

**AUSTRALIAN CAPITAL TERRITORY
LAND (PLANNING AND ENVIRONMENT) ACT 1991**

EXPLANATORY MEMORANDUM

**DISALLOWABLE INSTRUMENT FOR THE PURPOSES OF
SUBSECTION 167 (1)**

INSTRUMENT NO. 7 OF 2000

The *Land (Planning and Environment) Act 1991* (ACT) (“the Act”) establishes a regime which provides for planning, heritage, environmental and leasing matters in respect of Territory Land.

Subsection 167(1) of the Act provides that certain leases, or classes of lease, may be specified to be subject to the provisions of that section.

Subsection 167(1) also provides that a lease that has been declared to be subject to those provisions may also be subject to criteria for determining whether a person is eligible to hold the land comprised in that lease.

Under subsection 167(5), the consent of the Executive is required before the lessee, or any other person holding an interest in a lease subject to section 167, may assign, transfer, sublet or part with possession of that lease. The Executive may not consent to such a dealing unless it is satisfied that the assignee, transferee, sublessee or other person to whom possession should be given, is a person who meets the criteria set out in an instrument under subsection subsection 167(1).

The Disallowable Instrument made under subsection 167(1) of the Act declares the lease over Block 1 Section 1 Division of Bruce in the Australian Capital Territory (the land) to be a lease to which section 167 shall apply, and specifies the criteria for determining whether a person is eligible to hold the land comprised in the lease.

The Disallowable Instrument provides that:

1. A Crown lease of the land may only be granted to Calvary Hospital ACT Incorporated (the hospital);

2. To hold a sublease or underlease of the land, the applicant must be the hospital or a health facility provider. A “health facility provider” does not include a veterinary surgeon; and
3. The proposed lessee, sublessee or under lessee must satisfy the Minister that the lease will be complied with, and pay the fees and charges applicable to the lease.