



Queensland

Transport Legislation Amendment Regulation (No. 5) 2011

Explanatory Notes for SL 2011 No. 286

made under the

Transport Operations (Road Use Management) Act 1995

General outline

Short title

Transport Legislation Amendment Regulation (No. 5) 2011.

Authorising law

Section 171 of the *Transport Operations (Road Use Management) Act 1995*.

Policy objectives and the reasons for them

High-powered vehicles

Young drivers are currently prohibited from driving high-powered vehicles unless they can demonstrate a special need and severe hardship. However, due to advances in engine technology, manufacturers are releasing onto the market an increasing number of family-type vehicles that have more powerful engines. Manufacturers are also increasingly incorporating turbochargers and superchargers into engine design to improve fuel efficiency. The amendments aim to ensure young drivers can drive these newer, more efficient and often safer vehicles.

Miscellaneous amendments

The regulation also makes a number of amendments to the *Transport Operations (Road Use Management-Driver Licensing) Regulation 2010* and the *Transport Operations (Road Use Management-Vehicle Registration) Regulation 2010* to clarify and improve the operation of these regulations.

Achievement of policy objectives

High powered vehicles

The regulation amends the *Transport Operations (Road Use Management-Driver Licensing) Regulation 2010* to:

- increase the engine power threshold for a high-powered vehicle from 200kW to 210kW; and
- allow young drivers to apply for a certificate of exemption permitting them to drive a turbocharged or supercharged vehicle that has a power-to-weight ratio of 125kW/t or less.

Miscellaneous amendments

The regulation amends the *Transport Operations (Road Use Management-Driver Licensing) Regulation 2010* to:

- clarify that a person who holds a class C non-Queensland driver licence that is equivalent to a Queensland P2 licence is not required to undertake a hazard perception test before being granted a Queensland P2 licence;
- prescribe an additional device as an approved interlock and clarify the details of existing approved interlocks;
- exempt police recruits from licence restrictions applying to young drivers while they are driving in the course of their duty and under the direction of a police officer; and
- clarify that the road rules test is a test of knowledge of matters that are relevant to the class of licence applied for and are mentioned in the document *Your Keys to Driving in Queensland*.

The *Transport Operations (Road Use Management-Vehicle Registration) Regulation 2010* will be amended to:

- allow an unregistered vehicle to be tested on the road for the purpose of issuing an inspection certificate under the *Transport Operations (Road Use Management-Vehicle Standards and Safety) Regulation 2010* where a completed application for registration and a current insurance certificate, if required under the *Motor Accident Insurance Act 1994*, are carried in the vehicle;
- clarify visibility requirements for attaching registration labels to vehicles;
- provide that a vehicle or dealer plate registration may be cancelled where payment is made by cheque or another method of payment and the payment is later dishonoured (for example, where a payment made by credit card or EFTPOS is later withdrawn by the relevant financial institution); and
- provide that, if a vehicle or dealer plate registration is cancelled, it is an offence to fail to pay any pro-rata amount for registration from the effective date of registration to the date of cancellation.

Consistency with policy objectives of authorising law

The amendments are consistent with the policy objectives in section 3 of the *Transport Operations (Road Use Management) Act 1995* to:

- provide for the effective and efficient management of road use in the State; and
- improve road safety and the environmental impact of road use.

Benefits and costs of implementation

There are no additional costs in implementing most of the amendments but, where additional costs are involved, these will be met from existing budget allocations.

Consistency with fundamental legislative principles

Amendments to the *Transport Operations (Road Use Management-Vehicle Registration) Regulation 2010* regarding cancellation of a vehicle or dealer plate registration will establish new offences where a person who is

required to pay a pro-rata amount for registration from the effective date of registration to the date of cancellation fails to do so. The penalties for these offences are proportionate with the seriousness of the offence. The higher penalties for heavy vehicles reflect the higher registration fees payable for those vehicles. The penalty for dealer plates reflects the fact that they provide a special dispensation for a person to use unregistered vehicles on the road for specific purposes necessary for the conduct of the person's business. The penalties are consistent with existing penalties in the *Transport Operations (Road Use Management-Vehicle Registration) Regulation 2010*.

Consultation

Relevant Queensland government departments have been consulted and support the amendments.

ENDNOTES

- 1 Laid before the Legislative Assembly on . . .
- 2 The administering agency is the Department of Transport and Main Roads.

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