

Queensland



Subordinate Legislation 2003 No. 358

Transport Operations (Road Use Management) Act 1995

TRANSPORT LEGISLATION AMENDMENT REGULATION (No. 3) 2003

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PART 1—PRELIMINARY

1 Short title

This regulation may be cited as the *Transport Legislation Amendment Regulation (No. 3) 2003*.

PART 2—AMENDMENT OF TRAFFIC REGULATION 1962

2 Regulation amended in pt 2

This part amends the *Traffic Regulation 1962*.

3 Amendment of s 178 (Blood specimens)

(1) Section 178(1)(e)—

omit, insert—

‘(e) place on the specimen tube an identifying number;’.

(2) Section 178(1)(f), after ‘certificate’—

insert—

‘(a “**specimen certificate**”)’.

(3) Section 178(1)(f)(iii), ‘doctor’—

omit, insert—

‘health care professional’.

(4) Section 178(2)—

omit, insert—

‘(2) A copy of the specimen certificate is to be given to the analyst with the specimen of blood to which it refers.

‘(2A) The copy of the specimen certificate given to the analyst is sufficient authority for the analyst to issue a certificate of an analysis for the specimen of blood.’.

(5) Section 178(3), before ‘certificate’—

insert—

‘specimen’.

(6) Section 178(3A)—

omit.

PART 3—AMENDMENT OF TRANSPORT OPERATIONS (ROAD USE MANAGEMENT—DRIVER LICENSING) REGULATION 1999

4 Regulation amended in pt 3

This part amends the *Transport Operations (Road Use Management—Driver Licensing) Regulation 1999*.

5 Amendment of s 9 (Testing)

Section 9(6)—

insert—

‘(e) for any licence—the person has, within 5 years before applying for the licence, passed a practical driving test for an Australian driver licence for a class that corresponds to the class of licence applied for.’.

6 Amendment of s 12 (Upgrading licence class)

Section 12—

insert—

‘(2B) For calculating the period a person has held a licence, the period is taken to include the sum of any periods, within the previous 5 years, that the person has held a valid licence of the same class.’.

7 Amendment of s 15 (Applying for licences)

Section 15(2), ‘, by written notice, may request’—

omit, insert—

‘may give the applicant a written notice requesting’.

8 Amendment of s 31 (Surrendering licence)

Section 31(1), ‘written notice to the chief executive.’—

omit, insert—

‘giving the chief executive written notice.’.

9 Amendment of s 33 (Procedure for amending, suspending or cancelling licences)

Section 33(5), from ‘inform’ to ‘notice.’—

omit, insert—

‘give the person written notice of the decision.’.

10 Amendment of s 34 (Return of licence for amendment)

Section 34(1), from ‘may’ to ‘return’—

omit, insert—

‘may give the holder of a Queensland driver licence a written notice requiring the holder to return’.

11 Amendment of s 35 (Non-Queensland driver licence)

Section 35(3), from ‘may’ to ‘withdraw’—

omit, insert—

‘may give the holder of a non-Queensland driver licence a written notice withdrawing’.

12 Amendment of s 37A (Retesting—medical fitness)

Section 37A(2), ‘may, by written notice, require’—

omit, insert—

‘may give the person a written notice requiring’.

13 Amendment of s 47 (2 point provisional licences)

Section 47(2), ‘inform the person by written notice’—

omit, insert—

‘give the person a written notice stating’.

14 Amendment of sch 2 (Licence codes)

Schedule 2, part 1—

omit, insert—

‘PART 1—LICENCES CODES

Code	Type
L	learner licence
P	provisional licence, probationary licence or restricted licence
O	open licence
D	replacement licence

Code	Class
RE	a moped a motorbike with an engine capacity of not more than 250 mL, with or without a trailer
R	a class RE vehicle a motorbike, with or without a trailer
C	a moped a car, with or without a trailer a specially constructed vehicle of not more than 4.5 t GVM, with or without a trailer
LR	a class C vehicle a bus of not more than 8 t GVM, with or without a trailer of not more than 9 t GVM

- a truck (including a prime mover) of not more than 8 t GVM, with or without a trailer of not more than 9 t GVM
- a specially constructed vehicle of not more than 8 t GVM, with or without a trailer of not more than 9 t GVM
- MR a class LR vehicle
 - a bus of more than 8 t GVM with not more than 2 axles, with or without a trailer of not more than 9 t GVM
 - a truck (including a prime mover) with not more than 2 axles, with or without a trailer of not more than 9 t GVM
 - a specially constructed vehicle of more than 8 t GVM with not more than 2 axles, with or without a trailer of not more than 9 t GVM
- HR a class MR vehicle
 - a bus, with or without a trailer of not more than 9 t GVM
 - an articulated bus
 - a truck (including a prime mover), with or without a trailer of not more than 9 t GVM
 - a specially constructed vehicle of more than 8 t GVM, with or without a trailer of not more than 9 t GVM
- HC a class HR vehicle
 - a truck (including a prime mover), with or without a trailer
 - a specially constructed vehicle of more than 8 t GVM, with or without a trailer
- MC a class HC vehicle
 - a B-double
 - a road train
- UD a specially constructed vehicle

