

AUSTRALIAN CAPITAL TERRITORY
AGENTS (AMENDMENT) ORDINANCE 1984
ORDINANCE NO. 49 OF 1984

EXPLANATORY STATEMENT

In 1982 amendments were made to the Seat of Government (Administration) Act 1910 to enable the Minister to determine by notice in writing published in the Gazette, fees or charges for the purposes of an Ordinance. That determination is subsequently laid before both Houses of Parliament and is subject to the usual disallowance provisions.

The Agents (Amendment) Ordinance 1984 amends the Agents Ordinance 1968 (the existing Ordinance) by empowering the Minister to determine fees for the purposes of the Ordinance by notice in writing published in the Gazette. The Agents (Amendment) Ordinance 1984 also amends the existing Ordinance in respect of certain formal matters. Details of the Ordinance are set out below.

Sections 1-3 of the Ordinance deal with preliminary formal matters.

Paragraph 4(a) amends section 5 of the existing Ordinance, the interpretation section, by defining "Department". This amendment is in conjunction with those formal amendments to the Ordinance which omit "of the Capital Territory" from "the Department of the Capital Territory" wherever occurring.

Paragraph 4(b) deems all references to a prescribed fee in the existing Ordinance to be references to a fee determined under the new section 120A which empowers the Minister to determine fees for the purposes of the Ordinance.

Section 5 amends section 77 of the existing Ordinance which provides grounds on which the registration or licence of an agent may be revoked. Under the existing Ordinance, the registration or licence of an agent may be revoked where the agent has not paid within the time specified in the regulations, the prescribed annual fee payable by him. As it is proposed to repeal the regulations it has been necessary to amend paragraph 77(1)(g) of the Ordinance by deleting the reference in that paragraph to a time specification in the regulations. Section 5 amends paragraph 77(1)(g) by incorporating in the paragraph the time specification in the regulation which will be repealed.

Section 6 inserts a new section 120A into the existing Ordinance. Whereas, formerly, fees for the purposes of the existing Ordinance were prescribed in the regulations, section 120A empowers the Minister to determine fees by notice in writing published in the Gazette.

Section 7 amends section 122 of the existing Ordinance by omitting paragraphs (a), (b) and (c). Former paragraphs (a) and (b) empowered the Minister to make regulations prescribing the fees to be paid for registration as an agent, the fees for

the grant of Licences and the annual fees to be paid by a registered agent and the holder of a Licence. As section 120A now empowers the Minister to fix fees by determination former paragraphs 122(a) and (b) were no longer necessary. Former paragraph (c) permitted the Minister to make regulations prescribing penalties not exceeding a fine of one hundred dollars for offences against the regulations. Former paragraph (c) is substantially retained by section 7.

Section 8 amends the existing Ordinance in respect of certain formal matters. These amendments bring the terminology of the existing Ordinance up to date in respect of the titles of various Ordinances and in respect of the title of the Department of Territories and Local Government.

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