

Transport Operations (Road Use Management—Vehicle Standards and Safety) Amendment Regulation (No. 1) 2015

Explanatory notes for SL 2015 No. 18

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) 2015

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.

The *Transport Operations (Road Use Management—Vehicle Standards and Safety) Regulation 2010* is being amended to adopt changes to the AVSRs developed by the National Transport Commission and approved by the Transport and Infrastructure Council in May 2014.

The amendments are minor and technical in nature and are designed to enhance or clarify the operation of existing rules. For example, an amendment will provide that vehicle exhaust systems that use silencing devices that can be adjusted must be able to be noise-tested with the device fully open.

In addition, a number of Queensland-specific amendments will be made including amendments to update references to Commonwealth bodies in our legislation and to clarify the circumstances in which non-compliant vehicles which require repair may be used on roads.

Achievement of policy objectives

Australian Vehicle Standards Rules

The *Transport Operations (Road Use Management—Vehicle Standards and Safety) Amendment Regulation (No. 1) 2015* amends the *Transport Operations (Road Use Management—Vehicle Standards and Safety) Regulation 2010* to adopt nationally-agreed amendments to the AVSRs. As model legislation, the AVSRs are generally adopted by all States and Territories and are designed to promote national consistency in the approach to vehicle standards.

While the nationally-agreed amendments are relatively minor in nature, it is desirable that Queensland maintains consistency by adopting the amendments to the AVSRs. This assists the community by avoiding conflicting requirements applying in different jurisdictions.

Queensland-specific amendments

A number of Queensland-specific amendments will be made to enhance Queensland's vehicle standards rules, including amendments to:

- ensure the owners of individually constructed vehicles (for example, kit cars) are not required to obtain a permit from the Department of Transport and Main Roads that authorises the use of the vehicle on the road each time the ownership of the vehicle is transferred;
- update references to the Australian Customs Service, which is to be replaced by the Australian Border Force, and remove an obsolete reference to the Australian Protective Service; and
- clarify that a non-compliant vehicle can be driven on a road to be taken to a place of repair or for testing during the course of repair provided it does not pose any safety risk.

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 amendments are not inconsistent with the policy objectives of other legislation.

Benefits and costs of implementation

As noted above, the amendments to the AVSRs are minor in nature and will not have a significant impact. Adopting the nationally-agreed amendments assists in ensuring that the standards that apply to a vehicle in Queensland are consistent with those that apply in other jurisdictions. If inconsistent vehicle standards apply between jurisdictions, it may result in the operator of a vehicle not being able to drive in a particular jurisdiction as their vehicle could be considered defective.

A Queensland-specific amendment will reduce the regulatory burden on the owners of individually constructed vehicles (for example, kit cars) by removing the requirement for them to obtain a permit from the Department of Transport and Main Roads each time the ownership of the vehicle is transferred. The amendment will also result in efficiencies for the department as it will no longer need to process multiple permits for the same vehicle.

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 (NTC) and approved by the Transport and Infrastructure Council in May 2014. Public consultation on the amendments was undertaken by the NTC from 17 January 2014 to 21 February 2014, during which time peak industry bodies and the general public were able to review and comment on the proposed changes. In April 2014, the Commonwealth Office of Best Practice Regulation granted an exemption to the amendment regulation from the requirement to prepare a Regulatory Impact Statement as the proposed amendments are of a machinery nature.

Consultation has been undertaken with the Department of the Premier and Cabinet, the Department of Justice and Attorney-General, Queensland Treasury, and the Queensland Police Service. The Office of Best Practice Regulation, Queensland Competition Authority, was also consulted.

All agencies consulted agree with the proposed amendments.