



Queensland

Transport Legislation Amendment Regulation (No. 1) 2013

Explanatory Notes for SL 2013 No. 42

made under the

Transport Operations (Road Use Management) Act 1995

General outline

Short title

Transport Legislation Amendment Regulation (No. 1) 2013.

Authorising law

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

Policy objectives and the reasons for them

The purpose of this regulation is to reduce the regulatory burden associated with certain driver licensing, road rule and vehicle registration matters. Specifically, the regulation will:

- ensure an administrative driver licence suspension is not imposed if a court has already disqualified a person from holding or obtaining a licence due to a high speed driving offence;
- allow children aged between seven and 16 to travel unrestrained in motor vehicles that do not have, and are not required to have, seatbelts fitted to them;

- allow an unregistered vehicle permit to be carried in the vehicle rather than having to be physically attached to the vehicle;
- remove provisions dealing with registration history certificates which were made redundant by the introduction of the national Personal Property Securities Register; and
- clarify that an application to register a vehicle must be refused if the vehicle, or a part of it, is believed to be stolen.

Achievement of policy objectives

The regulation removes restrictions and obligations from industry and the community in the following ways:

Transport Operations (Road Use Management—Driver Licensing) Regulation 2010

Driver licence suspensions

A person who is detected driving more than 40km/h over the speed limit will have their driver licence suspended by legislation for six months. If the person chooses to have the matter heard by a court and the court convicts them of the offence, the person will be disqualified from holding or obtaining a driver licence for at least six months. Where the court has imposed this disqualification, there is no need for the legislative suspension to be applied and the amendment will address this.

Transport Operations (Road Use Management—Road Rules) Regulation 2009

Seatbelts for historic vehicles

Currently in Queensland, a person 16 years or older is exempt from wearing a seatbelt if the vehicle does not have, and is not required to have, seatbelts fitted (for example, historic vehicles). However, under the national model legislation, the Australian Road Rules, this exemption applies to a person seven years or older. The amendment will align the Queensland rule with the Australian Road Rules and allow a person who is seven years or older to travel unrestrained in a vehicle that does not have, and is not required to have, seatbelts fitted.

Transport Operations (Road Use Management—Vehicle Registration) Regulation 2010

Unregistered vehicle permits

Unregistered vehicle permits may be issued for a variety of reasons including, for example, to allow a vehicle to be driven to a place for an inspection to determine whether the vehicle can be registered for use on roads. For the majority of vehicles, the permits must be attached to the vehicle like a registration label (for example, to the lower left-hand corner of the vehicle's windscreen). To minimise the regulatory burden on the community, the amendments will provide that the permits need only be carried by the driver and not attached to the vehicle.

Vcheck

In 2005, Queensland launched *Vcheck* certificates to give consumers information about a vehicle including whether any security was held over the vehicle. Information about security interests is now available through the national Personal Property Securities Register. The amendments will remove the legislative provisions for *Vcheck* made redundant by the introduction of the national register.

Stolen vehicles

Currently, legislation provides that an application for registration of a vehicle may be refused if the chief executive believes the vehicle, or a part of it, may be stolen. In practice, however, where a vehicle is recorded as stolen in the National Exchange of Vehicle and Driver Information System or in the Queensland Police Service register of stolen vehicles, the department will always refuse an application to register that vehicle. As a result, the regulation will clarify that if the chief executive reasonably believes that a vehicle, or a part of a vehicle, is stolen, an application to register the vehicle, or to renew its registration, must be refused.

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* which include providing for the effective and efficient management of road use in the state and improving road safety and the environmental impact of road use.

Benefits and costs of implementation

There are no additional costs for government or the community from implementing these amendments.

Consistency with fundamental legislative principles

The amendments are consistent with fundamental legislative principles.

Consultation

Consultation on the proposed amendments was undertaken with the Department of the Premier and Cabinet, the Department of Justice and Attorney-General, the Queensland Police Service and Queensland Treasury and Trade.

ENDNOTES

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

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