

AUSTRALIAN CAPITAL TERRITORY

SURVEYORS (AMENDMENT) ORDINANCE 1984

EXPLANATORY STATEMENT

No. 30 of 1984

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 disallowance of Ordinances shall apply to a determination laid before a House of Parliament as if the references in these sub-sections to an Ordinance were references to a determination.

The Surveyors (Amendment) Ordinance 1984 (the amending Ordinance) amends the Surveyors Ordinance 1967 (the principal Ordinance) to empower the Minister to determine charges for the purposes of the principal Ordinance by notice in writing published in the Gazette.

Details of the amending Ordinance are as follows:

Sections 1, and 3 deal with interpretation .

Section 2 provides that the amending Ordinance will commence on 1 July 1984.

Section 4 amends section 16 of the principal Ordinance, which relates to the registration of a person as a surveyor by omitting from section 16(3) "prescribed fee" and substituting "fee determined by the Minister under section 52A for the purposes of this section".

Section 5 amends Section 19 of the principal Ordinance, which relates to the payment of the annual registration fee and the fee for the restoration of a name to the register, by:

- . omitting from section 19(1) "prescribed annual registration fee" and substituting "fee determined by the Minister under section 52A for the purposes of this sub-section".
- . omitting from section 19(2) "annual registration fee" and substituting "fee determined pursuant to sub-section(1)"
- . omitting from section 19(3) "prescribed fee" and substituting "fee determined by the Minister under section 52A for the purposes of this sub-section".

Section 6 amends section 31 of the principal Ordinance, which relates to collection of fees, by omitting "prescribed" and substituting "payable under this Ordinance".

Section 7 adds a new section 52A to the principal Ordinance which provides that the Minister may, by notice in writing published in the Gazette, determine fees and charges for the purposes of this Ordinance.

Section 8 amends section 53 of the principal Ordinance, which relates to the Minister's power to make regulations under the Ordinance, by omitting paragraph (a) which deals with the Minister's powers to make regulations setting fees.

As a consequence of the repeal of paragraph 53(a), section 53 has been restructured to omit paragraphing. Accordingly paragraph 53(b) is repealed and replaced by the words "relation to the imposition of penalties, not exceeding a fine of \$40, for offences against the Regulations".

Ord. 46/84