

# Transport Legislation (Fees) Amendment Regulation 2023

## 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 Craig Bailey MP, Minister for Transport and Main Roads and Minister for Digital Services provide this human rights certificate with respect to the *Transport Legislation (Fees) Amendment Regulation 2023*, (the Amendment Regulation) made under the following Acts:

- *Photo Identification Card Act 2008*
- *Tow Truck Act 1973*
- *Transport Infrastructure 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

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 Amendment Regulation updates the dollar amounts of the public marine facility fees which will increase by the GIR of 3.4%.

The Amendment Regulation will also reduce smartcard replacement fees from 1 July 2023.

Smartcards are TMR issued identification products and include a driver licence, photo identification card, accreditation document, tow truck driver's certificate and tow truck assistant's certificate.

The amendments will reduce the fee for a replacement driver licence, accreditation document, 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*.

## 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 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 providing for the reduction in the smartcard replacement fees.

## Conclusion

I consider that the *Transport Legislation (Fees) Amendment Regulation 2023* 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  
Minister for Digital Services