

Transport Legislation (Fees) Amendment Regulation 2023

Explanatory notes for SL 2023 No. 58

made under the

Photo Identification Card Act 2008

Tow Truck Act 1973

Transport Infrastructure Act 1994

Transport Operations (Road Use Management) Act 1995

General Outline

Short title

Transport Legislation (Fees) Amendment Regulation 2023

Authorising law

Section 49 of the *Photo Identification Card Act 2008*

Section 43 of the *Tow Truck Act 1973*

Section 490 of the *Transport Infrastructure Act 1994*

Section 171 of the *Transport Operations (Road Use Management) Act 1995*

Policy objectives and the reasons for them

Consistent with Queensland Government policy, all prescribed fees and charges in Department of Transport and Main Roads (TMR) legislation are indexed annually by the Government Indexation Rate (GIR) or other indexation calculations.

Since 1 July 2022 the majority of fees and charges under TMR legislation have been shown as fee units in accordance with Queensland Treasury's Fee Unit Model. Under the Fee Unit Model annual fee increases are applied through a regulation made under section 48B of the *Acts Interpretation Act 1954* which prescribes the monetary value of a fee unit.

Fees under the *Transport Infrastructure (Public Marine Facilities) Regulation 2011* (public marine facility fees) are currently exempted from the Fee Unit Model. The *Transport Legislation (Fees) Amendment Regulation 2023* (the Amendment Regulation) updates the dollar amounts public marine facility fees which will increase by the GIR of 3.4%.

The Amendment Regulation will also reduce smartcard replacement fees. Smartcards are TMR issued identification products and include a driver's licence, photo identification card, accreditation document, tow truck driver certificate and tow truck assistant's certificate.

The amendments will reduce the fee for a replacement driver licence, industry authority, tow truck driver's certificate and tow truck assistant's certificate from 80.10 fee units (\$82.10) to 33.01 fee units (\$35).

For a replacement photo identification card, the fee will be reduced from 73.00 fee units (\$74.85) to 33.01 fee units (\$35).

Amendments providing for the reductions will be made to Schedule 1 of the *Photo Identification Card Regulation 2019*, Schedule 2 of the *Tow Truck Regulation 2009*, Schedule 6 of the *Transport Operations (Road Use Management-Accreditation and Other Provisions) Regulation 2015* and Schedule 7 of the *Transport Operations (Road Use Management-Driver Licensing) Regulation 2021*.

Achievement of policy objectives

The Amendment Regulation achieves its objective by increasing the public marine facility fees by the applicable indexation method and showing the dollar figures amounts. In addition, the amendments to the smartcard replacement fees will assist Queenslanders with cost of living pressures by ensuring the cost to replace a smartcard is reasonable and reflective of reduced costs associated with modern technologies and processes. All amendments will commence on 1 July 2023.

Consistency with policy objectives of authorising law

The Amendment Regulation is consistent with the policy objectives of the authorising laws.

Benefits and costs of implementation

The Amendment Regulation will ensure that the public marine facility fees prescribed in TMR legislation retain their value over time and accurately reflect the cost of providing services. The Amendment Regulation will not significantly increase the financial burden on the community or stakeholders.

Fee revenue contributes towards the provision of essential services and road safety activities and services in state managed and non-state managed boat harbours (for example buoy moorings).

The reduction in smartcard replacement fees results from process efficiencies leading to reduced production and service costs. The replacement of smartcards, particularly the driver licence, has been a key mitigation strategy following recent data breaches. This fee reduction acknowledges the customer impact of these data breaches, and seeks to reduce that impact.

The costs associated with implementation of fees and charges are minor administrative costs. These are not considered to be significant and will be met from existing resources.

Consistency with fundamental legislative principles

The Amendment Regulation is consistent with fundamental legislative principles, as set out in section 4 of the *Legislative Standards Act 1992*.

Consultation

No public consultation was undertaken in relation to the amendment to the smartcard replacement fees as the amendment is a benefit and otherwise impacts only the internal operations of the public sector.

As the remaining amendments apply an indexation rate in accordance with established Government policy set out under the Principles for Fees and Charges, they have not been the subject of external consultation.

In accordance with *The Queensland Government Guide to Better Regulation* (the Guidelines), TMR applied self-assessable exclusions from undertaking further regulatory impact analysis for amendments relating to public marine facility fees, being Category (h) – regulatory proposals that put forward standard annual fee variations in line with or below a government endorsed indexation factor.

The Office of Best Practice Regulation was consulted on the smartcard replacement fee reduction and considered that the proposal is unlikely to result in significant adverse impacts. No further regulatory impact analysis is required under the Guidelines.