



Queensland

Transport Operations (Road Use Management—Accreditation and Other Provisions) and Other Legislation Amendment Regulation (No. 1) 2007

Subordinate Legislation 2007 No. 27

made under the

State Penalties Enforcement Act 1999

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 Operations (Road Use Management—Accreditation and Other Provisions) and Other Legislation Amendment Regulation (No. 1) 2007*.

2 Commencement

Parts 2 and 4 commence on 28 March 2007.

Part 2 Amendment of State Penalties Enforcement Regulation 2000

3 Regulation amended in pt 2

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

4 Amendment of sch 3 (Transport legislation)

Schedule 3, entry for *Transport Operations (Road Use Management—Accreditation and Other Provisions) Regulation 2005*—

insert—

‘s 61A(2) 4’.

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Part 3 Amendment of Traffic Regulation 1962

5 Regulation amended in pt 3

This part amends the *Traffic Regulation 1962*.

6 Amendment of s 171 (Prescribed persons for training programs)

Section 171(2), ‘community correctional officer under the
Corrective Services Act 1988’ and footnote—

omit, insert—

‘corrective services officer under the *Corrective Services Act
2006*’.

Part 4 Amendment of Transport Operations (Road Use Management—Accreditation and Other Provisions) Regulation 2005

7 Regulation amended in pt 4

This part amends the *Transport Operations (Road Use
Management—Accreditation and Other Provisions)
Regulation 2005*.

8 Amendment of s 40 (Statutory conditions on accreditation)

(1) Section 40—

insert—

- ‘(3) An accredited rider trainer must not contravene the statutory accreditation condition mentioned in schedule 4, section 5.
Maximum penalty—40 penalty units.’.

9 Amendment of s 56 (Restriction on giving competency recommendation notice)

Section 56(b), after ‘competencies’—

insert—

‘in accordance with the consistent assessment process set out in the registered service provider standards’.

10 Insertion of new s 61A

After section 61—

insert—

‘61A Ratio of learners to trainers

- ‘(1) This section applies to a person who is—
- (a) an accredited driver trainer giving driver training for a class RE or R motorbike; or
 - (b) an accredited rider trainer giving Q-Ride training.
- ‘(2) The person must ensure the ratio of learners to accredited driver trainers or accredited rider trainers is no more than 5:1.
Maximum penalty—40 penalty units.
- ‘(3) Also, a registered service provider must not allow an employee of the provider who is an accredited rider trainer to give Q-Ride training if the provider knows, or reasonably ought to know, that by giving the training the trainer would, or would be likely to, commit an offence under subsection (2).
Maximum penalty—40 penalty units.’.

11 Amendment of s 75 (Statutory conditions on registration)

- (1) Section 75(2), ‘This section’—

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omit, insert—

‘Subsection (1)’.

(2) Section 75(2), as amended—

renumber as section 75(3).

(3) Section 75—

insert—

‘(2) A registered service provider must not contravene the statutory registration condition mentioned in schedule 5, section 1.

Maximum penalty—40 penalty units.’.

12 Amendment of s 89 (Restriction on giving competency declaration)

(1) Section 89(1), example (c)—

renumber as example (d).

(2) Section 89(1), example—

insert—

‘(c) the assessment of the learner’s competence to ride the class of motorbike did not comply with the consistent assessment process set out in the registered service provider standards; or’.

13 Amendment of s 95 (Registered service provider standards)

Section 95(2)(g), after ‘the training’—

insert—

‘including, for example, a consistent assessment process’.

14 Replacement of s 100 (Reasonable excuse)

Section 100—

omit, insert—

‘100 Reasonable excuse

- ‘(1) It is not a reasonable excuse for a registered service provider not to comply with schedule 5, section 5(3) or (4) or section 6(1)(b) or (2) that complying with the section might tend to incriminate the registered service provider.
- ‘(2) However, if the registered service provider is an individual, the following is not admissible in evidence against the person in any civil or criminal proceeding—
 - (a) the auditor’s report mentioned in schedule 5, section 5(3) or 6(1)(b);
 - (b) the notice mentioned in schedule 5, section 5(4) or 6(2).’.

15 Insertion of new pt 9, div 1, hdg

Part 9, before section 126—

insert—

**‘Division 1 Transitional provisions for
Transport Operations (Road Use
Management—Accreditation and
Other Provisions) Regulation 2005’.**

16 Insertion of new pt 9, div 2

Part 9, after section 131—

insert—

**‘Division 2 Transitional provisions for
Transport Operations (Road Use
Management—Accreditation and
Other Provisions) and Other
Legislation Amendment Regulation
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‘132 Requirement to give notice of review or random review to accredited rider trainer

- ‘(1) This section applies if—
- (a) an accredited rider trainer was given written notice under schedule 4, section 3 or 4 as in force immediately before 28 March 2007; and
 - (b) the period for demonstrating the accredited rider trainer’s competence to give the training has not yet ended.
- ‘(2) Schedule 4, sections 3A, 4A and 4B do not apply to the accredited rider trainer until the period for demonstrating the accredited rider trainer’s competence to give the training mentioned in subsection (1)(b) has ended.

