

Transport Operations (Road Use Management—Vehicle Standards and Safety) Amendment Regulation (No. 1) 2013

Explanatory notes for SL 2013 No. 294

made under the

Transport Operations (Road Use Management) Act 1995

General Outline

Short title

Transport Operations (Road Use Management—Vehicle Standards and Safety) 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 Australian Vehicle Standards Rules (AVSRs) are national model legislation which set the standards heavy and light vehicles must meet to be used on roads and road-related areas. Subject to certain local variations, the AVSRs have been adopted in all Australian jurisdictions. In Queensland, the AVSRs form part of the *Transport Operations (Road Use Management—Vehicle Standards and Safety) Regulation 2010* (the Vehicle Standards and Safety Regulation).

The National Transport Commission has developed three packages of amendments to the AVSRs which will be implemented into Queensland law by this amendment regulation. The amendments are technical in nature and simply clarify or enhance the operation of existing provisions.

In addition, the regulation will make a number of Queensland-specific amendments designed to:

- reduce the regulatory burden on the owners of ‘mini-buses’ that are used for private purposes (for example, large families); and
- enhance consumer protection by clarifying requirements relating to the issuing of, and display of, vehicle inspection certificates.

Achievement of policy objectives

Australian Vehicle Standards Rules

The regulation amends the Vehicle Standards and Safety Regulation to adopt nationally-agreed amendments to the AVSRs. The amendments are minor and technical in nature. They include, for example, amendments to:

- clarify performance requirements for testing the operation of handbrakes in vehicles;
- clarify that the owners of older vehicles may fit more modern and updated equipment to their vehicles provided it complies with a recent Australian Design Rule;
- allow a broader range of sound level meters to be used to measure vehicle noise emissions;
- allow a device that makes a ‘bell’ sound to be fitted to a vehicle (e.g. a historic vehicle) – previously this was prohibited as bells were used on emergency vehicles; and
- enhance vehicle safety by requiring that all electrical components (e.g. batteries) are securely mounted.

Queensland-specific amendments

The regulation will also make the following amendments to the Vehicle Standards and Safety Regulation.

Inspection of light buses used for private purposes

There are a number of families that own ‘mini-buses’ that have more than 12 seats but are not more than 4.5 tonnes gross vehicle mass. Because the vehicles are classified as buses under the Vehicle Standards and Safety Regulation, they are required to be inspected by an authorised vehicle safety inspector each year.

This inspection requirement has been reviewed and found to impose an unnecessary burden on owners of these vehicles. The amendments will remove this requirement provided the vehicle is used only for private purposes and has a gross vehicle mass of not more than 4.5 tonnes. These vehicles will only need to be inspected in the same circumstances as other light vehicles (e.g. prior to being offered for sale).

It is believed the annual inspection requirement can be removed without any significant adverse impact on road safety. Any bus that is used for purposes other than private use or is over 4.5 tonnes will remain subject to the periodic inspection regime.

Display of safety certificates

When selling a registered light vehicle in Queensland, the seller must obtain and display a vehicle safety certificate. To ensure potential purchasers of the vehicle have complete

information on the safety inspection conducted on the vehicle, the safety certificate and all its details must be clearly legible from outside the vehicle.

The current legislation requires that the certificate be attached to, or displayed on, a conspicuous part of the vehicle, but it does not specify that all the information on the certificate must be clearly legible. As a result, a safety certificate may, for example, be folded and inserted into a plastic envelope attached to the inside of one of the vehicle's windows. Although this would comply with the existing legislation, important information on the certificates (e.g. whether the vehicle passed its first inspection) is not clearly legible to a prospective buyer.

The amendments will require that all information stated on the front of the safety certificate must be legible from outside the vehicle.

Pre-signing of vehicle inspection certificates

Safety certificates and certificates of inspection can be issued through Approved Inspection Stations (AIS) and deal with matters that affect the safety of vehicles (e.g. tyres, brakes, steering and lights etc). Currently, the proprietor of the AIS must sign the certificate before it is issued to the customer.

It is intended that AIS proprietors sign inspection certificates after an approved examiner has properly inspected the vehicle and completed the certificate. This ensures the integrity of the vehicle inspection process.

The amendments will clarify that certificates can only be signed by the AIS proprietor after the vehicle inspection has been conducted and the certificate has been completed by an approved examiner.

Dealers of used trailers

Currently, the Vehicle Standards and Safety Regulation requires the owner of a 'light' trailer (that is, one that does not weigh more than 3.5 tonnes) that is for sale to ensure a current safety certificate is displayed on the trailer. Similarly, a motor dealer who is disposing of a light trailer on behalf of its owner must ensure a safety certificate is attached to it.

The definition of 'motor dealer' in the regulation, however, does not include all those who sell light trailers. To correct this anomaly, references to 'motor dealers' in the regulation will be replaced with references to 'dealers' who will be defined to include those whose business includes selling used trailers. As a result, dealers selling used trailers will clearly be required to display safety certificates on trailers they are offering for sale. At the same time, those dealers will receive the benefit of the longer three month period of currency for safety certificates (rather than the usual two month currency).

It is understood that most sellers of used trailers currently comply with the safety certificate requirements voluntarily so the amendment is not expected to have any significant impact on industry. The display of the safety certificate does, however, provide assurance to potential purchasers that the used trailer has passed a minimum safety standard inspection.

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, improving road safety and the environmental impact of road use and providing for the effective and efficient management of vehicle use in a public place.

Inconsistency with policy objectives of other legislation

The regulation is consistent with the policy objectives of other legislation.

Benefits and costs of implementation

The amendments will benefit Queensland motorists by ensuring the standards that apply to a vehicle in Queensland are consistent with those that apply in other jurisdictions. If inconsistent vehicle standards applied in different jurisdictions, the operator of a vehicle may not be able to drive in a particular jurisdiction as their vehicle could be considered defective.

The amendments will also contribute to road safety by clarifying the operation of the vehicle inspection scheme which is aimed at enhancing vehicle safety and reducing the likelihood of crashes caused by defective vehicles being used on roads.

Owners of smaller buses used for private purposes that are built to carry more than 12 persons will benefit by no longer being required to have their vehicle inspected annually.

The Government will not incur any additional costs in the implementation of this legislation.

Consistency with fundamental legislative principles

The amendments are consistent with the fundamental legislative principles.

Consultation

The amendments to the AVSRs were developed by the National Transport Commission with assistance from transport agency representatives. Consultation on the amendments was undertaken with peak industry bodies. A Regulatory Impact Statement was prepared by the Commission for the 6th package of amendments which also included extensive consultation with motoring bodies and the general public. Given the minor and technical nature of the other two packages, a Regulatory Impact Statement was not required for those amendments.

The Motor Trades Association of Queensland was consulted on, and supports, the amendment relating to the sale of used trailers.

Consultation on the proposed amendments was also undertaken with the Department of the Premier and Cabinet, the Department of Justice and Attorney-General, the Queensland Police Service, Queensland Treasury and Trade, the Department of Natural Resources and Mines and the Office of Best Practice Regulation. All agencies support the amendments.