

Australian Capital Territory

# Urban Forest (Fees) Determination 2023 (No 1)

## Disallowable Instrument DI2023-306

made under the

Urban Forest Act 2023, section 143 (Determination of fees)

## EXPLANATORY STATEMENT

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### Overview

Section 143 of the *Urban Forest Act 2023* allows the Minister to determine fees for the Act.

### Human rights

The Standing Committee on Justice and Community Safety (Legislative Scrutiny Role) terms of reference require consideration of human rights impacts, among other matters. In this case, no human rights are impacted.

### Climate Change

Transport Canberra and City Services anticipates that this will have no impact on climate change.

### Regulatory Impact Statement (RIS)

Section 34 of the *Legislation Act 2001* requires the preparation of a Regulatory Impact Statement (RIS) if a subordinate law or disallowable instrument is likely to impose appreciable costs on the community, or part of the community. The RIS prepared for the *Urban Forest Act 2023* includes analysis of the impact of the tree damaging activity application process and canopy contribution process.

The RIS found that restricting tree damaging activities to protected trees would have a regulatory burden but would limit the broader negative environmental impacts of activities undertaken to trees on leased land and to significant trees. This will enable ACT Government to protect the urban forest whilst providing the community with clear, reasonable pathways to undertake justified tree works. It identified this as the preferred approach.

The fee for internal review of a decision was not addressed in the RIS as it does not comprise a significant regulatory burden. This fee is reasonable and justified as it only applies to persons choosing to seek internal review of a decision. There is no increase from the fee contained in the *Tree Protection (Fees) Determination 2023 (No 1)* DI2022-62 as this covers the same financial year period.

The fee has been renamed from ‘Applications for reconsideration’ under the *Tree Protection Act 2005* to ‘Applications for internal review’ under the *Urban Forest Act 2023*. The change better reflects wording of the *Urban Forest Act 2023*, including Section 133 ‘Applications for internal review’ and Schedule 1 Part 1 ‘Internally reviewable decisions’.

This determination is a disallowable instrument and must be presented to the Legislative Assembly within 6 sitting days after its notification pursuant to section 64 of the *Legislation Act 2001*.

## **Outline of Provisions**

### **Clause 1 Name of instrument**

This clause names the instrument the *Urban Forest (Fees) Determination 2023 (No 1)*.

### **Clause 2 Commencement**

This clause states that the instrument commences on 1 January 2024.

### **Clause 3 Determination of fees**

This clause outlines that the fees payable are the amounts listed in Schedule 1.

### **Clause 4 Payment of fees**

This clause determines that a fee listed in Schedule 1 is payable to the Territory by the person requesting in goods or service listed.

### **Clause 5 Goods and services tax**

This clause states that GST is applicable to fees contained in Schedule 1.

### **Clause 6 Revocation of previous determination**

This clause states that the instrument revokes the previous determination, being the *Tree Protection (Fees) Determination 2023 (No 1) DI2023—105*.

## ***Schedule 1***

**Table 1** outlines the fees that are payable to the Territory by persons requesting the goods or service listed. This table sets the fees for the 2023-24 financial year.

## ***Indexed Fees***

This determination does not increase fees contained in the *Tree Protection (Fees) Determination 2023 (No 1) DI2023-105*.