**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**

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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 10(1) | grant leases of land |
| 202 | subsection 10(2) | requirement for lease to be consistent with NationalCapital 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 |
| 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 |
| 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 |
| 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 |
| 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 |