

Transport Legislation Amendment Regulation (No. 1) 2016

Explanatory notes for SL 2016 No. 72

made under the

State Penalties Enforcement Act 1999

Transport Operations (Road Use Management) Act 1995

General Outline

Short title

Transport Legislation Amendment Regulation (No. 1) 2016

Authorising laws

Section 165 of the *State Penalties Enforcement Act 1999*

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

Policy objectives and the reasons for them

The policy objectives of the *Transport Legislation Amendment Regulation (No. 1) 2016* (the amendment regulation) are to enable vehicle safety inspection certificates to be issued electronically, and to enable certain vehicles' registration to be transferred online.

Electronic Inspection Certificates

Currently, safety inspections are undertaken on vehicles for the purpose of issuing *safety certificates* and, for heavy vehicles and certain other vehicles, *certificates of inspection*.

For light vehicles, a safety certificate is required when the vehicle is registered, offered for sale and when its registration is transferred. For heavy vehicles, public passenger transport vehicles, buses, driver trainer vehicles and licensed tow trucks, safety inspections to issue certificates of inspection are required at set periods prescribed in legislation.

Inspection certificates are currently issued by approved inspection stations in paper form, which requires the issuing of books of certificates to the inspection stations. To modernise the process, it is proposed to provide an electronic system for issuing the certificates as an alternative to the current paper-based system.

Online Registration Transfer

Currently, to transfer a vehicle's registration, it is necessary to fill out a paper form and to submit it in person at a Customer Service Centre (CSC) or agency of the Department of Transport and Main Roads (TMR).

To simplify this process and to remove the need for customers to attend a CSC or agency, an online service will be made available which will enable certain registration transfers to be applied for and processed through the TMR website. Customers will still have the option to transfer registration by submitting the paper-based approved form if they choose.

Achievement of policy objectives

Electronic Inspection certificates

Amendments to the *Transport Operations (Road Use Management—Vehicle Registration) Regulation 2010* and the *Transport Operations (Road Use Management—Vehicle Standards and Safety) Regulation 2010* will provide for the following:

- The seller of a vehicle that has an electronic inspection certificate will not be required to display it on the vehicle. However, they will be required to show a prospective buyer or the buyer's agent a copy of the certificate if asked. Failing to do so will be an offence subject to an infringement notice fine of 5 penalty units and a maximum penalty of 60 penalty units. Those penalties match the existing penalties currently applying to the offence of failing to display a paper-based certificate.
- When disposing of a vehicle that has an electronic inspection certificate, the owner of the vehicle will have the option to give the acquirer either the certificate number or a copy of the certificate (including, for example, by emailing an electronic version).
- When transferring the registration of a vehicle that has an electronic certificate, the customer will only need to provide the certificate number rather than the certificate itself as CSC staff will be able to verify that the vehicle has a current inspection certificate through the online system.

Further amendments will provide that information about a vehicle may be released from TMR's Transport Registration and Integrated Licensing System (TRAILS) without charge:

- To the general public to help inform them about whether or not the vehicle has a current inspection certificate.
- To an accredited vehicle examiner or the operator, or a person authorised by the operator, of an approved inspection station for the purpose of conducting a vehicle inspection – this would include, for example, details held in TRAILS about the vehicle's make, model and VIN to assist a vehicle inspector to identify the vehicle.
- To an accredited person who inspects vehicle modifications to assist them to identify the vehicle being inspected.

A minor amendment is also required to the *State Penalties Enforcement Regulation 2014* as the result of a restructuring of an offence provision to clarify that it does not apply to electronic inspection certificates.

Online Registration Transfer

Online registration transfer will largely be achieved under existing legislation by approving an electronic version of the approved registration transfer form.

Amendments to the *Transport Operations (Road Use Management—Vehicle Registration) Regulation 2010* will support that process, however, by providing for the following:

- The disposer of a vehicle will be able to lodge a disposal notice, either electronically or in writing, immediately after disposing of the vehicle rather than having to wait 14 days as is currently required. The lodgement of a disposal notice will be a prerequisite to the electronic transfer of a vehicle's registration.
- A vehicle's acquirer will not commit an offence if they fail to transfer a vehicle's registration within 14 days provided they have a reasonable excuse for that failure. This will protect an acquirer from committing an offence if the disposer fails to lodge a disposal notice in a timely way.
- The Chief Executive's existing power to issue a notice requiring a person to transfer a vehicle's registration will be extended to include where the Chief Executive has a reasonable belief that a person has acquired a vehicle but not lodged a registration transfer application within 14 days. This will allow the Chief Executive to require the transfer of a vehicle's registration where an acquirer did not transfer it within the 14 day period, but had a reasonable excuse for not doing so.

Consistency with policy objectives of authorising law

The amendments are consistent with the policy objectives of the authorising laws.

Inconsistency with policy objectives of other legislation

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

Benefits and costs of implementation

The introduction of electronic inspection certificates can save customers significant time in dealing with TMR.

For example, the registered operator of a vehicle that requires a certificate of inspection issued by an approved inspection station (for example, a heavy vehicle) will no longer have to present that certificate at a CSC when renewing the vehicle's registration. Instead, TMR will be able to access the details of the certificate electronically.

Use of the electronic system will be free for approved inspection stations and will mean they save the cost and time taken to purchase paper inspection certificate books from TMR. The cost of a book of 50 paper certificates is currently \$73.

There will be system establishment and ongoing hosting and maintenance costs involved with the electronic inspection certificates. These costs will be managed from within existing budget allocations.

Electronic inspection certificates also facilitate the introduction of the online registration transfer service which will allow customers to transfer the registration of certain vehicles online, without having to attend a CSC to complete the transaction.

System costs for the online registration renewal service will also be met from within existing budget allocations.

Consistency with fundamental legislative principles

The amendments are consistent with the fundamental legislative principles.

Consultation

In 2015, the department consulted a sample of operators of approved inspection stations to gauge interest in electronic inspection certificates. The sample included stations from various regions and of various sizes, from both private enterprise and local government. There was unanimous support for the concept.

In early 2016, the department sent approved inspection stations an initial advice about the new electronic inspection certificates by email or, where no email address was available, by post and around 400 stations have already indicated an interest in using the service.

Further advice has also been provided to various industry groups, including the Motor Trades Association of Queensland, the Institute of Automotive Mechanical Engineers, the Queensland Trucking Association, the Royal Automobile Club of Queensland and the Heavy Vehicle Industry Australia.

Consultation in relation to the online transfer of vehicle registration has been undertaken with providers of compulsory third party insurance and the Motor Accident Insurance Commission.

All stakeholders consulted support the amendments.