

Road Transport (General) (Numberplate Fees) Determination 2008 (No 2)

Disallowable instrument DI2008–297

made under the

Road Transport (General) Act 1999, Section 96 (Determination of fees, charges and other amounts)

EXPLANATORY STATEMENT

Section 96 of the *Road Transport (General) Act 1999* allows the Minister to determine fees, charges and other amounts payable under the ACT road transport legislation.

This instrument sets out the fees that are payable for transactions involving numberplates, include the sale and transfer of right to non-standard registration numbers. This determination does not alter the amounts of any fees payable, which remain unchanged from DI 2008-107. The purpose of this determination is to include provisions, in new clause 6, that explain when certain fees listed in the Schedule are not payable in respect of transactions involving numberplates. These clauses codify existing the practice and policies of the Road Transport Authority, to provide greater certainty and transparency about the application of those fees and charges in specified circumstances.

In summary, new clause 6 provides that:

- the fee for replacing or remaking a numberplate is not payable if the original numberplate is defective;
- the fee for transferring the rights to a non-standard registration number is not payable if:
 - the rights were bought as gift for the person to whom they are being transferred and the number has not previously been allocated to a vehicle;
 - the rights are being transferred to an executor or beneficiary of a deceased estate;
 - the transfer involves only a change in the legal name of the holder of the rights, for example because the holder has changed her name following marriage or by deed poll; or
 - the rights are being transferred because of a Family Court order.

It should be noted that the exclusion provisions in clause 6 are not intended to list every possible circumstance in which a fee will not be imposed for a transaction listed in the Schedule. The Minister also has a discretionary power to remit fees under *Road Transport (General) Regulation 2000*, which may be used in appropriate cases to remit or waive a fee that would otherwise be payable under the road transport legislation. Such decisions are made on a case-by-case basis.

This determination is a disallowable instrument and must be presented to the Legislative Assembly within 6 sitting days after its notification pursuant to section 64 of the *Legislation Act 2001*.