



Queensland

# Transport Legislation and Another Regulation Amendment Regulation (No. 2) 2006

## Subordinate Legislation 2006 No. 173

made under the

*State Penalties Enforcement Act 1999*

*Transport Infrastructure Act 1994*

*Transport Operations (Marine Safety) Act 1994*

*Transport Operations (Passenger Transport) Act 1994*

*Transport Operations (Road Use Management) Act 1995*

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## **Part 1 Preliminary**

### **1 Short title**

This regulation may be cited as the *Transport Legislation and Another Regulation Amendment Regulation (No. 2) 2006*.

## **Part 2 Amendment of State Penalties Enforcement Regulation 2000**

### **2 Regulation amended in pt 2**

This part amends the *State Penalties Enforcement Regulation 2000*.

### **3 Amendment of sch 3 (Transport legislation)**

- (1) Schedule 3, entry for *Traffic Regulation 1962*, column 1 and 2 entries for section 164(4)—

*omit.*

- (2) Schedule 3, entry for the *Transport Operations (Road Use Management—Driver Licensing) Regulation 1999*—

*insert—*

‘s 18F(3) .....	2/15
s 40A(1).....	2/15
s 40A(3).....	2/15’.

## **Part 3**                      **Amendment of Traffic Regulation 1962**

### **4**            **Regulation amended in pt 3**

This part amends the *Traffic Regulation 1962*.

### **5**            **Omission of s 164 (Crossing supervisors)**

Section 164—

*omit.*

### **6**            **Amendment of sch 6 (Breath analysing instruments and breath test devices)**

Schedule 6, part 1—

*insert—*

‘1C A lion intoxilyzer 8000 for which the NMI<sup>1</sup> has issued Approval Certificate No. 16/1/1.’.

## **Part 4**                      **Amendment of Transport Infrastructure (Rail) Regulation 1996**

### **7**            **Regulation amended in pt 4**

This part amends the *Transport Infrastructure (Rail) Regulation 1996*.

### **8**            **Amendment of s 5 (Commercial activities)**

Section 5(1), ‘section 199.’ and footnote—

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<sup>1</sup> NMI—National Measurement Institute

*omit, insert—*  
 ‘section 486.<sup>2</sup>’.

**9 Amendment of s 19 (Driving and parking vehicles)**

Section 19(1), ‘chapter 5.’ and footnote—  
*omit, insert—*  
 ‘chapter 6.<sup>3</sup>’.

**10 Amendment of s 22 (High vehicles)**

Section 22(2), from ‘schedule 3’—  
*omit, insert—*  
 ‘schedule 6 of the Act.<sup>4</sup>’.

**Part 5 Amendment of Transport Operations (Marine Safety) Regulation 2004**

**11 Regulation amended in pt 5**

This part amends the *Transport Operations (Marine Safety) Regulation 2004*.

**12 Amendment of s 177 (Transfer of pilot to ship)**

Section 177(4)(a), ‘part 18 and part 23, section 9;’ and footnote—

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2 *Transport Infrastructure Act 1994*, section 486 (Application of Freedom of Information Act and Judicial Review Act)

3 *Transport Infrastructure Act 1994*, chapter 6 (Road transport infrastructure)

4 Schedule 6 (Dictionary) of the Act

*omit, insert—*

‘part 57 and part 21, section 17;<sup>5</sup>’.

## Part 6

# **Amendment of Transport Operations (Passenger Transport) Regulation 2005**

### **13 Regulation amended in pt 6**

This part amends the *Transport Operations (Passenger Transport) Regulation 2005*.

### **14 Amendment of sch 4 (Luxury motor vehicles)**

- (1) Schedule 4, column for Make of vehicle, Group A, second dot point—

*omit, insert—*

- ‘• Daimler DS420’.

- (2) Schedule 4, column for Make of vehicle, Group B, fourth dot point—

*omit, insert—*

- ‘• Daimler other than a Daimler DS420’.

- (3) Schedule 4, column for Make of vehicle, Group C—

*insert—*

- ‘• Chrysler 300C’.

<sup>5</sup> Marine Orders, part 57 (Helicopter Operations) and part 21 (Safety of navigation and emergency procedures), section 17 (Pilot transfer arrangements)

## **Part 7**                    **Amendment of Transport Operations (Road Use Management—Driver Licensing) Regulation 1999**

### **15**      **Regulation amended in pt 7**

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

### **16**      **Insertion of new pt 4AA**

After section 18A—

*insert—*

## **‘Part 4AA**                    **Renewal of open licences by electronic communication**

### **‘18B**      **Definition for pt 4AA**

‘In this part—

*electronic communication* see the *Electronic Transactions (Queensland) Act 2001*, schedule 2.

