

Australian Capital Territory

Roads and Public Places (Fees) Determination 2007 (No 2)

Disallowable Instrument DI 2007- 290

made under the

Roads and Public Places Act 1937, Section 9A

EXPLANATORY STATEMENT

Section 9A of the *Roads and Public Places Act 1937* (the Act) allows for the Minister for Territory and Municipal Services to determine fees for the Act.

The purpose of this instrument is to give effect to the Minister's statement regarding outdoor fees determinations made to the Legislative Assembly on 13 November 2007.

This instrument revokes Disallowable Instrument 2007-159 and takes effect from the date of its notification.

With the exception of the outdoor café related fees and roadside commercial (vehicle) display fees, the determination does not change the fees payable under the Act from those set on 1 July 2007 in Disallowable Instrument 2007-159.

Fees for the placement of objects for outdoor cafes in public places and for the commercial display of vehicles parked on road verges have been revised to correct an administrative error in the calculation of the increases in fees over the last two financial years. This is to bring the fees into line with the Government's 2005 decisions to increase fees for the placement of objects for outdoor cafes over a three year period commencing in financial year 2005-06, by 100 per cent, plus annual indexation; and to introduce fees, consistent with outdoor café fees, for the commercial display of vehicles parked on road verges.

Under section 56(5)(g) of the *Legislation Act 2001* a Minister may, in a fee determination, make provision about waiving, postponing or refunding a fee, either completely or in part. In line with the Minister's statement to the Legislative Assembly, the determination also provides that where a business has paid the higher than intended fee in 2006-07 or this financial year the overpayment will be refunded. The determination allows for repayments to be made by way of refund, or reduction of future fees. Where earlier relevant fee determinations did not increase fees in line with the Government's 2005 decisions this instrument does not retrospectively increase those fees, nor is it intended that such shortfalls will be deducted from refunds.