

Australian Capital Territory

City Renewal Authority and Suburban Land Agency Amendment Act 2018

A2018-51

An Act to amend the [City Renewal Authority and Suburban Land Agency Act 2017](http://www.legislation.act.gov.au/a/2017-12" \o "A2017-12)

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

1 Name of Act

This Act is the *City Renewal Authority and Suburban Land Agency Amendment Act 2018*.

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](http://www.legislation.act.gov.au/a/2001-14), s 75 (1)).

3 Legislation amended

This Act amends the [City Renewal Authority and Suburban Land Agency Act 2017](http://www.legislation.act.gov.au/a/2017-12).

4 New part 12

insert

Part 12 Transitional—City Renewal Authority and Suburban Land Agency Amendment Act 2018

210 Definitions—pt 12

In this part:

city renewal precinct means the urban renewal precinct declared under the [City Renewal Authority and Suburban Land Agency (Urban Renewal Precinct) Declaration 2017](https://www.legislation.act.gov.au/ni/2017-425/)(NI2017-425).

connected to the city renewal precinct means—

(a) for an asset—the asset is located in the city renewal precinct; and

(b) for a right or liability under a contract—the contract is related to an asset located in the city renewal precinct; and

(c) for any other liability—the liability is related to an asset located in the city renewal precinct.

land development agency means the former Land Development Agency established under the [Planning and Development Act 2007](http://www.legislation.act.gov.au/a/2007-24), section 31 (repealed).

211 Transfer of assets—authority

(1) This section applies to assets of the Territory that—

(a) were formerly assets of the land development agency that vested in the Territory under the [Financial Management Act 1996](http://www.legislation.act.gov.au/a/1996-22), section 122 on the day the land development agency ceased to exist; and

(b) have not been disposed of by the Territory; and

(c) are connected to the city renewal precinct; and

(d) are not assets mentioned in schedule 2.

(2) The assets are deemed to have vested in the authority at midnight on 30 June 2017 without a conveyance, transfer or assignment.

(3) Any instruments in relation to the assets continue to have effect as if a reference to the land development agency in the instrument is a reference to the authority.

(4) The authority is the Territory’s successor in law in relation to the assets.

(5) The [Financial Management Act 1996](http://www.legislation.act.gov.au/a/1996-22), division 9.6 (Restructuring of territory authorities) applies to the assets and to the authority as if the assets had vested in the authority by a declaration of the responsible Minister under the [Financial Management Act 1996](http://www.legislation.act.gov.au/a/1996-22), section 107.

212 Transfer of contractual rights and liabilities—authority

(1) This section applies to the rights and liabilities of the Territory under contract that—

(a) were formerly rights and liabilities of the land development agency that vested in the Territory under the [Financial Management Act 1996](http://www.legislation.act.gov.au/a/1996-22), section 122 on the day the land development agency ceased to exist; and

(b) are connected to the city renewal precinct; and

(c) are not rights and liabilities under a contract mentioned in schedule 2.

(2) The rights and liabilities are deemed to have stopped being rights and liabilities of the Territory and become rights and liabilities of the authority at midnight on 30 June 2017.

(3) The contract creating the rights and liabilities continues to have effect as if a reference to the land development agency were a reference to the authority.

(4) Any instruments in relation to the contract continue to have effect as if a reference to the land development agency in the instrument is a reference to the authority.

(5) The authority is the Territory’s successor in law in relation to the rights and liabilities.

(6) The [Financial Management Act 1996](http://www.legislation.act.gov.au/a/1996-22), division 9.6 (Restructuring of territory authorities) applies to the rights and liabilities and to the authority as if the rights and liabilities had become rights and liabilities of the authority by declaration of the responsible Minister under the [Financial Management Act 1996](http://www.legislation.act.gov.au/a/1996-22), section 108.

213 Transfer of liabilities—authority

(1) This section applies to a liability of the Territory, other than a liability under contract, that—

(a) is a former liability of the land development agency that vested in the Territory—

(i) under the [Financial Management Act 1996](http://www.legislation.act.gov.au/a/1996-22), section 122 on the day the land development agency ceased to exist; or

(ii) after the day the land development agency ceased to exist because of a thing that vested in the Territory under the [Financial Management Act 1996](http://www.legislation.act.gov.au/a/1996-22), section 122; and

(b) is connected to the city renewal precinct; and

(c) is not a liability in relation to an asset mentioned in schedule 2.

(2) The liability is deemed to have stopped being a liability of the Territory and become a liability of the authority at midnight on 30 June 2017.

(3) Any instruments in relation to the liability continue to have effect as if a reference to the land development agency in the instrument is a reference to the authority.

