

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](https://www.legislation.act.gov.au/a/2023-17/).

Dated 26 June 2023.

Andrew Barr

Chief Minister

Rachel Stephen-Smith

Minister



Australian Capital Territory

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made under the

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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](http://www.legislation.act.gov.au/a/2001-14), s 75 (1)).

3 Legislation amended

This regulation amends the [Health Infrastructure Enabling Regulation 2023](https://www.legislation.act.gov.au/a/2023-17/).

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](https://www.legislation.act.gov.au/a/2023-17/), 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](http://www.legislation.act.gov.au/a/2001-14), 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](http://www.legislation.act.gov.au/a/2001-14) 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/).

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