

2004

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Minister for Urban Services)

Gungahlin Drive Extension Authorisation Amendment Bill 2004

A Bill for

An Act to amend the *Gungahlin Drive Extension Authorisation Act 2004*

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

1 Name of Act

This Act is the *Gungahlin Drive Extension Authorisation Amendment Act 2004*.

2 Commencement

This Act commences on the day after its notification day.

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

3 Legislation amended

This Act amends the *Gungahlin Drive Extension Authorisation Act 2004*.

4 New section 6A

insert

6A Declaration that land not reserved land etc

(1) This section applies to land if—

(a) the Minister considers that the land is land where—

(i) the GDE, or part of the GDE, is being, is to be or may be constructed; or

(ii) works that, under section 6, are part of the construction of the GDE or related to the construction of the GDE are being, are to be or may be carried out; and

(b) the land is or may be, apart from this section, reserved land.

(2) The Minister may, in writing, declare that the land is—

(a) not reserved land; or

(b) not reserved land for a stated period.

- 1 (3) If the Minister makes a declaration under subsection (2) (a) in
2 relation to land that is reserved land, the land ceases to be reserved
3 land.
- 4 (4) If the Minister makes a declaration under subsection (2) (b) in
5 relation to land that is reserved land, the land is taken not to be
6 reserved land for the period stated in the declaration.
- 7 (5) If the Minister makes a declaration under subsection (2) in relation
8 to land—
- 9 (a) the Minister may, in writing—
- 10 (i) state the purposes for which the land may be used, or
11 may be used for a stated period, under the Territory plan;
12 and
- 13 (ii) make any variation of the Territory plan that the Minister
14 considers necessary or desirable to be made to give effect
15 to, or as a consequence of, the making of an instrument
16 under subsection (2) or subparagraph (i); and
- 17 *Note* A single instrument may exercise several powers (see Legislation Act,
18 s 49).
- 19 (b) Territory laws apply to the land with the modifications (if any)
20 prescribed under the regulations.
- 21 (6) To remove any doubt—
- 22 (a) the Minister may make, or refuse to make, an instrument under
23 this section in the Minister's absolute discretion; and
- 24 (b) if the Minister makes a declaration under subsection (2) (a) in
25 relation to land that is a reserved area under the *Nature*
26 *Conservation Act 1980*, the land ceases to be a reserved area
27 under that Act; and

(c) if the Minister makes a declaration under subsection (2) (b) in relation to land that is a reserved area under the *Nature Conservation Act 1980*, the land is taken not to be a reserved area under that Act for the period stated in the declaration; and

(d) an instrument under this section may be made despite any other Territory law.

Examples for par (b)

1 A declaration under subsection (2) may be made despite the *Land (Planning and Environment) Act 1991*, section 8.

2 A variation under subsection (5) (a) (ii) may be made despite the *Land (Planning and Environment) Act 1991*, part 2.

3 An instrument under this section may be made despite any provision of the *Nature Conservation Act 1980*.

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).

(7) An instrument under this section is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the Legislation Act.

(8) Land to which an instrument under this section applies may be identified, described or otherwise prescribed in any way the Minister considers sufficient.

Example

Provision may be made by reference to a particular map or plan.

(9) The Legislation Act, section 47 (5) does not apply to an instrument under this section.

(10) In this section:

reserved land—

(a) means an area of public land reserved under the Territory plan for the purpose of a nature reserve or for another purpose prescribed under the regulations; and

1 (b) includes part of an area mentioned in paragraph (a).

2 **5 Future authorisations relating to the GDE**
3 **Section 9 (4)**

4 *omit*
5 the relevant law
6 *substitute*
7 a relevant law

8 **6 Standing to bring proceeding in relation to authorisations**
9 **New section 10 (8)**

10 *insert*
11 (8) To remove any doubt, a right under subsection (2) means any right
12 or interest, whether public or private.

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.