(4) The authority is the Territory’s successor in law in relation to the liability.

(5) The [Financial Management Act 1996](http://www.legislation.act.gov.au/a/1996-22), division 9.6 (Restructuring of territory authorities) applies to the liability and to the authority as if the liability had become a liability of the authority by declaration of the relevant Minister under the [Financial Management Act 1996](http://www.legislation.act.gov.au/a/1996-22), section 109.

214 Transfer of assets—agency

(1) This section applies to assets of the Territory that—

(a) were formerly assets of the land development agency that vested in the Territory under the [Financial Management Act 1996](http://www.legislation.act.gov.au/a/1996-22), section 122 on the day the land development agency ceased to exist; and

(b) have not been disposed of by the Territory; and

(c) are not assets to which section 211 applies; and

(d) are not assets mentioned in schedule 2.

(2) The assets are deemed to have vested in the agency at midnight on 30 June 2017 without a conveyance, transfer or assignment.

(3) Any instruments in relation to the assets continue to have effect as if a reference to the land development agency in the instrument is a reference to the agency.

(4) The agency is the Territory’s successor in law in relation to the assets.

(5) The [Financial Management Act 1996](http://www.legislation.act.gov.au/a/1996-22), division 9.6 (Restructuring of territory authorities) applies to the assets and to the agency as if the assets had vested in the agency by a declaration of the responsible Minister under the [Financial Management Act 1996](http://www.legislation.act.gov.au/a/1996-22), section 107.

215 Transfer of contractual rights and liabilities—agency

(1) This section applies to the rights and liabilities of the Territory under contract that—

(a) were formerly rights and liabilities of the land development agency that vested in the Territory under the [Financial Management Act 1996](http://www.legislation.act.gov.au/a/1996-22), section 122 on the day the land development agency ceased to exist; and

(b) are not rights and liabilities to which section 212 applies; and

(c) are not rights and liabilities under a contract mentioned in schedule 2.

(2) The rights and liabilities are deemed to have stopped being rights and liabilities of the Territory and become rights and liabilities of the agency at midnight on 30 June 2017.

(3) The contract creating the rights and liabilities continues to have effect as if a reference to the land development agency were a reference to the agency.

(4) Any instruments in relation to the contract continue to have effect as if a reference to the land development agency in the instrument is a reference to the agency.

(5) The agency is the Territory’s successor in law in relation to the rights and liabilities.

(6) The [Financial Management Act 1996](http://www.legislation.act.gov.au/a/1996-22), division 9.6 (Restructuring of territory authorities) applies to the rights and liabilities and to the agency as if the rights and liabilities had become rights and liabilities of the agency by declaration of the responsible Minister under the [Financial Management Act 1996](http://www.legislation.act.gov.au/a/1996-22), section 108.

216 Transfer of liabilities—agency

(1) This section applies to a liability of the Territory, other than a liability under contract, that—

(a) is a former liability of the land development agency that vested in the Territory—

(i) under the [Financial Management Act 1996](http://www.legislation.act.gov.au/a/1996-22), section 122 on the day the land development agency ceased to exist; or

(ii) after the day the land development agency ceased to exist because of a thing that vested in the Territory under the [Financial Management Act 1996](http://www.legislation.act.gov.au/a/1996-22), section 122; and

(b) is not a liability to which section 213 applies; and

(c) is not a liability in relation to an asset mentioned in schedule 2.

(2) The liability is deemed to have stopped being a liability of the Territory and become a liability of the agency at midnight on 30 June 2017.

(3) Any instruments in relation to the liability continue to have effect as if a reference to the land development agency in the instrument is a reference to the agency.

(4) The agency is the Territory’s successor in law in relation to the liability.

(5) The [Financial Management Act 1996](http://www.legislation.act.gov.au/a/1996-22), division 9.6 (Restructuring of territory authorities) applies to the liability and to the agency as if the liability had become a liability of the agency by declaration of the responsible Minister under the [Financial Management Act 1996](http://www.legislation.act.gov.au/a/1996-22), section 109.

217 Expiry—pt 12

This part and schedule 2 expire on the day the City Renewal Authority and Suburban Land Agency Amendment Act 2018, section 4 commences.

Note Transitional provisions are kept in the Act for a limited time. A transitional provision is repealed on its expiry but continues to have effect after its repeal (see [Legislation Act](http://www.legislation.act.gov.au/a/2001-14), s 88).

