

1999

THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

LAND (PLANNING AND ENVIRONMENT) (AMENDMENT) BILL (No 4) 1999

Amendment moved by the Minister for Urban Services

EXPLANATORY MEMORANDUM

Circulated by Authority of
Brendan Smyth MLA
Minister for Urban Services

Outline

The Land (Planning and Environment) (Amendment) Bill (No 4) 1999 (the Bill) amends certain provisions of the *Land (Planning and Environment) Act 1991* (the Act) relating to the power of the Minister to revoke a referral of a development application to the Commissioner for Land and Planning (the 'call-in' power).

The Government amendment (the Amendment) to that Bill inserts a new section 279A in Part VI of the Act, to the effect that legal proceedings questioning the validity of a decision made under the 'call-in' power must be made within 28 days after the decision.

The limitation does not apply to applications to the administrative appeals tribunal for review of a decision.

Financial Implications

The time limitation on legal proceedings will reduce the exposure of the Territory to costs associated with claims for damages where proceedings might have been brought after the relevant decision of the Minister had been acted upon.

CLAUSE NOTES

Clause 4 – Insertion – inserts section 279A after section 279 of the Act.

Section 279A provides that the validity of a decision made by the Minister, exercising the 'call-in' power under section 229A, may not be questioned in any legal proceedings except those commenced within 28 days after the date of the decision.

A reference to "legal proceedings" does not include an application to the administrative appeals tribunal.