

Australian Capital Territory

Public Unleased Land (Fees) Determination 2026 (No 1)

Disallowable instrument DI2026-148

made under the

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

EXPLANATORY STATEMENT

Overview

This explanatory statement relates to the *Public Unleased Land (Fees) Determination 2026 (No 1)* (the *instrument*) as presented to the Legislative Assembly. It has been prepared to assist the reader of the instrument. It does not form part of the instrument and has not been endorsed by the Assembly. The statement must be read in conjunction with the instrument.

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

The purpose of this instrument is to determine fees and charges under the Act for various applications, approvals and permits for the management of public unleased land for the 2026-27 financial year. The instrument also deals with the waiver of fees in certain circumstances.

The fees in the determination which applied in the 2025-26 financial year, have been increased by 3.60% for the 2026-27 financial year. This increase is based on the wage price index (*WPI*) of 3.25% as per Government policy, plus an additional 0.35% as per the decision in the 2023-24 Budget, for a total increase of 3.60%. Figures have been rounded where appropriate.

This instrument commences on 1 July 2026.

This instrument revokes the *Public Unleased Land (Fees) Determination 2025 (No 2)* (DI2025-222).

A fee determination under section 130 of the Act is a disallowable instrument and must be presented to the Legislative Assembly not later than 6 sitting days after its notification day, pursuant to the *Legislation Act 2001* (the *Legislation Act*), section 64.

Commencement of deferred fees

The usage fees for the temporary closure of roads and footpaths were included in the *Public Unleased Land (Fees) Determination 2025 (No 2)*, with commencement deferred until 1 July 2026. This instrument commences those fees (fee items 1.3 to 1.14). The fees encourage behavioural change, incentivising users to minimise use of public roads and paths for private purposes which adversely impacts the public, their access, and use of public spaces.

The deferred usage fees have been revised to adopt a more consistent and equitable unit of measurement (per metre) from those previously notified and better balances the policy objective of encouraging behavioural change with the need for commercial fairness and appropriate compensation for public disruption caused by the use.

Refund of fees

This instrument omits the refund of fees clause. For the avoidance of doubt, the instrument does not govern the making of refunds. Any refund of fees is to be considered and dealt with in accordance with the applicable financial management legislation and associated administrative provisions.

Exemption from fees

This instrument exempts registered Australian charities, not-for-profit groups, non-commercial individuals or groups, utility services, and agents acting on behalf of the Territory from various fees referred to in schedule 1.

Waiver of fees

This instrument permits a number of additional government officials to waive fees in specified circumstances. Specifically, clause 6 lists which government officials may waive a fee listed in schedule 1 of the instrument in full, or in part, if the matter for which a public unleased land permit is sought reduces the net cost of service delivery to the Territory; incurs a fee pursuant to the determination that is equal or greater than 10% of the activity's overall cost; is an activity for which the permit holder is an agent acting on behalf of the National Capital Authority; or provides a direct community benefit.

This instrument removes activities that cannot be waived and strengthens the definition of direct community benefit. This ensures that only appropriate activities are eligible for waiver, including those previously ineligible where evidence demonstrates that they meet the direct community benefit criteria.

Dictionary

Terms in the Dictionary have been updated where required.

Schedule 1

As noted above new road and footpath closure fees have been determined for the 2026-27 financial year are included in schedule 1 of the instrument.

Some operational hours have been modified for various road and footpath closure items to align with current Roads ACT on and off-peak hours.

Regulatory Impact Statement (RIS)

A RIS is not required for this instrument due to sections 36(1) (b) and (k) of the Legislation Act, which provides that a RIS need not be prepared for a matter that does not operate to the disadvantage of anyone or an amendment of a fee, charge or tax consistent with announced government policy. No changes have been made to the government policy relevant to these fees from the previous instrument.

Human Rights

The Standing Committee on Legal Affairs (Legislative Scrutiny Role) terms of reference require consideration of human rights impacts, among other matters. In this case, no human rights are impacted.