EXPLANATORY STATEMENT

Australian Capital Territory (Planning and Land Management) Act 1988

APPROVAL OF AMENDMENT 75 OF THE NATIONAL CAPITAL PLAN
AUSTRALIAN DEFENCE FORCE ACADEMY AND ROYAL MILITARY COLLEGE
DUNTRROON MASTER PLAN

Section 6 of the Australian Capital Territory (Planning and Land Management) Act 1988 (the Act) provides that the National Capital Authority (the NCA) is responsible, among other things, for preparing and administering the National Capital Plan (the Plan), for keeping the Plan under constant review and for proposing amendments to the Plan when necessary. Amendment 75 of the Plan – Australian Defence Force Academy and Royal Military College Duntroon Master Plan, has been prepared in accordance with sections 14 to 22 of the Act.

The Hon Simon Crean MP, Minister for Regional Australia, Regional Development and Local Government, approved Amendment 75 on 23 July 2012, in accordance with section 19 of the Act.

The Amendment is being laid before both Houses of Parliament as a disallowable instrument in accordance with the Legislative Instruments Act 2003. If either House, in pursuance of a motion of which notice has been given within 15 sitting days after the Amendment has been laid before that House, passes a resolution disallowing the Amendment, or part of the Amendment, the Amendment or part so disallowed ceases to have effect.

The Amendment replaces the Master Plan for the Royal Military College Duntroon (RMC) with a Master Plan for both RMC and the Australian Defence Force Academy (ADFA). The Master Plan for both sites will guide the future planning, design and development of RMC and ADFA as military training establishments.

Draft Amendment 75 (DA75) was advertised for consultation in The Canberra Times on Saturday 31 March 2012, and in the Commonwealth Notices Gazette on Wednesday 4 April 2012. The consultation period ended on 17 May 2012.

The NCA received four written submissions on DA75. Three changes were made to DA75 as publicly exhibited.

DA75 was formally referred to the ACT Government Environment and Sustainable Development Directorate (ESDD) on 2 April 2012. On 7 May 2012, ESDD responded to DA75. No objection was raised to DA75 proceeding.

The Office of Best Practice Regulation advised a Regulation Impact Statement is not required.
Statement of Compatibility with Human Rights

Prepared in accordance with Part 3 of the Human Rights (Parliamentary Scrutiny) Act 2011

National Capital Plan Amendment 75 – Australian Defence Force Academy and Royal Military College Duntroon Master Plan

This Legislative Instrument is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the Human Rights (Parliamentary Scrutiny) Act 2011.

Overview of the Legislative Instrument

The Legislative Instrument replaces the Master Plan for the Royal Military College Duntroon (RMC) with a Master Plan for both RMC and the Australian Defence Force Academy (ADFA). The Master Plan for both sites will guide the future planning, design and development of RMC and ADFA as military training establishments.

The Legislative Instrument relates to planning and design policy only and is compatible with human rights in the seven core United Nations human rights treaties.

Human rights implications

This Legislative Instrument does not engage any of the applicable rights or freedoms.

Conclusion

This Legislative Instrument is compatible with human rights as it does not raise any human rights issues.