

Australian Capital Territory

Road Transport (General) (Vehicle Impounding and Seizure/Speed Trial) Fees Determination 2025

Disallowable instrument DI2025–304

made under the

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

EXPLANATORY STATEMENT

Overview

This explanatory statement relates to the *Road Transport (General) (Vehicle Impounding and Seizure/Speed Trial) Fees Determination 2025* as presented to the Legislative Assembly. It has been prepared to assist the reader of the instrument. It does not form part of the instrument and has not been endorsed by the Assembly.

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

This instrument has the effect of determining:

- the fee for a permit to hold a vehicle speed or reliability trial under section 5A of the *Road Transport (Safety and Traffic Management) Act 1999*; and
- the daily storage fees for impounding a seized vehicle, which must be paid prior to the release of an impounded vehicle under subsections 10G (2) or (3) of the *Road Transport (Safety and Traffic Management) Act 1999*.

These fee increases are a result of the 2025-2026 Budget.

This instrument revokes the *Road Transport (General) (Vehicle Impounding and Seizure/Speed Tests) Determination 2005 (No 1)* (DI2005-102).

This instrument commences on the day after its notification day.

This determination under section 96 of the Act is a disallowable instrument and must be presented to the Legislative Assembly within 6 sitting days after its notification pursuant to *Legislation Act 2001* (the *Legislation Act*), section 64.

Revision of daily storage fee arising from a vehicle seized and impounded by ACT Policing

The increase to the daily storage fee for a vehicle seized and impounded by ACT Policing aligns with standard ACT Government fees and charges policy.

While this is a 733% increase, the last review of this fee was made 20 years ago, in 2005. The fee may now be indexed annually in line with the Wage Price Index (*WPI*).

This fee increase is considered reasonable and appropriate, as it encourages faster resolution of impounded vehicles and also serves as a deterrence against potential offenders, which protects the public from dangerous driving behaviour that can potentially result in serious road trauma including injuries, permanent disabilities, or death.

Revision of fee for a permit to hold a speed or reliability trial

The fee for a permit to hold a speed or reliability trial in the determination has been increased by WPI, rounded down to the nearest ten cents. This is consistent with ACT Government fees and charges policy. While this is a 76.1% increase, the last review of this fee was made 20 years ago, in 2005. The fee may now be indexed annually in line with WPI.

Regulatory Impact Statement (RIS)

A RIS is not required for the daily storage fee arising from a vehicle seized and impounded by ACT Policing or the fee for a permit to hold a speed or reliability trial due to section 36 (1) (k) of the Legislation Act, which states that a RIS need not be prepared for an amendment of a fee consistent with announced government policy.

Human rights

This instrument may limit the right to freedom of movement under section 13 of the *Human Rights Act 2004*. This impact is due to the daily storage fee costs from a vehicle seized and impounded by ACT Policing, which may delay the vehicle's release.

Any limitation on the right to freedom of movement from the daily storage fee is proportionate to achieving the aim of deterring dangerous driving. Alternative transport remains available to individuals who are unable to have their vehicle released after seizure, such as public transport.