

Transport Operations and Other Legislation Amendment Regulation (No. 1) 2017

Explanatory notes for SL 2017 No. 44

made under the

Transport Operations (Road Use Management) Act 1995

General Outline

Short title

Transport Operations and Other Legislation Amendment Regulation (No. 1) 2017

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 *Transport Operations and Other Legislation Amendment Regulation (No. 1) 2017* (the amendment regulation) implements the following policy initiatives.

Dual control vehicles

Driver trainer vehicles are fitted with dual controls that allow the driving instructor, while sitting in the front passenger seat, to override certain actions of the driver. For road safety reasons, it is not appropriate for these vehicles to be used as public passenger vehicles as the dual controls could be deliberately or inadvertently misused by a passenger in the vehicle.

No Trucks signs

On multi-lane roads, it may be appropriate to restrict trucks from travelling in certain lanes. To provide for this, under the *Queensland Road Rules* (QRR), a *No Trucks* sign can be accompanied by an additional sign that specifies that the restriction applies only to a certain lane or lanes. The amendments clarify that an offence is committed not only if a truck passes a *No Trucks* sign in a lane to which the sign applies but also if the truck enters the prohibited lane after having passed the sign.

Offensive advertising

The *Transport Operations (Road Use Management) (Offensive Advertising) Amendment Act 2017* inserts new provisions into the *Transport Operations (Road Use Management) Act 1995*. The provisions will apply when the Advertising Standards Bureau notifies the Chief Executive of the Department of Transport and Main Roads (DTMR) that advertising on a Queensland registered vehicle has been determined by the Advertising Standards Board to breach the advertisers' Code of Ethics, and no action has been taken by the advertiser to modify or remove the advertisement. The new provisions allow the Chief Executive to cancel the vehicle's registration.

Consequential amendments contained in the amendment regulation will:

- insert cross-references to two of the new Act provisions into the *Transport Operations (Road Use Management—Vehicle Registration) Regulation 2010* (Vehicle Registration Regulation) to assist readability of the regulation; and
- create an infringement notice fine of two penalty units for a person who fails to return their number plates or registration label following the cancellation of their registration under the new Act provisions.

Achievement of policy objectives

Dual control vehicles

A new section (section 138A) is to be inserted into the *Transport Operations (Road Use Management—Accreditation and Other Provisions) Regulation 2015* which provides that a driver must not use a motor vehicle to provide a public passenger service if it is fitted with dual controls that are immediately accessible by a passenger in the vehicle. There is a maximum penalty of 20 penalty units (currently \$2,438) and an amendment to the *State Penalties Enforcement Regulation 2014* (SPE Regulation) will insert an infringement notice fine of 2 penalty units (currently \$243) for a breach of the new provision.

No Trucks signs

An amendment to the QRR will clarify that an offence is committed not only if a truck passes a *No Trucks* sign in a lane to which the sign applies but also if the truck enters the prohibited lane after having passed the sign.

Offensive advertising

Amendments contained in the amendment regulation will:

- insert notes into sections 13 and 51 of the Vehicle Registration Regulation to refer the reader to new provisions in the *Transport Operations (Road Use Management) Act 1995* dealing with offensive advertising on vehicles. These new provisions may require a statutory declaration to accompany an application for registration under section 13 where a vehicle has been deregistered due to offensive advertising on it and may prohibit the chief executive recording a transfer of registration under section 51 where the vehicle is subject to a *registration cancellation notice* due to offensive advertising; and
- insert an infringement notice fine of three and one-fifth of a penalty unit (currently \$390) into the SPE Regulation for a person who fails to return their number plates or registration label following the cancellation of their registration under the new provisions referred to above.

Consistency with policy objectives of authorising law

The amendment regulation is consistent with the policy objectives of the *Transport Operations (Road Use Management) Act 1995*, in particular the objectives of promoting the effective and efficient movement of people, goods and services and improving road safety.

Inconsistency with policy objectives of other legislation

The amendment regulation is not inconsistent with the policy objectives of other legislation.

Benefits and costs of implementation

There are no costs associated with the implementation of the amendment regulation.

Consistency with fundamental legislative principles

The amendment regulation is consistent with the fundamental legislative principles.

Consultation

In accordance with *The Queensland Government Guide to Better Regulation*, DTMR applied the Category G (Regulatory proposals that are of a machinery nature) self-assessable exclusion from undertaking further regulatory impact analysis for all amendments.