

# Transport Legislation (Road Safety and Other Matters) Amendment Act 2019

Explanatory notes for SL 2019 No. 226

made under the

Transport Legislation (Road Safety and Other Matters)  
Amendment Act 2019

## General Outline

### Short title

Proclamation made under the *Transport Legislation (Road Safety and Other Matters) Amendment Act 2019*

### Authorising law

Section 2 of the *Transport Legislation (Road Safety and Other Matters) Amendment Act 2019*

### Policy objectives and the reasons for them

The *Transport Legislation (Road Safety and Other Matters) Amendment Act 2019* (the Act) received assent on 12 September 2019 with chapter 2 commencing on that day. Section 2 of the Act provides that chapter 3 commences on a day to be fixed by proclamation.

The objective of the Proclamation is to commence provisions in chapter 3 relating to the online nomination of drivers for camera detected offences. These provisions allow a person who has been issued with an infringement notice to use an online process to nominate that they were not the offending driver, and to nominate another driver as the person in charge of the vehicle when the offence was committed. The provision that allows a postal address to be provided when nominating another person as the offending driver is also being commenced.

The Proclamation is also commencing those provisions in chapter 3 relating to evidentiary certificate provisions in the *Transport Operations (Road Use Management) Act 1995*.

## **Achievement of policy objectives**

The Proclamation fixes 29 November 2019 for the commencement of provisions relating to the nomination of drivers for camera detected offences and the provisions relating to evidentiary certificates in the *Transport Operations (Road Use Management) Act 1995*.

Those who have been issued with an infringement notice for a camera detected offence will be provided with information about how to access the online nomination system should they choose to use it. Those who do not have online access can continue to use the existing statutory declaration process.

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

The Proclamation is consistent with the policy objectives of the Act.

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

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

## **Alternative ways of achieving policy objectives**

There is no alternative way to achieve the policy objectives.

## **Benefits and costs of implementation**

The commencement of the amendments will result in administrative efficiencies.

The amendments relating to the nomination process for camera detected offences will provide a convenient online option for the nomination of the person in charge of a vehicle at the time an offence is committed. This means that a person will not be required to complete a statutory declaration that must be witnessed. There will also be efficiencies for the Traffic Camera Office in processing nominations. The restructure and streamlining of evidentiary provisions within the *Transport Operations (Road Use Management) Act 1995* will aid in the interpretation of the legislation.

The cost of operating the portal to allow for the online nomination of drivers is being funded from the Camera Detected Offence Program.

## **Consistency with fundamental legislative principles**

The Proclamation is consistent with fundamental legislative principles.

## **Consultation**

No stakeholders were consulted about the Proclamation because the commencement of the provisions is machinery in nature.

In accordance with *The Queensland Government Guide to Better Regulation*, 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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