### **‘18C**      **Application of pt 4AA**

‘This part applies in relation to a person who is the holder of a valid open licence if—

- (a) the person is not required to give the chief executive a current medical certificate about the person’s medical fitness to continue to hold a Queensland driver licence; and
- (b) the person is otherwise eligible for the renewal of the open licence.



**‘18D Notice that person may renew licence by electronic communication**

‘The chief executive may give the person a written notice stating that the person may apply to the chief executive for the renewal of the person’s open licence by electronic communication.

**‘18E When chief executive may renew licence**

- ‘(1) This section applies if a person to whom a notice is given under section 18D applies to the chief executive for the renewal of the person’s open licence by electronic communication.
- ‘(2) The chief executive may renew the person’s licence if, at the time the person applies for the renewal—
- (a) the person is the holder of a valid open licence; and
  - (b) the person is not required to give the chief executive a current medical certificate about the person’s medical fitness to continue to hold a Queensland driver licence; and
  - (c) the person’s name is the same as the name shown on the person’s licence; and
  - (d) the person is otherwise eligible for the renewal of the licence.

**‘18F Renewal of licence label**

- ‘(1) If the chief executive renews a person’s licence under section 18E, the chief executive must issue a renewal of licence label to the person.
- ‘(2) The chief executive may send the renewal of licence label to an address nominated by the person that is not the person’s residential address.
- ‘(3) On receipt of a renewal of licence label, the person must promptly attach the label to the back of the licence, in the space provided for change of details labels.

Maximum penalty—20 penalty units.’.

**17      Amendment of s 23 (Allocation of demerit points)**

Section 23(6), definition *demerit points offence*, ‘tricycle or power-assisted cycle,’—

*omit.*

**18      Amendment of s 32 (Grounds for amending, suspending or cancelling licences)**

Section 32—

*insert—*

‘(h) for an open licence renewed under part 4AA—the licensee was not eligible for the renewal of the licence.’.

**19      Amendment of s 39 (Change of name or address)**

Section 39(3)—

*omit, insert—*

‘(3) On receipt of a change of address label, the holder must promptly attach the label to the back of the licence, in the space provided for change of details labels.

Maximum penalty—20 penalty units.’.

**20      Amendment of s 40 (Replacement licences)**

(1) Section 40, heading—

*omit, insert—*

**‘40      Replacement licence if licence lost, stolen or destroyed’.**

(2) Section 40(1), from ‘apply’ to ‘practicable’—

*omit, insert—*

‘promptly apply to the chief executive’.

**21      Insertion of new s 40A**

After section 40—

*insert—*

#### **‘40A Replacement labels**

‘(1) If a renewal of licence label or a change of address label is lost, stolen or destroyed, the licensee must promptly apply to the chief executive, in the approved form, for a replacement label.

Maximum penalty—20 penalty units.

‘(2) If a label that has been replaced later comes into the licensee’s possession, the licensee must return it to the chief executive.

Maximum penalty—20 penalty units.

‘(3) On receipt of a replacement label, the licensee must promptly attach the label to the back of the licence, in the space provided for change of details labels.

Maximum penalty—20 penalty units.’.

## **22 Insertion of new ss 43A–43C**

After section 43—

*insert—*

### **‘43A Queensland driver licence may include information identifying holder of marine licence—Act, s 150A**

‘(1) A person’s Queensland driver licence may, by a code, identify the person as a person to whom a marine licence<sup>6</sup> has been granted.

‘(2) A code in schedule 2, part 3 stated on a person’s Queensland driver licence identifies the person as a person to whom the corresponding marine licence appearing in schedule 2, part 3 has been granted.

### **‘43B Applying to include information on Queensland driver licence identifying holder of marine licence**

‘(1) This section applies if—

(a) a holder of a Queensland driver licence is a person to whom a marine licence has been granted; and

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6 Schedule 6 (Dictionary)

- (b) the person's Queensland driver licence does not, by a code mentioned in section 43A(2), identify the person as a person to whom the marine licence has been granted.
- '(2) The person may apply to the chief executive, in the approved form, to include the code on the person's Queensland driver licence.
- '(3) If the chief executive is satisfied the information given by the person in the approved form under subsection (2) is correct, the chief executive may issue a replacement Queensland driver licence.

