*Entities may use this form when seeking a section 40(6) certification and/or authorisation of an acquisition by agreement under section 40(1) by a LAA delegate within their entity. In cases where the entity does not hold the appropriate delegation, entities must use this form when seeking certification and/or authorisation from a delegate within the Department of Finance (Finance).*

*If Finance action is required, this form should be emailed to* [*LAA@finance.gov.au*](mailto:LAA@finance.gov.au) *with appropriate supporting documentation.*

|  |  |
| --- | --- |
| 1. **Acquiring authority (entity)** |  |
| 1. **Type of transaction** | New Lease  Renewal  Option Other  *(If ‘Other’ details must be included at section 16)* |
| 1. **Property address** |  |
| 1. **Legal description**   *(e.g. Lot and Deposited Plan)* |  |
| 1. **Area in sq metres** |  |
| 1. **Lease period** |  |
| 1. **Lease extension options** |  |
| 1. **Proposed start date** |  |
| 1. **Proposed use** |  |
| 1. **Annual rent** | $ pa  GST incl.,  plus increases in outgoings, or  plus all outgoings |
| 1. **Availability of interest to be acquired**   *(Refer to s.40(5) of the LAA)* | Listed as being available for lease, listed with a real estate agent, property manager or person performing similar services as being available for sale or lease  Offered by the owner in response to public advertisement by the entity and the owner’s offer has not been withdrawn; or  Requires certification by the Minister for Finance or delegate at section 16 below that the acquisition amounts to a standard commercial transaction under s40(6) of the LAA. |
| 1. **Name and address of lessor** |  |
| 1. **Lessor representation** | Real estate agent  Property manager  Legal adviser |
| 1. **Additional information** 2. **Declaration** | *[Include any additional information in this section which is relevant to the delegate in considering the proposed acquisition. This information could include, but is not limited to:*   * *key lease terms* * *termination clauses* * *whether the lease is based on the standard Commonwealth lease template and whether there has been a departure from any of the key terms* * *details of any non-financial benefits the owner may be receiving as a result of the proposed transaction* * *details of any legal advice the entity has received to support the determination that the transaction is a standard commercial transaction.* * *whether the Commonwealth has offered to pay reasonable legal or other expert costs)]*   In requesting the delegate’s certification and/or authorisation of the acquisition of an interest in land, I certify:   * the details in this form are true and correct; and * the proposed transaction is in accordance with the requirements of the *Public Governance, Performance and Accountability Act 2013*.   **Name:**  **Position:**  **Signature:**  Authorised officer within entity  **Date: / /** |

1. **Action by delegate**

**AUTHORISATION OF ACQUISITION BY AGREEMENT UNDER S40(1) OF THE LAA**

I authorise this acquisition by agreement under section 40(1) of *Lands Acquisition Act 1989*.

**Name:**

**Position details:** *[as specified in the Lands Acquisition Delegation instrument]*

**Delegate of the Minister for Finance**  / /

**CERTIFICATION UNDER S40(6) OF THE LAA**

I am satisfied that this transaction amounts to a normal commercial transaction between parties dealing with each other on equal terms, and therefore certify that the acquisition be a standard commercial transaction under section 40(6) of the *Lands Acquisition Act 1989* for the reasons listed below.

**Name:**

**Position details:** *[as specified in the Lands Acquisition Delegation instrument]*

**Delegate of the Minister for Finance**

/ /

**REASONS FOR S40(6) CERTIFICATION**

*[Delegate to complete for certification ONLY, not required for s40(1) authorisation]*