



Australian Capital Territory

Government Agencies (Land Acquisition Reporting) Act 2018

A2018-44

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Australian Capital Territory

Government Agencies (Land Acquisition Reporting) Act 2018

A2018-44

An Act about reports about land acquired by government agencies, and for other purposes

The Legislative Assembly for the Australian Capital Territory enacts as follows:

Part 1 Preliminary

1 Name of Act

This Act is the *Government Agencies (Land Acquisition Reporting) Act 2018*.

2 Commencement

- (1) This Act (other than the following provisions) commences on 1 January 2019:
- section 5 (1) (e)
 - section 6 (e)
 - part 7.

Note The naming and commencement provisions automatically commence on the notification day (see [Legislation Act](#), s 75 (1)).

- (2) The provisions mentioned in subsection (1) commence on 1 July 2019.

3 Dictionary

The dictionary at the end of this Act is part of this Act.

Note 1 The dictionary at the end of this Act defines certain terms used in this Act, and includes references (*signpost definitions*) to other terms defined elsewhere in this Act.

For example, the signpost definition ‘*government agency*—see section 5.’ means that the term ‘government agency’ is defined in that section and the definition applies to this Act.

Note 2 A definition in the dictionary (including a signpost definition) applies to the entire Act unless the definition, or another provision of the Act, provides otherwise or the contrary intention otherwise appears (see [Legislation Act](#), s 155 and s 156 (1)).

4 Notes

A note included in this Act is explanatory and is not part of this Act.

Note See the [Legislation Act](#), s 127 (1), (4) and (5) for the legal status of notes.

Part 2 Important concepts

5 Meaning of *government agency*

(1) In this Act:

government agency means—

- (a) an administrative unit; or
- (b) a public sector body; or
- (c) a territory authority; or
- (d) a territory instrumentality; or
- (e) a territory-owned corporation.

(2) However, *government agency* does not include the University of Canberra.

6 Who is a *responsible Minister*?

In this Act:

responsible Minister, for a government agency, means—

- (a) for an administrative unit—the Minister allocated responsibility for the administrative unit under the *Public Sector Management Act 1994*, section 14 (1) (a); and
- (b) for a public sector body—the Minister allocated responsibility for the Act under which the body is established under the administrative arrangements under the *Public Sector Management Act 1994*, section 14 (1) (b); and

- (c) for a territory authority—the Minister allocated responsibility for the Act under which the authority is established under the administrative arrangements under the *Public Sector Management Act 1994*, section 14 (1) (b); and
- (d) for a territory instrumentality—the Minister declared as the responsible Minister for the territory instrumentality’s annual report under the *Annual Reports (Government Agencies) Act 2004*, section 12; and
- (e) for a territory-owned corporation—the Chief Minister.

7 Meaning of *land acquisition*

- (1) In this Act:

land acquisition—

- (a) means an acquisition of land by a government agency; and
- (b) includes—
 - (i) an acquisition under the *Lands Acquisition Act 1994*; or
 - (ii) a surrender of a Crown lease, or part of the land comprised in a Crown lease, under the *Planning and Development Act 2007*, section 299, whether or not the acquiring government agency agreed to accept the surrender; or
 - (iii) the withdrawal of land from a Crown lease under the terms of the lease; or
 - (iv) a termination of a Crown lease under the *Planning and Development Act 2007*, section 382; or
 - (v) any other acquisition of land by a government agency required under a territory law; or
 - (vi) an acquisition prescribed by regulation.

- (2) However, *land acquisition* does not include—
- (a) an acquisition of land by a government agency from another government agency; or
 - (b) an acquisition prescribed by regulation.

Example—par (a)

as a result of a change to the functions of an administrative unit made under the *Public Sector Management Act 1994*, s 14

- (3) In this section:

declared land sublease—see the *Planning and Development Act 2007*, section 312C.

land—

- (a) means the legal or equitable estate in land in the ACT or elsewhere; and
- (b) includes—
 - (i) unleased territory land; and
 - (ii) anything prescribed by regulation; but
- (c) unless otherwise stated by regulation, does not include—
 - (i) a sublease of a Crown lease other than a declared land sublease; or
 - (ii) any other tenancy or occupancy right; or
 - (iii) an easement or any other incorporeal right.

