

Road Transport (General) Concession Determination 2022 (No 1)

Disallowable instrument DI2022-21

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.

In the ACT, an amount equal to the regulatory component of the heavy vehicle registration fees paid to the road transport authority is transferred to the National Heavy Vehicle Regulator Fund. Notes have been included in this instrument to clarify that the regulatory component of a heavy vehicle registration fee payable is not subject to concession.

Amendments to the Road Transport (General) Concessions Determination

Part 3 of Schedule 1 has been amended to clarify that a person eligible to a concession mentioned in part 3 of the instrument about gas powered vehicles, BEVs, PHEVs and HFCEVs are not eligible to claim concession on the regulatory component on a heavy vehicle registration fee payable on an eligible vehicle. It is the road component only of a registration fee payable that is eligible for concession. The quantum of the regulatory component of a heavy vehicle registration fee payable is the responsibility of the National Heavy Vehicle Regulator.

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 clarify the alignment of the Concession Determination with the agreed reforms to concessions for vehicle registration fees.

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.

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*.