

2017

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Chief Minister)

City Renewal Authority and Suburban Land Agency Bill 2017

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THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Chief Minister)

City Renewal Authority and Suburban Land Agency Bill 2017

A Bill for

An Act to establish the city renewal authority and the suburban land agency,
and for other purposes

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

1 **Part 1 Preliminary**

2 **1 Name of Act**

3 This Act is the *City Renewal Authority and Suburban Land Agency*
4 *Act 2017*.

5 **2 Commencement**

6 This Act commences on a day fixed by the Minister by written
7 notice.

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

10 *Note 2* A single day or time may be fixed, or different days or times may be
11 fixed, for the commencement of different provisions (see [Legislation](#)
12 [Act](#), s 77 (1)).

13 *Note 3* If a provision has not commenced within 6 months beginning on the
14 notification day, it automatically commences on the first day after that
15 period (see [Legislation Act](#), s 79).

16 **3 Dictionary**

17 The dictionary at the end of this Act is part of this Act.

18 *Note 1* The dictionary at the end of this Act defines certain terms used in this
19 Act, and includes references (*signpost definitions*) to other terms
20 defined elsewhere in this Act.

21 For example, the signpost definition ‘*utility service*—see the [Utilities](#)
22 [Act 2000](#), dictionary.’ means that the term ‘utility service’ is defined in
23 that dictionary and the definition applies to this Act.

24 *Note 2* A definition in the dictionary (including a signpost definition) applies to
25 the entire Act unless the definition, or another provision of the Act,
26 provides otherwise or the contrary intention otherwise appears (see
27 [Legislation Act](#), s 155 and s 156 (1)).

1 **4** **Notes**

2 A note included in this Act is explanatory and is not part of this Act.

3 *Note* See the [Legislation Act](#), s 127 (1), (4) and (5) for the legal status of
4 notes.

5 **5** **Objects of Act**

6 The objects of this Act are to—

7 (a) establish the city renewal authority; and

8 (b) establish the suburban land agency; and

9 (c) promote and facilitate the orderly and efficient delivery of
10 residential, commercial and industrial development in the
11 public interest, including urban renewal; and

12 (d) promote development that is environmentally sustainable and
13 applies innovative environmental building and public domain
14 design; and

15 (e) support, encourage and facilitate public and private sector
16 investment and participation in the development of the
17 Territory.

1 **Part 2 City renewal authority**

2 **Division 2.1 Definitions—pt 2**

3 **6 Definitions—pt 2**

4 In this part:

5 *statement of expectations*—see section 16 (1).

6 *statement of operational intent*—see section 17 (1).

7 *urban renewal precinct* means an area of land declared under
8 section 34.

9 **Division 2.2 Establishment, objects and functions
10 of city renewal authority**

11 **7 Establishment of city renewal authority**

12 The City Renewal Authority is established.

13 **8 Objects of authority**

14 The objects of the authority are—

15 (a) to encourage and promote a vibrant city through the delivery of
16 design-led, people-focussed urban renewal, including by
17 creating opportunities—

18 (i) to include the community and relevant entities in the
19 design and delivery of urban renewal; and

20 (ii) to grow and diversify the Territory's economy; and

21 (iii) for private sector investment in urban renewal; and

- 1 (b) to encourage and promote social and environmental
2 sustainability through—
3 (i) planning and delivery of urban renewal; and
4 (ii) improved urban infrastructure; and
5 (iii) responsiveness to demographic change in the ACT; and
6 (c) to operate commercially in accordance with sound risk
7 management practices.

8 **9 Functions of authority**

- 9 (1) The functions of the authority are, in relation to an urban renewal
10 precinct, to—
11 (a) carry out urban renewal; and
12 (b) buy and sell leases of land on behalf of the Territory; and
13 (c) make arrangements for the public service or another entity to
14 carry out development or works; and
15 (d) support public and private sector investment and participation
16 in urban renewal, including by supporting development that is
17 attractive to potential investors and participants; and
18 (e) manage orderly urban renewal, including holding, managing
19 and selling land and other property; and
20 (f) support cooperation between the authority, the community, and
21 relevant entities (for example, industry groups); and
22 *Note* An example is part of the Act, is not exhaustive and may extend,
23 but does not limit, the meaning of the provision in which it
24 appears (see [Legislation Act](#), s 126 and s 132).
25 (g) support high quality design, planning and delivery of urban
26 renewal; and

1 (h) any other function given to the authority under this Act or
2 another territory law.

3 *Note* A provision of a law that gives an entity (including a person) a function
4 also gives the entity powers necessary and convenient to exercise the
5 function (see [Legislation Act](#), s 196 and dict, pt 1, def *entity*).

6 (2) The authority must exercise the authority's functions in a way that is
7 consistent with the statement of operational intent.

8 (3) With the approval of the Minister and the Treasurer, the authority
9 may exercise its functions—

10 (a) through subsidiaries, joint ventures or trusts; or

11 (b) by holding shares in, or other securities of, corporations.

12 (4) In this section:

13 *support* an outcome, includes promote, encourage, facilitate and
14 deliver the outcome.

