

# Impact Analysis Statements

## Details

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| <b>Lead department</b>                                       | Department of Transport and Main Roads  |
| <b>Name of the proposal</b>                                  | <ol style="list-style-type: none"> <li>1. Amendment of section 8(3) of the Rail Safety National Law (Queensland) Regulation 2017</li> <li>2. Amendment of section 210F of the Traffic Regulation 1962</li> <li>3. Amendment of section 28 of the Transport Operations (Road Use Management – Vehicle Registration) Regulation 2021</li> </ol>   |
| <b>Submission type</b>                                       | Summary IAS   |
| <b>Title of related legislative or regulatory instrument</b> | <ol style="list-style-type: none"> <li>1. Rail Safety National Law (Queensland) Regulation 2017</li> <li>2. Traffic Regulation 1962</li> <li>3. Transport Operations (Road Use Management – Vehicle Registration) Regulation 2021</li> </ol>  |
| <b>Date of issue</b>   | <ol style="list-style-type: none"> <li>1. 15 April 2024</li> <li>2. 9 May 2024</li> <li>3. 9 May 2024</li> </ol>  |
| <b>Proposal type</b>   | <b>Details</b>  |
| <b>Minor and machinery</b>                                   | <p><b>1. Amendment of section 8(3) of the Rail Safety National Law (Queensland) Regulation 2017</b></p> <p>The proposal is minor and machinery in nature, accounting for technological development and does not result in a substantive change to regulatory policy or new impacts on business, government or the community. As such further regulatory impact analysis is not required under the <i>Queensland Government Better Regulation Policy</i>.</p> <p><b>Background</b></p> <p>The <i>Rail Safety National Law (Queensland) Act 2017</i> (the RSNL Qld Act) applies the Rail Safety National Law (the National Law) as a law of Queensland. The RSNL Qld Act provides for several matters to be prescribed by local regulations, including matters relating to drug and alcohol testing of rail safety workers (sections 126(4) and 127(4)). An amendment to the <i>Rail Safety National Law (Queensland) Regulation 2017</i> (the RSNL Qld Regulation) is needed to update the saliva collection unit used to enable analysis for the presence of a prescribed drug.</p> <p>The RSNL was drafted by South Australia and is contained in the Schedule to the <i>Rail Safety National Law (South Australia) Act 2012</i>. In Queensland, the RSNL Qld Act applies the Schedule as a law of Queensland with some modifications and additions (see section 8 of the RSNL Qld Act).</p> <p>Under the RSNL, it is an offence for a rail safety worker (defined in section 4(1), RSNL) to carry out rail safety work while under the influence of alcohol or a drug (section 128, RSNL). While the offences are contained in the RSNL, the RSNL provides that jurisdictions will prescribe the way drug and alcohol testing will be conducted (sections 126(4) and 127(4), RSNL).</p> |

|                                   | <p>Under section 127 of the RSNL as applied by the RSNL Qld Act, an authorised person may require a rail safety worker to submit to (relevantly) an oral fluid analysis.</p> <p>For that purpose, section 8 of the RSNL Qld Regulation provides what a collection unit means for the collection of the specimen of the worker's saliva for saliva analysis. Section 8 (3) provides that a collection unit means:</p> <ul style="list-style-type: none"> <li>a) a saliva collection swab from a Cozart DDS805 2-panel methamphetamine/THC test kit; or</li> <li>b) a saliva collection swab from a Cozart DDS805AP test kit; or</li> <li>c) a Dräger DCH 5000 (also known as a Draeger DCH 5000) attached to a Dräger DrugTest 5000 STK (also known as a Draeger DrugTest 5000 STK); or</li> <li>d) an UltraSal-2.</li> </ul> <p>The UltraSal-2 is the only collection unit currently being used to collect saliva for saliva analysis to test for the presence of a prescribed drug. The Office of the National Rail Safety Regulator (ONRSR) has advised that the production of this collection unit has now ceased.</p> <p>ONRSR has advised that Quantisal is the collection unit to replace the UltraSal-2.</p> <p>It is required to list the Quantisal as a collection unit under section 8(3). This will ensure that an authorised person maintains the ability to use a collection unit that is provided for in the RSNL Qld Regulation for the analysis of saliva for the presence of a prescribed drug.</p> <p>If the collection unit is not updated, then it may affect the ability of authorised persons to collect saliva for drug test analysis and for the ONRSR to prosecute drug offences.</p> |
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| Proposal type                     | Details  |
| <p><b>Minor and machinery</b></p> | <p><b>2. Amendment of section 210F of the <i>Traffic Regulation 1962</i></b></p> <p>The proposed amendment will enable the chief executive to approve an entity for calibration testing of a photographic detection device following the transfer of particular road safety camera office (RSCO) functions from the Queensland Police Service (QPS) to the Department of Transport and Main Roads (TMR). The proposal is machinery in nature, relating to machinery of government changes. No further regulatory impact analysis is required under the <i>Queensland Government Better Regulation Policy</i>.</p> <p><b>Background</b></p> <p>The Camera Detected Offence Program (CDOP) is a key component of the Queensland road safety strategy. Under CDOP, photographic detection devices are used to identify and enforce offences for speeding, red light running, unlawful mobile phone use and failure to wear a seatbelt. These components of the CDOP are currently managed by the QPS through the RSCO.</p> <p>Under the <i>Traffic Regulation 1962</i>, calibration testing of a relevant photographic detection device must be conducted by an approved testing entity. Currently, the Police Commissioner has sole power to approve a testing entity if satisfied the entity is competent to conduct the testing. As part of the 2024 transfer of particular RSCO functions from QPS to TMR, some relevant content-experts will be transitioning to TMR and can provide the chief executive with the information</p>  |

