

Transport Legislation (Fee Unit Conversion and Registration Fees) Amendment Regulation 2022

Explanatory notes for SL 2022 No. 56

made under the

Gold Coast Waterways Authority Act 2012

Photo Identification Card Act 2008

Tow Truck Act 1973

Transport Infrastructure Act 1994

Transport Operations (Marine Safety) Act 1994

Transport Operations (Passenger Transport) Act 1994

Transport Operations (Road Use Management) Act 1995

General Outline

Short title

Transport Legislation (Fee Unit Conversion and Registration Fees) Amendment Regulation 2022.

Authorising law

Section 72 of the *Gold Coast Waterways Authority Act 2012*

Section 49 of the *Photo Identification Card Act 2008*

Section 43 of the *Tow Truck Act 1973*

Section 490 of the *Transport Infrastructure Act 1994*

Sections 207 and 209 of the *Transport Operations (Marine Safety) Act 1994*

Sections 91ZW and 155 of the *Transport Operations (Passenger Transport) Act 1994*

Section 171 of the *Transport Operations (Road Use Management) Act 1995*

Policy objectives and the reasons for them

The *Transport Legislation (Fee Unit Conversion and Registration Fees) Amendment Regulation 2022* (the Regulation) amends fees and charges under various regulations administered by the Department of Transport and Main Roads (TMR).

Fee units

In June 2021, amendments to the *Acts Interpretation Act 1954* (AIA) were made to commence a fee unit model on 1 January 2022. *Queensland Treasury's Principles for Fees and Charges Policy* (the Policy) was amended to support this change. All regulated fees and charges prescribed in Queensland regulations, which are subject to the Government Indexation Rate (GIR), are *in-scope fees* and must be represented as a number of fee units by 1 July 2022.

The initial fee unit value of \$1.00 was prescribed in the AIA to allow conversion of fees represented as dollar values to a number of fee units and to enable calculation of fees and charges for fees already converted to fee units for the period 1 January 2022 to 30 June 2022.

Dollar value fee calculations for 2022-23 financial year

Once converted to fee units, the dollar value of fees will be determined by multiplying the number of fee units set for a particular fee by the new fee unit value prescribed in the *Acts Interpretation (Fee Unit) Regulation 2022*, then applying the relevant rounding rule. Although the Policy requires rounding to the nearest cent as the default, TMR has sought alternate rounding rules for *in-scope fees*. The final amount for most fees will be rounded to the nearest 5 cents to facilitate cash payments. The alternative rounding rules are prescribed in the relevant fee schedules in accordance with the Policy.

Exempt fees

Under the fee unit model some fees are exempt fees and charges. Heavy vehicle registration fees and the number plate fees are exempt as they are not indexed by GIR. The heavy vehicle registration fees are nationally regulated and increases to these fees and charges are considered by the Infrastructure and Transport Ministers Meeting. The heavy vehicle number plate fee is nationally indexed based on an agreed methodology. Both fees will continue to be expressed as dollar values.

Removal of redundant fees

Requesting a coloured print of the photographic evidence of a camera-detected offence rarely occurs as these images can now be viewed online or copies of the image of a camera-detected offence can be provided on request electronically free of charge.

The fee for giving a client user, such as a solicitor or insurance entity that is approved to access registration information online, a certified extract from the vehicle register is not applicable, as certified extracts are no longer issued by TMR's public access provider.

Achievement of policy objectives

In-scope fees will be converted to fee units through amendments to the following legislation:

- *Gold Coast Waterways Authority Regulation 2012*
- *Photo Identification Card Regulation 2019*
- *Tow Truck Regulation 2009*
- *Traffic Regulation 1962*
- *Transport Infrastructure (Dangerous Goods by Rail) Regulation 2018*
- *Transport Infrastructure (Waterways Management) Regulation 2012*
- *Transport Legislation (COVID-19 Emergency Response) Regulation 2020*
- *Transport Operations (Marine Safety) Regulation 2016*
- *Transport Operations (Passenger Transport) Regulation 2018*
- *Transport Operations (Road Use Management—Accreditation and Other Provisions) Regulation 2015*
- *Transport Operations (Road Use Management—Dangerous Goods) Regulation 2018*
- *Transport Operations (Road Use Management—Driver Licensing) Regulation 2021*
- *Transport Operations (Road Use Management—Vehicle Registration) Regulation 2021*
- *Transport Operations (Road Use Management—Vehicle Standards and Safety) Regulation 2021*

Fee units

TMR reviewed its fees and charges to identify the *in-scope fees* and the fee unit for each fee was based on the initial fee unit value prescribe in the AIA. The Regulation will convert most fees and charges (*in-scope fees*) from dollar values to a number of fee units rounded to two decimal places.

Alternative fee unit rounding

Approval has been granted to display fee units in the *Transport Operations (Marine Safety) Regulation 2016*, to three decimal places. Conservancy dues are charged for ships visiting Queensland compulsory pilotage areas based on the gross tonnage (GT) of the ship and have traditionally been charged including decimals of a cent. GT of ships are in the range of 2000 GT for a small general cargo ship to 137,000 GT for a large passenger cruise ship.