15 **10 Authority's role in cohesive urban renewal**

16 (1) The authority must work with any entity that has an interest in land
17 in an urban renewal precinct to encourage cohesive urban renewal.

18 **Examples—entities that may have an interest**

- 19 • a person who owns property on the land
20 • a person developing land
21 • the head of service
22 • a person licensed to provide a utility service

23 *Note* An example is part of the Act, is not exhaustive and may extend, but
24 does not limit, the meaning of the provision in which it appears (see
25 [Legislation Act](#), s 126 and s 132).

- 1 (2) The authority may—
- 2 (a) require the entity to do any of the following in relation to the
- 3 land:
- 4 (i) consult, including in a particular way, with the public or
- 5 another entity that has an interest in the land;
- 6 (ii) make arrangements for working co-operatively with
- 7 another entity that has an interest in the land; and
- 8 (b) refuse to exercise a function in relation to the land until a
- 9 requirement under paragraph (a) has been fulfilled.

10 **11 Ministerial directions to authority**

- 11 (1) The Minister may, at any time, give directions to the authority—
- 12 (a) about the exercise of the authority’s functions; or
- 13 (b) requiring the authority to exercise a function in relation to the
- 14 financial arrangements of the authority.
- 15 (2) Before giving a direction, the Minister must—
- 16 (a) tell the authority about the proposed direction; and
- 17 (b) give the authority a reasonable opportunity to comment on the
- 18 proposed direction; and
- 19 (c) consider any comments made by the authority.
- 20 (3) A direction is a notifiable instrument.

21 *Note* A notifiable instrument must be notified under the [Legislation Act](#).

22 **12 Territory to compensate authority for cost of complying**

23 **with directions**

- 24 (1) The Territory must pay to the authority the reasonable net cost of
- 25 complying with a direction under section 11.

- 1 (2) The amount payable under subsection (1) is the amount agreed
2 between the authority and the Minister or, failing agreement, the
3 amount decided by the Chief Minister.

4 **13 Annual report of authority**

- 5 (1) The authority must prepare an annual report under the *Annual*
6 *Reports (Government Agencies) Act 2004*.

- 7 (2) The report must—

8 (a) include any statement of expectations and statement of
9 operational intent in effect during the reporting year; and

10 (b) report on the extent to which the statement of operational intent
11 in effect during the reporting year was met during the reporting
12 year; and

13 (c) if the statement of operational intent was not met in whole or in
14 part during the reporting year—give reasons why the statement
15 of operational intent was not met.

16 **Division 2.3 Authority board**

17 **14 Establishment of governing board for authority**

18 The governing board of the authority is established.

19 **15 Functions of authority board**

20 The functions of the authority board are—

21 (a) to oversee the operations of, and exercise of functions by, the
22 authority; and

23 (b) to promote the statement of expectations; and

24 (c) to implement the statement of operational intent; and

1 (d) to make arrangements about the conduct and operation of the
2 authority board; and

3 (e) any other function given to the authority board under this Act
4 or another territory law.

5 *Note 1* A provision of a law that gives an entity (including a person) a function
6 also gives the entity powers necessary and convenient to exercise the
7 function (see [Legislation Act](#), s 196 and dict, pt 1, def *entity*).

8 *Note 2* The authority board has the following functions under the [Financial](#)
9 [Management Act 1996](#), s 77:

- 10 • setting the authority's policies and strategies
- 11 • governing the authority consistently with the authority's
- 12 establishing Act and other relevant legislation
- 13 • ensuring, as far as practicable, that the authority operates in a
- 14 proper, effective and efficient way
- 15 • ensuring, as far as practicable, that the authority complies with
- 16 applicable governmental policies (if any).

17 *Note 3* For authority board meeting arrangements see the [Financial](#)
18 [Management Act 1996](#), div 9.4.

19 **16 Ministerial statement of expectations**

20 (1) The Minister must, at least once every 12 months—

21 (a) make a statement setting out the government's requirements
22 and priorities in relation to urban renewal in an urban renewal
23 precinct (a *statement of expectations*); and

24 (b) give the statement of expectations to the authority board.

25 (2) The statement of expectations may include any information the
26 Minister believes will assist the authority board to implement the
27 statement of expectations.

28 (3) A statement of expectations is a notifiable instrument.

29 *Note* A notifiable instrument must be notified under the [Legislation Act](#).

1 **17 Statement of operational intent**

- 2 (1) As soon as possible after the Minister gives the statement of
3 expectations to the authority board, the authority board must give
4 the Minister a draft statement of response setting out how the
5 authority board will give effect to the statement of expectations (a
6 *statement of operational intent*).
- 7 (2) The draft statement of operational intent may refer to a matter
8 covered in the statement of intent for the authority prepared under
9 the *Financial Management Act 1996*, section 61.
- 10 (3) The Minister must—
- 11 (a) approve the draft statement of operational intent; or
12 (b) not approve the statement of operational intent; or
13 (c) approve the statement of operational intent with conditions.
- 14 (4) An approved statement of operational intent is a notifiable
15 instrument.

