

Emergencies, Road Transport (General), Waste Management and Resource Recovery (Embassy and Diplomatic Residence Fees) Determination 2021

Disallowable Instrument DI2021-297

made under the

Australian Capital Territory (Self-Government) Act 1988, s37 (General powers of the Executive)

Emergencies Act 2004, s 201 (Determination of fees)

Road Transport (General) Act 1999, s 96 (Determination of fees, charges and other amounts)

Waste Management and Resource Recovery Act 2016, section 126 (Determination of fees and rates of interest)

EXPLANATORY STATEMENT

The ACT Government is introducing a range of fees for specified services provided to embassies and the residence of the head of an embassy.

The charging of fees for specific services rendered in relation to the premises of an embassy and residence of the head of an embassy is provided for under the Vienna Convention on Diplomatic Relations (**Diplomatic Convention**), which is relevantly implemented under s 7 of the *Diplomatic Privileges and Immunities Act 1967 (Cwlth)*, and the Vienna Convention on Consular Relations (**Consular Convention**), which is relevantly implemented under section 5 of the *Consular Privileges and Immunities Act 1972 (Cwlth)*.

Commencement

The determination commences 1 January 2022.

Determination of amounts

The fees for specific services are determined based on the cost of delivery of the services as provided in the ACT Government's 2021-22 Budget. Services include the provision and availability of: emergency services, ACT Policing, roads and infrastructure, and waste and recycling.

Fee are specified as GST inclusive.

Charges in the instrument are half the annualised amount recognising the commencement of the fee arrangements from 1 January 2022. Consistent with the charging of fees for other government services, from 2022-23 onwards it is intended annual charges will be indexed by forecast Wage Price Index (WPI) subject to a recalculation after 5 years.

Liability

The fees will be charged to the relevant foreign territory for an embassy. For a diplomatic residence, liability may be with either the foreign territory or the head of the embassy depending on who owns the premises. Not all fee types are expected to apply to every embassy annually, for example an embassy would not be charged where it has its own private arrangements for waste disposal rather than ACT Government supplied services.

Fees may be apportioned or refunded to match service provision during a specified period. For example, if a property ceases to be used as an embassy or diplomatic residence fees may be refunded on a pro rata basis.

Premises leased or rented by a foreign territory for embassy or diplomatic residence purposes are not subject to charges to avoid the potential for double charging through municipal taxes which indirectly recover the cost of such services from the owner of the property.

Authorised by the Under Treasurer
Stuart Hocking PSM