

Transport Legislation Amendment Regulation 2021

Human Rights Certificate

Prepared in accordance with Part 3 of the *Human Rights Act 2019*

In accordance with section 41 of the *Human Rights Act 2019*, I, Mark Bailey MP, Minister for Transport and Main Roads provide this human rights certificate with respect to the *Transport Legislation Amendment Regulation 2021* (Amendment Regulation) made under the *Transport Operations (Road Use Management) Act 1995* (TORUM Act) and the *Transport Planning and Coordination Act 1994*.

In my opinion, the Amendment Regulation, as tabled in the Legislative Assembly, is compatible with the human rights protected by the *Human Rights Act 2019*. I base my opinion on the reasons outlined in this statement.

Overview of the Subordinate Legislation

Consequential amendments to the *Road Vehicle Standards Act 2018* (Cwlth)

The *Road Vehicle Standards Act 2018* (Cwlth) (RVS Act) modernises the regulation of the initial supply of road vehicles to the Australian marketplace. It replaces the *Motor Vehicle Standards Act 1989* (MVS Act). It is planned that the RVS Act will commence in full on 1 July 2021 and the MVS Act will be repealed when the RVS Act is commenced in full.

The Amendment Regulation makes consequential amendments to the *Transport Operations (Road Use Management—Accreditation and Other Provisions) Regulation 2015* (Accreditation Regulation), the *Transport Operations (Road Use Management—Vehicle Registration) Regulation 2010* (Registration Regulation) and the *Transport Operations (Road Use Management—Vehicle Standards and Safety) Regulation 2010* (Vehicle Standards Regulation) to reflect that requirements for the importation and supply of road vehicles nationally will fall under the RVS Act instead of the MVS Act.

Under the RVS Act a vehicle may be entered on the Register of Approved Vehicles (the RAV) if it satisfies the requirements of an entry pathway for the supply of vehicles in Australia. The RAV, which will be a publicly searchable electronic database, will contain details about vehicles that have been approved for road use. This will replace the requirement for a vehicle to have a compliance plate. The RAV will contain information that is typically found on a vehicle's compliance plate, such as the vehicle's make and model, Gross Vehicle Mass (GVM), Gross Combination Mass (GCM) and seating capacity. Consequential amendments are required to the Registration Regulation and the Vehicle Standards Regulation to reflect that the RAV will be used in establishing a vehicle's GVM and GCM.

The RVS Act also makes provision for the Australian Design Rules (ADRs) for vehicles as national road vehicle standards. Once a vehicle has been lawfully imported, ensuring its

continued compliance with ADRs is a responsibility of state and territory governments. Consequential amendments are required to the Vehicle Standards Regulation to align references to national road vehicle standards and ADRs with the RVS Act.

Required equipment for Approved Inspection Stations

Under the Accreditation Regulation, vehicle safety inspections are required to be undertaken through an Approved Inspection Station (AIS). The Amendment Regulation removes the requirement that, before an application can be granted approval as an AIS, the applicant must first have the required equipment to inspect vehicles to which the approval relates. Instead, an applicant will only need to have the required equipment once an application to operate as an AIS is approved. This means that an applicant for approval as an AIS no longer needs to invest in expensive equipment such as vehicle hoists prior to the determination of their application.

Relevant authorities for use in a Digital Licence App

The *Transport and Other Legislation (Road Safety, Technology and Other Matters) Amendment Act 2020*, amended the TPC Act and other legislation to enable the display and use of a digital version of a driver licence and other authorities through a Digital Licence App. The Digital Licence App will be voluntary and will complement physical authorities. Customers will have the choice of either using the physical card or digital authority.

For an authority issued by the Queensland Government to be stored, displayed and used in the Digital Licence App, under Part 4E, Division 1 of the TPC Act, it must be prescribed as a relevant authority, and the Act that the authority is issued under must also be prescribed as a relevant Act. The *Transport Planning and Coordination Regulation 2017* (TPC Regulation) is being amended to prescribe the following as relevant authorities, and the Acts they are issued under as relevant Acts:

- a photo identification card issued under the *Photo Identification Card Act 2008*;
- a personal watercraft licence issued under the *Transport Operations (Marine Safety) Regulation 2016* (TOMSR);
- a recreational marine driver licence issued under TOMSR; and
- a Queensland driver licence issued under the TORUM Act.

Advice about adjustments to terms of registration

If a person pays their vehicle registration renewal, and pays too much or too little, the Department of Transport and Main Roads (TMR) makes an adjustment to the term of registration proportionate to the payment variation. When this occurs, under the Registration Regulation, the chief executive of TMR advises the person of the action taken. An amendment is being made to facilitate this notice being made available electronically.

Removal of redundant alcohol interlocks

Section 63B of the *Transport Operations (Road Use Management—Driver Licensing) Regulation 2010* prescribes approved alcohol ignition interlock devices for Chapter 5, part 3B of the TORUM Act. An alcohol ignition interlock is a breath test device linked to the ignition system of a vehicle. The interlock is designed to prevent a vehicle from starting if the driver's

blood/breath alcohol content exceeds zero. The ignition interlock is designed to deter and prevent convicted drink drivers from operating their vehicles under the influence of alcohol. Two approved alcohol ignition interlocks are no longer in use, so an amendment is being made to remove them from the list of approved interlocks.

Human Rights Issues

Human rights relevant to the subordinate legislation (Part 2, Division 2 and 3 *Human Rights Act 2019*)

Upon analysis, given the technical and beneficial nature of the amendments, the Amendment Regulation, does not engage or limit any human rights. The amendments to the RVS Act and those related to the Digital Licence App are consequential in nature. Use of the Digital Licence App is entirely optional. The amendment removing the requirement for an AIS to have the required equipment before lodging an application to be an AIS reduces the regulatory burden for industry. The amendments facilitating electronic advice about under or over payments of vehicle registration enables prompt advice to registered operators of vehicles about changes to their vehicle registration. Removal of approved interlocks that are no longer in use ensures legislation remains accurate and up-to-date.

In my opinion, the amendments do not engage any human rights.

Conclusion

I consider that the *Transport Legislation Amendment Regulation 2021* is compatible with the *Human Rights Act 2019* because it does not raise any human rights issues.

Honourable Mark Bailey MP
Minister for Transport and Main Roads