

AUSTRALIAN CAPITAL TERRITORY

HAWKERS (AMENDMENT) ORDINANCE 1983 NO 22,1983

DOG CONTROL (AMENDMENT) ORDINANCE 1983 NO 23,1983

WEIGHTS AND MEASURES (AMENDMENT) ORDINANCE 1983 NO 24,1983

BUILDING (AMENDMENT) ORDINANCE 1983 NO 20,1983

MOTOR TRAFFIC (AMENDMENT) ORDINANCE (NO.3) 1983 NO 21,1983

EXPLANATORY STATEMENT

Section 12(10) of the Seat of Government (Administration) Act 1910 ("the Act") defines "determination" to mean a determination made by a Minister pursuant to a provision of an Ordinance empowering him to determine by notice in writing published in the Gazette, fees or charges for the purposes of the Ordinance.

Section 12(9A) of the Act provides that every determination shall be laid before each House of the parliament within fifteen sitting days of that house after the day on which the determination is made and if not so laid before each House of the Parliament, shall be void and of no effect.

Section 12(9B) of the Act provides that sections 12(4) to 12(7) inclusive of the Act, which deal with the disallowance of Ordinances shall apply to a determination laid before a House of the Parliament as if the reference in these sub-sections to an Ordinance were references to a determination.

The Hawkers (Amendment) Ordinance 1983, Dog Control (Amendment) Ordinance 1983, Weights and Measures (Amendment) Ordinance 1983, Building (Amendment) Ordinance 1983 and Motor Traffic (Amendment) ordinance (No.3) 1983 (the amending Ordinances) amend the Hawkers Ordinance 1936, Dog Control Ordinance 1975, Weights and Measures Ordinance 1929, Building Ordinance 1972 and the Motor Traffic Ordinance 1936 (the principal Ordinances) respectively to empower the Minister to determine fees for the purposes of the existing Ordinances by notice in writing published in the Gazette.

Details of the amending Ordinance are set out at Attachments A to E.

Ord. No. 31/83
Ord. No. 29/83
Ord. No. 30/83
Ord. No. 32/83
Ord. No. 33/83

ATTACHMENT E

DETAILS OF THE MOTOR TRAFFIC (AMENDMENT) ORDINANCE (NO.3) 1983

Sections 1, 2 and 3 deal with interpretation.

Section 4 amends section 8(1) of the principal Ordinance, which relates to fees for registration of trailers by omitting "prescribed" and substituting "determined".

Section 5 amends section 9(2) of the principal Ordinance, which relates to the fee payable to the Commonwealth for the issue of a permit licence, by omitting the existing section 9(2) and inserting a new section which provides that the determined fee is payable for the issue of a permit licence.

Section 6(a) amends section 10(4) of the principal Ordinance which relates to the grant of a special licence to drive by empowering the Minister to determine a fee for such a grant.

Section 6(b) omits section 10(8)(b) of the principal Ordinance which referred to "fees in accordance with Schedule I" and inserts a new section 10(8)(b) which refers to determined fees.

Section 7 amends section 13A(4) of the principal Ordinance by deleting the prescribed fee for the issue of a special licence to drive, and inserting reference to the determined fee.

Section 8 amends section 14 of the principal Ordinance by deleting reference to registration and licence fees specified in the First Schedule and inserting reference to the determined fee.

Section 9 amends section 18(4) of the principal Ordinance by deleting the prescribed fee for the issue of new number plates of a different material and inserting reference to the determined fee.

Section 10 omits section 19(2) of the principal Ordinance which prescribed fees for the issue of new number plates where the old ones have been defaced or damaged, and inserts a new section 19(2) which refers to the determined fee.

Section 11 amends section 20(2) of the principal Ordinance by deleting the prescribed fee for issue of new number plates where the old ones have been lost or destroyed and inserting a reference to the determined fee.

Section 12 amends section 23(2) of the principal Ordinance by deleting the prescribed fee for the transfer of number plates to another vehicle of the same class and inserting a reference to the determined fee.

Section 13 amends section 26(3)(b) of the principal Ordinance by deleting the prescribed fee for an application for reservation of a registration number and inserting reference to the determined fee.

Section 14 amends section 26E(b)(ii) of the principal Ordinance by deleting the prescribed fee for an application to extend the period of reservation of a registration number and inserting reference to the determined fee.

Section 15(a) amends section 27(4) of the principal Ordinance which relates to the fees payable for the grant or renewal of a licence to ply for hire in respect of a public motor vehicle, by deleting reference to fees specified in the First Schedule and inserting reference to the determined fee.

Section 15(b) amends section 27(7) of the principal Ordinance by deleting the prescribed fee for the transfer of a taxi licence or motor omnibus licence and inserting reference to the determined fee.

