

## FACT SHEET

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### ***Cable Car (kunanyi/Mount Wellington) Facilitation Repeal Bill 2021***

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The *Cable Car (kunanyi/Mount Wellington) Facilitation Repeal Bill 2021* repeals the *Cable Car (kunanyi/Mount Wellington) Facilitation Act 2017* (the Facilitation Act).

852 people made submissions to the 2017 public consultation on the draft *Cable Car (kunanyi/Mount Wellington) Facilitation Bill 2017*. 501 of these submissions commented on the draft bill, and 80% of these 501 submissions opposed the bill.

The Facilitation Act allows a planning application for a cable car on kunanyi/Mount Wellington to be lodged and assessed without landowner consent, a cable car proponent to access areas of the park for assessment investigations in relation to a planning application, and allows the government to acquire public land for the use in a cable car project.

Thus far the Act has been used –

- On 11 February 2019 to allow Mount Wellington Cableway Company Pty. Ltd. to access land adjacent to Wellington Park to undertake site investigations.
- On 22 March 2019 to allow Mount Wellington Cableway Company Pty. Ltd. to access Wellington Park to undertake site investigations.
- In June 2019, to allow Mount Wellington Cableway Company Pty. Ltd. to lodge a planning application without landowner consent.

The Act, however, has not yet been used for a compulsory acquisition order.

The Act requires a Cable Car proposal on kunanyi/Mount Wellington to be treated as 'infrastructure' under the *Land Acquisition Act 1993*. This in effect, treats a commercial cable car proposal as infrastructure required for the delivery of public services (such as roads, water, communications, education, and health infrastructure) and bypasses the usual requirements of land acquisition for infrastructure to be operated by the private sector.

The *Land Acquisition Act 1993* is a controversial and necessary piece of legislation that confers significant power to the executive for the delivery of key public services. The drafting of the *Land Acquisition Act 1993* to confer privileged status for necessary public works is deliberate.

The *Land Acquisition Act 1993*, and previous iterations of these laws, were written to ensure essential works could occur. It was not intended to be a tool to transfer land from an unwilling seller to a commercial proponent in order to facilitate a commercial development. This is exactly what the *Cable Car (kunanyi/Mount Wellington) Facilitation Act 2017* is designed to do.