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## Australian Capital Territory National Land (Unleased) Delegation 2022

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I, Ben Morton, Special Minister of State, make this delegation under section 70(2) of the *Australian Capital Territory National Land (Unleased) Ordinance 2022*.

Dated 31<sup>st</sup> March 2022

SIGNED

Special Minister of State

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### 1 Name of Delegation

This delegation is the *Australian Capital Territory National Land (Unleased) Delegation 2022*.

### 2 Commencement

This delegation commences when it is made.

### 3 Definitions

In this delegation:

**Department** means the Department of Finance.

**Minister** means the Minister administering the *Australian Capital Territory (Planning and Land Management) Act 1988*, section 27 insofar as it relates to the declaration of land in the Australian Capital Territory to be National Land where the land is required for Commonwealth purposes other than for the special purposes of Canberra as the National Capital.

**Ordinance** means the *Australian Capital Territory National Land (Unleased) Ordinance 2022*.

#### **4 Delegation**

The powers of the Minister under the provisions of the Ordinance mentioned in Part 2 of Schedule 1 are delegated to the persons for the time being holding, occupying, or performing the duties of, the positions in the Department mentioned in Part 1 of Schedule 1.

## Schedule 1 Delegations

### Part 1 Positions

Item	Position title
101	Secretary
102	Deputy Secretary, Senior Executive Service Band 3, Commercial and Government Services Group
103	First Assistant Secretary, Senior Executive Service Band 2, Property and Construction Division
104	Assistant Secretaries, Senior Executive Service Band 1, Property and Construction Division
105	Directors, Executive Level 2, Property and Construction Division administering the Ordinance

### Part 2 Delegations under the Ordinance

Item	Provision	Summary of power or function (for information only)
201	subsection 8(1)	enter into administrative arrangements with the Territory
202	subsection 10(1)	declare land to be a public road
203	subsection 11(1)	prepare a proposal to fix or change the level of a public road
204	subsection 11(2)	requirement to publish notice and provide opportunity to make a submission
205	subsection 11(5)	requirement to consider any submissions made in accordance with the notice
206	subsection 11(6)	determine proposal to fix or change level of public road
207	subsection 11(7)	fix or change level of public road by making a notifiable instrument
208	subsection 11(8)	requirement to publish a copy of a subsection 11(7) instrument, being the decision to fix or change level of public road
209	subsection 11(9)	requirement to ensure continued road access to adjoining land

<b>Item</b>	<b>Provision</b>	<b>Summary of power or function (for information only)</b>
210	subsection 12(1)	arrange for survey to identify boundaries of public road in specified circumstances
211	subsection 12(2)	requirement to publish notice of proposed boundaries following completion of survey to identify boundaries of public road and to give a copy of notice to lessees of adjacent land
212	subsection 12(5)	consider any submissions and determine, by notifiable instrument, proposal to identify boundaries of public road
213	subsection 12(6)	requirement to publish a copy of a subsection 12(5) instrument, being the decision to identify boundaries of public road
214	subsection 15(1)	temporarily close a public road
215	subsection 15(2)	requirement to publish and display notice of intention to temporarily close a public road
216	subsection 16(3)	determine application to use temporarily closed public road
217	subsection 16(4)	requirement to have regard to level of risk when deciding application to use temporarily closed public road
218	subsection 16(5)	approval may be given subject to conditions
219	subsection 18(2)	make temporary public road in certain circumstances
220	subsection 18(3)	requirement to provide written notice of intention to make temporary public road to certain persons
221	subsection 19(1)	give a notifiable instrument notifying of proposal to permanently close public road
222	subsection 19(2)	requirement to provide, publish and display notice about proposal to permanently close public road
223	subsection 20(1)	consider any objections made in accordance with section 19 notice and declare, by notifiable instrument, public road is permanently closed
224	subsection 20(3)	requirement to publish a copy of notice that public road is permanently closed
225	subsection 22(2)	give a written drainage direction

