

Project Development and Construction Management (Amendment) Bill

EXPLANATORY MEMORANDUM

- Clause 1 states that the main purpose of the Act is to make certain amendments to the **Project Development and Construction Act 1994** and to provide additional powers relating to land.
- Clause 2 states that the Act comes into operation on the day on which it receives Royal Assent.
- Clause 3 states that the **Project Development and Construction Management Act 1994** is the Principal Act.
- Clause 4 amends the definitions of "the Department" and "limitations" in section 3(1) of the Principal Act.
- Clause 5 substitutes sections 19, 20, 22, 23 and 24 for sections 20, 23 and 24 in section 5(3) of the Principal Act.
- Clause 6 substitutes a new section 7 in the Principal Act. This provides that the nomination order must specify who is to be the responsible Minister and if there is to be a facilitating agency in respect of a nominated project, the public statutory corporation which is to be the facilitating agency.
- Clause 7 substitutes a new section 8 in the Principal Act which now includes a provision that an application order may specify an area of land for the purposes of a nominated project.
- Clause 8 substitutes a new section 9 in the Principal Act to require the tabling in Parliament of nomination orders and application orders and of a statement of reasons for a nomination order.
- Clause 9 repeals section 10 in the Principal Act. This section is not required as Ministers perform their functions through duly authorised officers as agents, not delegates.
- Clause 10 inserts a reference to section 18A into section 17(1)(a) of the Principal Act.
- Clause 11 inserts a new section 18A into the Principal Act which provides that the Governor in Council may, by order published in the Government Gazette,

declare that interests in Crown land or certain contractual rights relating to Crown land which is part of an area specified in an application order are surrendered to the Crown or extinguished.

- Clause 12 substitutes a new section 19 in the Principal Act which states that the responsible Minister may acquire interests in land by agreement for the purposes of a nominated project.
- Clause 13 inserts new Divisions 2A and 2B into Part 3 of the Principal Act. Division 2A provides that the holder of a legal or equitable interest in land or contractual right which is surrendered to the Crown or extinguished under section 18 or 18A has a claim for compensation which is to be determined in accordance with the **Land Acquisition and Compensation Act 1986**. Division 2B provides that where the Crown has acquired interests or rights in land under section 18 or 18A, the responsible Minister may enter into possession of the surrendered land.
- Clause 14 inserts new sub-sections (3) to (9) into section 22 of the Principal Act. These sub-sections provide that, for the purposes of a nominated project, the responsible Minister may dispose, or recommend disposal to the Governor in Council, of interests in Crown land.
- Clause 15 replaces the reference in section 35(1) of the Principal Act to the Secretary to the "Department of Planning and Development" with "Department of Infrastructure".
- Clause 16 makes amendments of technical nature and repeals redundant provisions.