



AUSTRALIAN CAPITAL TERRITORY

Roads and Public Places (Amendment) Act 1997

No. 63 of 1997

An Act to amend the *Roads and Public Places Act 1937* and for related purposes

[Notified in ACT Gazette S300: 9 October 1997]

The Legislative Assembly for the Australian Capital Territory enacts as follows:

Short title

1. This Act may be cited as the *Roads and Public Places (Amendment) Act 1997*.

Commencement

2. (1) Sections 1, 2 and 3 commence on the day on which this Act is notified in the *Gazette*.

(2) The remaining provisions commence on a day fixed by the Minister by notice in the *Gazette*.

(3) If a provision referred to in subsection (2) has not commenced before the end of the period of 6 months commencing on the day on which this Act is notified in the *Gazette*, that provision, by force of this subsection, commences on the first day after the end of that period.

Principal Act

3. In this Act, “Principal Act” means the *Roads and Public Places Act 1937*.¹

Interpretation

4. Section 2 of the Principal Act is amended by inserting the following definition:

“ ‘determined fee’ means—

- (a) the fee determined under subsection 9A (1); or
- (b) the fee calculated in accordance with a determination under subsection 9A (2);

for the purposes of the provision in which the expression occurs;”.

Permission to place culverts etc. across, and to interfere with the surfaces of, public places

5. Section 9 of the Principal Act is amended by omitting from subsection (1) “upon payment of the fee determined under section 9A for the purposes of this subsection” and substituting “on payment of the determined fee”.

Substitution

6. Section 9A of the Principal Act is repealed and the following subsection substituted:

Fee determinations

“9A. (1) The Minister may, by notice in writing, determine fees for the purposes of this Act.

“(2) The Minister may, by notice in writing, determine the manner in which a fee for the purposes of this Act is to be calculated.

“(3) An instrument under subsection (2) is a disallowable instrument for the purposes of section 10 of the *Subordinate Laws Act 1989*.”.

Grant of permit

7. Section 15E of the Principal Act is amended by omitting from subsection (1) “upon payment of the prescribed” and substituting “on payment of the determined”.

Renewal of permit

8. Section 15K of the Principal Act is amended by omitting from paragraph (1) (b) “prescribed” and substituting “determined”.

Repeal

- 9.** The Roads and Public Places Regulations are repealed.

NOTE

Principal Act

1. Reprinted as at 31 January 1996.

[Presentation speech made in Assembly on 28 August 1997]