



AUSTRALIAN CAPITAL TERRITORY

Fees and Charges (Validation) Act 1997

No. 64 of 1997

An Act relating to certain determinations of fees and charges and for related purposes

[Notified in ACT Gazette S300: 9 October 1997]

The Legislative Assembly for the Australian Capital Territory enacts as follows:

Short title

1. This Act may be cited as the *Fees and Charges (Validation) Act 1997*.

Commencement

2. This Act commences on the day on which it is notified in the *Gazette*.

Health and Community Care Services fees and charges determination—validity

3. (1) For the avoidance of doubt, it is hereby declared that the instrument referred to in paragraph (2) (a) or (b) shall be taken to have at all times been as valid and effectual for all purposes as it would have been if, when the instrument was made, section 32 of the *Health and Community Care Services Act 1996* had expressly empowered the Minister for Health and Community Care to determine, by notice in writing, fees and charges for or in connection with the provision of health and community care services or otherwise for the purposes of that Act with effect from the date specified in the instrument for that purpose.

(2) For the purposes of subsection (1), the instruments are—

- (a) the instrument entitled Determination of Fees and Charges No. 227 of 1996 signed by the Minister for Health and Community Care and dated 5 October 1996, being the instrument notified in *Australian Capital Territory Gazette* No. S259 of 9 October 1996; and
- (b) the instrument entitled Determination of Fees and Charges No. 240 of 1996 signed by the Minister for Health and Community Care and dated 17 October 1996, being the instrument notified in *Australian Capital Territory Gazette* No. S274 of 23 October 1996.

Ambulance service fees determination—revival

4. (1) Notwithstanding its revocation, the instrument entitled Determination of Fees and Charges No. 28 of 1995 signed by the Minister for Health and Community Care and dated 4 April 1995, being the instrument notified in *Australian Capital Territory Gazette* No. S78 of 10 April 1995, shall, so far as it relates to fees for the provision of an ambulance service, be deemed by force of this section—

- (a) to have had effect during the period that commenced on 1 July 1995 and ended at the expiration of 30 June 1996 as if Item I in the Schedule to the instrument had been replaced by an item consisting of columns 1, 2 and 3 in the table at the foot of this section;

- (b) to have had effect, and to have effect, during the period that commenced on 1 July 1996 and ending when the first determination under section 11A of the *Ambulance Service Levy Act 1990* as amended by this Act takes effect as if Item I in the Schedule to the instrument had been replaced by an item consisting of columns 1, 2 and 4 in the table at the foot of this section; and
- (c) to have effect during any further period when the instrument may be revived by virtue of the operation of subsection 6 (9) of the *Subordinate Laws Act 1989* as if Item I in the Schedule to the instrument had been replaced by an item consisting of columns 1, 2 and 4 in the table at the foot of this section.

(2) The instrument referred to in subsection (1) may, so far as it relates to fees for the provision of an ambulance service, be revoked by a determination under section 11A of the *Ambulance Service Levy Act 1990* as amended by this Act:

**TABLE
AMBULANCE SERVICE FEES AND CHARGES**

Ambulance Fees	1. Where on the provision of the ambulance service for a person—		
	(a) the distance necessarily travelled by the ambulance from its station and in returning to its station exceeds 16 kilometres	\$180.00 per service plus \$5.10 for every kilometre exceeding 16 kilometres	\$185.00 per service plus \$5.25 for every kilometre exceeding 16 kilometres
	(b) in any other case	\$180.00 per service	\$185.00 per service
	(c) transport of ambulant and wheel chair patients by the clinic transport service	\$139.00 per service plus \$3.60 for every kilometre exceeding 16 kilometres	\$143.00 per service plus \$3.70 for every kilometre exceeding 16 kilometres

Fees and Charges (Validation) No. 64, 1997

	<p>2. Where 3 or more persons are transported together in an ambulance</p> <p>3. Where the ambulance vehicle is made available at the request of a person or organisation conducting a sporting event or other public function and—</p> <p>(a) the vehicle is so made available for 4 hours or less</p>	<p>The amount payable by each person is equal to three quarters of the amount that would otherwise be payable under this determination</p> <p>\$370.00 per service</p>	<p>The amount payable by each person is equal to three quarters of the amount that would otherwise be payable under this determination</p> <p>\$382.00 per service</p>
	<p>(b) the vehicle is made available for more than 4 hours</p>	<p>The aggregate of \$370.00 per service and an amount calculated at the rate of \$93.00 for each hour or part of an hour by which the period during which the vehicle is so made available exceeds 4 hours</p>	<p>The aggregate of \$382.00 per service and an amount calculated at the rate of \$96.00 for each hour or part of an hour by which the period during which the vehicle is so made available exceeds 4 hours</p>

Ambulance Service Levy Act 1990—amendment

5. After section 11 of the *Ambulance Service Levy Act 1990* the following section is inserted:

Fees for the provision of services

“11A. (1) The Minister may, by notice in writing, determine fees for the provision of services by the ACT Ambulance Service.

“(2) A fee determined under subsection (1) is payable to the ACT Ambulance Service.”.

Driving licence etc. replacement fee determination—earlier effect

6. The instrument entitled Determination No. 151 of 1994, signed by the Minister for Urban Services and dated 26 October 1994, being the instrument notified in *Australian Capital Territory Gazette* No. S266 of 23 November 1994, shall be deemed, by force of this section, to have had effect during the period that commenced on 1 July 1994 and ended at the expiration of 22 November 1994 as if it had taken effect on 1 July 1994.

Parking charges determination—Validity

7. For the avoidance of doubt, it is hereby declared that the instrument entitled Determination No. 281 of 1996, signed by the Minister for Urban Services and dated 25 November 1996, being the instrument notified in *Australian Capital Territory Gazette* No. S318 of 3 December 1996, shall be deemed to have at all times been, and to be, as valid and effectual for all purposes as it would have been and would be if, when the instrument was made, section 217A of the *Motor Traffic Act 1936* had expressly empowered the Minister for Urban Services to determine, by notice in writing, fees or charges for the purposes of that Act with effect from the date specified in the instrument for that purpose.

Act No. 76 of 1996—commencement

8. Notwithstanding subsection 2 (2) of the *Motor Traffic (Amendment) Act (No. 2) 1996*, sections 4, 5 and 6 of that Act shall be deemed to have commenced on 1 January 1997.

Roads and public places fees—validation of collection

9. An amount collected by way of a fee in purported reliance on section 15E or 15K of the *Roads and Public Places Act 1937* during the period that commenced on 30 December 1976 and ended on 10 February 1997 shall be deemed to have been as lawfully collected as if, when the amount was collected—

- (a) that Act had contained a provision expressly empowering the determination of fees for the purposes of that section;
- (b) a determination pursuant to that provision of such a fee in that amount had effect; and

Fees and Charges (Validation) No. 64, 1997

- (c) the reference in that section to the prescribed fee had been a reference to the fee so determined.

[Presentation speech made in Assembly on 9 April 1997]

© Australian Capital Territory 1997