

Road Transport (General) Concession Determination 2021 (No 1)

Disallowable instrument DI2021-83

made under the

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

EXPLANATORY STATEMENT

Background

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 disallowable instrument has the effect of determining the method to be used to work out a fee payable by persons eligible for a concession in relation to fees payable for vehicle registration and driver licensing.

Changes to the ACT's driving licensing scheme for learner and provisional drivers commenced on 1 January 2020. As part of these arrangements P1 and P2 provisional driver licensing arrangements were introduced. As part of those reforms a two staged provisional driver licence was introduced for provisional drivers under the age of 25. Provisional drivers 25 and older progress directly to a P2 for the duration of their provisional licence.

To encourage good driving behaviours during a person's provisional licence tenure, a person who progressed through the P1 stage (the first year) without attracting demerit points, traffic infringement notices or court-imposed traffic penalties is to be provided with a 50% concession on the provisional licence fee for the P2 stage

Practically, separate P1 and P2 Provisional Licences are not issued for each stage. A person is issued a Provisional Licence for 3 years that covers both the P1 and P2 stages of their Provisional Licence. As such, the concession will be provided as a concession (or refund) of 33.33% of the amount they paid for their Provisional Licence (rounded up to the nearest 10 cents) when they pay for their full licence. 33.33% of the 3 year's fee is 50% of two thirds of the fee, equivalent to 50% of the fee had the P1 and P2 stages be issued and charged separately and the 3-year fee split in a ratio of 1:2.

The [Parliamentary and Governing Agreement for the 10th Legislative Assembly of the Australian Capital Territory](#) includes a requirement to "Provide financial incentives

for the purchase of zero emission vehicles. This includes free vehicle registration for new zero emission vehicles for two years, introduced as soon as practical.”.

The Government announced in January 2021 that the benefit would be available from 24 May 2021.

The above arrangements and agreements did not include decisions to remove or displace any existing concessions. As such the new concessions need to operate in parallel to the previously existing concessions. The opportunity has also been taken to clarify a number of provisions of the existing concessions instrument.

Amendments to the Road Transport (General) Concessions Determination

Section 5 has been amended to clarify that a person eligible to a concession in relation to a concession mentioned in part 2 or 3 of the instrument about gas powered vehicles, BEVs, PHEVs and HFCEVs are only eligible to claim one concession at a time on each eligible vehicle.

Section 5 has also been amended to clarify that a person eligible to a concession mentioned in part 4 of the instrument about driver licences is only eligible to claim one concession at a time in relation to their driver licence.

Section 6 has been amended to insert definitions of BEV, Full Licence, Gas powered, HFCEV, Hybrid, Old Provisional Licence, PHEV, P1 Licence, P2 Licence and Provisional Licence in support of implementing the new concessions and other drafting and technical changes in the instrument.

Part 2 and Part 3 of Schedule 1 has been amended to refer to BEVs, PHEVs and HFCEVs instead of electric, plug-in hybrid electric and hydrogen (fuel cell) powered vehicles. These are technical drafting changes that do not affect the provision of a concession.

Part 3 of Schedule 1 has also been amended to insert a concession to provide for 2 years free registration for new or used light BEV or HFCEV acquired or purchased or converted to BEV or HFCEV between 24 May 2021 and 30 June 2024.

Part 4 of Schedule 1 has been amended to insert concessions available to P1 a P2 licence holders progressing through the P1 and P2 stages of their Provisional Licence and to a Full Licence. These amendments take into account existing concessions available to licence holders.

Notes on Clauses

Clauses 1 to 3 are formal provisions that deal with the name and commencement of the new instrument and revoke its predecessor.

Clause 4 describes the formula to be used to determine the fee payable if a person is entitled to a concession. The calculated fee is rounded down to the nearest 10 cents to determine the fee payable.

Clause 5 of the disallowable instrument describes how the entitlement to a concession is to apply in relation to a vehicle or other matter, with reference to the table in Schedule 1. It explains the number of concessions a person is eligible to receive, and how those concessions are to be applied to vehicles. Some types of concessions (such as the concession given to holders of a pensioner concession card) may only be claimed in relation to a single vehicle, while other concessions (for example, the concession for gas/electric/plug-in hybrid electric/hydrogen powered vehicles) may apply to all such vehicles held by the person claiming the concession.

Clause 6 sets out definitions used in the instrument.

Schedule 1 describes the types of concessions available and the conditions that must be met to enable the concession to be applied.

The table in Parts 1 to 4 of Schedule 1 describes the types of concessions available for a person's vehicle registration or driver licence. Parts 1 to 4 of Schedule 1 also provide for the level of concession, the type of fee to which the concession relates and the number of concessions that may be granted.

These amendments align the Concession Determination with the agreed reforms to the ACT's driver licensing scheme that commenced on 1 January 2020, and announcements about providing new and used Electric and Hydrogen Fuel Cell vehicle 2-years free registration from 24 May 2021.

The preference of the Standing Committee on Justice and Community Safety (Legislative Scrutiny Role) is that Instruments or Explanatory Statements identify the amount of the old and new fee, any percentage increase and also the reason for any increase in the Instrument or the Explanatory Statement.

There are no adverse human rights or climate change implications arising from this instrument.

It is expected that the new concessions granted to BEVs and HFCEVs will encourage greater uptake of these vehicles providing a climate change benefit.

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*.