

Australian Capital Territory

Road Transport (General) Concession Determination 2023 (No 1)

Disallowable instrument DI2023-18

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.

On 1 February 2023 the Chief Minister and Minister for Climate Action, and the Minister for Energy and Emissions Reduction jointly announced that vehicles coming off the 2-years free registration concession would transition to the lowest weight category from 25 May 2023 with the remainder of the light vehicle fleet transitioning from the weight-based system to an emissions-based system from 1 July 2024. They also announced holders of ACT Service Access and Low Income Health Care cards will receive a 100% concession on motor vehicle registration from 1 July 2023 and new registration concessions for plug-in hybrid and hybrid vehicles of 40% and 20% commencing from 1 July 2023.

Amendments described below and amendments to the Road Transport (General) Vehicle Registration and Related Fees Determination give effect to the announcements and advice from CMTEDD/Treasury.

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) Concession Determination

Holders of ACT Service Access and Low Income health Care cards have been added in column 2 of Item 1 of Part 1 to provide a 100% registration fee concession to these people. A note has also been added in column 2 to clarify that this concession is only available for registration periods beginning on or after 1 July 2023.

The note in column 2 of Item 3 of Part 1 has been amended to clarify that the concession for Battery Electric Vehicles (BEVs), and Hydrogen Fuel Cell Electric Vehicles (HFCEVs) coming off the 2-year free registration concession where the registered operator is the holder of a Seniors Card is only available for registration periods commencing on or before 24 May 2023 and the concession for other BEVs, HFCEVs and Plug-in Hybrid Electric Vehicles (PHEVs) is only available for registration periods beginning on or before 30 June 2024. For registration periods beginning on or after 1 July 2024 these vehicles will be registered based on emissions.

Items 4 and 5 of Part 1 have been inserted to provide holders of Seniors Cards first registering a PHEV or Hybrid vehicle with tailpipe emissions of less than 130kg/km of CO₂ on or after 1 July 2023 and on or before 30 June 2024 with the respective concession of 40% and 20% for these vehicles.

The note in column 2 of Item 2 in Part 2 has been amended to clarify that the concession for BEVs and HFCEVs coming off the 2-year free registration concession where the registered operator is the holder of a Seniors Card is only available for registration periods commencing on or before 24 May 2023 and the concession for other BEVs, HFCEVs and PHEVs is only available for registration periods beginning on or before 30 June 2024.

Hybrid has been added to the heading for Part 3 to take account of the new hybrid concession in Item 4 of Part 3.

HVCEV has been corrected to HFCEV in column 2 of Part 1 of Part 3. This corrects a typographical error and has no material effect on any concession.

The note in column 2 of Item 1 of Part 3 has been amended to clarify that the concession is not available to private or business registered BEVs or HFCEVs described on the register as passenger or goods carrying vehicles with a GVM of 4.5 tonnes or less coming off the 2-year free registration concession and progressing to the lowest weight registration fee.

Items 3 and 4 of Part 3 have been inserted to provide a 40% and 20% concession respectively to new and used PHEVs and hybrids with tailpipe emissions of less than 130kg/km of CO₂ first registered on or after 1 July 2023 and on or before 30 June 2024. Columns 4 and 5 clarify that the concession is available to each PHEV or hybrid that is private or business registered and is a passenger car, forward control passenger vehicle, an off-road passenger vehicle, a bus or goods carrying vehicle and is not available to motorcycles, mopeds or motor tricycles (vehicles fitting within the L-Group vehicle classification under the Australian Design Rules).

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.

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.

Provisions in the Instrument to which this Explanatory Statement relate do not of themselves set or amend fees and charges. They provide for concessions available on fees determined in other Instruments. The amendments give effect to government decisions and announcements relating to vehicle registration concessions and changes to vehicle registration fees for some vehicles.

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*.