5 New schedule 2

insert

Schedule 2 Excluded assets and contracts

(see pt 12)

Table 2.1 Former assets of land development agency not transferred to authority or agency

| column 1  item | column 2  description of site | column 3  suburb, block/section |
| --- | --- | --- |
| 1 | Allawah Court | Braddon 1/52 |
| 2 | Bega Court | Reid 1/7 |
| 3 | Currong Flats | Braddon 1/52 |
| 4 | Dame Pattie Menzies House | Dickson 19-20/32 |
| 5 | De Burgh Flats | Lyneham 2/115 |
| 6 | Dickson Flats | Dickson 1/77 |
| 7 | Gowrie Court | Narrabundah 3/62 |
| 8 | Karuah Garden Flats | Dickson 6/77 |
| 9 | Macarthur House | Lyneham 12/50 |
| 10 | Motor Vehicle Registry | Dickson 2/33 |
| 11 | Northbourne Flats (Braddon) | Braddon 2/8 |
| 12 | Northbourne Flats (Turner) | Turner 1/57 |
| 13 | Owen Flats | Lyneham 3/115 |
| 14 | Red Hill Precinct | Red Hill 1/25, 1/26, 49/31, 51-57/32, 1-16/31, 26‑34/29 |
| 15 | Strathgordon Flats | Lyons 1/53 |
| 16 | Stuart Flats and Menslink Site | Griffith 2/39, 8-16/39, 6/43 |
| 17 | Tourist Information Centre | Dickson 5/77 |

Table 2.2 Former contracts of land development agency not transferred to authority or agency

| column 1  item | column 2  contractor/consultant | column 3  nature of services or works |
| --- | --- | --- |
| 1 | Aecom Australia Pty Ltd | Molonglo North Weston 2 SMP and Variation |
| 2 | Cardno | Chapman 1/45 Site Investigation Report - Site A |
| 3 | Cardno | Chapman 1/45 Site Investigation Report - Site B and Variation |
| 4 | Cardno | Griffith - Stuart Flats Stage 2 SIR 1st |
| 5 | Cardno | Mawson 29/36 Site Feasability Study |
| 6 | Cardno | Fyshwick B11/S30 - Traffic Investigation and Hydraulic Site Servicing |
| 7 | CBRE Valuations | Stromlo Rural Block 418 - Kerrabee Homestead Valuation |
| 8 | Coffey Environments Pty Ltd | Williamsdale Phase 1 and Groundwater Management and 2 Amendments |
| 9 | Coffey Environments Pty Ltd | Holt 5/53 Environmental Services |
| 10 | Dan Grant Rural Contracting | Stromlo/Huntley Weed Spraying Services |
| 11 | Douglas Partners | Chapman 1/45 Geotechnical Investigation |
| 12 | Douglas Partners | Chapman 1/45 Detailed Site Investigation |
| 13 | Douglas Partners | Chifley 10/7 Site Investigation Report |
| 14 | Douglas Partners | Chifley 10/7 Geotechnical Investigation |
| 15 | Douglas Partners | Holder 2/21 Site Investigation Report |
| 16 | Douglas Partners | Holder 2/21 Geotechnical Investigation |
| 17 | Douglas Partners | Mawson 29/36 Site Investigation |
| 18 | Douglas Partners | Mawson 29/36 Geotechnical Investigation |
| 19 | Douglas Partners | Monash 2/20 Site Investigation |
| 20 | Douglas Partners | Monash 2/20 Geotechnical Investigation |
| 21 | Environ Australia Pty Ltd | Williamsdale - Site Audit |
| 22 | GHD Pty Ltd | Griffith Demolition of Stuart Flats and Menslink Building |
| 23 | John Wildermuth | Document Control and Systems Services (Refer L16140) |
| 24 | Mark A Mannion | Majura/Pialligo Consultancy Services 2017 |
| 25 | Robert Day (Trustee for RDD Trust) | Red Hill Precinct - ARI Planning and Engineering Consultancy |
| 26 | Robson Environmental | Griffith ARI 2/43 Stuart Flats Intrusive Hazmat Testing Menslink Site |
| 27 | Tridant | Corporate - TM1 consulting |
| 28 | Umwelt (Australia) Pty Ltd | Molonglo 3 PRA and s 211 |
| 29 | Umwelt (Australia) Pty Ltd | Eastern Broadacre - Strategic Assessment and Gap Analysis & Variations |
| 30 | Umwelt (Australia) Pty Ltd | Eastern Broadacre s 211 Application |

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 30 October 2018.

2 Notification

Notified under the [Legislation Act](http://www.legislation.act.gov.au/a/2001-14) on 6 December 2018.

3 Republications of amended laws

For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au).

I certify that the above is a true copy of the City Renewal Authority and Suburban Land Agency Amendment Bill 2018, which was passed by the Legislative Assembly on 29 November 2018.

Clerk of the Legislative Assembly

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