16 *Note* A notifiable instrument must be notified under the [Legislation Act](#).

17 **18 Delegation by authority board**

- 18 (1) The authority board may delegate the authority board's functions to
19 the authority CEO.
- 20 *Note* For the making of delegations and the exercise of delegated functions,
21 see the [Legislation Act](#), pt 19.4.
- 22 (2) The authority CEO may subdelegate to an authorised person a
23 function delegated under subsection (1) if the subdelegation is
24 authorised, in writing, by the authority board.

- 1 (3) In this section:
2 *authorised person* means—
3 (a) a public employee; or
4 (b) a person prescribed by regulation.

5 **Division 2.4 Authority board members**

6 **19 Authority board members duty of good conduct**

7 An authority board member has a duty to the Minister when acting
8 as a board member—

- 9 (a) to act in good faith; and
10 (b) not to pursue personal interests at the expense of the
11 authority's interests; and
12 (c) not to use board membership to gain personal advantage; and
13 (d) not to cause detriment to the authority or undermine the
14 reputation of the authority.

15 *Note* The duty set out in this section supplements the requirements under the
16 *Financial Management Act 1996*, pt 8 (Financial provisions for territory
17 authorities) and pt 9 (Governance of territory authorities) and the
18 requirements under the *Public Sector Management Act 1994*, div 2.1
19 (Public sector standards).

20 **20 Authority board member appointments**

- 21 (1) The authority board has the following part-time members:
22 (a) a chair;
23 (b) a deputy chair;

1 (c) 3 expert members.

2 *Note* The chair, deputy chair and other members of the authority board are
3 appointed by the Minister (see *Financial Management Act 1996*, s 78
4 and s 79).

5 (2) A member must have knowledge of and experience in at least 1 of
6 the following areas:

7 (a) urban renewal;

8 (b) architecture;

9 (c) urban design;

10 (d) civil engineering;

11 (e) environmental sustainability;

12 (f) social inclusion and community building;

13 (g) law, public administration and governance;

14 (h) financing major development projects.

15 (3) A regulation may prescribe other criteria for the appointment of a
16 person as an expert member.

17 **Division 2.5 Authority committees**

18 **21 Establishment of authority committees**

19 (1) The authority board may establish committees to help the authority
20 to exercise its functions.

21 (2) Without limiting subsection (1), committees may be established in
22 relation to the following:

23 (a) corporate governance;

24 (b) audit and risk;

25 (c) design review;

- 1 (d) community engagement.
- 2 (3) The authority board must establish any committee prescribed by
3 regulation.
- 4 (4) A regulation may prescribe—
- 5 (a) matters on which a committee can provide advice; and
- 6 (b) functions of the authority that may only be exercised after
7 considering the advice of a committee.

8 **22 Exercise of committee functions**

- 9 (1) The authority board may decide—
- 10 (a) how a committee is to exercise its functions; and
- 11 (b) the procedure to be followed for meetings of a committee,
12 including—
- 13 (i) calling meetings; and
- 14 (ii) the number of committee members to be present at
15 meetings (including requirements that particular members
16 be present); and
- 17 (iii) the committee member who is to preside at meetings; and
- 18 (iv) how questions arising at a meeting are to be decided; and
- 19 (v) keeping minutes of meetings.
- 20 (2) Subject to any decision of the authority board under subsection (1),
21 a committee may decide its own procedures.

1 **23 Membership of committees**

2 (1) A committee consists of the people appointed by the authority
3 board.

4 *Note* For the making of appointments (including acting appointments), see
5 the [Legislation Act](#), div 19.3.

6 (2) A committee may consist entirely or partly of authority board
7 members.

8 **Division 2.6 Authority financial matters**

9 *Note* The authority must not give a guarantee without the Treasurer's written
10 approval (see [Financial Management Act 1996](#), s 60).

11 **24 Proceeds of lease sales by authority**

12 Consideration received by the authority for the sale of a lease of
13 land is income of the authority.

14 **25 Authority payment of funds to Territory**

15 (1) The Treasurer may direct the authority to pay to the Territory—

16 (a) the amount stated in the direction; or

17 (b) an amount calculated in the way stated in the direction.

18 (2) The Treasurer may also, in writing, direct the authority—

19 (a) how to make the payment; and

20 (b) when to make the payment; and

21 (c) about the conditions relating to payment.

22 (3) In giving a direction under subsection (1), the Treasurer must have
23 regard to—

24 (a) the authority's assets and liabilities; and

25 (b) the authority's income and expenditure; and

- 1 (c) the authority's ability to exercise its functions; and
2 (d) the requirement that the Territory obtain a reasonable return
3 from the development and disposal of land.

- 4 (4) A direction under this section is a notifiable instrument.

5 *Note* A notifiable instrument must be notified under the [Legislation Act](#).

6 **26 Authority liability for territory taxes**

7 This Act does not exempt the authority from liability for a tax under
8 any other territory law.

9 **Division 2.7 Authority CEO, staff and consultants**

10 **27 Appointment of authority CEO**

11 (1) The [Financial Management Act 1996](#), section 80 does not apply to
12 the authority.