Note An incorporeal right is an intangible right attached to land, and in addition to easements, includes rents, tithes and profit à prendre.

Part 3 Reporting requirements

8 Publication of reports about land acquisitions etc

- (1) As soon as practicable after the end of each quarter, the responsible Minister for a government agency must publish on an ACT government website—
 - (a) if the government agency made a land acquisition in the quarter—a report about the acquisition that includes the matters mentioned in section 9; and
 - (b) if the City Renewal Authority made no land acquisitions in the quarter—a statement to that effect; and
 - (c) if the Suburban Land Agency made no land acquisitions in the quarter—a statement to that effect.
- (2) After a report mentioned in subsection (1) (a) about a land acquisition is published, the responsible Minister must give the relevant committee a copy of the report.
- (3) In this section:
relevant committee means—
 - (a) a standing committee of the Legislative Assembly nominated by the Speaker for subsection (2); or
 - (b) if no nomination under paragraph (a) is in effect—the standing committee of the Legislative Assembly responsible for public accounts.

9 Report about acquisition of land

- (1) A report about land acquisition by a government agency must—
- (a) identify—
 - (i) the particulars of the land that was acquired; and
 - (ii) the government agency that acquired the land; and
 - (iii) from whom the land was acquired; and
 - (b) describe the way in which the acquisition was made; and
 - (c) state—
 - (i) the compensation paid or payable for the land; and
 - (ii) any other amount paid or payable in relation to the acquisition; and
 - (d) for a defined land acquisition, include—
 - (i) any valuation given to the acquiring government agency by the person from whom the land was acquired; and
 - (ii) any other valuation considered by the acquiring government agency; and
 - (e) for a defined land acquisition, state—
 - (i) whether the acquisition was—
 - (A) approved by the Executive, a stated Minister or a public servant; or
 - (B) agreed by Cabinet; or

- (ii) if the acquisition was approved by a public servant—the position of the public servant; and
- (iii) the date the acquisition was approved or agreed; and
- (f) for a defined land acquisition, include a short statement about the following:
 - (i) the reason why the land was acquired including the proposed and potential short and long term use and development of the land;
 - (ii) how the proposed use and development of the land is consistent with the [territory plan](#);
 - (iii) how the acquisition is in the public interest;
 - (iv) how the acquisition is consistent with the functions of the acquiring government agency;
 - (v) if relevant, how the proposed use and development of the land supports the principle of environmental sustainability;
 - (vi) if the acquiring government agency has a statement of intent—how the acquisition is consistent with the agency’s statement of intent, or other relevant forecasts, for the year;
 - (vii) how the acquisition represents value for money taking into account the particulars of the land, any valuation, the proposed and potential short and long term use and development of the land, relevant policies and programs of the acquiring government agency or the Territory; and
- (g) include anything prescribed by regulation.

- (2) For an acquisition made under the *Lands Acquisition Act 1994*, if the amount paid or payable is not known at the end of the quarter the report—
 - (a) must state that the information is not yet known and that the report will be updated when the information is known; and
 - (b) must be updated to include the amount paid or payable as soon as practicable after the amount is known.
- (3) A report may include any other information the responsible Minister considers relevant.

Example

information from a business case or risk assessment

- (4) In this section:

defined land acquisition means a land acquisition other than an acquisition mentioned in section 7 (1) (b) (ii) to (vi).