**'43C Removal of information on Queensland driver licence identifying holder of marine licence**

- '(1) This section applies if—
  - (a) a person's Queensland driver licence has a code mentioned in section 43A(2) stated on it; and
  - (b) the person's marine licence is cancelled or surrendered under the *Transport Operations (Marine Safety) Act 1994*.<sup>7</sup>
- '(2) The person must return the person's Queensland driver licence to the chief executive within 14 days after the cancellation or surrender for the removal of the code from the Queensland driver licence.  
 Maximum penalty—20 penalty units.
- '(3) The chief executive must return the Queensland driver licence to the person after removing the code from the Queensland driver licence.'

**23 Amendment of s 44 (Licence labels)**

Section 44, after 'was issued'—

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<sup>7</sup> See the *Transport Operations (Marine Safety) Act 1994*, section 63 (Cancellation, suspension and amendment of licences) or the *Transport Operations (Marine Safety) Regulation 2004*, section 172 (Surrender of authority).

*insert—*

‘when it is attached to the licence’.

## 24 Amendment of sch 1 (Fees)

Schedule 1, item 5, after ‘licence’—

*insert—*

‘under section 40(1) or replacement Queensland driver licence under section 43B(2)’.

## 25 Amendment of sch 2 (Licence codes)

(1) Schedule 2, authorising section—

*omit, insert—*

‘sections 43 and 43A(2)’.

(2) Schedule 2—

*insert—*

## ‘Part 3 Marine licence codes

Code	Marine licence
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RMDL . . .	recreational marine driver licence
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PWCL . . .	personal watercraft licence’.
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## 26 Amendment of sch 6 (Dictionary)

(1) Schedule 6—

*insert—*

‘*electronic communication*, for part 4AA, see section 18B.

*marine licence* means a licence granted under the *Transport Operations (Marine Safety) Act 1994*, section 62(1).<sup>8</sup>.

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<sup>8</sup> *Transport Operations (Marine Safety) Act 1994*, section 62 (Grant, amendment and renewal of licences)

- (2) Schedule 6, definition *moped*, paragraph (c), ‘a power-assisted cycle’—  
*omit, insert—*  
‘a bicycle’.

## **Part 8**                      **Amendment of Transport Operations (Road Use Management—Mass, Dimensions and Loading) Regulation 2005**

### **27**      **Regulation amended in pt 8**

This part amends the *Transport Operations (Road Use Management—Mass, Dimensions and Loading) Regulation 2005*.

### **28**      **Amendment of s 43 (Proof of loading offences)**

Section 43(a), ‘requirement;’ and footnote—  
*omit, insert—*  
‘requirement;<sup>9</sup>’.

### **29**      **Amendment of sch 2 (Mass limits for single axles and axle groups)**

Schedule 2, column for Description of single axle or axle group, Quadaxle groups, ‘width of at less than 375mm’—  
*omit, insert—*  
‘width of less than 375mm’.

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<sup>9</sup> The ‘Load restraint guide’ is published by the National Transport Commission and may be accessed on the commission’s website at <[www.ntc.gov.au](http://www.ntc.gov.au)>.

## **Part 9**

# **Amendment of Transport Operations (Road Use Management—Road Rules) Regulation 1999**

### **30 Regulation amended in pt 9**

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

### **31 Amendment of s 294 (Keeping control of a vehicle being towed)**

Section 294(3), ‘tricycle, power-assisted cycle,’—  
*omit.*

### **32 Amendment of s 300C (Limitation on use of wheeled recreational device or wheeled toy)**

Section 300C(2), definition *propellant*—  
*omit, insert—*

***propellant*** means a machine (other than a lever, wheel and axle, pulley, screw, wedge or inclined plane) capable of propelling a wheeled recreational device or wheeled toy.’.

### **33 Amendment of sch 6 (Dictionary)**

(1) Schedule 6, definition *powered wheeled recreational device*, ‘, including a scooter,’—

*omit.*

(2) Schedule 6, definition *wheeled recreational device*—

*omit.*

**Part 10**                      **Amendment of Transport  
Operations (Road Use  
Management—Vehicle  
Standards and Safety)  
Regulation 1999**

**34**      **Regulation amended in pt 10**

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

**35**      **Amendment of 16A (Identifying vehicle before inspection)**

Section 16A—

*insert—*

‘(3) In this section—

**VIN**, of a vehicle other than a motor vehicle, means the unique vehicle identification number assigned to the vehicle.’.

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ENDNOTES

- 1 Made by the Governor in Council on 6 July 2006.
- 2 Notified in the gazette on 7 July 2006.
- 3 Laid before the Legislative Assembly on . . .
- 4 The administering agency is the Department of Transport.