13 (2) The chief executive officer of the authority is appointed by the chair
14 of the authority board.

15 *Note 1* For the making of appointments (including acting appointments), see
16 the [Legislation Act](#), pt 19.3.

17 *Note 2* In particular, an appointment may be made by naming a person or
18 nominating the occupant of a position (see [Legislation Act](#), s 207).

19 (3) The authority CEO must be a public servant.

20 (4) The authority CEO is not an authority board member.

- 1 **28 Functions of authority CEO**
- 2 (1) The functions of the authority CEO are—
- 3 (a) to manage the day-to-day operations of the authority including
- 4 the following:
- 5 (i) monitoring and reporting to the authority board on the
- 6 authority’s performance against the statement of
- 7 operational intent; and
- 8 (ii) ensuring the authority complies with the authority board’s
- 9 decisions; and
- 10 (iii) managing the finances of the authority; and
- 11 (iv) developing, for approval by the authority board—
- 12 (A) corporate strategies, including strategies for
- 13 engaging with and managing corporate risks; and
- 14 (B) operational strategies, including strategies for
- 15 engaging with and managing operational risks; and
- 16 (v) reporting to the authority board on the implementation of
- 17 a strategy approved under subparagraph (iv); and
- 18 (vi) providing information and advice to the authority board
- 19 on matters relating to the authority; and
- 20 (b) giving administrative support to the authority board in the
- 21 exercise of its functions; and
- 22 (c) any function given to the authority CEO—
- 23 (i) by the authority board; or
- 24 (ii) under this Act or another territory law.
- 25 (2) The *Financial Management Act 1996*, section 84 (CEO’s functions)
- 26 applies to the authority CEO, despite the authority CEO not being a
- 27 member of the authority board.

- 1 (3) The authority board may, at any time, give written directions to the
2 authority CEO about the exercise of the authority CEO's functions.

3 **29 Authority CEO duty of good conduct**

- 4 (1) In exercising the functions of the authority CEO, the authority CEO
5 must exercise the degree of honesty, care and diligence required to
6 be exercised by a director of a corporation in relation to the affairs
7 of the corporation.
- 8 (2) The authority CEO also has a duty to the authority board—
- 9 (a) to act in good faith; and
- 10 (b) not to pursue personal interests at the expense of the
11 authority's interests; and
- 12 (c) not to use the office to gain personal advantage; and
- 13 (d) not to cause detriment to the authority or undermine the
14 reputation of the authority.

15 *Note* As a public servant, conduct requirements under the *Public Sector*
16 *Management Act 1994* apply to the authority CEO.

17 **30 Delegation by authority CEO**

- 18 (1) The authority CEO may delegate the authority CEO's functions to
19 an authorised person.

20 *Note* For the making of delegations and the exercise of delegated functions,
21 see the *Legislation Act*, pt 19.4.

- 22 (2) A delegate may subdelegate to an authorised person a function
23 delegated under subsection (1) if the subdelegation is authorised, in
24 writing, by the authority CEO.

- 1 (3) In this section:
2 *authorised person* means—
3 (a) a public employee; or
4 (b) a person prescribed by regulation.

5 **31 Authority's staff**

- 6 (1) The authority CEO may employ staff on behalf of the Territory.
7 (2) The authority's staff must be employed under the *Public Sector*
8 *Management Act 1994*.

9 *Note* The *Public Sector Management Act 1994*, div 8.2 applies to the
10 authority in relation to the employment of staff (see *Public Sector*
11 *Management Act 1994*, s 152).

12 **32 Authority arrangements for staff and facilities**

13 The authority CEO may arrange with the head of service to use the
14 services of a public servant or Territory facilities.

15 *Note* The head of service may delegate powers in relation to the management
16 of public servants to a public servant or another person (see *Public*
17 *Sector Management Act 1994*, s 18).

18 **33 Authority contractors and consultants**

- 19 (1) The authority CEO may engage consultants and contractors.
20 (2) However, the authority CEO must not enter into a contract of
21 employment under this section.

1 **Division 2.8** **Urban renewal precincts**

2 **34** **Urban renewal precinct may be declared**

3 (1) The Minister may declare an area of land to be an urban renewal
4 precinct for this Act.

5 *Note* The power to make an instrument includes the power to amend or repeal
6 the instrument.

7 (2) For each urban renewal precinct, the Minister must—

8 (a) name the urban renewal precinct; and

9 (b) describe the urban renewal precinct by reference to land; and

10 (c) set out a map of the urban renewal precinct; and

11 (d) set out, in general terms, the urban renewal priorities for the
12 urban renewal precinct.

13 (3) A declaration is a notifiable instrument.

14 *Note* A notifiable instrument must be notified under the [Legislation Act](#).