10 Certain information must not be included in reports or statement

- (1) This section applies to a report under section 8 (1) (a) about a land acquisition by a government agency.
- (2) For an acquisition of land from an individual, the individual's name must not be included in the report or statement, and must be removed from any document attached to the report or statement.
- (3) For—
 - (a) an acquisition of land to be developed or used as—
 - (i) a housing assistance property; or

- (ii) a facility to provide a service for community health or safety, if the Minister has declared, in writing, that disclosure of identifying particulars would risk an adverse impact on the privacy or reputation of potential users of the facility; or
 - (b) an acquisition of land under a land rent lease; or
 - (c) an acquisition of land prescribed by regulation;
- the only identifying particular of the acquired land that may be included in a report or statement is the district in which the acquired land is located and any other identifying particulars of the land must be removed from any document attached to the report or statement.
- (4) Subsection (3) does not apply if the information has entered the public domain.
 - (5) For an acquisition of land under a land rent lease, information that must not be disclosed by a tax officer under the *Taxation Administration Act 1999*, division 9.4 (Secrecy) must not be included in the report or statement, and must be removed from any document attached to the report or statement.
 - (6) In this section:

district means a district determined under the *Districts Act 2002*, section 5.

housing assistance property—see the *Housing Assistance Act 2007*, section 28 (2).

land rent lease—see the *Land Rent Act 2008*, dictionary.

tax officer—see the *Taxation Administration Act 1999*, section 94.

Part 4 Miscellaneous

11 Relationship to other laws

- (1) This Act is in addition to the requirements of any other territory law.
- (2) If a Minister is required under any other territory law to prepare a report about the acquisition of land, the Minister may prepare a report that complies with both this Act and the other law.

12 Regulation-making power

The Executive may make regulations for this Act.

Note A regulation must be notified, and presented to the Legislative Assembly, under the [Legislation Act](#).

Part 5 Transitional

13 Acquisitions made before 1 January 2019

A government agency is not required to report on a land acquisition made—

- (a) under an agreement entered into before 1 January 2019; or
- (b) by a surrender of a lease, or part of the land comprised in a lease, consented to under the *Planning and Development Act 2007*, section 299 (1) before 1 January 2019.

14 Expiry—pt 5

This part expires on 1 July 2019.

Note Transitional provisions are kept in the Act for a limited time. A transitional provision is repealed on its expiry but continues to have effect after its repeal (see [Legislation Act](#), s 88).

Part 6 Consequential amendments

15 City Renewal Authority and Suburban Land Agency
Act 2017
Sections 13 and 43

omit

Part 7 Delayed amendment

16 Government Agencies (Land Acquisition Reporting) Act 2018 Section 7 (3), definition of *land*

substitute

land—

- (a) means the legal or equitable estate in land in the ACT or elsewhere; and
- (b) includes—
 - (i) unleased territory land; and
 - (ii) an easement other than an easement prescribed by regulation; and
 - (iii) anything prescribed by regulation; but
- (c) unless otherwise stated by regulation, does not include—
 - (i) a sublease of a Crown lease other than a declared land sublease; or
 - (ii) any other tenancy or occupancy right; or
 - (iii) any other incorporeal right.

Note An incorporeal right is an intangible right attached to land, and in addition to easements, includes rents, tithes and profit à prendre.

Dictionary

(see s 3)

Note 1 The [Legislation Act](#) contains definitions and other provisions relevant to this Act.

Note 2 For example, the [Legislation Act](#), dict, pt 1, defines the following terms:

- administrative unit
- city renewal authority
- Executive
- Legislative Assembly
- Minister (see s 162)
- must (see s 146)
- person
- public sector body
- public servant
- quarter
- Speaker
- suburban land agency
- territory authority
- territory instrumentality
- territory land
- territory law
- territory-owned corporation.

government agency—see section 5.

land acquisition—see section 7.

responsible Minister, for a government agency—see section 6.

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 1 August 2018.

2 Notification

Notified under the [Legislation Act](#) on 12 November 2018.

3 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

I certify that the above is a true copy of the Government Agencies (Land Acquisition Reporting) Bill 2018, which was passed by the Legislative Assembly on 1 November 2018.

Clerk of the Legislative Assembly

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