

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

ARTS, SPORT, ENVIRONMENT AND TERRITORIES
LEGISLATION AMENDMENT BILL 1991

SUPPLEMENTARY EXPLANATORY MEMORANDUM

Amendments to be moved on behalf of the Government

(Circulated by authority of the Minister for the Arts, Sport,
the Environment and Territories
The Hon Ros Kelly MP)

Schedule - Amendments to the Australian Capital Territory
(Planning and Land Management) Act 1988

The purpose of the amendments is to correct a possible defect in proposed new subsections 53(2) and (3) of the Australian Capital Territory (Planning and Land Management) Act 1988.

The proposed new subsections will empower the making of regulations under which the National Capital Planning Authority (NCPA) may levy fees for dealing with applications for works approvals under the Act. As the fees are to defray administrative expenses in dealing with applications for approval, they will be payable at least partly when an application is lodged, and must be payable whether the approval sought is ultimately granted, or is wholly or partly refused.

The reference in proposed new paragraphs 53(2)(a) and 53(3)(a) of the Act, in the Bill as introduced, to the 'granting' of approvals may be interpreted to mean that the NCPA may not collect, or must refund, the fees if an approval sought is not wholly granted.

The two amendments avoid this possibility by substituting in each paragraph a reference to the 'proposal' submitted for approval. Fees will be charged in relation to a proposal put to the NCPA for approval, irrespective of the result, although the amount of the fee could ultimately vary depending on the result, among other factors.



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