‘133 Reasonable excuse

- ‘(1) This section applies in relation to an auditor’s report that is completed but not given to the chief executive as required under schedule 5, section 5(3) or 6(1)(b) before the commencement of this section.
- ‘(2) Section 100 as in force immediately before the commencement continues to apply to the registered service provider in relation to the giving of the auditor’s report as mentioned in subsection (1).’.

17 Amendment of sch 4 (Statutory accreditation conditions for accredited driver trainers or rider trainers)

- (1) Schedule 4, heading, ‘accredited’—
omit.
- (2) Schedule 4, section 3, heading, after ‘executive’—
insert—
‘—driver trainer’.
- (3) Schedule 4, section 3, ‘believes the trainer’—

omit, insert—

‘believes an accredited driver trainer’.

- (4) Schedule 4, after section 3—

insert—

‘3A Review by chief executive—rider trainer

‘If the chief executive reasonably believes an accredited rider trainer is not competent to give the training, the trainer must demonstrate to the reasonable satisfaction of the chief executive that the trainer is competent to give the training.’.

- (5) Schedule 4, section 4, heading, after ‘review’—

insert—

‘—**driver trainer**’.

- (6) Schedule 4, section 4(1), ‘selects the trainer’—

omit, insert—

‘selects an accredited driver trainer’.

- (7) Schedule 4, after section 4—

insert—

‘4A Random review—rider trainer

‘If the chief executive selects an accredited rider trainer by random selection and requires the trainer to demonstrate the trainer’s competence to give the training, the trainer must demonstrate to the reasonable satisfaction of the chief executive that the trainer is competent to give the training.’.

‘4B Periodical review—rider trainer

‘If the chief executive gives an accredited rider trainer a written notice requiring the trainer to demonstrate the trainer’s competence to give the training on a day within a stated period of up to 1 month, without stating a date, the trainer must demonstrate to the reasonable satisfaction of the chief executive that the trainer is competent to give the training on

the day or days within the stated period that the chief executive selects.’.

- (8) Schedule 4, section 5, ‘section 3 or 4’—

omit, insert—

‘section 3, 3A, 4, 4A or 4B’.

Part 5

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

18 Regulation amended in pt 5

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

19 Amendment of s 17A (Issue of replacement certificate if registration refused)

Section 17A(1), ‘section 14(1)(ba)’—

omit, insert—

‘section 14(1)(h)’.

20 Amendment of sch 1 (Vehicle standards)

- (1) Schedule 1, section 22(2), example—

omit, insert—

‘Examples for subsection (2)(a)—

- pole-type trailers used to carry timber

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- most road-making plant
 - some agricultural equipment’.
- (2) Schedule 1, section 30(2), ‘*Connections*’—
omit, insert—
‘*Connectors*’.
- (3) Schedule 1, section 31(2)(b), example—
omit, insert—
‘*Examples for paragraph (b)*—
- closed-circuit television security cameras
 - dispatch systems
 - navigational or intelligent highway and vehicle system equipment
 - rear view screens
 - ticket-issuing machines
 - vehicle monitoring devices’.
- (4) Schedule 1, section 42(1)(a) and (c), ‘*Light Truck Tyre*’—
omit, insert—
‘*Light Truck Tyres*’.
- (5) Schedule 1, section 96(1) to (3)—
renumber as schedule 1, section 96(1) to (4).
- (6) Schedule 1, section 140(2), example, ‘to be’—
omit, insert—
‘be’.
- (7) Schedule 1, section 151(b), ‘*Pin Type*’—
omit, insert—
‘*Pin-Type*’.
- (8) Schedule 1, section 153, ‘*50 mm-Pin Type*’—
omit, insert—
‘*50 mm Pin-Type*’.

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21 Amendment of sch 4 (Dictionary)

Schedule 4, definitions *50mm kingpin* and *90mm kingpin*,
‘Articulated Vehicles Kingpins’—

omit, insert—

‘Articulated Vehicles—Kingpins’.

ENDNOTES

- 1 Made by the Governor in Council on 15 March 2007.
- 2 Notified in the gazette on 16 March 2007.
- 3 Laid before the Legislative Assembly on . . .
- 4 The administering agency is the Department of Transport.