

2018

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Minister for Housing and Suburban Development)

City Renewal Authority and Suburban Land Agency Amendment Bill 2018

A Bill for

An Act to amend the *City Renewal Authority and Suburban Land Agency Act 2017*

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

1 **1 Name of Act**

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

4 **2 Commencement**

5 This Act commences on the day after its notification day.

6 *Note* The naming and commencement provisions automatically commence on
7 the notification day (see [Legislation Act](#), s 75 (1)).

8 **3 Legislation amended**

9 This Act amends the *City Renewal Authority and Suburban Land*
10 *Agency Act 2017*.

11 **4 New part 12**

12 *insert*

13 **Part 12 Transitional—City Renewal**
14 **Authority and Suburban Land**
15 **Agency Amendment Act 2018**

16 **210 Definitions—pt 12**

17 In this part:

18 *city renewal precinct* means the urban renewal precinct declared
19 under the *City Renewal Authority and Suburban Land Agency (Urban*
20 *Renewal Precinct) Declaration 2017* (NI2017-425).

21 *connected to the city renewal precinct* means—

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

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

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

5 **land development agency** means the former Land Development
6 Agency established under the *Planning and Development Act 2007*,
7 section 31 (repealed).

8 **211 Transfer of assets—authority**

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

10 (a) were formerly assets of the land development agency that vested
11 in the Territory under the *Financial Management Act 1996*,
12 section 122 on the day the land development agency ceased to
13 exist; and

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

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

16 (d) are not assets mentioned in schedule 2.

17 (2) The assets are deemed to have vested in the authority at midnight on
18 30 June 2017 without a conveyance, transfer or assignment.

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

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

24 (5) The *Financial Management Act 1996*, division 9.6 (Restructuring of
25 territory authorities) applies to the assets and to the authority as if the
26 assets had vested in the authority by a declaration of the responsible
27 Minister under the *Financial Management Act 1996*, section 107.

- 1 **212 Transfer of contractual rights and liabilities—authority**
- 2 (1) This section applies to the rights and liabilities of the Territory under
- 3 contract that—
- 4 (a) were formerly rights and liabilities of the land development
- 5 agency that vested in the Territory under the *Financial*
- 6 *Management Act 1996*, section 122 on the day the land
- 7 development agency ceased to exist; and
- 8 (b) are connected to the city renewal precinct; and
- 9 (c) are not rights and liabilities under a contract mentioned in
- 10 schedule 2.
- 11 (2) The rights and liabilities are deemed to have stopped being rights and
- 12 liabilities of the Territory and become rights and liabilities of the
- 13 authority at midnight on 30 June 2017.
- 14 (3) The contract creating the rights and liabilities continues to have effect
- 15 as if a reference to the land development agency were a reference to
- 16 the authority.
- 17 (4) Any instruments in relation to the contract continue to have effect as
- 18 if a reference to the land development agency in the instrument is a
- 19 reference to the authority.
- 20 (5) The authority is the Territory’s successor in law in relation to the
- 21 rights and liabilities.
- 22 (6) The *Financial Management Act 1996*, division 9.6 (Restructuring of
- 23 territory authorities) applies to the rights and liabilities and to the
- 24 authority as if the rights and liabilities had become rights and
- 25 liabilities of the authority by declaration of the responsible Minister
- 26 under the *Financial Management Act 1996*, section 108.

- 1 **213 Transfer of liabilities—authority**
- 2 (1) This section applies to a liability of the Territory, other than a liability
- 3 under contract, that—
- 4 (a) is a former liability of the land development agency that vested
- 5 in the Territory—
- 6 (i) under the *Financial Management Act 1996*, section 122 on
- 7 the day the land development agency ceased to exist; or
- 8 (ii) after the day the land development agency ceased to exist
- 9 because of a thing that vested in the Territory under the
- 10 *Financial Management Act 1996*, section 122; and
- 11 (b) is connected to the city renewal precinct; and
- 12 (c) is not a liability in relation to an asset mentioned in schedule 2.
- 13 (2) The liability is deemed to have stopped being a liability of the
- 14 Territory and become a liability of the authority at midnight on
- 15 30 June 2017.
- 16 (3) Any instruments in relation to the liability continue to have effect as
- 17 if a reference to the land development agency in the instrument is a
- 18 reference to the authority.
- 19 (4) The authority is the Territory’s successor in law in relation to the
- 20 liability.
- 21 (5) The *Financial Management Act 1996*, division 9.6 (Restructuring of
- 22 territory authorities) applies to the liability and to the authority as if
- 23 the liability had become a liability of the authority by declaration of
- 24 the relevant Minister under the *Financial Management Act 1996*,
- 25 section 109.

