

Planning Appeals (Amendment) Bill

EXPLANATORY MEMORANDUM

PART 1—PRELIMINARY

Clause 1 states the purpose of the Act.

Clause 2 provides for the commencement of the Act.

PART 2—AMENDMENT OF *ADMINISTRATIVE APPEALS TRIBUNAL ACT 1984*

Clause 3 defines Principal Act to mean the *Administrative Appeals Tribunal Act 1984* for the purpose of Part 2.

Clause 4 establishes the Planning division of the Administrative Appeals Tribunal and makes consequential amendments to the *Administrative Appeals Tribunal Act 1984* necessitated by the creation of the division. The clause also introduces a new section 49A into the Principal Act which allows the Administrative Appeals Tribunal to amend decisions caused by a slip, mistake, miscalculation or other mistake of a descriptive nature.

PART 3—AMENDMENT OF *PLANNING APPEALS BOARD ACT 1980*

Clause 5 defines Principal Act to mean the *Planning Appeals Board Act 1980* for the purpose of Part 3.

Clause 6 preserves the existing general jurisdiction of the Planning Appeals Board to be exercised by the Planning division. It extends the power of the Planning division by permitting it to make declarations in respect of matters within its jurisdiction.

This clause also provides that provisions of the Principal Act prevail over the *Administrative Appeals Tribunal Act 1984* in cases of conflict. Various consequential amendments to give effect to these changes are made to the Principal Act.

Clause 7 excludes the jurisdiction of courts to hear matters within the jurisdiction of the Planning division of the Administrative Appeals Tribunal and provides for the amendment and repeal of various provisions of the *Planning Appeals Board Act 1980*.

Clause 8 provides for the consequential amendment and repeal of various Acts conferring jurisdiction.

Clause 9 contains transitional provisions.

Clause 10 is a savings provision for Regulations in force under the Principal Act.

