Mrs Giulia Jones MLA

Chair

Standing Committee on Justice and Community Safety (Legislation Scrutiny Role)

ACT Legislative Assembly

GPO Box 1020

CANBERRA ACT 2601

Dear Mrs Jones

I am writing in response to the Standing Committee Justice and Community Safety Committee (Legislative Scrutiny role) comments on the Public Unleased Land (Fees) Determination 2017 (No 1) and Public Unleased Land (Fees) Determination 2017 (No 2) contained in Scrutiny Report 8 published on 8 August 2017.

Thank you for your consideration of these Disallowable Instruments. The Scrutiny Committee has sought my advice about the reasons for the changes made to the first instrument by the second instrument.

The first instrument was the routine annual updating of fees with wage price index (WPI) applied. It was revoked and replaced because it did not include government changes to fees in relation to outdoor dining permits as announced by the government on 22 May 2017. The new items that were added to Public Unleased Land (Fees) Determination 2017 (No 2) are detailed in the Explanatory Statement and give effect to the Government’s policy to reduce fees for outdoor dining areas as announcement in the 2017-18 ACT budget.

The Explanatory Statement should rightly have only provided information on changes in reference to the Public Unleased Land (Fees) Determination 2017 (No 1). Instead it referenced all changes including the WPI changes that had been made by the first instrument.

This was done as the first instrument was revoked before it came into effect. The observations of the Committee are appreciated and have been noted by my Directorate.

I trust this information assists the Committee’s understanding of the Instruments.

Yours sincerely

Meegan Fitzharris MLA
Minister for Transport and City Services