- 1 **214 Transfer of assets—agency**
- 2 (1) This section applies to assets of the Territory that—
- 3 (a) were formerly assets of the land development agency that vested
- 4 in the Territory under the *Financial Management Act 1996*,
- 5 section 122 on the day the land development agency ceased to
- 6 exist; and
- 7 (b) have not been disposed of by the Territory; and
- 8 (c) are not assets to which section 211 applies; and
- 9 (d) are not assets mentioned in schedule 2.
- 10 (2) The assets are deemed to have vested in the agency at midnight on
- 11 30 June 2017 without a conveyance, transfer or assignment.
- 12 (3) Any instruments in relation to the assets continue to have effect as if
- 13 a reference to the land development agency in the instrument is a
- 14 reference to the agency.
- 15 (4) The agency is the Territory’s successor in law in relation to the assets.
- 16 (5) The *Financial Management Act 1996*, division 9.6 (Restructuring of
- 17 territory authorities) applies to the assets and to the agency as if the
- 18 assets had vested in the agency by a declaration of the responsible
- 19 Minister under the *Financial Management Act 1996*, section 107.
- 20 **215 Transfer of contractual rights and liabilities—agency**
- 21 (1) This section applies to the rights and liabilities of the Territory under
- 22 contract that—
- 23 (a) were formerly rights and liabilities of the land development
- 24 agency that vested in the Territory under the *Financial*
- 25 *Management Act 1996*, section 122 on the day the land
- 26 development agency ceased to exist; and
- 27 (b) are not rights and liabilities to which section 212 applies; and

- 1 (c) are not rights and liabilities under a contract mentioned in
2 schedule 2.
- 3 (2) The rights and liabilities are deemed to have stopped being rights and
4 liabilities of the Territory and become rights and liabilities of the
5 agency at midnight on 30 June 2017.
- 6 (3) The contract creating the rights and liabilities continues to have effect
7 as if a reference to the land development agency were a reference to
8 the agency.
- 9 (4) Any instruments in relation to the contract continue to have effect as
10 if a reference to the land development agency in the instrument is a
11 reference to the agency.
- 12 (5) The agency is the Territory's successor in law in relation to the rights
13 and liabilities.
- 14 (6) The *Financial Management Act 1996*, division 9.6 (Restructuring of
15 territory authorities) applies to the rights and liabilities and to the
16 agency as if the rights and liabilities had become rights and liabilities
17 of the agency by declaration of the responsible Minister under the
18 *Financial Management Act 1996*, section 108.

19 **216 Transfer of liabilities—agency**

- 20 (1) This section applies to a liability of the Territory, other than a liability
21 under contract, that—
- 22 (a) is a former liability of the land development agency that vested
23 in the Territory—
- 24 (i) under the *Financial Management Act 1996*, section 122 on
25 the day the land development agency ceased to exist; or
- 26 (ii) after the day the land development agency ceased to exist
27 because of a thing that vested in the Territory under the
28 *Financial Management Act 1996*, section 122; and
- 29 (b) is not a liability to which section 213 applies; and

- 1 (c) is not a liability in relation to an asset mentioned in schedule 2.
- 2 (2) The liability is deemed to have stopped being a liability of the
3 Territory and become a liability of the agency at midnight on
4 30 June 2017.
- 5 (3) Any instruments in relation to the liability continue to have effect as
6 if a reference to the land development agency in the instrument is a
7 reference to the agency.
- 8 (4) The agency is the Territory's successor in law in relation to the
9 liability.
- 10 (5) The *Financial Management Act 1996*, division 9.6 (Restructuring of
11 territory authorities) applies to the liability and to the agency as if the
12 liability had become a liability of the agency by declaration of the
13 responsible Minister under the *Financial Management Act 1996*,
14 section 109.

15 **217 Expiry—pt 12**

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

19 *Note* Transitional provisions are kept in the Act for a limited time.
20 A transitional provision is repealed on its expiry but continues to have
21 effect after its repeal (see [Legislation Act](#), 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

Section 5

column 1 item	column 2 description of site	column 3 suburb, block/section
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 Feasibility 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

column 1 item	column 2 contractor/consultant	column 3 nature of services or works
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](#) on 2018.

3 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

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