Code Condition

- A licensee may only drive vehicle with automatic transmission
- B licensee may only drive vehicle with synchromesh gearbox
- I licensee may only drive while carrying, and in accordance with, an order under the *Penalties and Sentences Act 1992*, part 5, division 1
- M licensee may only drive while carrying, and in accordance with, a medical certificate

- S licensee may only drive while wearing corrective lenses
V licensee may only drive while carrying, and in accordance
with, a vehicle modification notice
X1 licensee may only drive while carrying, and in accordance
with, an order under section 87 or 88 of the Act
X2 licensee may only drive vehicle with an L plate displayed
conspicuously at the front and rear of the vehicle’.

15 Amendment of sch 6 (Dictionary)

(1) Schedule 6, definitions “interstate licence” and “non-Queensland driver licence”—

omit.

(2) Schedule 6, definition “practical driving test”, example, paragraph (d)—

omit.

(3) Schedule 6, definition “valid”, paragraph (c)—

omit, insert—

‘(c) the licensee is not disqualified, by order of an Australian court, from holding or obtaining a driver licence.’.

PART 4—AMENDMENT OF TRANSPORT OPERATIONS (ROAD USE MANAGEMENT—FATIGUE MANAGEMENT) REGULATION 1998

16 Regulation amended in pt 4

This part amends the *Transport Operations (Road Use Management—Fatigue Management) Regulation 1998*.

17 Insertion of new s 95A

Part 9, division 1—

insert—

‘95A Information offences

‘An offence against this regulation involving a heavy vehicle is an information offence for the Act, section 50.¹’.

18 Omission of s 101 (Information about whether driver engaged in non-local area work)

Section 101—

omit.

**PART 5—AMENDMENT OF TRANSPORT
OPERATIONS (ROAD USE MANAGEMENT)
REGULATION 1995**

19 Regulation amended in pt 5

This part amends the *Transport Operations (Road Use Management) Regulation 1995*.

20 Amendment of s 39 (Accrediting driver trainers)

Section 39(2)(a), ‘type or types of motor vehicles’—

omit, insert—

‘class of motor vehicle’.

21 Amendment of s 57L (Who is an “eligible person” for Q-Ride training)

Section 57L—

insert—

¹ Section 50 (Power to require information) of the Act

‘(2) For calculating the period a person has held a licence, the period is taken to include the sum of any periods, within the previous 5 years, that the person has held a valid licence of the same class.’.

22 Amendment of s 57ZP (Form of audit reports)

Section 57ZP, after ‘schedule 3C must’—

insert—

‘be in the approved form and’.

PART 6—AMENDMENT OF TRANSPORT OPERATIONS (ROAD USE MANAGEMENT—ROAD RULES) REGULATION 1999

23 Regulation amended in pt 6

This part amends the *Transport Operations (Road Use Management—Road Rules) Regulation 1999*.

24 Amendment of s 213 (Making a motor vehicle secure)

Section 213(3)—

omit, insert—

‘(3) Subsection (2)(a) and (c) do not apply to—

- (a) the driver of a waste management vehicle while emptying or collecting wheelie bins; or
- (b) the driver of an armoured vehicle while on duty.’.

25 Amendment of sch 6 (Dictionary)

Schedule 6, definition “road”, ‘12’—

omit, insert—

‘13’.

PART 7—AMENDMENT OF TRANSPORT OPERATIONS (ROAD USE MANAGEMENT—VEHICLE STANDARDS AND SAFETY) REGULATION 1999

26 Regulation amended in pt 7

This part amends the *Transport Operations (Road Use Management—Vehicle Standards and Safety) Regulation 1999*.

27 Amendment of s 24 (Extension of time to comply)

(1) Section 24(1), after ‘vehicle’—

insert—

‘, or the agent of the owner.’.

(2) Section 24(2)—

omit, insert—

‘(2) The application—

(a) may be made—

(i) in the approved form; or

(ii) using a centralised booking service established by the chief executive; and

(b) must include the reasons why the extension is required.’.

(3) Section 24(3), ‘, by written notice,’—

omit.

28 Amendment of s 25 (AIS approvals)

Section 25(1), ‘**approval**’ for’—

omit, insert—

‘**approval**’) for’.

ENDNOTES

1. Made by the Governor in Council on 18 December 2003.
2. Notified in the gazette on 19 December 2003.
3. Laid before the Legislative Assembly on . . .
4. The administering agency is the Department of Transport.