

Transport Legislation (Fees) Amendment Regulation 2021

Human Rights Certificate

Prepared in accordance with Part 3 of the *Human Rights Act 2019*

In accordance with section 41 of the *Human Rights Act 2019* (HRA), I, Mark Bailey MP, Minister for Transport and Main Roads, provide this human rights certificate with respect to the *Transport Legislation (Fees) Amendment Regulation 2021* made under the following acts:

- *Gold Coast Waterways Authority Act 2012*
- *Photo Identification Card Act 2008*
- *Tow Truck Act 1973*
- *Transport Infrastructure Act 1994*
- *Transport Operations (Marine Safety) Act 1994*
- *Transport Operations (Passenger Transport) Act 1994*
- *Transport Operations (Road Use Management) Act 1995*

In my opinion, the *Transport Legislation (Fees) Amendment Regulation 2021*, as tabled in the Legislative Assembly, is compatible with the human rights protected by the HRA. I base my opinion on the reasons outlined in this statement.

Overview of the Subordinate Legislation

Each year the Department of Transport and Main Roads undertakes a review of fees and charges. The review adjusts general fees and charges based on Queensland Government policy, which states that fees and charges are to be indexed annually by the current Government Indexation Rate (GIR).

Queensland has the longest State-controlled road network of any Australian state or territory. Revenue from vehicle registration is applied to the maintenance, preservation and operation of the State-controlled road network.

More broadly, revenue from fees and charges funds the provision of essential services, such as the driver licensing scheme, delivery and maintenance of marine infrastructure and services, and provision of public passenger transport.

The policy objective of the *Transport Legislation (Fees) Amendment Regulation 2021* is to apply the GIR or another approved indexation rate to relevant statutory departmental fees and charges for the 2021-22 financial year.

Human Rights Issues

Human rights relevant to the subordinate legislation (Part 2, Division 2 and 3 *Human Rights Act 2019*)

Upon analysis, the *Transport Legislation (Fees) Amendment Regulation 2021* does not engage any human rights.

The payment of fees in itself is not mandatory. An individual or business can choose which fees or charges are relevant, for example, having a driver's licence is not mandatory other than where a person may wish to operate a particular class of vehicle; however, this does not make the fee in itself mandatory.

As individuals and businesses have the right to choose which regulatory requirements may be applicable to them, and therefore which fee may be payable, the *Transport Legislation (Fees) Amendment Regulation 2021* does not, in the administrative application of the GIR to fees and charges, limit any human rights under the HRA.

Conclusion

I consider that the *Transport Legislation (Fees) Amendment Regulation 2021* is compatible with the *Human Rights Act 2019* because it does not raise any human rights issues.

Honourable Mark Bailey MP
Minister for Transport and Main Roads