

2018

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Alistair Coe)

Government Agencies (Land Acquisition Reporting) Bill 2018

Contents

	Page
Part 1	
Preliminary	
1 Name of Act	2
2 Commencement	2
3 Dictionary	2
4 Notes	2
Part 2	
Important concepts	
5 What is a <i>government agency</i> ?	3
6 Who is a <i>responsible Minister</i> ?	3

	Page
Part 3	
Reporting requirements	
7 Presentation of report about acquisition	4
8 Report about acquisition of land	5
9 Report about acquisition of interest in land	7
10 Report about acquisition—additional matters for city renewal authority	8
11 Report about acquisition—additional matters for suburban land agency	8
Part 4	
Miscellaneous	
12 Relationship to other laws	10
13 Regulation-making power	10
Part 5	
Consequential amendments	
14 City Renewal Authority and Suburban Land Agency Act 2017 Sections 13 and 43	11
Dictionary	12

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Government Agencies (Land Acquisition Reporting) Bill 2018

A Bill for

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:

1 **Part 1 Preliminary**

2 **1 Name of Act**

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

5 **2 Commencement**

6 This Act commences on 1 January 2019.

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

9 **3 Dictionary**

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

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

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

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

21 **4 Notes**

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

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

Part 2 Important concepts

5 What is a government agency?

In this Act:

government agency means—

- (a) an administrative unit; or
- (b) a public sector body; or
- (c) a territory entity.

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 entity—the Minister declared as the responsible Minister for the territory entity’s annual report under the *Annual Reports (Government Agencies) Act 2004*, section 12.

1 **Part 3 Reporting requirements**

2 **7 Presentation of report about acquisition**

- 3 (1) Within 6 sitting days after the end of a quarter in which an acquisition
4 is made, the responsible Minister for the acquiring government
5 agency must present to the Legislative Assembly a report about the
6 acquisition.
- 7 (2) Within 10 working days of presenting the report about the acquisition
8 to the Legislative Assembly, the responsible Minister must give the
9 relevant committee—
- 10 (a) a copy of the report; and
- 11 (b) for an acquisition of land—
- 12 (i) if the report identifies land acquired for public housing—
13 the identifying particulars of the land; and
- 14 (ii) if the report identifies land acquired from a person other
15 than a corporation or other body—the person from whom
16 it was acquired.
- 17 (3) In this section:
- 18 ***relevant committee*** means—
- 19 (a) a standing committee of the Legislative Assembly nominated by
20 the Speaker for subsection (2); or
- 21 (b) if no nomination under paragraph (a) is in effect—the standing
22 committee of the Legislative Assembly responsible for public
23 accounts.

8 Report about acquisition of land

- (1) A report about an acquisition of land must—
- (a) identify—
 - (i) the particulars of the land that was acquired; and
 - (ii) the government agency that acquired the land; and
 - (iii) if the land was acquired from a corporation or other body—
the corporation or body from whom it was acquired; and
 - (b) describe the way in which the acquisition was made; and
 - (c) state—
 - (i) the compensation paid for the land; and
 - (ii) any other amount paid in relation to the acquisition; and
 - (d) include the information considered by the acquiring government agency in relation to deciding the amounts mentioned in paragraph (c) including—
 - (i) any valuation given to the acquiring government agency by the person from whom the interest was acquired; and
 - (ii) any other valuation considered by the acquiring government agency; and
 - (e) state—
 - (i) which Minister, if any, considered the acquisition; and
 - (ii) whether the acquisition was considered by Cabinet; and
 - (iii) who approved the acquisition; and
 - (iv) the date the acquisition was approved; and
 - (f) explain—
 - (i) the reason for the acquisition; and

