

# Transport Planning and Coordination Regulation 2017

## Explanatory notes for SL 2017 No. 160

made under the

*Statutory Instruments Act 1992*

*Tow Truck Act 1973*

*Transport Operations (Passenger Transport) Act 1994*

*Transport Operations (Road Use Management) Act 1995*

*Transport Planning and Coordination Act 1994*

## General Outline

### Short title

*Transport Planning and Coordination Regulation 2017*

### Authorising law

Section 59 of the *Statutory Instruments Act 1992*

Section 43 of the *Tow Truck Act 1973*

Section 155 of the *Transport Operations (Passenger Transport) Act 1994*

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

Section 38 of the *Transport Planning and Coordination Act 1994*

### Policy objectives and the reasons for them

The primary policy objective of the *Transport Planning and Coordination Regulation 2017* (the TPC Regulation 2017) is to prescribe various machinery matters for the *Transport Planning and Coordination Act 1994* and other transport Acts.

Under the *Statutory Instruments Act 1992*, the *Transport Planning and Coordination Regulation 2005* (the Expiring Regulation) automatically expires on 31 August 2017. It will be replaced by the TPC Regulation 2017.

### Achievement of policy objectives

Some provisions of the Expiring Regulation are not being remade as they are no longer required. The TPC Regulation 2017 will provide for the following matters.

Part 1 sets out routine preliminary matters such as the short title of the regulation and specifies the commencement date of 1 September 2017.

Part 2 contains provisions dealing with *smartcard transport authorities* and provides (in section 5) for a smartcard transport authority to be issued to:

- tow truck drivers and assistants under the *Tow Truck Act 1973*;
- drivers of passenger transport vehicles under the *Transport Operations (Passenger Transport) Act 1994*;
- driver and rider trainers, pilot and escort drivers and traffic controllers under the *Transport Operations (Road Use Management—Accreditation and Other Provisions) Regulation 2015*; and
- dangerous goods drivers under the *Transport Operations (Road Use Management—Dangerous Goods) Regulation 2008*.

Part 2 explains that codes can appear on a smartcard transport authority and will have the meaning given under the issuing Act (section 6). It also provides for the issuing of interim transport authorities and replacement smartcard authorities when particular events occur (sections 7 and 8).

Part 3 prescribes a range of matters for the *Transport Planning and Coordination Act 1994* (TPC Act). It provides those prescribed authorities for which, under section 28EA of the TPC Act, an applicant must allow the chief executive to take and store their photo and to reproduce that photo on their transport authority card (see sections 9 and 10). It prescribes those authorised officers who, under section 28EG of the TPC Act, can access information stored electronically on a smartcard identification authority (section 11). It provides that the Australian Security Intelligence Organisation is an agency that, under section 36I of the TPC Act, the chief executive can allow to access transport databases (including the registration and licensing database) for law enforcement purposes (section 12). It also prescribes those Acts which are *transport Acts* for the purposes of a number of provisions of the TPC Act which deal with, for example, the taking and storing of photos of customers, reviews of and appeals against certain decisions and the service of documents (section 13).

Part 4 contains minor transitional provisions and Part 5 makes minor consequential amendments to other regulations.

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

The objectives of the TPC Regulation 2017 are consistent with the objectives of the TPC Act.

## **Benefits and costs of implementation**

The TPC Regulation 2017 remakes machinery provisions supporting the TPC Act and other transport Acts and will, therefore, continue the efficient administration of those Acts. Costs associated with the TPC Regulation 2017 will be negligible and met by existing budget allocations.

## **Consistency with fundamental legislative principles**

The amendment regulation is consistent with the fundamental legislative principles.

## Consultation

No public consultation was undertaken as the legislative provisions are machinery in nature.

In accordance with *The Queensland Government Guide to Better Regulation*, the Office of Best Practice Regulation was not consulted in relation to the TPC Regulation 2017. The Department of Transport and Main Roads applied a self-assessable exclusion from undertaking further regulatory impact analysis (Category G—Regulatory proposals that are of a machinery nature).

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