

Transport Legislation (Fees) Amendment Regulation 2020

Human Rights Certificate

Prepared in accordance with Part 3 of the *Human Rights Act 2019*

In accordance with section 41 of the *Human Rights Act 2019* (HRA), I, Mark Bailey MP, Minister for Transport and Main Roads, provide this human rights certificate with respect to the *Transport Legislation (Fees) Amendment Regulation 2020* made under the following acts:

- *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*

In my opinion, the *Transport Legislation (Fees) Amendment Regulation 2020*, as tabled in the Legislative Assembly, is compatible with the human rights protected by the HRA. I base my opinion on the reasons outlined in this statement.

Overview of the Subordinate Legislation

Each year the Department of Transport and Main Roads undertakes a review of fees and charges. The review adjusts general fees and charges based on Queensland Government policy, which states that fees and charges are to be indexed annually by the current Government Indexation Rate (GIR).

Queensland has the longest State-controlled road network of any Australian state or territory. Revenue from vehicle registration is applied to the maintenance, preservation and operation of the State-controlled road network.

More broadly, revenue from fees and charges is applied to provision of essential services, such as the driver licensing scheme, delivery and maintenance of marine infrastructure and services, and provision of public passenger transport.

The policy objective of the *Transport Legislation (Fees) Amendment Regulation 2020* is to apply the GIR to relevant statutory departmental fees and charges for the 2020-21 financial year. Fees and charges that have an increase applied not by GIR, for example CPI, will also be amended by the *Transport Legislation (Fees) Amendment Regulation 2020*.

Human Rights Issues

Human rights relevant to the subordinate legislation (Part 2, Division 2 and 3 *Human Rights Act 2019*)

Upon analysis, the *Transport Legislation (Fees) Amendment Regulation 2020* does not engage any human rights.

The payment of fees in itself is not mandatory. An individual or business can choose which fees or charges are relevant, for example, having a driver's licence is not mandatory other than where a person may wish to operate a particular class of vehicle; however, this does not make the fee in of itself mandatory.

As individuals and businesses have the right to choose which regulatory requirements may be applicable to them, and therefore which fee may be payable, the *Transport Legislation (Fees) Amendment Regulation 2020* does not, in the administrative application of the GIR to fees and charges, limit any human rights under the HRA.

Conclusion

I consider that the *Transport Legislation (Fees) Amendment Regulation 2020* is compatible with the *Human Rights Act 2019* because it does not raise any human rights issues.

Honourable Mark Bailey MP
Minister for Transport and Main Roads

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