

# Transport Legislation (Fees and Other Matters) Amendment Regulation 2022

Explanatory notes for SL 2022 No. 73

made under the

*Transport Infrastructure Act 1994*

*Transport Operations (Passenger Transport) Act 1994*

*Transport Operations (Road Use Management) Act 1995*

## General Outline

### Short title

*Transport Legislation (Fees and Other Matters) Amendment Regulation 2022.*

### Authorising law

Section 490 of the *Transport Infrastructure 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 (Fees and Other Matters) Amendment Regulation 2022* (the Regulation) increases certain fees and charges by the Government Indexation Rate (GIR) and introduces a new fee.

Queensland Government policy states that fees and charges are to be indexed annually on 1 July. On 31 March 2022, the GIR was set at 2.5 per cent.

In accordance with Queensland Treasury's Fee Unit Model (the Model), the Department of Transport and Main Roads (TMR) converted most fees subject to GIR to fee units on 20 May 2022 in preparation for the 2022-23 financial year.

However, under the Model some fees were exempt from conversion to fee units. These fees will remain as dollar values for the 2022-23 financial year and be increased by the GIR.

The exempt fees being amended by the Regulation are:

- The Taxi Industry Security Levy (TISL), Item 13 in Schedule 8 of the *Transport Operations (Passenger Transport) Regulation 2018*.
- The regulatory state and non-state managed boat harbour fees (PMF Fees) in Schedule 2 and 3 of the *Transport Infrastructure (Public Marine Facilities) Regulation 2011*.

The TISL is exempt because it must not increase by more than Brisbane's Consumer Price Index (CPI) percentage increase for the financial year, calculated by the March quarter CPI increase for the previous year, as set out in section 91ZW of the *Transport Operations (Passenger Transport) Act 1994*. However, TMR has the option to increase the TISL by a percentage less than or equal to the maximum cap set by the CPI percentage increase.

For the 2022-23 financial year, the TISL will only increase by the GIR to ensure consistency with other government fees and charges.

PMF Fees are exempt from conversion to fee units for the 2022-23 financial year because they are under review.

The Regulation also introduces a new Interstate Licence Transfer Fee (ILTF). The fee will be charged when a person from an interstate jurisdiction applies to have the unexpired portion of their interstate licence transferred to a Queensland licence.

The ILTF commencing on 1 July 2022 is reflected in the Regulation as 76.83 fee units with a dollar value of \$78.75. The value of a fee unit is prescribed in the *Acts Interpretation (Fee Unit) Regulation 2022* as \$1.025.

## **Achievement of policy objectives**

The Regulation amends the *Transport Infrastructure (Public Marine Facilities) Regulation 2011* to increase PMF Fees by 2.5 per cent.

The Regulation amends the *Transport Operations (Passenger Transport) Regulation 2018* to increase the TISL by 2.5 per cent.

The Regulation amends the *Transport Operations (Road Use Management – Driver Licensing) Regulation 2021* to include the ILTF.

## **Consistency with policy objectives of authorising law**

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

## Benefits and costs of implementation

Revenue from fees and charges funds the provision of essential services, such as public passenger services, commercial vessel operations, other services in state managed and non-state managed boat harbours and road safety activities.

The ILTF adopts a user pays model to ensure an equitable approach for all Queensland residents including those entering the state as a new resident being issued a licence.

The costs associated with implementation of fees and charges are minor administrative costs. These are not considered to be significant and will be met from existing resources.

## Consistency with fundamental legislative principles

The amendments are consistent with fundamental legislative principles.

## Consultation

The Royal Automobile Club of Queensland, the Queensland Trucking Association, the National Heavy Vehicle Regulator and the Queensland Police Service were consulted about the introduction of the ILTF and did not raise any concerns.

In accordance with *The Queensland Government Guide to Better Regulation* (the Guidelines), TMR applied self-assessable exclusions from undertaking further regulatory impact analysis for amendments relating to updates for annual indexation for TISL and PMF Fees, being Category (h) – regulatory proposals that put forward standard annual fee variations in line with or below a government endorsed indexation factor.

The Office of Best Practice Regulation (OBPR) was consulted on the ILTF. OBPR considered the proposal is unlikely to result in significant adverse impacts and no further regulatory impact analysis is required under the Guidelines.