



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

I, Katy Gallagher, Minister for Finance, make this delegation under section 58(2) of the *Australian Capital Territory National Land (Leased) Ordinance 2022*.

Dated 1st August 2022

SIGNED

Minister for Finance

1 Name of Delegation

This delegation is the *Australian Capital Territory National Land (Leased) 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 (Leased) 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 10(1)	grant leases of land
202	subsection 10(2)	requirement for lease to be consistent with National Capital Plan
203	subsection 10(5)	determine the method for granting lease
204	subsection 10(6)	publish notice of auction, tender, ballot or direct grant in certain timeframes
205	subsection 10(9)	invite fresh applications for the lease in certain circumstances
206	subsection 10(10)	determine the method for granting lease
207	subsection 10(12)	requirement to not grant lease unless grantee is an eligible member of a specified class
208	subsection 10(13)	make reasonable and necessary enquiries to establish capacity to comply with lease
209	subsection 10(14)	refuse to grant lease if unable to comply with lease
210	subsection 12(2)	give written notice withdrawing offer or terminating right to be granted lease

Item	Provision	Summary of power or function (for information only)
211	subsection 13(4)	determine application for reconsideration or reviewed rent in specific circumstances
212	subsection 14(4)	determine application for rent reduction or relief from conditions
213	subsection 14(5)	requirement to take into account provided information and other relevant matters
214	subsection 14(6)	approval under subsection 14(4) may be given subject to conditions
215	subsection 17(3)	determine application for variation of lease
216	subsection 17(4)	determine amount payable for approved variation of lease
217	subsection 17(5)	requirement for variation of lease to be consistent with National Capital Plan
218	subsection 17(6)	requirement to have regard to National Capital Plan, provided information and other relevant matters
219	subsection 17(7)	make a decision within set timeframes
220	subsection 17(9)	requirement to give written notice of decision to vary lease
221	subsection 19(3)	requirement to not execute variation instrument until lease variation charge paid
222	section 20	remit or refund lease variation charge in special circumstances on own initiative or by written application from lessee
223	subsection 22 (4)	exempt, by notifiable instrument, a Division 4 lease
224	subsection 23(5)	determine application for consent to dealings in a Division 4 lease
225	subsection 23(6)	requirement to satisfy certain conditions before granting consent to a dealing in a Division 4 lease
226	subsection 24(1)	advise registrar-general of a Division 4 lease
227	subsection 25(3)	issue a full certificate of compliance for Division 4 leases with building and development provisions

Item	Provision	Summary of power or function (for information only)
228	subsection 25(4)	issue a partial certificate of compliance for Division 4 leases with building and development provisions
229	subsection 25(8)	issue a certificate of discharge of liability for Division 4 leases that are instalment leases
230	subsection 25(9)	give a copy of a section 25 certificate to registrar-general
231	subsection 33(5)	determine expenditure incurred by the Commonwealth and deduct leasing expenses from amount payable in relation to improvements
232	subsection 34(3)	determine expenditure incurred by the Commonwealth and deduct surrender and termination expenses from amount payable in relation to improvements
233	subsections 35(3), (4), (5)	determine market value of improvements, and give written notice of the decision
234	subsection 37(2)	by written notice, direct a fence to be erected
235	subsection 37(4)	cause a fence to be erected and determine an amount to be paid for erecting the fence
236	subsection 38(7)	give written notice determining the cost of erecting a party wall and the proportion to be paid by each lessee
237	subsection 39(1)	ensure continued road access to leased land
238	subsection 40(1)	arrange for survey of land contained in a lease
239	subsection 40(2)	determine reasonable cost of survey
240	subsection 41(1)	assess value of lease or land
241	subsection 41(2)	authorise persons to enter land for the purposes of subsection 41(1)
242	subsection 41(3)	give a copy of result of assessment to lessee
243	section 42	recover amounts due to the Commonwealth under Ordinance or a lease as a debt
244	subsection 44(2)	apply to Supreme Court for injunction against use of leased land for unauthorised purpose

Item	Provision	Summary of power or function (for information only)
245	subsection 45(7)	determine application to keep 2 or more touring vehicles
246	subsection 46(2)	determine application to surrender lease or part of land in lease, subject to conditions
247	subsection 46(4)	authorise a refund of any rent already paid, in accordance with any rules made
248	subsection 47(4)	determine commencement date of new lease
249	subsection 48(1)	terminate a lease by giving written notice of termination
250	subsection 48(3)	give a copy of subsection 48(1) termination notice to registrar-general and parties with registered interest
251	subsection 49(1)	requirements before terminating lease under subsection 48(1)
252	subsection 49(2)	give written notice of consideration of termination of lease
253	subsection 49(3)	requirement to give a copy of subsection 49(2) written notice to parties with registered interest of consideration of termination of lease
254	subsection 50(2)	give written notice of demand for possession of land
255	subsection 50(3)	apply to Magistrates Court for an order for possession of land
256	subsection 51(1)	certify in writing of ending of lease due to expiry, surrender or termination
257	subsection 54(1)	enter upon and inspect certain leased lands to ascertain compliance where reasonable belief of contravention
258	subsection 55(2)	give written notice, directing a matter or thing to be removed from land and land to be restored to a clean and tidy condition
259	subsection 55(4)	cause a matter or thing to be removed from land and land to be restored, and recover costs where contravention of subsection 55(2) notice

Item	Provision	Summary of power or function (for information only)
260	subsection 56(1)	authorise entry to land in a lease to construct certain civil works and operate utility services
261	subsection 57(2)	by written notice, request further information in relation to an application made under the Ordinance
262	subsection 57(4)	refuse to consider application without further information
263	subsection 72(2)	transitional - give notice of termination of certain continuing leases in certain circumstances