15 **35** **Criteria for land being included in urban renewal precinct**

16 Land may be included in an urban renewal precinct only if the
17 Minister—

18 (a) is satisfied including the land promotes urban renewal and will
19 facilitate 1 or more of the following:

20 (i) integrated commercial and residential development;

21 (ii) the integration of development with public transport;

22 (iii) benefits to the community, the environment and the
23 territory economy; and

24 (b) is satisfied including the land is consistent with—

25 (i) the national capital plan; and

- 1 (ii) the [territory plan](#); and
2 (iii) the statement of planning intent; and
3 (iv) any other strategic planning strategy developed by
4 government to guide land planning and development for
5 the Territory; and
6 (c) has considered the advice of the following in relation to
7 including the land in the precinct:
8 (i) the authority;
9 (ii) the Minister responsible for the *Planning and*
10 *Development Act 2007*.

- 1 **Part 3** **Suburban land agency**
- 2 **Division 3.1** **Establishment, objects and functions**
3 **of suburban land agency**
- 4 **36** **Establishment of suburban land agency**
5 The Suburban Land Agency is established.
- 6 **37** **Objects of agency**
7 The objects of the agency are to—
8 (a) encourage and promote—
9 (i) inclusive communities through the delivery of
10 people-focussed neighbourhoods; and
11 (ii) suburban development that supports the following:
12 (A) affordable living;
13 (B) a safe and healthy population;
14 (C) social inclusion;
15 (D) housing choice; and
16 (iii) urban renewal, other than in an urban renewal precinct;
17 and
18 (iv) growth and diversification of the Territory's economy;
19 and
20 (b) operate commercially in accordance with sound risk
21 management practices.

- 1 **38 Functions of agency**
- 2 (1) The functions of the agency are—
- 3 (a) to buy and sell leases of land on behalf of the Territory; and
- 4 (b) to ensure a mixture of public and private housing in new
- 5 suburbs; and
- 6 (c) to increase the supply of affordable and community housing;
- 7 and
- 8 (d) to carry out the development of land; and
- 9 (e) any other function given to the agency under this Act or
- 10 another territory law.
- 11 *Note 1* A territory authority must not do any act, or approve the doing of an act,
- 12 that is inconsistent with the [territory plan](#) (see [Planning and](#)
- 13 [Development Act 2007](#), s 50).
- 14 *Note 2* A provision of a law that gives an entity (including a person) a function
- 15 also gives the entity powers necessary and convenient to exercise the
- 16 function (see [Legislation Act](#), s 196 and dict, pt 1, def *entity*).
- 17 (2) The agency may exercise a function mentioned in subsection (1) (a),
- 18 (b), (c) or (d) only—
- 19 (a) in a way that is consistent with the statement of intent for the
- 20 agency prepared under the [Financial Management Act 1996](#),
- 21 section 61; and
- 22 (b) with the Minister’s approval.
- 23 (3) With the approval of the Minister and the Treasurer, the agency may
- 24 exercise its functions—
- 25 (a) through subsidiaries, joint ventures or trusts; or
- 26 (b) by holding shares in, or other securities of, corporations.

1 **39 Agency’s role in cohesive suburban development**

2 The agency must work with any entity that has an interest in land
3 that the agency intends to buy, sell, improve or develop to
4 encourage cohesive suburban development.

5 **Examples—entities that may have an interest in the development of**
6 **suburban land**

- 7 • the head of service
8 • a person licensed to provide a utility service
9 • a person developing land

10 *Note* An example is part of the Act, is not exhaustive and may extend, but
11 does not limit, the meaning of the provision in which it appears (see
12 [Legislation Act](#), s 126 and s 132).

13 **40 Ministerial directions to agency**

- 14 (1) The Minister may, at any time, give directions to the agency—
15 (a) about the exercise of the agency’s functions; or
16 (b) requiring the agency to exercise a function in relation to the
17 financial arrangements of the agency.

- 18 (2) Before giving a direction, the Minister must—
19 (a) tell the agency about the proposed direction; and
20 (b) give the agency a reasonable opportunity to comment on the
21 proposed direction; and
22 (c) consider any comments made by the agency.

- 23 (3) A direction is a notifiable instrument.

24 *Note* A notifiable instrument must be notified under the [Legislation Act](#).

1 **41 Territory to compensate agency for cost of complying**
2 **with directions**

3 (1) The Territory must pay to the agency the reasonable net cost of
4 complying with a direction under section 40.

5 (2) The amount payable under subsection (1) is the amount agreed
6 between the agency and the Minister or, failing agreement, the
7 amount decided by the Chief Minister.

8 **Division 3.2 Agency board**

9 **42 Establishment of governing board for agency**

10 The governing board of the agency is established.

11 *Note* For agency board meeting arrangements see the *Financial Management*
12 *Act 1996*, div 9.4.

13 **43 Functions of agency board**

14 The functions of the agency board are—

15 (a) to oversee the operations of, and exercise of functions by, the
16 agency; and

17 (b) any other function given to the agency board under this Act or
18 another territory law.

19 *Note* The agency board has the following functions under the *Financial*
20 *Management Act 1996*, s 77:

- 21
- 22 • setting the agency's policies and strategies
 - 23 • governing the agency consistently with the agency's establishing
24 Act and other relevant legislation
 - 25 • ensuring, as far as practicable, that the agency operates in a proper,
26 effective and efficient way
 - 27 • ensuring, as far as practicable, that the agency complies with
applicable governmental policies (if any).

