



Australian Capital Territory (Planning and Land Management) Amendment Act 2018

No. 32, 2018

**An Act to amend the *Australian Capital Territory
(Planning and Land Management) Act 1988*, and for
related purposes**

Note: An electronic version of this Act is available on the Federal Register of Legislation
(<https://www.legislation.gov.au/>)

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An Act to amend the *Australian Capital Territory (Planning and Land Management) Act 1988*, and for related purposes

[Assented to 22 May 2018]

The Parliament of Australia enacts:

No. 32, 2018

*Australian Capital Territory (Planning and Land Management)
Amendment Act 2018*

1

1 Short title

This Act is the *Australian Capital Territory (Planning and Land Management) Amendment Act 2018*.

2 Commencement

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this Act	1 July 2018.	1 July 2018

Note: This table relates only to the provisions of this Act as originally enacted. It will not be amended to deal with any later amendments of this Act.

- (2) Any information in column 3 of the table is not part of this Act. Information may be inserted in this column, or information in it may be edited, in any published version of this Act.

3 Schedules

Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

Schedule 1—Governance arrangements

Part 1—Amendments

Australian Capital Territory (Planning and Land Management) Act 1988

1 Paragraph 5(2)(b)

Repeal the paragraph, substitute:

- (b) the Authority is the accountable authority; and

2 Subparagraphs 5(2)(c)(i) and (ii)

Repeal the subparagraphs, substitute:

- (i) the members of the Authority;

3 Section 7

Repeal the section, substitute:

7 Ministerial directions

- (1) The Minister may, by legislative instrument, give general directions in writing to the Authority about the performance of the Authority's functions.

Note: Section 42 (disallowance) and Part 4 of Chapter 3 (sunsetting) of the *Legislation Act 2003* do not apply to the directions (see regulations made for the purposes of paragraphs 44(2)(b) and 54(2)(b) of that Act).

- (2) The Authority must comply with a direction under subsection (1).
- (3) Subsection (2) does not apply to the extent that the direction relates to the Authority's performance of functions or exercise of powers under the *Public Governance, Performance and Accountability Act 2013*.
- (4) Particulars of any directions given in a financial year must be included in the annual report of the Authority for that year.

4 Section 46

Repeal the section, substitute:

46 Functions of Chief Executive

- (1) The Chief Executive has the responsibility of managing the affairs of the Authority.
- (2) The Authority may give written directions to the Chief Executive about the management of the Authority's affairs.
- (3) The Chief Executive must comply with a direction under subsection (2).
- (4) Subsection (3) does not apply to the extent that the direction relates to the Chief Executive's performance of functions or exercise of powers under the *Public Service Act 1999*.
- (5) A direction under subsection (2) is not a legislative instrument.

Part 2—Saving and transitional provisions

5 Saving of directions

Directions under section 46 of the *Australian Capital Territory (Planning and Land Management) Act 1988* that were in force immediately before the day this item commences have effect on or after that day as if they had been made by the Authority under subsection 46(2) of that Act, as amended by Part 1 of this Schedule.

6 Transitional—duties of accountable authority

For the purposes of sections 39, 42 and 46 of the *Public Governance, Performance and Accountability Act 2013*, the Authority is the accountable authority in relation to the reporting period (within the meaning of that Act) for the Authority that ends immediately before this item commences.

7 Transitional—things done by, or in relation to, the accountable authority

Anything done by, or in relation to, the Chief Executive as the accountable authority for the purposes of the finance law (within the meaning of the *Public Governance, Performance and Accountability Act 2013*) before the commencement of this item has effect after that commencement as if the thing had been done by, or in relation to, the Authority as the accountable authority.

Note: For example, an instruction given by the Chief Executive under subsection 20A(1) of the *Public Governance, Performance and Accountability Act 2013* before commencement will be treated after commencement as if it had been given by the Authority.

[*Minister's second reading speech made in—
Senate on 6 December 2017
House of Representatives on 9 May 2018*]

(262/17)
