

AUSTRALIAN CAPITAL TERRITORY

SURVEYORS (EXAMINATION AND REGISTRATION) REGULATIONS
(AMENDMENT)

EXPLANATORY STATEMENT

No. 16 of 1984

Section 12(10) of the Seat of Government (Administration) Act 1910 (“the Act”) defines “determination” to mean a determination made by a Minister pursuant to a provision of an Ordinance empowering him to determine by notice in writing published in the Gazette, fees or charges for the purposes of the Ordinance.

Section 12(9A) of the Act provides that every determination shall be laid before each House of the parliament within fifteen sitting days of that House after the day on which the determination is made and if not so laid before each House of the Parliament, shall be void and of no effect.

Section 12(9B) of the Act provides that sections 12(4) to 12(7) inclusive of the Act, which deal with disallowance of Ordinances shall apply to a determination laid before a House of Parliament as if the references in these sub-sections to an Ordinance were references to a determination.

The Surveyors (Examination and Registration) Regulations (Amendment) (the amending Regulations) amends the Surveyors (Examination and Registration) Regulations (the principal Regulations) to empower the Minister to determine charges for the purposes of the principal Regulations by notice in writing published in the Gazette.

Details of the amending Regulations are as follows:

Regulation 1 provides that the amending Regulations shall come into operation on 1 July 1984. Regulation 2 deals with interpretation.

Regulation 3 amends Regulation 3 of the principal; regulations by adding a definition of “determined fee” and omitting the definition of “prescribed fee”.

Regulation 4 amends Regulation 6 of the principal Regulations, which deals with registration of articles, by omitting from paragraph (2)(b) “prescribed registration” and substituting “determined”.

Regulation 5 repeals Regulation 34 of the principal Regulations, which provided that fees were payable in accordance with Schedule 2 of the principal Regulations. Regulation 6 repeals Schedule 2 of the principal Regulations, which contained the prescribed fees.

Regulation 7 and the Schedule to the amending Regulations amend the principal Regulations by omitting “prescribed” and substituting “determined” in paragraphs 7(4)(c), 18(2)(c), 27(b), 28(e) and 29(h), regulation 30, and sub-regulations 31(2) and 33(3), all of which relate to fees and charges payable under the principal Regulations.