

1994

LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

**LAND (PLANNING AND ENVIRONMENT) (CONSEQUENTIAL PROVISIONS)
(AMENDMENT) BILL 1994**

EXPLANATORY MEMORANDUM

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LAND (PLANNING AND ENVIRONMENT) (CONSEQUENTIAL PROVISIONS) (AMENDMENT) BILL 1994

General Outline

This Bill amends the *Land (Planning And Environment) (Consequential Provisions) Act 1991* to limit the time during which applications for lease variations can be determined under 78 repealed Acts.

There is growing community concern that lease variations are still being processed by the Department of the Environment, Land and Planning under old legislation, such as the *City Area Leases Act 1936* and the *Leases Act 1918*, that, unlike the *Land Act*, do not have requirements for public notification, and resultant third party appeal rights, in respect of lease variations.

In Part III - Repeals of the *Land (Planning And Environment) (Consequential Provisions) Act*, section 24 repeals 78 Acts, all of which are listed in schedule 2 to the Act, including the much amended *City Area Leases Act* and the *Leases Act*.

Part IV - Savings and Transitionals of the Act states:

"Notwithstanding section 24, a repealed Act shall continue to apply in relation to -

- a. an application made, but not determined under that Act before the commencement day (which was 15th January 1992); and
- b. the review by a court or other tribunal of a decision in relation to such an application."

This means that applications for lease variations could still be determined under repealed legislation in the next century. This is at odds with the intent of the *Land (Planning and Environment) Act* and the Territory Plan.

This amendment Bill is intended to ensure that, after 30 June 1995, all applications for lease variations are made and determined under the *Land (Planning and Environment) Act 1991*.

Notes on Clauses

Clause 1	:	Short title
Clause 2	:	Commencement
Clause 3	:	Principal Act

Clauses 1 and 2 are formal mechanical clauses that deal with the identification and commencement of the Act. Clause 3 identifies the Principal Act amended by the Act.

Clause 4	:	Applications
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Clause 4 amends section 26 of the Act so that subsection (1) ceases to have effect from 30 June 1995 and from 1 July 1995 all applications for lease variations will be determined under the *Land (Planning and Environment) Act 1991*.