

CLAUSE NOTES

Land Use Planning and Approvals (Sensitive Disclosures) Bill 2025

Clause 1	Short Title Cites the short title of the Act – the <i>Land Use Planning and Approvals (Sensitive Disclosures) Act 2025</i>
Clause 2	Commencement Provides for the provisions of the Bill to commence upon receiving the Royal Assent.
Clause 3	Repeal of Act Provides for the repeal of the Act on the first anniversary of commencement.
Clause 4	Principal Act Identifies the Principal Act for this part of the Act as the <i>Land Use Planning and Approvals Act 1993</i> (the LUPA Act).
Clause 5	Section 60BA amended (Information about sensitive matters) Inserts a new subsection after section 60BA(1): subsection (1A). This new subsection enables the identification of sensitive information as it relates to major projects that were declared prior to 17 May 2023, but not yet determined under section 60ZZM of the LUPA Act. Proponents of these major projects must, as soon as practicable after the commencement of the amending Act, make a sensitive matters request to the relevant regulator. This new subsection will enable sensitive information to be withheld from viewing by the public and that sensitive information is only made available to the participating regulators and the Development Assessment Panel to conduct their assessments for the remainder of the major project assessment process, as it will relate to any undetermined major project.

	<p>For information to be considered sensitive information, the subject matter can only refer to matters that relate to information that is culturally sensitive or an object or place to which the <i>Aboriginal Heritage Act 1975</i> relates.</p> <p>There is also an addition to subsection (2)(a)(i) to refer to the proposed new subsection (1A), so that the major project proponent knows what information is required to be given to a regulator when making a sensitive matters request.</p> <p>Inserts a new subsection after section 60BA(2): subsection (2A).</p> <p>This new subsection clarifies that any actions required to be undertaken under the new subsection (1A), only relate to documents that are submitted to the assessment process after the Bill takes effect. This ensures that the new subsection (1A) is not applied retrospectively to any documents submitted to the assessment process prior to this Bill taking effect.</p>
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