- 1 (ii) how value for money was pursued in accordance with the
2 *Government Procurement Act 2001*, section 22A; and
- 3 (iii) how the acquisition meets the requirements of the *Planning*
4 *and Development Act 2007*; and
- 5 (iv) the current and future status of the land under the *territory*
6 *plan*, including any condition of the Crown lease; and
- 7 *Note* A reference to an Act includes a reference to the statutory
8 instruments made or in force under the Act, including any
9 regulation (see *Legislation Act*, s 104). Statutory instruments made
10 under the *Planning and Development Act 2007* include the
11 statement of planning intent, the *territory plan* and the statement of
12 strategic directions.
- 13 (g) describe how the acquisition, including the intended use of the
14 land, supports land development that is—
- 15 (i) in the public interest; and
- 16 (ii) environmentally sustainable; and
- 17 (h) include the information considered by the acquiring government
18 agency in relation to making the acquisition, including—
- 19 (i) any advice received from the head of service or another
20 government agency; and
- 21 (ii) all risk assessments made or received by the government
22 agency in relation to the acquisition; and
- 23 (i) for an acquisition made by a territory authority—explain how
24 the acquisition upholds the statement of intent made under the
25 *Financial Management Act 1996*, section 61 for the territory
26 authority; and
- 27 *Note* **Territory authority** means a body established for a public purpose
28 under an Act, but does not include a body declared by regulation
29 not to be a territory authority (see *Legislation Act*, dict, pt 1).

(j) include anything prescribed by regulation.

Examples—par (b)

- agreement under the *Lands Acquisition Act 1994*, s 32
- compulsory process under the *Lands Acquisition Act 1994*, s 33
- an agreement when there was no pre-acquisition declaration or certificate under the *Lands Acquisition Act 1994*, s 21 in force for the acquisition
- surrender of title for compensation

Examples—par (c) (ii)

- consultant fees
- commissions

Note An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see [Legislation Act](#), s 126 and s 132).

(2) However, if the land is acquired for public housing, the report—

- (a) must not include the identifying particulars of the land; and
- (b) must identify the suburb in which the land is located.

9 Report about acquisition of interest in land

(1) A report about an acquisition of an interest in land must set out the matters mentioned in section 8 (1) (a) to (d).

(2) In this section:

interest in land means—

- (a) an easement; or
- (b) any other interest in land that is not the legal or equitable estate in the land.

- 1 **10 Report about acquisition—additional matters for city**
2 **renewal authority**
- 3 In addition to the matters mentioned in section 8, a report about an
4 acquisition of land by the city renewal authority must—
- 5 (a) explain how the acquisition complies with any direction made
6 under the *City Renewal Authority and Suburban Land Agency*
7 *Act 2017*, section 63 (Treasurer must make directions for land
8 acquisition); and
- 9 (b) explain how the acquisition upholds the following under that
10 Act, to the extent they relate to acquisitions:
- 11 (i) the objects of the authority under that *Act*, section 8;
12 (ii) the functions of the authority under that *Act*, section 9;
13 (iii) a statement of expectations made under that *Act*,
14 section 17;
- 15 (iv) a statement of operational intent made under that *Act*,
16 section 18; and
- 17 (c) include anything prescribed by regulation.
- 18 **11 Report about acquisition—additional matters for**
19 **suburban land agency**
- 20 In addition to the matters mentioned in section 8, a report about an
21 acquisition of land by the suburban land agency must—
- 22 (a) explain how the acquisition complies with any direction made
23 under the *City Renewal Authority and Suburban Land Agency*
24 *Act 2017*, section 63; and

- 1 (b) explain how the acquisition upholds the following under that
2 Act, to the extent they relate to acquisitions:
- 3 (i) the objects of the agency under that [Act](#), section 38;
4 (ii) the functions of the agency under that [Act](#), section 39; and
5 (c) include anything prescribed by regulation.

1 **Part 4 Miscellaneous**

2 **12 Relationship to other laws**

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

7 **13 Regulation-making power**

8 The Executive may make regulations for this Act.

9 *Note* A regulation must be notified, and presented to the Legislative Assembly,

10 under the [Legislation Act](#).

1

Part 5

Consequential amendments

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

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:

- body
- city renewal authority
- corporation
- head of service
- Legislative Assembly
- Minister (see s 162)
- must (see s 146)
- person
- public sector body
- quarter
- sitting day
- Speaker
- suburban land agency
- territory authority
- territory law
- territory plan.

government agency—see section 5.

land means the legal or equitable estate in land.

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

territory entity—see the [Annual Reports \(Government Agencies\) Act 2004](#), section 7C.

Endnotes

1 Presentation speech

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

2 Notification

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

3 Republications of amended laws

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

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