1 **44 Agency board member appointments**

2 (1) The agency board has the following part-time members:

- 3 (a) a chair;
- 4 (b) a deputy chair;
- 5 (c) 3 expert members.

6 *Note* The chair and other members of the agency board are appointed by the
7 Minister (see the *Financial Management Act 1996*, s 78 and s 79).

8 (2) An expert member must have knowledge of or experience in at least
9 1 of the following areas:

- 10 (a) urban design and planning;
- 11 (b) social inclusion and community building;
- 12 (c) civil engineering and civil works;
- 13 (d) real estate sales;
- 14 (e) property development;
- 15 (f) law, public administration and governance.

16 **45 Delegation by agency board**

17 (1) The agency board may delegate the agency board’s functions to the
18 agency CEO.

19 *Note* For the making of delegations and the exercise of delegated functions,
20 see the *Legislation Act*, pt 19.4.

21 (2) The agency CEO may subdelegate to an authorised person a
22 function delegated under subsection (1) if the subdelegation is
23 authorised, in writing, by the agency board.

- 1 (3) In this section:
2 *authorised person* means—
3 (a) a public employee; or
4 (b) a person prescribed by regulation.

5 **Division 3.3 Agency financial matters**

6 *Note* The agency must not give a guarantee without the Treasurer's written
7 approval (see *Financial Management Act 1996*, s 60).

8 **46 Proceeds of lease sales by agency**

9 Consideration received by the agency for the sale of a lease of land
10 is income of the agency.

11 **47 Agency payment of funds to Territory**

- 12 (1) The Treasurer may direct the agency to pay to the Territory—
13 (a) the amount stated in the direction; or
14 (b) an amount calculated in the way stated in the direction.
15 (2) The Treasurer may also, in writing, direct the agency—
16 (a) how to make the payment; and
17 (b) when to make the payment; and
18 (c) about the conditions relating to payment.
19 (3) In giving a direction under subsection (1), the Treasurer must have
20 regard to—
21 (a) the agency's assets and liabilities; and
22 (b) the agency's income and expenditure; and
23 (c) the agency's ability to exercise its functions; and

1 (d) the requirement that the Territory obtain a reasonable return
2 from the development and disposal of land.

3 (4) A direction under this section is a notifiable instrument.

4 *Note* A notifiable instrument must be notified under the [Legislation Act](#).

5 **48 Agency liability for territory taxes**

6 This Act does not exempt the agency from liability for a tax under
7 any other territory law.

8 **Division 3.4 Agency CEO, staff and consultants**

9 **49 Appointment of agency CEO**

10 (1) The [Financial Management Act 1996](#), section 80 does not apply to
11 the agency.

12 (2) The agency CEO is appointed by the chair of the agency board.

13 *Note 1* For the making of appointments (including acting appointments), see
14 the [Legislation Act](#), pt 19.3.

15 *Note 2* In particular, an appointment may be made by naming a person or
16 nominating the occupant of a position (see [Legislation Act](#), s 207).

17 (3) The agency CEO must be a public servant.

18 (4) The agency CEO is not an agency board member.

19 **50 Functions of agency CEO**

20 (1) The functions of the agency CEO are—

21 (a) to manage the day-to-day operations of the agency including
22 the following:

23 (i) ensuring the agency complies with the agency board's
24 decisions;

25 (ii) managing the finances of the agency;

- 1 (iii) developing, for approval by the agency board—
2 (A) corporate strategies, including strategies for
3 engaging with and managing corporate risks; and
4 (B) operational strategies, including strategies for
5 engaging with and managing operational risks;
6 (iv) reporting to the agency board on the implementation of a
7 strategy approved under subparagraph (iii);
8 (v) providing information and advice to the agency board on
9 matters relating to the agency; and
10 (b) any function given to the agency CEO—
11 (i) by the agency board; or
12 (ii) under this Act or another territory law.
13 (2) The *Financial Management Act 1996*, section 84 (CEO's functions)
14 applies to the agency CEO, despite the agency CEO not being a
15 member of the agency board.
16 (3) The agency board may, at any time, give written directions to the
17 agency CEO about the exercise of the agency CEO's functions.

18 **51 Agency CEO duty of good conduct**

- 19 (1) In exercising the functions of the agency CEO, the agency CEO
20 must exercise the degree of honesty, care and diligence required to
21 be exercised by a director of a corporation in relation to the affairs
22 of the corporation.
23 (2) The agency CEO also has a duty to the agency board—
24 (a) to act in good faith; and
25 (b) not to pursue personal interests at the expense of the agency's
26 interests; and
27 (c) not to use the office to gain personal advantage; and

1 (d) not to cause detriment to the agency or undermine the
2 reputation of the agency.

3 *Note* As a public servant, conduct requirements under the *Public Sector*
4 *Management Act 1994* apply to the agency CEO.

5 **52 Delegation by agency CEO**

6 (1) The agency CEO may delegate the agency CEO's functions to an
7 authorised person.

8 *Note* For the making of delegations and the exercise of delegated functions,
9 see the *Legislation Act*, pt 19.4.

