

JERVIS BAY TERRITORY

Administration (Amendment) Ordinance 1996

No. 1 of 1996

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia,
acting with the advice of the Federal Executive Council, make the
following Ordinance under the *Jervis Bay Territory Acceptance Act 1915*.

Dated 14 August 1996.

WILLIAM DEANE
Governor-General

By His Excellency's Command,

WARWICK SMITH
Minister for Sport, Territories and Local Government

An Ordinance to amend the *Administration Ordinance 1990*¹

1. Short title

1.1 This Ordinance may be cited as the *Administration (Amendment) Ordinance 1996*.²

[Note: This Ordinance commences on gazettal: see *Jervis Bay Territory Acceptance Act 1915*, s. 4F (2).]

2. New sections 3A, 3B, 3C and 3D

2.1 After section 3, insert:

Supply of a service

“3A. The Minister may make provision for the supply or use of any of the following utilities and services:

- (a) water;
- (b) electricity;
- (c) gas;
- (d) drainage and sewerage;
- (e) refuse removal.

Fees

“3B. (1) There is imposed on a person a fee in relation to:

- (a) the provision, by the Minister, of a utility to the person;
or
- (b) the use, by the person, of a service provided by the Minister;

being the fee determined by the Minister, from time to time, to be the fee applicable to the utility or service.

(2) A determination is of no effect in relation to any particular fee unless:

- (a) notice of the fee is published in the *Gazette*; and
- (b) the fee bears a reasonable relationship to the cost of supplying the utility or service to a person liable to pay the fee, or is less than the cost of supplying the utility or service to the person.

(3) A determination may, in relation to a utility or service that is supplied in different localities or in different circumstances, fix different fees.

(4) The amount of a fee is a debt due to the Commonwealth.

Notice

“**3C.** A notice under subsection 3B (2) must specify a date, not being a date earlier than the date of publication of the determination, as the date on which the fee commences to apply, and may:

- (a) specify the manner in which a fee is to be paid; and
- (b) specify a date or period before the end of which a fee must be paid.

Power to determine fees—applied Act

“**3D. (1)** If an applied Act provides for a person, or the holder of an office, to determine a fee the Minister may determine the fee:

- (a) as nearly as is practicable, in accordance with the applied Act; and
- (b) as if a reference to that person or holder were a reference to the Minister.

(2) Despite any provision to the contrary in an applied Act to which this section applies, a determination under this section is of no effect unless notice of the fee is published in the *Gazette*.”.

3. New sections 5 and 6

3.1 After section 4, insert:

Tabling and disallowance of notice

“**5.** Sections 4G, 4H, 4J and 4K of the *Jervis Bay Territory Acceptance Act 1915* apply in relation to a determination under this Ordinance as if a reference in those sections to an Ordinance were a reference to such a determination.

Delegation

“6. The Minister may delegate, in writing, to the holder of an office in the Department:

- (a) the Minister’s power, under subsection 3B (1), to determine a fee; or
- (b) the Minister’s power, under subsection 3D (1), to determine a fee.”.

NOTES

1. Ordinance No. 1, 1990.
2. Notified in the *Commonwealth of Australia Gazette* on 21 August 1996.