Australian Capital Territory

Public Unleased Land (Fees) Determination 2025 (No 2)

Disallowable Instrument DI2025-222

made under the

Public Unleased Land Act 2013, section 130 (Determination of fees)

EXPLANATORY STATEMENT

Section 130 of the *Public Unleased Land Act 2013* (Act) provides that the Minister may determine fees for the Act.

Amendments

This determination defers the implementation of selected use fees for major and minor roads and for community path systems following a decision of Government after these fees where incorporated in the *Public Unleased Land (Fees) Determination 2025 (No 1)* (DI02025-99).

As the implementation of the road closure fees have been delayed, the definition of Tier 1 and Tier 2 have also been amended reflecting the public land use fee rate applicable to an adjacent road. This is the same process previously applied to road use in 2024, but reflects the amendments introduced in 2025 in relation to the new tier zone model in line with the *Territory Plan 2023*. As the application of these fees is the existing process, these amendments are not deemed to be prejudicial.

No other changes are made in this instrument to the *Public Unleased Land (Fees) Determination 2025 (No 1)* (DI02025-99) that commenced on 1 July 2025. The changes made in that determination are explained in the explanatory statement to that instrument and are not repeated here.

Retrospectivity

This instrument is taken to have commenced on 1 July 2025 and as such has retrospective application. The retrospective application of this instrument is non-prejudicial and does not have any detrimental impact or adversely affect a person's right or impose liabilities. The changes in the instrument delay the commencement of fees. Without retrospective application these fees would apply between 1 July 2025 and commencement of this instrument resulting in liabilities being imposed on people. None of the affected fees have been charged.

Revocation

This determination revokes the *Public Unleased Land (Fees) Determination 2025 (No 1)* (DI02025-99) that commenced on 1 July 2025 and originally set fees for the 2025-26 financial year.