

Transport Legislation Amendment Regulation (No. 1) 2018

Explanatory notes for SL No. 11

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) 2018

Authorising law

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) 2018* are to enhance the operation of transport legislation by the following amendments:

- Enabling overseas visitors to bring their private vehicle into Queensland for temporary use without the need for an overseas vehicle permit.
- Providing that where a driver licence has been suspended for unpaid fines, the suspension will not be considered when assessing an application for accreditation as a driver trainer.
- Clarifying the circumstances in which the chief executive can require a person to exchange their number plate if something on the number plate is considered inappropriate.
- Enabling a motor dealer who has disposed of a vehicle to another dealer to apply for the transfer of the vehicle's registration, where there is an agreement with the acquiring dealer.
- Prohibiting the altering, copying or defacing of a disability parking permit and allowing the police to issue an infringement notice for the offence.
- Clarifying the description of the symbol or shape imprinted on a speed camera image to identify a speeding vehicle.
- Removing the legislative requirement to make certain applications to the Department of Transport and Main Roads (the department) using an approved form or in writing, where there are more flexible alternatives available.

Achievement of policy objectives

Removing overseas vehicle permits

A private vehicle registered in another country may be imported into Australia for temporary use under either a ‘*Carnet de Passage en Douane*’ (Carnet) or as part of a Status of Forces Agreement (SFA) for visiting military personnel.

The Carnet is an internationally recognised document, allowing for the temporary importation of a private vehicle to participating countries. The SFA allows visiting military personnel to import their private vehicle for use while they are in Australia.

In addition to the Carnet or SFA, an overseas vehicle permit must be obtained for the vehicle if it is to be used on Queensland’s roads.

To reduce the regulatory burden, an amendment to the *Transport Operations (Road Use Management—Vehicle Registration) Regulation 2010* removes the requirement to obtain an overseas vehicle permit. When requested to do so by an authorised officer, the overseas visitor will be required to show proof of their Carnet or SFA, current compulsory third party insurance policy and overseas registration.

Driver trainer accreditation

To apply for driver trainer accreditation a person must hold a valid open driver licence that has not been suspended in the preceding 12 months. Under the *State Penalties Enforcement Act 1999*, a person’s driver licence can be suspended for a range of unpaid fines, not just fines arising from driver or vehicle related offences.

Amendments to the *Transport Operations (Road Use Management—Accreditation and Other Provisions) Regulation 2015* will provide that driver licence suspensions under Part 5, Division 7 of the *State Penalties Enforcement Act 1999*, and comparable legislative provisions in other Australian jurisdictions and New Zealand, are to be disregarded when assessing applications for accreditation as a driver trainer. The grant of driver trainer accreditation will still be subject to a satisfactory criminal and traffic history check, and any licence suspensions relevant to a person being a driver trainer will be identified through this process.

Personalised number plates

Currently, under the *Transport Operations (Road Use Management—Vehicle Registration) Regulation 2010*, the chief executive can require a number plate to be exchanged where the chief executive considers the number-letter combination is obscene or indecent.

On certain personalised number plates, the registered operator is able to add a personalised message to their plate sash, or to include an image on their plate, in addition to the number-letter combination.

An amendment will ensure the chief executive can also require a plate to be exchanged if the sash or image is considered to be obscene or indecent.

Dealer-to-dealer vehicle transfers

Currently, where a vehicle is transferred between motor vehicle dealers, the acquiring dealer is required to notify the department of the transfer within 14 days to allow the registration of the vehicle to be transferred to the new registered operator. Where the acquiring dealer does not notify the department in a timely manner, some disposing dealers are receiving notices about unpaid tolls and fines as they are still recorded as the registered operator of the vehicle.

An amendment to the *Transport Operations (Road Use Management—Vehicle Registration) Regulation 2010* will allow a disposing dealer to apply for the transfer of a vehicle's registration, when an agreement is in place with the acquiring dealer. The agreement will be facilitated by a dealer-to-dealer transfer form, which will be signed by both parties.

Disability parking permits

Currently, the *Traffic Regulation 1962* makes it an offence for a person to wilfully damage a disability parking permit without a reasonable excuse. To further protect the integrity of the disability parking scheme, the existing offence will be extended to also prohibit a person from altering, copying or defacing a permit or otherwise making it illegible. An amendment to the *State Penalties Enforcement Regulation 2014* will enable infringement notices to be issued for the offence.

