

# Transport and Other Legislation Amendment Regulation (No. 1) 2014

Explanatory notes for SL 2014 No. 8

made under the

*Police Powers and Responsibilities Act 2000*  
*Queensland Civil and Administrative Tribunal Act 2009*  
*State Penalties Enforcement Act 1999*  
*Tow Truck Act 1973*  
*Transport Infrastructure Act 1994*  
*Transport Operations (Passenger Transport) Act 1994*  
*Transport Operations (Road Use Management) Act 1995*

## General Outline

### Short title

*Transport and Other Legislation Amendment Regulation (No. 1) 2014*

### Authorising law

Section 809 of the *Police Powers and Responsibilities Act 2000*.  
Section 242 of the *Queensland Civil and Administrative Tribunal Act 2009*.  
Section 165 of the *State Penalties Enforcement Act 1999*.  
Section 43 of the *Tow Truck Act 1973*.  
Section 490 of the *Transport Infrastructure Act 1994*.  
Sections 92 and 155 of the *Transport Operations (Passenger Transport) Act 1994*.  
Section 171 of the *Transport Operations (Road Use Management) Act 1995*.

### Policy objectives and the reasons for them

The *Heavy Vehicle National Law Act 2012* contains the Heavy Vehicle National Law. The national law regulates vehicles with a gross vehicle mass of more than 4.5 tonnes.

The policy objective of the amendment regulation is to ensure that when the national law commences in Queensland there is no overlap in the legislative provisions which regulate heavy vehicles.

## **Achievement of policy objectives**

The amendments achieve the policy objective by making consequential amendments to remove provisions that regulate heavy vehicles that will be covered by the national law, and by inserting references to the Law where relevant. A number of miscellaneous amendments of a machinery nature, arising out of the consequential amendments, are also being made to enhance the operation of the legislation.

As fatigue management of drivers of heavy vehicles will be regulated under the Heavy Vehicle National Law, the *Transport Operations (Road Use Management—Fatigue Management) Regulation 2008* will be repealed.

A substantial part of the *Transport Operations (Road Use Management—Mass, Dimensions and Loading) Regulation 2005* deals with matters applying only to heavy vehicles that will be covered by the national law. This regulation will be repealed and remaining provisions dealing with light vehicles will be transferred into the *Transport Operations (Road Use Management—Vehicle Standards and Safety) Regulation 2010*. As part of this process, provisions relating to vehicle standards exemptions and dimension exemptions are being merged into the same provisions. This will provide consistency in the processes for applying for, deciding and issuing these exemptions where possible.

## **Consistency with policy objectives of authorising law**

The amendments are consistent with the policy objectives of the authorising laws.

## **Inconsistency with policy objectives of other legislation**

The regulation is consistent with the policy objectives of other legislation.

## **Benefits and costs of implementation**

An independent cost benefit analysis was commissioned to ascertain the net benefits possible through adoption of the national law. The outcomes of this analysis are summarised in the explanatory notes for the Heavy Vehicle National Law Bill 2012.

There are no additional appreciable costs associated with implementing this regulation.

## **Consistency with fundamental legislative principles**

It is considered that the amendments are consistent with fundamental legislative principles.

## Consultation

Consultation on the proposed amendments was undertaken with the Department of the Premier and Cabinet, the Department of Justice and Attorney-General, the Queensland Police Service, Queensland Treasury and Trade and the Office of Best Practice Regulation. All agencies support the amendments.

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