

Ms Chiaka Barry MLA
Chair
Standing Committee on Legal Affairs (Legislative Scrutiny Role)
ACT Legislative Assembly
scrutiny@parliament.act.gov.au

Our ref: 26/0066897

Dear Ms Barry

Thank you for the comments made by the Standing Committee on Legal Affairs (Legislative Scrutiny Role) (the Committee) in its Scrutiny Report 18, regarding the *Planning Legislation Amendment Bill 2026* (the Bill).

In Scrutiny Report 18, the Committee requested an explanation in relation to proposed new section 63 (1A) in Clause 6 of the Bill. Clause 6 provides that a copy of the consultation notice for draft major plan amendments should be given to persons prescribed by regulation at the commencement of the consultation period. The Committee requested an explanation of how that timing could be inferred from the proposed new section 63 (1A) as the Committee does not identify any text in the proposed new section 63 (1A) to reflect this timing.

Clause 6 of the Bill states:

- (1A) Also, for a draft major plan amendment prescribed by regulation, the territory planning authority must give a copy of the consultation notice to each person prescribed by regulation.

Section 151B (1) and (2) of the *Legislation Act 2001* (Legislation Act) provide that where something must or may be done but no time is provided for doing the thing, the thing must or may be done as soon as possible and as often as needed. As a result, I have been advised that, as per the Legislation Act, the timing from the proposed new section 63 (1A) can be inferred to be as soon as possible, and therefore at the commencement of the consultation period.

Further, section 140 of the Legislation Act provides that in working out the meaning of an Act, the provisions of the Act must be read in the context of the Act as a whole. In the context of the *Planning Act 2023* (Planning Act), the provision that precedes the proposed new section 63 (1A) in the), section 63 (1), provides that:

- (1) After preparing a draft major plan amendment, the territory planning authority must publish the following on the authority website:
 - (a) the draft amendment;
 - (b) the supporting report for the draft amendment;
 - (c) a notice that complies with section 64 (a **consultation notice**)—
 - (i) inviting people to give written comments (**consultation comments**) about the draft amendment to the authority during the consultation period for the draft amendment; and
 - (ii) stating the effect of section 65 (Public inspection of comments on draft major plan amendments).

Section 63 (1) of the Planning Act does not provide a time for when a consultation notice is to be published either. As above, it may be inferred that section 140 of the Legislation Act applies, and the actions required under section 63 (1) must be done as soon as possible. As proposed new section 63 (1A) is drafted to be read as following on from section 63 (1), when read in conjunction it is inferred the copy of the consultation notice would be given at the start of the consultation period. Furthermore, I have been advised it would not have been consistent with the preceding provision to then explicitly state that consultation notices should be provided at the commencement of the consultation period.

I trust this information is of assistance and I thank the Committee for its consideration of the Bill.

Yours sincerely



Chris Steel MLA
Minister for Planning and Sustainable Development

30 April 2026