

Transport Legislation Amendment Regulation (No. 1) 2014

Explanatory notes for SL 2014 No. 232

made under the

Tow Truck Act 1973

Transport Operations (Road Use Management) Act 1995

General Outline

Short title

Transport Legislation Amendment Regulation (No. 1) 2014

Authorising laws

Section 43 of the *Tow Truck Act 1973*.

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

Policy objectives and the reasons for them

The Department of Transport and Main Roads (TMR) currently provides vehicle registration concessions for those affected by a natural disaster, including an option for reduced term registration, the waiving of administration fees and surcharges for late payment, and the deferral of seasonal registration. To obtain these concessions, however, a person must apply to TMR and must provide written evidence that they have been granted *disaster relief financial assistance* from the State or the Commonwealth.

To reduce red tape, it is proposed to remove the requirement for written applications, and instead automatically apply the concessions to all those whose vehicle garage address is within an area identified by the chief executive as having been affected by a natural disaster.

There are a range of transport-related businesses where operators are required by transport legislation to keep, display or use particular documents. For example, Approved Inspection Stations must maintain a supply of inspection certificates which can be issued to the owners of inspected vehicles. In a natural disaster, these documents can be lost, damaged or destroyed and the cost of replacing them may be unduly onerous for those businesses. As such, the amendments will allow the chief executive to waive the fees normally incurred when replacing these documents.

Similarly, the fees charged by TMR for vehicle inspections required to obtain a Certificate of Inspection for a heavy vehicle or a public passenger vehicle may be unduly onerous on those impacted by disaster or drought. The amendments will allow the chief executive to also waive vehicle inspection fees in special circumstances such as disaster or drought.

Achievement of policy objectives

Amendments to the *Tow Truck Regulation 2009* and *Transport Operations (Road Use Management—Accreditation and Other Provisions) Regulation 2005* will allow the chief executive to waive the fees payable for replacement of specified documents where the chief executive is satisfied the document was lost or damaged as a result of a natural disaster.

Amendments to the *Transport Operations (Road Use Management—Vehicle Standards and Safety) Regulation 2010* will allow the chief executive to waive specified fees for replacement documents and Certificate of Inspection bookings and inspections in special circumstances. The special circumstances may include where a specified document was lost or damaged as a result of a disaster, where the vehicle is in a disaster area or where a primary production vehicle with concessional registration is in a drought declared area.

Amendments to the *Transport Operations (Road Use Management—Vehicle Registration) Regulation 2010* will:

- remove the requirement to apply and provide evidence of *disaster relief financial assistance* when a person is seeking vehicle registration assistance as a result of a natural disaster;
- allow the chief executive to publish a *natural disaster relief notice* nominating the areas and timeframes for which registration concessions will be automatically provided due to a particular natural disaster; and
- re-structure the provisions relating to vehicle registration assistance for natural disasters and droughts to simplify them.

Consistency with policy objectives of authorising laws

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

Benefits and costs of implementation

Any loss in revenue due to the waiver of particular fees in the instance of a natural disaster will be consistent with amounts expended in previous disasters.

For those seeking vehicle registration assistance after a natural disaster, these changes will reduce red tape and the regulatory burden by removing the requirement for eligible individuals to make application.

The amendments are consistent with the fundamental legislative principles.

Consultation on the proposed amendments was undertaken with the Department of the Premier and Cabinet, the Department of Justice and Attorney-General, Queensland Treasury and Trade, the Department of Local Government, Community Recovery and Resilience and the Office of Best Practice Regulation (Queensland Competition Authority).

All agencies consulted support the amendments.

©The State of Queensland 2014