

Road Transport (General) (Driver Licence and Related Fees) Determination 2008 (No 2)

Disallowable instrument DI2008–295

made under the

Road Transport (General) Act 1999, Section 96 (Determination of fees, charges and other amounts)

EXPLANATORY STATEMENT

Section 96 of the *Road Transport (General) Act 1999* allows the Minister to determine fees, charges and other amounts payable under the ACT road transport legislation.

This instrument sets out the fees that are payable for transactions involving or related to driver licences.

This determination does not alter the amounts of any fees payable, which remain unchanged from DI 2008-105. The purpose of this determination is to include provisions, in new clause 6, that explain when the fees listed in the Schedule are not payable in respect of certain transactions involving driver licensing. These provisions codify existing the practice and policies of the Road Transport Authority, to provide greater certainty and transparency about the application of those fees and charges in specified circumstances.

In summary, new clause 6 has the effect that:

- a fee for rebooking a practical driving test is not payable if the reasons for changing the booking are outside the control of the applicant;
- a fee for a replacement driver licence is not payable if the original licence was defective;
- a fee for searching driver licence records is not payable for a search required by another government agency, where the disclosure of the results to that agency is in accordance with the Information Privacy Principles.

It should be noted that the exclusion provisions in clause 6 are not intended to list every possible circumstance in which a fee will not be imposed for a transaction listed in the Schedule. The Minister also has a discretionary power to remit fees under *Road Transport (General) Regulation 2000*, which may be used in appropriate cases to remit or waive a fee that would otherwise be payable under the road transport legislation. Such decisions are made on a case-by-case basis.

This determination is a disallowable instrument and must be presented to the Legislative Assembly within 6 sitting days after its notification pursuant to section 64 of the *Legislation Act 2001*.