Conservancy dues are charged based on revenue being used for installation and maintenance of aids to navigation, including vessel traffic services (as a navigation service) through funding allocations. Navigation aids and vessel traffic services indicate the safe routes for all ships and other vessels using Queensland waters. Rounding the unit fee for conservancy due rates to three decimal places, will ensure this critical infrastructure and its associated services are maintained to the highest standard.

Dollar value fee calculations

In accordance with the Policy, alternative methods of rounding have been approved to calculate TMR fees and charges. Most will be rounded to the nearest coinable amount (that is, 5 cents). Amounts ending in 1, 2, 6 or 7 cents will be rounded down, while amounts ending in 3, 4, 8 or 9 cents are rounded up. Where the final calculation results in an amount that is exactly halfway between rounding to the nearest 5 cents, the dollar fee value will be determined by rounding one-half upwards. For example, \$5.275 becomes \$5.30.

The Regulation will prescribe the applicable method for calculating the fees' dollar value and if the final calculation results in an amount that is exactly halfway between rounding to the nearest 5 cents, provide examples of what is meant by rounding one-half upwards.

The new value of a fee unit as indexed by GIR and prescribed in the *Acts Interpretation (Fee Unit) Regulation 2022* is \$1.025. The dollar value of TMR fees and charges will be calculated for the 2022-23 financial year based on this value and published on the TMR external website.

Exempted fees – heavy vehicle registration and number plate fees

The Regulation will prescribe the dollar amount of heavy vehicle fees for the 2022-23 financial year.

The heavy vehicle registration fees have a regulatory and road use component. The regulatory component will not increase this financial year and will remain unchanged. The road use component will increase by 2.75 per cent. The National heavy vehicle number plate fees will increase by 3.5 per cent rounded to the nearest 10 cents. This increase is based on a 3.5 per cent increase in the year to December 2021 quarter for the National All Groups Consumer Price Index.

Omitted fees

The Regulation will omit the fee in Item 2 of schedule 4 of the *Traffic Regulation 1962*, which is a fee for the provision of a colour print of an image from a photographic detection device. This fee is no longer required as images can now be provided to alleged offenders free of charge electronically

The Regulation also omits the fee in Item 30(d) of Schedule 4, part 5 of the *Transport Operations (Road Use Management—Vehicle Registration) Regulation 2021*, which is a fee for the provision of a certified extract about a vehicle payable by entities approved as *client users* under that regulation. Certified copies are no longer made available by TMR's public access provider, so the fee is no longer required.

Consistency with policy objectives of authorising law

The amendments are consistent with the policy objectives of the authorising laws.

Inconsistency with policy objectives of other legislation

The amendments are not inconsistent with policy objectives of other legislation.

Benefits and costs of implementation

Revenue from fees and charges funds the provision of essential services, such as the driver licensing scheme, delivery and maintenance of marine infrastructure and services, provision of public passenger transport and investment in construction and maintenance of road infrastructure.

The costs associated with indexation of fees and charges are minor administrative costs and not significant. However, the lengthy process to annually amend the substantial number of Queensland statutes to reflect indexed fees and charges is resource intensive to implement. The new fee unit model will allow utilisation of resources more effectively and remove the need for extensive legislative amendments annually.

Consistency with fundamental legislative principles

The amendments are consistent with fundamental legislative principles.

Consultation

In 2021 the Queensland Parliament considered and passed the *Debt Reduction and Savings Act 2021*, which established the fee unit model to be implemented by all Queensland government agencies. The fee unit model was consulted on throughout the development and implementation of the legislative framework.

Heavy vehicle registration fees are agreed to at a national level through consultation with all jurisdictions. The National Transport Commission invited industry and government feedback on the proposed increase between 30 January and 1 April 2022, and the recommendations for indexation were provided for decision at the Infrastructure and Transport Ministers Meeting in April 2022.

In accordance with *The Queensland Government Guide to Better Regulation*, TMR applied a self-assessable exclusion from undertaking further regulatory impact analysis for the amendments relating to:-

- *Fee Unit Conversion*
Category (a) - New legislation may result in consequential amendments to other legislation for which there is limited discretion available to the decision maker. This is also in accordance with advice in Queensland Treasury's *Principles for Fees and Charges Policy*.
- *Annual indexation of heavy vehicle registration and number plate fees*

Category (h) – Regulatory proposals that put forward standard annual fee variations in line with or below a government-endorsed indexation factor. The annual government indexation rate for fees and charges that applies to the fees and charges of departments and statutory bodies.

- *Removal of fee for a certified extract*

Category (g) – No substantive policy change has been made. Amendments to Item 30 of Schedule 4 Part the *Transport Operations (Road Use Management—Vehicle Registration) Regulation 2021* to update with current drafting practices and remove the fee which is no longer used.

The Office of Best Practice Regulation (OBPR) was consulted on the removal of the fee for a colour print of photographic evidence. OBPR considered the proposal is designed to reduce the burden of regulation and is unlikely to result in significant adverse impacts. No further regulatory impact analysis is required under *The Queensland Government Guide to Better Regulation*.