|   | <p>needed to approve testing entities. The amendment supports this transition by enabling either the chief executive or Police Commissioner to approve an entity for calibration testing.</p>   |
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| Proposal type   | Details   |
| <p><b>Regulatory proposals where no RIA is required</b></p> | <p>3. <b>Amendment of section 28 of the Transport Operations (Road Use Management-- Vehicle Registration) Regulation 2021</b> (the VR Regulation)</p> <p>The proposal updates the VR Regulation to account for minor changes in practice and does not result in a substantive change to regulatory policy or new impacts on business, government or the community. No further regulatory impact analysis is required under the <i>Queensland Government Better Regulation Policy</i>.</p> <p><b>Background</b></p> <p>Under section 28 of the VR Regulation, registered operators can currently access shorter registration terms, including one-month and three-month terms, if they enrol in direct debit. Direct debit is a requirement because it limits the risk of missed registration payments and the use of unregistered vehicles on Queensland roads.</p> <p>The proposal is to amend section 28(2) of the VR Regulation to provide motor dealers with access to three-month registration terms for both new registrations and renewals of vehicles with ‘dealer’ purpose of use, without the requirement to enrol in direct debit.</p> <p>As part of the COVID-19 relief measures, three-month registration terms were made available to motor dealers for both new registrations and renewals. The temporary availability of a shorter registration term was implemented in recognition of the significant financial hardship experienced by many individuals and organisations in Queensland, due to the effects of the COVID-19 pandemic. The availability of shorter registration terms was one of a number of driver licensing and vehicle registration relief measures that was put in place to assist Queenslanders through the pandemic. These measures were temporary and were removed once the key impacts of the pandemic resolved. Following the ceasing of the COVID-19 measures, TMR made an interim policy decision to continue allowing access to three-month terms for new registrations, in circumstances of financial hardship. However, access to three-month terms for registration renewals was removed unless the registered operator enrolled in direct debit, pending a broader review of the arrangements.</p> <p>Industry stakeholders advocated for access to three-month registration renewals having regard to ongoing cost of living pressures affecting motor dealers and the nature of their business (that is, the trading of motor vehicles). This is indicative that the measure positively assisted motor dealers to manage these pressures.</p> <p>TMR examined alternative options to the proposed amendment, including the ability for motor dealers to enrol in direct debit. Due to system limitations, vehicles registered to organisations are currently not eligible to enrol in direct debit unless they list an individual (such as the business owner) as a second registered operator. However, this option is not available to proprietary limited companies. Analysis of TMR data indicates that approximately 60-65 per cent (about 5000) of motor dealers in Queensland operate as a proprietary limited company, which would preclude them from enrolling in direct debit even with a second registered operator. This is therefore not a viable alternative for most motor dealers.</p> |

The proposed regulatory amendment to section 28(2) is therefore necessary to provide access to three-month registration terms for motor dealers. Without the change, many motor dealers would not have the option of accessing shorter registration terms in the same way other registered operators do. Not being able to access three-month registration terms for both new registrations and renewals has a high impact on motor dealers due to the nature of their business, that is the trading of motor vehicles.

The proposed amendment will not add any regulatory burden to business, government, or the community. Rather, it will benefit motor dealers and their customers by allowing greater flexibility and enabling motor dealers to better manage cost of living pressures.

TMR has engaged with the peak motoring industry body, the Motor Trades Association of Queensland (MTAQ) who has advocated on behalf of industry for the proposed amendment. TMR will continue to liaise with the MTAQ, including on communications to individual motor dealers.

## Signed/Approved



**Sally Stannard**  
Director-General  
Department of transport and Main Roads

22/7/2024



**Bart Mellish MP**  
Minister for Transport and Main Roads  
Minister for Digital Services

29/7/2024