Speed camera offences

When an image of a vehicle is captured by certain digital speed cameras, a shape or symbol is imprinted on the speed camera image. This shape or symbol is used to identify which vehicle is the target vehicle for the speed detection by the camera device. Different photographic detection devices use different symbols to indicate the target vehicle.

Currently, the *Traffic Regulation 1962* specifies these symbols in some detail (for example, a cross, circle or square). To standardise the approach and ensure the legislation stays up to date if device manufacturers change the symbols on new models of photographic detection devices, an amendment will specify that the target vehicle is identified by any shape or symbol overlaid on a vehicle in an image.

Removing approved form requirements

Legislative requirements to use an approved form when dealing with the department are being progressively phased out. This is to ensure new technologies and approaches, such as mobile apps, can be adopted quickly to enhance a customer's experience.

The *Transport Operations (Road Use Management—Accreditation and Other Provisions) Regulation 2015* and the *Transport Operations (Road Use Management—Vehicle Registration) Regulation 2010* are being amended to remove legislative requirements to make applications in the approved form, or in writing, where the department provides an alternative means for an application to be made.

Information about the way a customer may make an application will be available on the department's website, including advice about any additional information that is required to

support the application. Where no alternative means to make an application is provided for, the customer will be required to use an approved form, or to give the information in written form.

Consistency with policy objectives of authorising law

The amendments to the *Traffic Regulation 1962, Transport Operations (Road Use Management—Accreditation and Other Provisions) Regulation 2015* and *Transport Operations (Road Use Management—Vehicle Registration) Regulation 2010* are consistent with the main objects of the *Transport Operations (Road Use Management) Act 1995* including, in particular, the objectives of providing for the effective and efficient management of road use in the State and improving road safety.

The amendment to the *State Penalties Enforcement Regulation 2014* is consistent with the objectives of the *State Penalties Enforcement Act 1999*.

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 amendments enabling overseas visitors to drive their vehicles in Queensland without an overseas vehicle permit will reduce transaction times and potential delays, while maintaining safeguards such as the requirement to carry proof of compulsory third party insurance for the vehicle.

The amendments enabling a disposing dealer to apply to transfer the registration of a vehicle will reduce the administrative burden and cost for dealerships that are currently required to respond to notices of unpaid tolls and fines incurred after a vehicle is transferred to another dealer.

The amendments prohibiting the altering, copying or defacing of a disability parking permit will protect the integrity of the disability parking scheme.

The amendments relating to approved forms will enhance customer experiences by not requiring a form to be completed where there is an appropriate and more convenient alternative that the department has made available. Other benefits may include reduced transaction times and reduced costs of printing, distributing, filing and manually checking paper forms.

The amendments in this amendment regulation are minor in nature and will not have a significant cost impact on government or other stakeholders.

Consistency with fundamental legislative principles

The amendments are consistent with fundamental legislative principles.

Consultation

The amendments to remove the requirement to obtain an overseas vehicle permit were developed in consultation with the Motor Accident Insurance Commission to ensure the relevant vehicles continue to be covered by appropriate third party insurance.

Personalised Plates Queensland was consulted on the amendments to allow the chief executive to require the exchange of a personalised plate that displays an inappropriate sash or image.

The amendments allowing disposing dealers to apply for the transfer of a vehicle's registration were developed following approaches to the department by motor vehicle dealers.

The remaining amendments are administrative in nature and, as such, no consultation was undertaken on them.

The Office of Best Practice Regulation, Queensland Productivity Commission, advised that the following amendments are unlikely to result in significant adverse impacts and therefore no further assessment is required under *The Queensland Government Guide to Better Regulation*:

- Enabling overseas visitors to bring their private vehicle into Queensland for temporary use without the need for an overseas vehicle permit.
- Providing that where a driver licence has been suspended for unpaid fines, the suspension will not be considered when assessing an application to be accredited as a driver trainer.
- Allowing a disposing motor vehicle dealer to apply to transfer a vehicle's registration, where there is an agreement with the acquiring dealer.
- Prohibiting the altering, copying or defacing of a disability parking permit and allowing the police to issue an infringement notice under the *State Penalties Enforcement Regulation 2014*.
- Removing the legislative requirement to make certain applications to the department using an approved form or in writing under the *Transport Operations (Road Use Management—Accreditation and Other Provisions) Regulation 2015* and the *Transport Operations (Road Use Management—Vehicle Registration) Regulation 2010*.

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

- Clarifying the circumstances where the chief executive can require a person to exchange their number plate if something on the number plate is considered inappropriate.
- Clarifying the description of the symbol or shape imprinted on a speed camera image to identify a speeding vehicle.