



Australian Capital Territory

# Health Infrastructure Enabling Amendment Regulation 2023 (No 1)

Subordinate Law SL2023-14

---

The Australian Capital Territory Executive makes the following regulation under the *Health Infrastructure Enabling Act 2023*.

Dated 26 June 2023.

ANDREW BARR  
Chief Minister

RACHEL STEPHEN-SMITH  
Minister

---





Australian Capital Territory

# Health Infrastructure Enabling Amendment Regulation 2023 (No 1)

Subordinate Law SL2023-14

made under the

[Health Infrastructure Enabling Act 2023](#)

## Contents

---

|   | Page                |   |
|---|---------------------|---|
| 1 | Name of regulation  | 1 |
| 2 | Commencement        | 1 |
| 3 | Legislation amended | 1 |
| 4 | New section 9A      | 1 |
| 5 | Section 10 (1) (a)  | 2 |
| 6 | Section 11          | 2 |

---

J2023-617

Authorised by the ACT Parliamentary Counsel—also accessible at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)

## Contents

---

|    |  | Page |
|----|--|------|
| 7  | Section 14                                   | 2    |
| 8  | Section 17 (1) (a) (i)                       | 2    |
| 9  | Section 18                                   | 3    |
| 10 | New section 20 (2A)                          | 3    |
| 11 | Section 20 (3)                               | 3    |
| 12 | Section 33 (8), definition of <i>dispute</i> | 3    |
| 13 | New section 33A                              | 4    |
| 14 | Section 35                                   | 4    |

**1 Name of regulation**

This regulation is the *Health Infrastructure Enabling Amendment Regulation 2023 (No 1)*.

**2 Commencement**

This regulation commences on the day after its notification day.

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

**3 Legislation amended**

This regulation amends the [Health Infrastructure Enabling Regulation 2023](#).

**4 New section 9A**

*in division 4.1, insert*

**9A Person not entitled to compensation by more than 1 means**

- (1) This section applies if a person is given, or is entitled to be given, compensation under a provision of this regulation or another territory law in relation to a matter.
- (2) The person is not entitled to make a claim under another provision of this regulation or another territory law in relation to the matter.

**5 Section 10 (1) (a)**

*substitute*

- (a) the market value of the Crown lease for the hospital land on the acquisition day;
- (aa) that—
  - (i) the Crown lease and preceding Crown lease for the hospital land were granted to Calvary for no charge and a nominal rent was payable under the leases; and
  - (ii) the Crown lease as amended under the [Act](#), section 19 continues to be held by Calvary for no charge and for nominal rent; and
  - (iii) certain buildings and improvements on the hospital land and capital items were funded by the Territory, the Commonwealth or entities other than Calvary or a related corporation;

**6 Section 11**

*omit*

**7 Section 14**

*omit*

**8 Section 17 (1) (a) (i)**

*omit*

taking into account certain assets used for or related to the public hospital may have been funded by the Territory, the Commonwealth or entities other than Calvary or a related corporation

**9 Section 18**

*omit*

**10 New section 20 (2A)**

*insert*

- (2A) If the Minister is satisfied that a person has a reasonable excuse for not making a claim in the period mentioned in subsection (2)—the Minister may, in writing, extend the time in which the claim must be made.

*Note* A person may apply to the Minister for an extension of time, and the Minister may extend the time, even though the period mentioned in s (1) has ended (see [Legislation Act](#), s 151C).

**11 Section 20 (3)**

*omit*

subsection (2)

*substitute*

subsections (2) or (2A)

**12 Section 33 (8), definition of *dispute***

*omit*

but does not include a question of law

**13 New section 33A**

*in part 5, insert*

**33A Court to ensure just terms**

Nothing in this regulation excludes the jurisdiction of a court of competent jurisdiction to determine—

- (a) a question of law; or
- (b) the just terms for any acquisition of property under the Act, if—
  - (i) the application of a provision of this regulation would result in just terms not being provided for the acquisition; or
  - (ii) this regulation does not otherwise provide for it.

**14 Section 35**

*omit*

---

**Endnotes**

**1 Notification**

Notified under the [Legislation Act](#) on 28 June 2023.

**2 Republications of amended laws**

For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au).

---