

Transport Legislation (Fees and Other Matters) Amendment Regulation 2022

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 and Other Matters) Amendment Regulation 2022*, (the Amendment Regulation) made under the following Acts:

- *Transport Infrastructure Act 1994*
- *Transport Operations (Passenger Transport) Act 1994*
- *Transport Operations (Road Use Management) Act 1995*

In my opinion, the Amendment Regulation 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

The Department of Transport and Main Roads (TMR) administers an extensive transport framework in Queensland, which includes public passenger services, commercial vessel operations, other services in state managed and non-state managed boat harbours and road safety activities.

TMR administers the subordinate legislation that prescribes the fees and charges for these services and activities. Revenue from fees and charges support ongoing maintenance or effective operation, while others recover the cost of the service.

Queensland Treasury's Principles for Fees and Charges Policy, October 2021 (Principles for Fees and Charges) requires agencies to set fees and charges having regard to the full cost of providing their services and that fees or charges applied by departments for the provision of goods and services should reflect full cost recovery.

The Principles for Fees and Charges also requires departments to regularly review their fees and charges to ensure they remain appropriate and that the underlying cost structure for the amount of the fee or charge remains proportionate. Where a comprehensive review is not cost effective, the Principles for Fees and Charges provides for departments to apply the Government Indexation Rate (GIR). All fees and charges prescribed by the Amendment Regulation have been set in line with the Principles for Fees and Charges.

The Amendment Regulation will increase certain regulated fees from 1 July 2022 by the GIR of 2.5 per cent. These fees and charges relate to:

- the management of operations in state managed boat harbours and non-state managed boat harbours, for example, buoy moorings; and
- the Taxi Industry Security Levy, which contributes to the cost of improving the security of taxi services in prescribed taxi service areas, for example, by funding the costs of rank marshals and security guards at taxi ranks.

The Amendment Regulation also introduces an Interstate Licence Transfer Fee (ITLF). The ITLF will only be charged when a person from an interstate jurisdiction applies to have the unexpired portion of their interstate licence transferred to a Queensland licence.

Human Rights Issues

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

The Amendment Regulation does not engage any human rights by increasing the Taxi Industry Security Levy, and state and non-state managed boat harbours' fees and charges by the GIR in accordance with the Principles for Fees and Charges.

The Amendment Regulation does not engage any human rights by introducing the ITLF. An individual or business in most cases can choose which fees or charges are relevant to them. As the ITLF is a user pays fee, it is only applicable when a person chooses to transfer the remaining unexpired portion of an interstate licence to a Queensland licence. The ITLF is based on a user pays model to ensure an equitable approach for all Queensland residents including those entering the state as a new resident being issued a licence.

Conclusion

I consider that the *Transport Legislation (Fees and Other Matters) Amendment Regulation 2022* 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