<b>Item</b>	<b>Provision</b>	<b>Summary of power or function (for information only)</b>
226	subsection 24(2)	cause damage the subject of a drainage direction to be repaired, and recover reasonable costs of repairing
227	subsection 24(3)	authorise entry onto land the subject of a drainage direction to construct or maintain surface water drain, and recover reasonable costs of construction or maintenance
228	subsection 25(2)	give a written direction to repair damage to public land
229	subsection 28 (2)	cause damage to be repaired, and recover reasonable costs of repair
230	subsection 30(2)	give a written direction to prune tree etc. overhanging public land
231	subsection 32(2)	authorise entry onto land to which a plant pruning direction relates to prune tree etc. overhanging public land, and recover reasonable costs of pruning
232	subsection 33(2)	give a written direction to remove tree etc. endangering public safety on public land
233	subsection 35(2)	authorise entry onto land to which a plant removal direction relates to remove tree etc. endangering public safety on public land, and recover reasonable costs of removal
234	subsection 36(1)	give a written direction to remove object from public land
235	subsection 38(2)	cause object to be removed and placed in storage
236	subsection 38(3)	requirement to give retrieval notice
237	subsection 39(2)	sell or dispose of object as property of Commonwealth
238	subsection 41(2)	temporarily close public land (other than a public road) to traffic
239	subsection 41(3)	requirement to publish notice of the proposal to temporarily close relevant public land to traffic
240	subsection 48(1)	give a written notice requesting further information in relation to applications for permits to use public land for regulated activities

<b>Item</b>	<b>Provision</b>	<b>Summary of power or function (for information only)</b>
241	subsection 48(3)	refuse to consider application without further information
242	subsection 50(2)	requirement to consider application for permit, and either grant or refuse the permit
243	subsection 50(3)	requirement to have regard to all provided information and other relevant matters in reaching decision
244	subsection 50(4)	requirement to determine application within set timeframes
245	subsection 50(6)	requirement to give written notice of decision to applicant, including reasons for refusal if a refusal decision is made
246	subsection 50(8)	impose conditions on grant of permit
247	subsection 51(3)	requirement to not grant a permit for a period exceeding 5 years
248	subsection 52(5)	requirement to consider application for renewal of permit, and either grant or refuse the renewal
249	subsection 52(6)	requirement to have regard to applicant's use of the public land and other relevant matters in reaching decision
250	subsection 52(7)	requirement to determine application within set timeframes
251	subsection 52(9)	requirement to provide written notice of decision, including reasons for refusal if a refusal decision is made
252	subsection 52(11)	impose conditions on renewal of permit
253	section 53	issue replacement permit if original is lost, stolen or destroyed
254	subsection 57(1)	cancel permit in certain circumstances
255	subsection 57(2)	requirement to give written notice of intention to cancel permit, including setting out reasons, and invite submission in response
256	subsection 57(3)	requirement to have regard to any submission made in accordance with notice
257	subsection 57(4)	requirement to give written notice of decision to cancel permit and provide reasons

<b>Item</b>	<b>Provision</b>	<b>Summary of power or function (for information only)</b>
258	subsection 57(6)	requirement to give written notice of decision to not cancel permit
259	subsection 58(1)	grant a licence to occupy or use certain land
260	subsection 58(2)	requirement for licence to be consistent with National Capital Plan
261	subsection 60(1)	give written notice to terminate licence in certain circumstances
262	subsection 61(1)	requirement to terminate licence only when certain things have occurred
263	subsection 61(2)	requirement to give written notice of intention to terminate licence and invite submission in response
264	subsection 62(2)	give written notice to demand for possession of land where unlawfully possessing or occupying
265	paragraph 62(3)(a)	apply to Magistrates Court for an order for possession of land where demand notice not complied with
266	subsection 63(1)	certify in writing that a licence has expired, been surrendered or terminated