Australian Capital Territory

Road Transport (General) Vehicle Registration and Related Fees Determination 2018 (No 1)

Disallowable instrument DI2018–80

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 disallowable instrument has the effect of determining fees, payable in advance, for transactions relating to national heavy vehicle registration and related fees under the road transport legislation.

This determination includes updated fees and charges for heavy vehicles effective 1 July 2018. Heavy vehicle fees and charges are decided nationally by the Transport and Infrastructure Council (a ministerial council comprising state and territory ministers with responsibility for transport and infrastructure). Following agreement by the Council, the national heavy vehicle registration fees and charges are implemented in the Australian Capital Territory by way of a disallowable instrument made under section 96 of the *Road Transport (General) Act 1999*.

Following the establishment of the National Heavy Vehicle Regulator (NHVR), Ministers agreed to the separation of the annual heavy vehicle registration fee into a road component and a regulatory component. The road component is to be retained by the jurisdiction in which the heavy vehicle is registered. The regulatory component is to be paid into the fund maintained by the NHVR. The operator must pay both the road and regulatory components to progress the registration of a heavy vehicle.

The sum of the road and regulatory components for trailers payable from 1 July 2018 are the same as registration fee payable before this date. The sum of the road and regulatory components for other vehicles payable from 1 July 2018 are reduced by between $3 and $17 from the registration fee payable before this date. There continues to be no fee payable for the registration of a special purpose vehicle type P.

No other fees have been adjusted in the determination.

The preference of the Standing Committee on Justice and Community Safety (Legislative Scrutiny Role) that instruments or Explanatory Statements identify the amount of the old and new fee, any percentage increase and also the reason for any increase in the Instrument or the Explanatory Statement has been taken into account in the preparation of the instrument and the Explanatory Statement.

As the NHVR does not have the facilities to directly charge or collect the regulatory component, the instrument makes it clear that all fees and charges are payable to the Road Transport Authority and that an amount equal to the regulatory component will be transferred by the Road Transport Authority to the NHVR.

The opportunity has also been taken to amend, where applicable, a number of definitions to refer to the *Heavy Vehicle National Law (ACT)* instead of the *Road Transport (Vehicle Registration) Regulation 2000*. There is no material effect resulting from these changes.

The definition of single axle group has been omitted as it is no longer required.

Column 1 of schedule 1 lists the item number. Column 2 of schedule 1 describes the service or other matter in relation to the fee payable. Column 3 of schedule 1 lists the fee payable for a registration period commencing on or before the date listed in that column. Column 4 of schedule 1 lists the fee payable for a registration period commencing on or after the date listed in that column.

Schedules 2 and 3 provide for fees applicable to external organisations requesting data sourced from the Road Transport Authority database.

There are no human rights or climate change implications arising from this regulation.

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*.