

**THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL
TERRITORY**

ROADS AND PUBLIC PLACES (AMENDMENT) BILL 1997

EXPLANATORY MEMORANDUM

**Circulated by authority of
Trevor Thomas Kaine
Minister for Urban Services**

ROADS AND PUBLIC PLACES (AMENDMENT) BILL 1977

OUTLINE

The Roads and Public Places (Amendment) Bill 1997 (hereafter the Bill) will amend the Roads and Public Places Act 1937 (hereafter the Act)

The Act specifies, amongst other things, a legislative regime to regulate the placing of objects in a public place. The Act provides that a person may seek a permit to place an object in a public place on payment of a fee prescribed in regulations. The Roads and Public Places Regulations specify such a fee.

The Bill will amend the Act to provide that the fee to be paid before a permit may be granted to place an object in a public place shall be a fee determined by the Minister.

REVENUE/COST IMPLICATIONS

The Bill has no revenue or cost implications.

DETAIL OF BILL

Clauses 1, 2 and 3

Clauses 1, 2 and 3 are machinery provisions that specify the short title of the Bill; the commencement of the Bill; and the title of the Act that the Bill will amend.

Clause 4

Clause 4 will amend section 2 of the Act by inserting a definition of the term "determined fee".

Clause 5

Clause 5 will make a consequential amendment to section 9 of the Act to recognise the definition of the term "determined fee".

Clause 6

Clause 6 will amend section 9A of the Act. Section 9A empowers the Minister to determine fees for the purposes of the Act. The proposed amendment will empower the Minister to specify in a determination the manner in which the determined fee is to be calculated.

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Clause 7

Clause 7 will amend section 15E of the Act. Section 15E places an obligation on the Minister to notify the applicant for a permit to place an object in a public place that, a permit will be granted on payment of the prescribed fee. The term "prescribed" is defined in the Interpretation Act 1967 to mean prescribed by the Act or by regulations under the Act. The proposed amendment will omit the requirement to pay the prescribed fee and substitute a requirement to pay the determined fee. That is, a fee determined by the Minister under section 9A of the Act.

Clause 8

Clause 8 will make a consequential amendment to section 15K of the Act by omitting the word "prescribed" and substituting the word "determined".

Clause 9

Clause 9 of the Bill will repeal the Roads and Public Places Regulations. These Regulations specified the prescribed fee for the grant of a permit to place an object in a public place.

Cabinet-in-Confidence

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