

# **Lands Acquisition Amendment Regulations 2004 (No. 1) 2004 No. 20**

## EXPLANATORY STATEMENT

### STATUTORY RULES 2004 No. 20

Issued by the Authority of the Parliamentary Secretary to the Minister for Finance and Administration

*Lands Acquisition Act 1989*

*Lands Acquisition Amendment Regulations 2004 (No. 1)*

Section 140 of the *Lands Acquisition Act 1989* (the Act) provides that the Governor-General may make regulations, not inconsistent with the Act, prescribing matters required or permitted by this Act to be prescribed, or necessary or convenient to be prescribed for carrying out or giving effect to this Act.

Part X, section 119 (Disposal of interest in land) of the Act requires the Minister to authorise the disposal of Commonwealth property in writing. In this context, the Minister could be any of the Minister for Finance and Administration, the Special Minister of State or the Parliamentary Secretary to the Minister for Finance and Administration.

Paragraph 117(1)(b) of the Act provides that the regulations may specify circumstances in which the disposal of Commonwealth property is not subject to Part X of the Act.

The *Lands Acquisition Regulations 1989* currently exempt the Pipeline Authority (and its subsidiaries) and the Defence Housing Authority from the application of Part X of the Act.

The purpose of the Regulations is to exempt the Albury Wodonga Development Corporation (AWDC) from the disposals provisions under Part X of the Act in respect of the management and disposal of interests in land under the *Albury-Wodonga Development Act 1973*.

As a result of legislative amendments that are to come into effect on 1 March 2004, the functions of the AWDC will change and it will be required to manage, develop and dispose of land assets acquired from two State authorities: the Albury-Wodonga New South Wales) Corporation and the Albury Wodonga (Victoria) Corporation. This will involve numerous transactions including commercial leasing and sales of land direct to members of the public. Without an exemption, Part X (section 119) will require written authorisation by the Minister for each disposal transaction. This will impose a significant administrative burden on the AWDC and the Minister, in addition to impeding the AWDC's ability to manage and sell land in a timely, commercial manner. The Commonwealth's interest is protected by the requirement in the Albury-Wodonga Development Winding-up Agreement that the Corporation will not sell its assets at less than their market value unless approved by the Minister responsible for the *Albury-Wodonga Development Act 1973*.

The AWDC will continue to be subject to the balance of the Act.

The Regulations commence on gazettal.