

2008

**THE LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

PROJECTS OF TERRITORY IMPORTANCE BILL 2008

EXPLANATORY STATEMENT

Authorised by:

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Overview of Bill

This Bill contains a Preamble, as this is seen as being essential to establish some of the principles on which this Bill is based. The Bill is intended to reinforce the overall planning outcomes that are sought for the Territory. Within this overall planning framework, however, this Bill recognises that, in exceptional circumstances, the current planning regime for some projects may have to be modified.

The focus of this Bill is on a very small number of projects that are considered to be critically important for the future of the Territory, and for which exceptional circumstances will apply during the planning stages of these projects. These circumstances relate to the location of a project and will arise where:

- a site for a project has been identified;
- considerable work has been undertaken to evaluate the suitability of that site for the project;
- considerable work also has been completed on evaluating particular factors applying to that site to make it suitable for the project;
- at a very late stage in the assessment process, it has been determined that the current site is unsuitable; and
- an alternative site has been identified and, to ensure that the momentum of the project is not lost, it will be possible to carry over relevant parts of the assessment and evaluation processes to the new site.

In these exceptional circumstances, it will be possible for the ACT Government to expedite all the assessment and evaluation processes for the second site. In implementing this approach, there will be a number of checks and balances to ensure that due process is followed. A particular factor that will be examined is that any proposal to change a site for a project is genuine and is not an attempt to circumvent the Territory's planning processes or any other provisions.

Notes on key clauses

Clause 5

This clause defines a 'project of Territory importance'. This definition is in terms of a project providing critical infrastructure, encouraging substantial amounts of capital for investing in new projects and providing a boost to employment opportunities.

Clause 7

This clause sets out the process that will be followed by the ACT Government in establishing that a project has the status of being of 'Territory importance'. In

particular, this clause provides the grounds on which a certificate of importance may be prepared; included in this process are provisions requiring three independent statutory commissioners to sign off on the approach being proposed by the Government.

Clause 8

Two Ministers in the ACT Government will be required to prepare a certificate of importance. The Ministers who will be involved in the preparation of a certificate will be those with responsibility for economic development and for planning.

Clause 9

This is the key provision in the Bill, as it sets out the nature of information required to be incorporated into a certificate of importance. A certificate is required to set out why the initial site chosen for a project is unsuitable and why the second site is suitable, what planning and other laws may need to be modified to expedite the move of the project to the second site and the details of any other matters that the Ministers consider relevant. It is not possible to specify these matters because they will be unique to each proposal; hence, there is recognition that Ministers have the flexibility to include any further information that is considered necessary.

Clause 11

In view of the objective of this Bill, particularly with respect to the shortening of the usual planning processes, a safeguard has been incorporated to provide an indication of acceptance of the change of location of a project of Territory importance by the community.

This safeguard means that a certificate of importance has to be approved by at least two thirds of the Members of the Legislative Assembly. In reality, this means that at least all major political groups in the Assembly will need to support a certificate of importance. This measure of support will be a surrogate for and indicate broad acceptance within the community for the change of location of the project.

Clause 14

This clause provides that, in the event that a certificate of importance has been approved, the Minister will advise the Legislative Assembly when the project has been completed. At that time, the certificate of importance will expire.