

Australian Capital Territory

# Road Transport (General) MyWay Smart Card Fees Determination 2014 (No 1)

Disallowable Instrument DI2014—277

made under the

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

and the

*Road Transport (General) Regulation 2000*, section 13AA (Remission of fees, charges and other amounts – authority)

## EXPLANATORY STATEMENT

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

Currently, public transport passengers can purchase cash fares on board an ACTION bus or use stored value on their MyWay Smart Card. This instrument determines the cost of MyWay Smart Cards on issue and replacement as well as the fees payable for a refund or balance transfer of stored value on a registered MyWay Smart Card.

Schedule 1 is unchanged from the previous MyWay Smart Card Fees Determination and replicates existing fees for MyWay Smart Cards. Schedule 1 also provides for fee exemptions applicable to MyWay Smart Card purchase and replacement fees.

Schedule 2 of the instrument reflects a change in ACTION's refund policy, so that MyWay Smart Card holders may now apply for a refund or transfer of stored value on their registered MyWay Smart Card upon payment of an administrative fee. The fee is \$25 for processing a refund and \$10 for processing a balance transfer. The refund will only be paid by direct electronic funds transfer credit or cheque to the applicant.

Schedule 2 also determines eligibility for fee exemptions applicable to refund or balance transfer fees. A person is exempt from paying an administrative fee for a refund or balance transfer if the person has become eligible for the Student Transport Program or is a person over 70 years of age. A person is exempt from paying an administrative fee for a balance transfer if the person requires a replacement MyWay Smart Card due to a defect or fault in the manufacture of that card, if the person is replacing their registered MyWay card and requesting a transfer of their stored value to another registered card in their name or if a parent or guardian is transferring stored value between MyWay Smart Cards that are registered to their children, who must be

school or tertiary students. This provides for circumstances where a person has a registered card and the card is lost or stolen, so that they may recover the stored value and transfer it to a new card.

A person may be eligible for a fee remission in a number of circumstances, assuming they can meet the conditions outlined in Schedule 4. A person may seek a fee remission where the imposition of the fee would cause financial hardship, where the person can no longer use the MyWay Smart Card due to illness or change of circumstances, where the stored value is held in the name of a deceased person or where there is a defect in the MyWay Smart Card and the person seeks a refund of the stored value on the card.

Schedule 3 of the instrument provides for circumstances and conditions applicable to MyWay administrative fee exemptions. Schedule 4 provides for circumstances and conditions applicable to applications for remission of MyWay administrative fees. For these circumstances, the Road Transport Authority may request the card holder to provide evidence to support a claim for exemption or remission of MyWay administrative fees. In certain cases, the card holder will also be required to surrender a failed MyWay card in order to access a new card.