

Transport Legislation Amendment Regulation 2024

Explanatory notes for SL 2024 No. 145

made under the

Rail Safety National Law (Queensland) Act 2017
Transport Operations (Road Use Management) Act 1995

General Outline

Short title

Transport Legislation Amendment Regulation 2024

Authorising laws

Section 34(1) of the *Rail Safety National Law (Queensland) Act 2017*
Section 171 of the *Transport Operations (Road Use Management) Act 1995*

Policy objectives and the reasons for them

New collection unit for drug testing of rail safety workers

The first policy objective of the *Transport Legislation Amendment Regulation 2024* (the Amendment Regulation) is to prescribe a new type of collection unit for saliva samples used for drug testing of rail safety workers.

The Rail Safety National Law (the National Law) is hosted by South Australia and contained in the schedule to the *Rail Safety National Law (South Australia) Act 2012* and the *Rail Safety National Law National Regulations 2012*. Provisions in the National Law about drug and alcohol use by rail safety workers are administered by the Office of the National Rail Safety Regulator (ONRSR). Under these provisions, a rail safety worker is prohibited from carrying out, or attempting to carry out, rail safety work while there is alcohol or a prescribed drug in their system.

In Queensland, the *Rail Safety National Law (Queensland) Act 2017* (the RSNL Qld Act) applies the National Law with some modifications. The RSNL Qld Act provides for some matters to be prescribed under a regulation. Section 8 of the *Rail Safety National Law (Queensland) Regulation 2017* prescribes how certain screening tests are to be carried out in Queensland, including that a saliva test must be done using a prescribed *collection unit*.

UltraSal-2 is the prescribed collection unit currently used by ONRSR. Its production has ceased and stock is estimated to run out in 2024. ONRSR is transitioning to using a product called Quantisal. To support this change, Quantisal must be prescribed as a collection unit.

Transition of particular Road Safety Camera Office (RSCO) functions

The second policy objective of the Amendment Regulation is to enable the chief executive to approve an entity for calibration testing of a photographic detection device following the transfer of particular Road Safety Camera Office (RSCO) functions from the Queensland Police Service (QPS) to the Department of Transport and Main Roads (TMR).

The Camera Detected Offence Program (CDOP) is a key component of the Queensland road safety strategy to reduce road crashes in Queensland. Under CDOP, photographic detection devices are used to enforce offences such as speeding, red light running, mobile phone use and lack of seatbelt wearing. These components of CDOP are managed by the QPS through the RSCO. Machinery of Government changes in July 2024 transferred responsibility for particular RSCO functions from QPS to TMR.

Under the *Traffic Regulation 1962* (the Traffic Regulation), calibration testing of a relevant photographic detection device must be conducted by an approved testing entity. The Police Commissioner has the power to approve a testing entity if satisfied they are competent to conduct the testing. As part of the transition of RSCO functions, some relevant content-experts will be transitioning to TMR, and the chief executive will have the information to approve a testing entity. To support this transition, the chief executive needs to be able to approve entities to calibrate photographic detection devices.

Three-month vehicle registration terms for dealer vehicles

The third policy objective of the Amendment Regulation is to remove certain requirements when registering a dealer vehicle for a period of three months.

The *Transport Operations (Road Use Management—Vehicle Registration) Regulation 2021* (the VR Regulation) provides that three-month vehicle registration terms (other than for category 2 vehicles and taxi service or booked hire service vehicles) are contingent on the applicant agreeing to pay via direct debit and receive all communications electronically. TMR is unable to set up direct debit arrangements and electronic communications for proprietary limited entities, meaning the majority of motor dealers have been unable to access three-month registration terms for dealer vehicles. Removal of existing requirements to access three-month registration terms will further support the business functions of motor dealers.

Achievement of policy objectives

New collection unit for drug testing of rail safety workers

The Amendment Regulation achieves its first policy objective by amending the *Rail Safety National Law (Queensland) Regulation 2017* to prescribe Quantisal as a collection unit for the purpose of drug testing of rail safety workers.

Transition of particular Road Safety Camera Office (RSCO) functions

The Amendment Regulation achieves its second policy objective by amending the Traffic Regulation to enable the chief executive to approve an entity for calibration testing of a photographic detection device. The Police Commissioner's power to approve testing entities will also remain. This amendment supports the transition of particular RSCO functions from QPS to TMR.

Three-month vehicle registration terms for dealer vehicles

The Amendment Regulation achieves its third policy objective by amending the VR Regulation to remove the requirement for an applicant to pay via direct debit and receive all communications electronically if the applicant is registering a dealer vehicle for three-months. This amendment enables motor dealers that are proprietary limited entities to access three-month registration terms.

Consistency with policy objectives of authorising laws

The Amendment Regulation is consistent with the policy objective of the *Rail Safety National Law (Queensland) Act 2017* to provide for the safe carrying out of railway operations.

The Amendment Regulation is consistent with the policy objective of the *Transport Operations (Road Use Management) Act 1995* to provide for the effective and efficient management of road use in the State.

Inconsistency with policy objectives of other legislation

The Amendment Regulation is not inconsistent with the policy objectives of other legislation.

Alternative ways of achieving policy objectives

There are no feasible alternative ways to achieve the objectives other than through regulatory amendments.

Benefits and costs of implementation

New collection unit for drug testing of rail safety workers

The benefit of prescribing a new type of collection unit is that drug testing can continue to be lawfully carried out under the National Law. This is a key part of ONRSR's roles and responsibilities in ensuring the safety of rail workers and the general public.

There is no cost to stakeholders or the Queensland Government. ONRSR has responsibility for administering the drug and alcohol testing provisions in the National Law, including procuring devices to be used for saliva testing. The provisions are enforced by authorised persons who are appointed and employed by ONRSR.

Transition of particular Road Safety Camera Office (RSCO) functions

Enabling the chief executive to approve a testing entity supports the efficient transition of particular RSCO functions to TMR. It does not impose any costs on stakeholders or the Queensland government.

Three-month vehicle registration terms for dealer vehicles

Improving access to three-month registration for dealer vehicles will reduce the financial burden on motor dealers that were restricted to longer registration terms due to operational limitations.

Communications required to support implementation of the change will be achieved within current operational budgets.

Consistency with fundamental legislative principles

The Amendment Regulation is consistent with the fundamental legislative principles as required under the *Legislative Standards Act 1992*.

Consultation

New collection unit for drug testing of rail safety workers

No external consultation was undertaken on the prescription of a new type of collection unit for drug testing of rail safety workers because the amendment is minor and technical in nature.

In accordance with the *Queensland Government Better Regulation Policy* (the Better Regulation Policy), a basic summary Impact Analysis Statement (IAS) has been prepared, as no regulatory impact analysis is required for regulatory proposals that are machinery in nature.

Transition of particular Road Safety Camera Office (RSCO) functions

No external consultation was undertaken on amending the Traffic Regulation to support the transfer of RSCO functions to TMR, as the proposal is machinery in nature.

In accordance with the Better Regulation Policy, a basic summary IAS has been prepared, as no regulatory impact analysis is required for regulatory proposals that are machinery in nature.

Three-month vehicle registration terms for dealer vehicles

TMR consulted with the Motor Trades Association of Queensland (MTAQ) on the proposal for improving access to three-month vehicle registration for dealer vehicles. MTAQ supports the amendment.

In accordance with the Better Regulation Policy, a basic summary IAS has been prepared, as no regulatory impact analysis is required for regulatory proposals that are deregulatory in nature.