



Hon John Mickel MP
Member for Logan

REGISTERED
DATAWORKS



**Queensland
Government**

26 SEP 2008

Our ref: MC38358

Minister for Transport, Trade,
Employment and Industrial Relations

Your ref: Item 28

23 SEP 2008

Mayor Paul Pisasale
President
Urban Local Government Association of Queensland
C/- Ipswich City Council
PO Box 191
Ipswich Qld 4305


Dear Mayor

I refer to your letter dated 14 August 2008 to the Honourable Warren Pitt MP, Minister for Main Roads and Local Government regarding a request made by the Urban Local Government Association of Queensland to simplify the legislated requirements for local governments dealing with abandoned or illegally parked vehicles. I apologise for the delay in responding to you.

Queensland Transport advised that Section 100 subsections (3) to (11) of the *Transport Operations (Road Use Management) Act 1995* (the Act), gives local governments specific powers to remove and dispose of abandoned vehicles. These powers are exercised by local governments only. They may be applied if the chief executive of the local government considers on reasonable grounds that a vehicle in the local government's area has been found on a road in a place, condition, way or circumstances where its presence is hazardous or contravenes the Act.

Section 100 subsection (12) of the Act provides that under a local law, a local government may provide for the removal, safe storage or disposal of a vehicle in the local government's area. Subsection (13) of the Act further provides that if a local law provides for a matter mentioned in subsection (12), subsections (3) to (11) no longer apply in the local government's area.

Based on these provisions, Queensland Transport advised that a local government could seek appropriate advice and write its own local law to stream line the process to remove abandoned vehicles.

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As there are existing provisions for a local government to seek appropriate advice and stream line processes under the Act, I am advised that a revision to section 100 of the Act has not been scheduled for the immediate future. Given some local governments may already have implemented local laws, and the impact it could have on other legislation dealing with the same or similar issues, amending section 100 of the Act would be only one option to consider. As well, any such future consideration of amending section 100 of the Act would require substantial investigation, consultation and co-ordination to ensure all issues are identified and taken into account.

I am advised that Queensland Transport will monitor the issues you have raised and continue to look at any avenues that may arise that would assist local governments with the problems they are currently facing with abandoned vehicles.

If you require any further information, please contact Mr Michael Flett, Land Transport and Safety, on (07) 3253 4130.

Yours sincerely



JOHN MICKEL MP
Minister for Transport, Trade,
Employment and Industrial Relations