

## Clause Notes

### ***Youth Justice Facility Development Bill 2025***

<b>Part 1</b>	<b>Preliminary</b>
1	<b>Short Title</b> This specifies the name of the proposed Act.
2	<b>Commencement</b> This provides that the Act commences on the date at which it received Royal Assent.
3	<b>Interpretation</b> This provides for interpretation of key works in the Act, including 'adjacent land', 'declared project', 'development', 'relevant site', 'National Construction Code', 'Tasmanian Planning Scheme', 'work', 'youth' and 'youth justice facility'. The term 'youth justice facility' means a facility that is primarily used for detaining, remanding and holding youths under the <i>Youth Justice Act 1997</i> .
4	<b>Meaning of <i>development</i></b> This provides a definition of development that applies to subsequent acts considered under this bill including the <i>Land Use Planning and Approvals Act 1993</i> and the <i>Building Act 2016</i> . It also differentiates development from operation of the facility or any other works not associated with the facilities development.
5	<b>Act binds the Crown</b> This provides the authority of the act.
<b>Part 2</b>	<b>Declaration of Project</b>
6	<b>Declaration of Project</b> This provides for declaring the project such that the provisions of the act apply when conditions are met. These conditions relate to limiting the purpose (being to construct a youth justice facility for, or on behalf of, the State), limiting the gross floor area (measured in accordance with the Tasmanian Planning Scheme), excluding on-site waste-water treatment above a certain threshold (that would otherwise require approval under the <i>Environmental Management and Pollution Control Act 1994</i> ), ensuring setbacks are at least a minimum distance, and that works commence by a particular time.

	It also provides a provision for the Minister, by order, to change the above mentioned specifications in line with the <i>Acts Interpretation Act 1931</i> .
7	<p><b>Non-application of declaration</b></p> <p>This section clarifies that the Act does not have effect to any development other than for the youth justice facility, where any of the criteria are exceeded and effectively provides an expiry of the effect of the act upon the receipt of an occupancy permit for the facility, meaning it cannot be used after this is achieved.</p>
<b>Part 3</b>	<b>Effect of Declaration of Project</b>
8	<p><b>Application of <i>Aboriginal Heritage Act 1975</i></b></p> <p>This section emphasises that the <i>Aboriginal Heritage Act 1975</i> will apply to the project and that development must minimise, as far as is practicable, the impact on Aboriginal heritage.</p>
9	<p><b>Application of <i>Land Titles Act 1980</i></b></p> <p>This section enables the Minister to direct the Recorder of Titles to complete the necessary Land Titles processes to support the project. Specifically, it will enable the adhesion of the titles associated with 466 Brighton Road, Pontville and 36 Rifle Range Road, Brighton. It requires the Minister to consult with the Treasurer, the Minister responsible for the <i>Crown Lands Act 1976</i> and the Minister responsible for the <i>Youth Justice Act 1997</i> prior to making a direction to the Recorder of Titles.</p>
10	<p><b>Application of <i>Land Use Planning and Approvals Act 1993</i></b></p> <p>This section enables the assessment of the project under the <i>Land Use Planning and Approvals Act 1993</i>. This section also ensures that a development application will be assessed as a discretionary application, meaning that it will need to be publicly exhibited; allowing representations to be made to the Planning Authority.</p> <p>It also treats a development application as permitted in that the Planning Authority must approve the project unconditionally or subject to conditions or restrictions.</p> <p>Finally it disallows third party appeals, but retains the ability for the proponent to appeal the decision.</p>
11	<p><b>Non-application of <i>Building Act 2016</i></b></p> <p>This section provides for the non-application of specific provisions of the <i>Building Act 2016</i>, related to the notice required prior to protection work. The intent is to allow these protection works to occur but to not allow potential disagreements or extended notice periods to hold up the commencement of construction. It does not remove the rights of adjacent property owners to compensation</p>

	and the remaining provisions of the <i>Building Act 2016</i> would still apply.
12	<p><b>Non-application of <i>Public Works Committee Act 1914</i></b></p> <p>Through a resolution of each House of Parliament, a project can be withdrawn from the operation of the Public Works Committee Act 1914 which would mean that the Committee would not need to hear and provide a report on the project. This section provides for that resolution.</p>
13	<p><b>Effect of issue of certain authorisations</b></p> <p>This section states that permits, licences or authorisations can be issued even if the Act deems them not to apply. If they were to be issued, the relevant Act they were issued under would apply only as much as is needed to enforce the authorisation.</p>
<b>Part 4</b>	<b>Miscellaneous</b>
14	<p><b>Exemption from certain fees and charges</b></p> <p>This section provides an exemption for this project from fees imposed by the State under any Act.</p>
15	<p><b>Regulations</b></p> <p>This clause allows the Governor to make regulations for the purpose of this Act.</p>
16	<p><b>Administration of Act</b></p> <p>This clause provides that the Administration of the Act is to be under the Minister for Children and Youth until such time as the <i>Administrative Arrangements</i> provide for the Act.</p>