*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* *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or lease[ ]  Offered by the owner in response to public advertisement by the entity and the owner’s offer has not been withdrawn; or[ ]  Requires certification by the Minister for Finance or delegate at section 16 below that the acquisition amounts to a standard commercial transaction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]*