acquires an interest in land, by agreement, in the market.

### Amendment No 2

Subclause 16(2) sets out the situations in which the making of a pre-acquisition declaration is not required. This includes where the relevant interest is available in the market within the meaning of clause 32.

Because of proposed changes to clause 32, paragraph 16(2)(a) is not necessary and is therefore omitted.

### Amendment No 3

Clause 18 stipulates that acquiring authorities must acquire an interest in land in accordance with the provisions of the Bill unless certain situations apply. Under paragraph 18(1)(d) the provisions of the Act did not have to be complied with where

"the interest is acquired otherwise than compulsorily".

The amendment omits this paragraph and replaces it with a provision which makes it clear that where the Executive enters into an arrangement to obtain an interest in land then the provisions of the Act do not apply to the acquisition.

**Amendments 4 to 6**

Clause 32 provides that the Executive may authorise the acquisition of land by agreement, other than in respect of a public park. Clause 32 details the general prerequisites to acquisition by agreement.

The amendments to subclause 32(2) omit paragraph 32(2)(c) which provided that an agreement to acquire an interest could be entered into if the interest is available in the market. Given the amendment to clause 18 this paragraph is no longer necessary as the acquisition of an interest in the market place falls outside the terms of the Act. As a result it is necessary to restructure subclause 32(2)