Section 16(a) amends section 28(4) of the principal Ordinance which relates to the grant or renewal of a private hire car licence by deleting reference to fees specified in the First Schedule and inserting reference to the determined fee.

Section 16(b) amends section 28(b) of the principal Ordinance by deleting the prescribed fee for the transfer of a private hire car licence and inserting reference to the determined fee.

Section 17 amends section 29(5) of the principal Ordinance by deleting the prescribed fee for the grant or renewal of a licence for the carriage of tourists and inserting reference to the determined fee.

Section 18(a) amends section 33(4) of the principal Ordinance by deleting the prescribed fee for the grant of a motor omnibus service licence and inserting reference to the determined fee.

Section 18(b) amends section 33(5) of the principal Ordinance by deleting the prescribed fee for the renewal of a motor omnibus service licence and inserting reference to the determined fee.

Section 18(c) amends section 33(11) of the principal Ordinance by deleting the prescribed fee for the transfer of a motor omnibus service licence and inserting reference to the determined fee.

Section 19 amends section 34(2) of the principal Ordinance, which relates to the grant or renewal of a visiting motor omnibus licence, by deleting reference to fees prescribed in the First Schedule and inserting reference to the determined fee.

Section 20 amends section 40 of the principal Ordinance, which relates to traders' licences and traders' plates by deleting

references to fees prescribed by this section and inserting references to the determined fee. Section 20 also omits section 40 of that principal Ordinance and effects minor consequential amendments to section 40 consequent upon that omission.

Section 21 amends section 43(2) of the principal Ordinance by deleting the prescribed fee for the transfer of a trader's licence and inserting reference to the determined fee.

Section 22 amends section 98(2) of the principal Ordinance by deleting the prescribed fee for the issue of a certified copy of a certificate of registration or a licence and inserting reference to the determined fee.

Section 23 amends section 102(3) of the principal Ordinance by deleting the prescribed fee for obtaining a new licence or certificate of registration where the old one is defaced and inserting reference to the determined fee.

Section 24 amends section 105(3) of the principal Ordinance by removing reference to a sum prescribed under this Ordinance. Section 24 also amends section 105(4) of the principal Ordinance by removing the prescribed fee which is payable where a trailer is to be registered for less than 12 months, and inserting reference to the determined fee.

Section 25 amends section 149A(1) of the principal Ordinance by omitting the prescribed fee for the certification of a vehicle as a vehicle for the carriage of goods and inserting reference to the determined fee.

Section 26 amends section 190(2) of the principal Ordinance by omitting the prescribed fee for a permit for use of a wide trailer and inserting reference to the determined fee.

Section 27 amends section 209(2)(d) of the principal Ordinance by omitting the prescribed fee for an application for a refund of registration or licence fees and inserting reference to the prescribed fee. Section 27 also amends section 209(3) of the principal Ordinance by omitting the additional sum payable where a refund of registration fees is sought and a licence plate has been lost, and inserting reference to the determined fee.

Section 28 amends section 210(1) of the principal Ordinance by omitting the prescribed fee for an authority for a tractor not registered in the A.C.T. to travel through the Territory and inserting reference to the determined fee. Section 28 also effects minor consequential amendments to section 210(2) of the principal Ordinance.

Section 29 amends section 213(6) of the principal Ordinance, which relates to the issue of licences for the carriage of workmen, by omitting reference to fees specified in the First Schedule or such fees as are prescribed in lieu thereof and inserting reference to the determined fee.

Section 30 amends section 214(6) of the principal Ordinance by omitting the prescribed fee for a permit to carry passengers on a licensed goods vehicle and inserting reference to the determined fee.

Section 31 amends section 215(4) of the principal Ordinance which relates to licences to ply for hire for the carriage of goods by omitting reference to fees specified in the First Schedule or such fees as are prescribed in lieu thereof and inserting reference to the determined fee.

Section 32 amends section 216(1) of the principal Ordinance by omitting the prescribed fee for the grant of a temporary licence and inserting reference to the determined fee.

Section 33 amends section 217(3) of the principal Ordinance by omitting the prescribed fee for a permit to conduct a vehicle reliability trial or speed test and inserting reference to the determined fee.

Section 34 inserts a new section 217A into the principal Ordinance which empowers the Minister to determine fees for the purposes of the Ordinance by notice in writing published in the Gazette.

Section 35 amends section 218 of the principal Ordinance by omitting paragraphs (c) and (ae) which relate to the setting of fees for the grant and renewal of licences and for searching and copying records kept at the office of the Registrar respectively. Section 35 also omits from paragraph (w) reference to fees to be paid for the registration or renewal of registration of trailers and omits from paragraph (aj) reference to a prescribed fee.

Section 36 repeals the First Schedule of the principal Ordinance.