

Transport Operations (Road Use Management—Vehicle Registration) (Special Interest Vehicles) Amendment Regulation 2018

Explanatory notes for SL 2018 No. 46

made under the

Transport Operations (Road Use Management) Act 1995

General Outline

Short title

Transport Operations (Road Use Management—Vehicle Registration) (Special Interest Vehicles) Amendment Regulation 2018

Authorising law

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

Policy objectives and the reasons for them

Permit to move an unregistered vehicle

If a police officer finds an unregistered vehicle on a road, the officer has the power to issue a permit for the driver to move the vehicle to a particular place. However, the permit can only be issued if the officer has issued an infringement notice or completes a report for dealing with the contravention at a later time. The Queensland Police Service (QPS) requested that the *Transport Operations (Road Use Management—Vehicle Registration) Regulation 2010* (the Vehicle Registration Regulation) be amended to include a Notice to Appear (NTA) as an alternative prerequisite for the issue of a permit to move an unregistered vehicle to a particular place.

An NTA, which is issued under the *Police Powers and Responsibilities Act 2000*, is a simpler way to require a person to attend court than by other means, such as arresting a person. At the time of interception, in addition to the unregistered vehicle offence, the officer may detect offences under another law for which an NTA would be the appropriate instrument, and for which an infringement notice fine might not be available (for example, possession of drugs). In these circumstances, it is more efficient for the officer to issue an NTA for both offences.

The *Transport Operations (Road Use Management—Vehicle Registration) (Special Interest Vehicles) Amendment Regulation 2018* (the Amendment Regulation) will allow an officer to issue a permit to allow an unregistered vehicle to be moved on a road following the issue of an NTA.

Registration fee for a motorbike registered as a Special Interest Vehicle (SIV)

The SIV scheme is designed to provide a reduced cost of registration to classic or vintage cars, street rods and historic vehicles. A vehicle registered as an SIV may be used on roads in limited circumstances including to participate in historic vehicle events and displays, and for ceremonial purposes such as weddings.

Due to a three-year family vehicle registration freeze (2012–2015), the cost of registration for an SIV motorbike is now more than the cost of registering most other SIVs. This is because the freeze did not apply to motorbikes. The Amendment Regulation amends the fee for an SIV motorbike by applying a similar discount to that available to other SIVs. Under this approach, the fee for an SIV motorbike will reduce from \$117.25 to \$34.20 from 1 July 2018.

Historic buses

Under passenger transport legislation, unless an exemption is granted, buses that are over 5t must be retired from commercial use when the vehicle is 25 years old. Currently, to benefit from the concessional registration fee as an SIV under the Vehicle Registration Regulation, a bus must be 30 years old. This means any heavy bus which is retired from public passenger services when it is 25 years old, may lie dormant for five years before it is eligible for registration as an SIV. During this time, it may fall into disrepair. To address this, the age at which a bus over 5t is eligible for SIV registration is being lowered by the Amendment Regulation from 30 years to 25 years.

Obscene or indecent number plates

Under section 102 of the Vehicle Registration Regulation, the chief executive can recall for exchange, a number plate that displays obscene or indecent writing or images. Section 102(4) provides that a person must comply with a notice recalling such a number plate unless they have notified the chief executive that the plate has been lost, stolen or destroyed. Due to an oversight in an earlier amendment regulation, the maximum penalty provision for section 102(4) was inadvertently removed. The Amendment Regulation will reinsert the maximum penalty of 20 penalty units for contravening this requirement.

A further amendment will allow an Authorised Officer to require a person to remove an obscene or indecent number plate from a vehicle and deliver it to the authorised officer where the chief executive has recalled the plate. A failure to comply with that requirement will make the person liable for a maximum penalty of 16 penalty units (currently \$2018) and a fine of two and two-fifths penalty units (currently \$302).

Achievement of policy objectives

The Amendment Regulation achieves the policy objectives by amending the Vehicle Registration Regulation to:

- allow a police officer to issue a permit to move an unregistered vehicle when issuing a notice for a person to appear in court;
- reduce the registration fee for a motorbike registered as an SIV;
- lower the age that a bus is eligible for registration as an SIV from 30 to 25 years; and
- strengthen provisions dealing with obscene and indecent number plates.

Consistency with policy objectives of authorising law

The Amendment Regulation is consistent with the objectives of the *Transport Operations (Road Use Management) Act 1995* to improve road safety and promote the effective and efficient movement of people, goods and services.

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 amendment to allow a police officer to issue an unregistered vehicle permit with an NTA will support more efficient enforcement practices. The reduction in the registration fee for an SIV motorbike will benefit the owners of historic motorbikes. The amendment relating to the registration of historic buses as SIVs will contribute to ensuring the preservation of historic buses. The amendments strengthening provisions dealing with obscene and indecent number plates will assist in ensuring that inappropriate plates are not displayed on vehicles on Queensland roads.

There are no significant costs of implementing these amendments.

Consistency with fundamental legislative principles

The amendments are consistent with fundamental legislative principles.

Consultation

The Historical Motor Cycle Club of Queensland (HMCCQ) sought the reduction in the registration fee for an SIV motorbike. The Queensland Historic Motoring Council (QHMC) requested that the SIV registration age limit for historic buses be lowered to help ensure the continued preservation of historic buses. Consultation on both of these SIV amendments was undertaken with the Motoring Organisation and Car Club forum, which is a departmental consultation forum that includes representatives of various motoring clubs including the HMCCQ and the QHMC.

The Office of Best Practice Regulation was consulted about the amendments and advised that the amendments were excluded from further regulatory impact assessment under *The Queensland Government Guide to Better Regulation*.