

Transport Legislation (Fees) Amendment Regulation 2024

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, Bart Mellish 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 2024* (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

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 adjustments are applied through a regulation made under section 48B of the *Acts Interpretation Act 1954* which prescribes the monetary value of a fee unit.

An exemption from the Fee Unit Model was granted to fees under the *Transport Infrastructure (Public Marine Facilities) Regulation 2011* due the remake of the regulation. The Amendment Regulation will convert the dollar amount fees to fee units in the *Transport Infrastructure (Public Marine Facilities) Regulation 2023*. The Amendment Regulation removes the taxi industry security levy from Schedule 8 of the *Transport Operations (Passenger Transport) Regulation 2018*. The taxi industry security levy is no longer charged.

The *Transport Operations (Road Use Management—Vehicle Registration) Regulation 2021* will be amended to update Category 2 vehicle registration fees and the national heavy vehicle number plate fees, both of which are determined by a nationally agreed process and are exempt from the Fee Unit Model. A Category 2 vehicle is defined as a vehicle with a GVM (gross vehicle mass), GCM (gross combination mass) or ATM (aggregate trailer mass) of more than 4.5t (commonly known as a heavy vehicle).

Heavy vehicle registration fees (which consist of a road use and regulatory component) are adjusted annually in accordance with updated schedules in the Heavy Vehicle Charges Model Law as agreed by the Infrastructure and Transport Ministers' Meeting (ITMM). ITMM has agreed to an increase of 6% to the road use component of registration fees for each of the financial years 2023-24, 2024-25 and 2025-26.

The regulatory component of heavy vehicle charges, administered through states and territory registration fees, is adjusted annually to recover the operating cost of the National Heavy Vehicle Regulator (NHVR) which is primarily industry funded. The regulatory component of registration charges needs to increase by 2.9% to recover the NHVR budget for 2024-25 in accordance with updated schedules in the Heavy Vehicle Charges Model Law as approved by ITMM.

The heavy vehicle number plate fee is adjusted by a nationally agreed indexation method. This year that adjustment is based on a 4.1% increase in the year to the December 2023 quarter for the National All Groups Consumer Price Index published by the Australian Bureau of Statistics.

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 converting fees to fee units, or updating fees by agreed national processes.

Conclusion

I consider that the *Transport Legislation (Fees) Amendment Regulation 2024* is compatible with the *Human Rights Act 2019* and it does not raise any human rights issues.

Honourable Bart Mellish MP
Minister for Transport and Main Roads
Minister for Digital Services