10 (2) A delegate may subdelegate to an authorised person a function
11 delegated under subsection (1) if the subdelegation is authorised in
12 writing by the agency CEO.

13 (3) In this section:

14 *authorised person* means—

15 (a) a public employee; or

16 (b) a person prescribed by regulation.

17 **53 Agency's staff**

18 (1) The agency CEO may employ staff on behalf of the Territory.

19 (2) The agency's staff must be employed under the *Public Sector*
20 *Management Act 1994*.

21 *Note* The *Public Sector Management Act 1994*, div 8.2 applies to the agency
22 in relation to the employment of staff (see *Public Sector Management*
23 *Act 1994*, s 152).

1 **54 Agency arrangements for staff and facilities**

2 The agency CEO may arrange with the head of service to use the
3 services of a public servant or Territory facilities.

4 *Note* The head of service may delegate powers in relation to the management
5 of public servants to a public servant or another person (see *Public*
6 *Sector Management Act 1994*, s 18).

7 **55 Agency contractors and consultants**

8 (1) The agency CEO may engage consultants and contractors.

9 (2) However, the agency must not enter into a contract of employment
10 under this section.

1 **Part 4** **Miscellaneous**

2 **56** **Sharing of protected information**

- 3 (1) This section applies despite any other territory law.
- 4 (2) The following people may, in writing, ask an information holder for
5 protected information:
- 6 (a) if the protected information is required by another information
7 holder for the exercise of a function under this Act or another
8 territory law—the other information holder;
- 9 (b) the Minister.
- 10 (3) An information holder who receives a request for protected
11 information—
- 12 (a) must give the protected information to the person who requests
13 it; and
- 14 (b) if the information is requested by another information holder—
15 may impose conditions on how the other information holder
16 uses or stores the information.
- 17 (4) In this section:
- 18 *information* means information, whether true or not, in any form
19 and includes an opinion and advice.

- 1 ***information holder*** means—
- 2 (a) the chair of the authority board; or
- 3 (b) the authority CEO; or
- 4 (c) the chair of the agency board; or
- 5 (d) the agency CEO; or
- 6 (e) the chief planning executive; or
- 7 (f) the head of service; or
- 8 (g) a director-general.

9 ***protected information*** means information that is disclosed to, or
10 obtained by, an information holder because of the exercise of a
11 function under this Act by the information holder or someone else.

12 **57 Regulation-making power**

- 13 (1) The Executive may make regulations for this Act.

14 *Note* A regulation must be notified, and presented to the Legislative
15 Assembly, under the [Legislation Act](#).

- 16 (2) A regulation may create offences and fix maximum penalties of not
17 more than 20 penalty units for the offences.

18 *Note* A reference to an Act includes a reference to the statutory instruments
19 made or in force under the Act, including any regulation (see
20 [Legislation Act](#), s 104).

1 **Part 10** **Transitional**

2 **200** **Transitional regulation**

- 3 (1) A regulation may prescribe transitional matters necessary or
4 convenient to be prescribed because of the enactment of this Act.
- 5 (2) A regulation may modify this part (including in relation to another
6 territory law) to make a provision in relation to anything that, in the
7 Executive's opinion, is not, or is not adequately dealt with in this
8 part.
- 9 (3) A regulation under subsection (2) has effect despite anything
10 elsewhere in this Act or another territory law.

11 **201** **Expiry—pt 10**

12 This part expires 12 months after the day section 3 commences.

13 *Note* Transitional provisions are kept in the Act for a limited time. A
14 transitional provision is repealed on its expiry but continues to have
15 effect after its repeal (see [Legislation Act](#), s 88).

1 **Part 11 Consequential amendments**

2 **202 Legislation amended—sch 1**

3 This Act amends the legislation mentioned in schedule 1.

1 **Schedule 1** **Consequential amendments**

2 (see s 202)

3 **Part 1.1** **Annual Reports (Government**
4 **Agencies) Act 2004**

5 **[1.1] Section 7 (2), note, new dot point**

6 *insert*

- 7 • the city renewal authority (see *City Renewal Authority and*
8 *Suburban Land Agency Act 2017*, s 13)

9 **Part 1.2** **Financial Management**
10 **Regulation 2005**

11 **[1.2] Sections 4 and 5**

12 *insert*

- 13 • Land Development Agency

14 **Part 1.3** **Legislation Act 2001**

15 **[1.3] Dictionary, part 1, new definition of *city renewal authority***

16 *insert*

17 *city renewal authority* means the City Renewal Authority
18 established under the *City Renewal Authority and Suburban Land*
19 *Agency Act 2017*, section 7.

20 **[1.4] Dictionary, part 1, definition of *land development agency***

21 *omit*

1 **[1.5] Dictionary, part 1, new definition of *suburban land***
2 ***agency***

3 *insert*

4 *suburban land agency* means the Suburban Land Agency
5 established under the *City Renewal Authority and Suburban Land*
6 *Agency Act 2017*, section 36.

