**Australian Capital Territory National Land
(Unleased) Delegation 2022 (No. 2)**

I, Katy Gallagher, Minister for Finance, make this delegation under section 70(2) of
the *Australian Capital Territory National Land (Unleased) Ordinance 2022*.

Dated 1st August 2022

SIGNED

Minister for Finance

1 Name of Delegation

This delegation is the *Australian Capital Territory National Land (Unleased)
Delegation 2022 (No. 2)*.

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**

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| **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 |
| 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 |
| 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 |
| 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 |
| 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 |