

Australian Capital Territory

Water Resources (Fees) Determination 2013 (No 1)

Disallowable Instrument DI2013-16

made under the

Water Resources Act 2007, section 107 – Determination of fees

EXPLANATORY STATEMENT

Section 107 of the *Water Resources Act 2007* (the Act) permits the Minister to determine fees for the purposes of the Act.

The purpose of this determination is to revoke Disallowable Instrument DI 2012-158 and to determine fees for the 2012-13 financial year.

Disallowable Instrument 2012-158 was the subject of scrutiny by the Standing Committee on Justice and Community Safety of the ACT Legislative Assembly in its Report No.55 of 20 August 2012. The Committee noted that in various places in Schedule 1 of the Determination, it was stated that the Environment Protection Authority (EPA) sets the date on which the fee must be paid and asked whether the Determination therefore involves a sub delegation of a legislative power.

There was no intention to sub delegate a legislative power in DI 2012-158 but to remove any ambiguity a new Determination has been made in which the reference to the EPA setting the date for payment of the fees has been removed. Instead, the fees are stated to be payable in accordance with the entitlement or licence as appropriate.

In all other respects, the Determination is in the same terms as DI 2012-158. There has been no change in the fee structure or amount.

The fees determined for the 2012-13 financial year represent the 2011-12 financial year fees increased in accordance with ACT Treasury's inflation factor of 3.5%. Appropriate rounding to the nearest 5 cents has occurred in relation to the increases.