

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

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 (Fee Unit Conversion and Registration Fees) Amendment Regulation 2022*, 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 (Fee Unit Conversion and Registration Fees) Amendment Regulation 2022* 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 (TMR) undertakes a review of fees and charges. The review adjusts 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).

The transition to a fee unit model is a change in the mechanism for how fees are updated each year as opposed to a policy change regarding how fees are to be set, or a move away from the current indexation policy.

The policy objective of the *Transport Legislation (Fee Unit Conversion and Registration Fees) Amendment Regulation 2022* is to convert relevant regulatory departmental fees and charges to fee units. The dollar value of fees and charges represented as fee units will be calculated when Queensland Treasury's fee unit value is increased by GIR. TMR is required to publish its schedule of unit fee dollar values on its website, in a way that ensures they are easily accessible by industry and community stakeholders.

Revenue from fees and charges continues to fund the provision of essential services, such as the driver licensing scheme, delivery and maintenance of marine and road infrastructure and services, and provision of public passenger transport.

Human Rights Issues

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

The *Transport Legislation (Fee Unit Conversion and Registration Fees) Amendment Regulation 2022* does not engage any human rights.

Human rights regarding the fee unit model were considered as part of enactment of the Debt Reduction and Savings Bill 2021 and as such, the amendments in no way limit the human rights of an individual.

Representing fees and charges as fee units does not currently have an impact on fees and charges, including the way they are paid or that fees and charges are voluntary. An individual or business can choose which fees or charges are relevant. For example - having a driver licence is not mandatory. However, the law requires that a person holds a driver licence of the relevant class for the vehicle if a person wishes to drive on public roads. This does not make the fee inherently 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 (Fee Unit Conversion and Registration Fees) Amendment Regulation 2022* does not, in the application of fee units, limit any human rights under the HRA.

Conclusion

I consider that the *Transport Legislation (Fee Unit Conversion and Registration Fees) Amendment Regulation 2022* 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