

# Road Transport (General) Concession Determination 2024 (No 1)

## Disallowable instrument DI2024–20

made under the

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

## EXPLANATORY STATEMENT

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### 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 updating vehicle registration and driver licence concessions to align arrangements with previously announced arrangements for the introduction of emission-based registration charging, aligning the end date of one concession with the commencement of emission-based registration charges and deleting redundant notes and concessions.

The definition of *BEV* (battery electric vehicle) is expanded to clarify that a BEV does not have an internal combustion engine in it.

The definition of *Old Provisional Licence* is omitted as it is no longer required. An old provisional licence is a provisional licence issued prior to the commencement of the *Road Transport (Driver Licensing) Amendment Regulation 2019 (No 1)* (the amendment regulation) which was 1 January 2020. Provisional licences can be issued for 3 years, so no provisional licences issued prior to the commencement of the amendment regulation can be current. While an old provisional licence can be renewed up to 5 years after its expiry, an old provisional licence renewed after the commencement of the amendment regulation is not included in the definition of old licence in section 172 of the *Road Transport (Driver Licensing) Regulation 2000*.

A definition of *rego.act* (the computer system Access Canberra as a delegate of the road transport authority uses to manage driver licences, vehicle registration, and other functions in the ACT) has been added for increased clarity.

The note in Item 1, Column 2 of Part 1 in the Schedule about the concession for holders of an ACT Services Access Card or a Low Income Health Care Card is only available for registration periods beginning on or after 1 July 2023 has been omitted as it is no longer needed given 1 July 2023 has passed.

The parts of the notes in item 3, column 2 in Part 1 and item 2, column 2 in Part 2 of the Schedule about the concession for BEVs, and HFCEVs coming off the 100% 2-year free registration concession that was available to these vehicles from 24 May 2021 only being available for vehicle registration periods commencing on or before 24 May 2023 have been omitted as it is no longer needed given 24 May 2023 has passed.

The note in item 1, column 2 of Part 3 of the Schedule has been amended to clarify that the concession is not available to private or business registered BEVs and 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 100% concession and progressing to the “lowest weight” registration fee. The note has been further modified to clarify the concession for private or business registered BEVs or HFCEVs described on the register as passenger or goods carrying vehicles or motorcycles is only available for vehicle registration periods commencing on or before 30 June 2024. This date has been brought forward from 31 December 2024 to align it with the introduction date for emission-based registration for these vehicles.

The dot points in Items 3 and 4, column 2, in Part 4 of the Schedule about old provisional licences have been omitted as these are no longer necessary as there cannot be any old provisional licences on issue.

The amendments are not considered to have a material financial impact as they align the concession arrangements with the announced move towards emission-based registration fees for most light vehicles, ensuring concessions for motive power or emissions performance is not claimed in addition to the move to emission based 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. The provisions in the Instrument to which this Explanatory Statement relates 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 advice received in relation to government decisions and announcements relating to vehicle registration concessions.

There are no 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*.

### **Clause notes**

Clauses 1 and 2 of the instrument are formal provisions dealing with the name and commencement date of the instrument.

Clause 3 of the instrument revokes DI2023-87, *Road Transport (General) Concession Determination 2023 (No 2)*.

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.