7 **Part 1.4 Planning and Development**
8 **Act 2007**

9 **[1.6] New section 19**

10 *insert*

11 **19 Authority's role in cohesive urban renewal and suburban**
12 **land development**

13 The planning and land authority must work with the city renewal
14 authority and the suburban land agency to encourage cohesive
15 planning and development of land.

16 **[1.7] Section 20 (2)**

17 *omit*

18 to the land agency.

19 *substitute*

20 to the following:

21 (a) the city renewal authority;

22 (b) the suburban land agency.

23 **[1.8] Chapter 4**

24 *omit*

1 **[1.9] Section 229 (4) (c)**

2 *omit*

3 **[1.10] New chapter 23**

4 *insert*

5 **Chapter 23 Transitional—City Renewal**
6 **Authority and Suburban Land**
7 **Agency Act 2017**

8 **494 Land development agency 2016-2017 reporting or**
9 **financial statement**

- 10 (1) This section applies in relation to a legislative requirement for the
11 land development agency to prepare a report or financial statement
12 for all or part of the 2016-2017 financial year.
- 13 (2) The following offices continue in existence to enable the
14 office-holder of the office to meet the legislative requirement:
- 15 (a) the chief executive officer of the land development agency;
16 (b) the chair of the land development agency board.
- 17 (3) The offices continue until the legislative requirement is met.
- 18 (4) The office-holder of an office may make arrangements with the
19 head of service to use the services of a public servant or territory
20 facilities in relation to meeting the legislative requirement.
- 21 (5) In this section:
- 22 *office-holder*, of an office, means the person who holds the office
23 immediately before the day the *City Renewal Authority and*
24 *Suburban Land Agency Act 2017*, schedule 1, amendment 1.8
25 commences.

1 **495 Expiry—ch 23**

2 This chapter expires 12 months after the day the *City Renewal*
3 *Authority and Suburban Land Agency Act 2017*, section 3
4 commences.

5 *Note* Transitional provisions are kept in the Act for a limited time. A
6 transitional provision is repealed on its expiry but continues to have
7 effect after its repeal (see [Legislation Act](#), s 88).

8 **[1.11] Dictionary, note 2**

9 *insert*

- 10 • city renewal authority
11 • suburban land agency

12 **[1.12] Dictionary, definitions of *chief executive officer, land***
13 ***agency and land agency board***

14 *omit*

15 **Part 1.5 Planning and Development**
16 **Regulation 2008**

17 **[1.13] New section 26 (3A)**

18 *insert*

19 (3A) The city renewal authority is prescribed for a development
20 application that relates to land in an urban renewal precinct.

21 **[1.14] Section 26 (4), new definition of *urban renewal precinct***

22 *insert*

23 *urban renewal precinct*—see *City Renewal Authority and Suburban*
24 *Land Agency Act 2017*, dictionary.

1 **[1.15] Section 111 (1) (a)**

2 *omit*

3 **[1.16] Dictionary, note 3**

4 *omit*

- 5
 - land agency

Dictionary

(see s 3)

Note 1 The [Legislation Act](#) contains definitions and other provisions relevant to this Act.

Note 2 For example, the [Legislation Act](#), dict, pt 1, defines the following terms:

- entity
- national capital authority
- national capital plan
- public employee
- public sector member
- public service
- territory plan.

agency means the Suburban Land Agency established under section 36.

agency board means the suburban land agency governing board established under section 42.

agency CEO means the chief executive officer of the agency appointed under section 49.

authority means the City Renewal Authority established under section 7.

authority board means the city renewal authority governing board established under section 14.

authority CEO means the chief executive officer of the authority appointed under section 27.

development, in relation to land—see the [Planning and Development Act 2007](#), section 7.

- 1 ***land improvements***—
- 2 (a) means activities carried out in relation to territory land to
- 3 improve the quality, amenity or value of the land; and
- 4 (b) includes the following:
- 5 (i) remediation of land;
- 6 (ii) carrying out works on land;
- 7 (iii) preparing land for development;
- 8 (iv) maintaining land.
- 9 ***statement of expectations***, for part 2 (City renewal authority)—see
- 10 section 16 (1).
- 11 ***statement of operational intent***, for part 2 (City renewal
- 12 authority)—see section 17 (1).
- 13 ***statement of planning intent***—see [Planning and Development](#)
- 14 [Act 2007](#), s 16.
- 15 ***urban renewal***—
- 16 (a) means supporting, promoting, encouraging, facilitating or
- 17 delivering the following:
- 18 (i) development for residential purposes;
- 19 (ii) development for commercial purposes;
- 20 (iii) development of industrial infrastructure;
- 21 (iv) development of capital works;
- 22 (v) development of public infrastructure;
- 23 (vi) land improvements; and
- 24 (b) includes—
- 25 (i) carrying out work on public land; and

- 1 (ii) reviewing and giving advice about work and development
2 proposed to be carried out on private land; and
3 (c) does not include carrying out work on private land.
4 ***urban renewal precinct***, for part 2 (City renewal authority)—see
5 section 34.
6 ***utility service***—see the *Utilities Act 2000*, dictionary.
-

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 30 March 2017.

2 Notification

Notified under the [Legislation Act](#) on 2017.

3 Republications of amended laws

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