



AUSTRALIAN CAPITAL TERRITORY

Interim Planning (Amendment) Act (No. 2) 1991

No. 77 of 1991

An Act to amend the *Interim Planning Act 1990*

[Notified in ACT Gazette S139: 11 December 1991]

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

Short title

1. This Act may be cited as the *Interim Planning (Amendment) Act (No. 2) 1991*.

Principal Act

2. In this Act, “Principal Act” means the *Interim Planning Act 1990*.¹

Interpretation

3. Section 4 of the Principal Act is amended—

(a) by omitting subparagraph (b) (ii) of the definition of “background papers” and substituting the following subparagraph:

“(ii) a recommendation referred to in section 12;”;

(b) by omitting subparagraph (c) (ii) of the definition of “background papers” and substituting the following subparagraph:

“(ii) a recommendation referred to in section 12;”.

Substitution

4. Section 12 of the Principal Act is repealed and the following section substituted:

Other recommendations

“12. (1) In preparing a draft Plan, the Authority shall consider any recommendation submitted by—

(a) the Conservator;

(b) the Minister responsible for traffic management and safety; and

(c) the Australian Capital Territory Electricity and Water Authority.

“(2) A recommendation referred to in subsection (1) shall specify the reasons for the recommendation.”.

Submission of draft Plan to Executive

5. Section 18 of the Principal Act is amended—

(a) by omitting from paragraph (b) “a written summary of each written comment” and substituting “a written report setting out the issues raised in any written comments”; and

(b) by adding at the end the following subsection:

“(2) The Executive shall give a copy of the draft Plan, background papers and reports submitted to it under subsection (1) to the Legislative Assembly.”.

Executive powers

6. Section 19 of the Principal Act is amended by inserting after subsection (1) the following subsection:

“(1A) Before exercising its powers under subsection (1), the Executive shall have regard to any recommendations of a Committee of the Legislative Assembly in relation to the draft Plan, background papers and reports submitted to the Executive under subsection 18 (1).

Consideration of Plan by Legislative Assembly

7. Section 22 of the Principal Act is amended—

- (a) by omitting from paragraph (1) (b) “summaries and report” and substituting “reports”; and
- (b) by omitting subsections (2) to (5) (inclusive) and substituting the following subsections:

“(2) If a Plan is not laid before the Legislative Assembly in accordance with subsection (1) it does not come into effect.

“(3) The Legislative Assembly may, pursuant to a motion of which notice has been given within 5 sitting days after a Plan has been laid before it, by resolution reject the Plan or a provision of the Plan.

“(4) If, at the expiration of 5 sitting days after notice of motion to reject a Plan or a provision of a Plan has been given in the Legislative Assembly (being notice given within 5 sitting days after the Plan was laid before the Legislative Assembly)—

- (a) the notice has not been called on; or
- (b) the motion has been called on and moved and has not been withdrawn or otherwise disposed of;

the Plan or provision specified in the motion shall be deemed to have been rejected by the Legislative Assembly.

“(5) If, before the expiration of 5 sitting days after a notice of motion to disallow a Plan or a provision of a Plan has been given to the Legislative Assembly (being notice given within 5 sitting days after the Plan was laid before the Legislative Assembly)—

- (a) the Legislative Assembly is dissolved or expires; and

- (b) at the time of dissolution or expiry—
 - (i) the notice has not been withdrawn and the motion has not been called on; or
 - (ii) the motion has been called on and moved and has not been withdrawn or otherwise disposed of;

the Plan shall, for the purposes of subsections (3) and (4), be deemed to have been laid before the Legislative Assembly on the first sitting day of the Legislative Assembly after the next general election of members of the Assembly.

“(6) If, at the expiration of 5 sitting days after a Plan is laid before the Legislative Assembly, the Assembly has not passed a resolution rejecting the Plan or any provision of it and is not, pursuant to subsection (4), to be deemed to have rejected the Plan or any provision of it, the Minister shall cause to be published in the *Gazette* a notice—

- (a) specifying the date of commencement of the Plan, or the dates of commencement of the various provisions of the Plan, being a date or dates not earlier than the date of the notice; and
- (b) specifying a place or places where copies of the Plan may be inspected or purchased.

“(7) If a Plan or a provision of a Plan is—

- (a) rejected pursuant to subsection (3); or
- (b) to be deemed to be rejected pursuant to subsection (4);

the Plan or provision does not come into effect.

“(8) If the whole of a Plan is rejected, the Minister shall cause a notice to be published in the *Gazette* stating that the Plan has been rejected.

“(9) If part only of a Plan is rejected, or is pursuant to subsection (4) to be deemed to be rejected, the Minister shall, in relation to each remaining provision of the Plan—

- (a) cause to be published in the *Gazette* a notice specifying—
 - (i) the date of commencement of the provision being a date not earlier than the date of publication of the notice; and

- (ii) a place or places where copies of the provision may be inspected or purchased; or
- (b) by notice published in the *Gazette* withdraw the provision.

“(10) The Minister shall make copies of a Plan, or any relevant provision of a Plan, available for inspection or purchase during office hours at the places and during the period specified in the relevant notice under subsection (6) or paragraph (9) (a).”.

Commencement

8. Section 23 of the Principal Act is amended by omitting “22 (2)” and “22 (4) (a)” and substituting “22 (6)” and “22 (9) (a)” respectively.

Application

9 . Sections 22 and 23 of the Principal Act, as amended by this Act, apply in relation to a variation to the Plan or a draft variation to the Plan laid before the Legislative Assembly before the commencement of this Act but which had not been disposed of by the Assembly before that commencement.

NOTE

1. Act No. 59, 1990 as amended by No. 29, 1991.

[Presentation speech made in Assembly on 23 October 1991]

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