



Queensland

Transport and Other Legislation Amendment Regulation (No. 2) 2008

Subordinate Legislation 2008 No. 396

made under the

State Penalties Enforcement Act 1999

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 and Other Legislation Amendment Regulation (No. 2) 2008*.

2 Commencement

This regulation commences on 17 December 2008.

Part 2 Amendment of Transport Operations (Passenger Transport) Regulation 2005

3 Regulation amended in pt 2

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

4 Amendment of s 27 (Restricted driver authorisation—Act, s 29A)

Section 27—

insert—

‘(1A) An application for a restricted driver authorisation must be made in the approved form.’.

5 Insertion of new ss 40A and 40B

After section 40—

insert—

[s 5]

‘40A Medical fitness for driver authorisation

- ‘(1) A person is not eligible to be granted driver authorisation unless the person gives the chief executive a prescribed medical certificate for the person.
- ‘(2) An authorised driver must—
- (a) notify the chief executive if there is a change in the driver’s medical condition that makes the driver continuously unfit to safely operate a motor vehicle for more than 1 month; and
 - (b) within 5 years after the issue of the last prescribed medical certificate for the driver given to the chief executive under subsection (1) or this paragraph, give the chief executive a fresh prescribed medical certificate for the driver.
- ‘(3) However, if a prescribed medical certificate for a person given under subsection (1) or (2) indicates it is for a period of less than 5 years, the person must give the chief executive the next prescribed medical certificate for the person within the period.
- Examples of indications that a prescribed medical certificate is for a period of less than 5 years—*
- the certificate states it lasts or applies for 2 years
 - the certificate states it should be renewed or reviewed after 2 years
 - the certificate states the person’s condition should be reviewed, or the person should be re-examined, within 2 years
- ‘(4) If a prescribed medical certificate for a person given under subsection (1) or (2) contains a limitation on operating a vehicle, the person must not operate a vehicle, under driver authorisation, contrary to the limitation.
- ‘(5) This section does not apply to a person seeking a restricted driver authorisation.

Note—

For the effect of noncompliance with subsection (2) or (4), see section 28(1)(d) and (2)(c).

‘40B Medical fitness for restricted driver authorisation

- ‘(1) A person is not eligible to be granted a restricted driver authorisation by an operator unless the person gives the operator—
- (a) a statement signed by the person stating that, as far as the person knows, the person does not suffer from any of the medical conditions stated on the approved form given by the person under section 27(1A); and
 - (b) if the person suffers or has suffered from a medical condition that may make the person unfit to hold a restricted driver authorisation—a prescribed medical certificate for the person.
- ‘(2) A driver who holds a restricted driver authorisation must notify the operator who granted the restricted driver authorisation and the chief executive each time there is a change in the driver’s medical condition that makes the driver continuously unfit to safely operate a motor vehicle for more than 1 month.
- ‘(3) If a prescribed medical certificate for a person given under subsection (1)(b) contains a limitation on operating a vehicle, the person must not operate a vehicle, under restricted driver authorisation, contrary to the limitation.

Note—

For the effect of noncompliance with subsection (2) or (3), see section 28(1)(d) and (2)(c).’.

6 Amendment of s 41 (Requirement to prove fitness)

Section 41(1)—

omit, insert—

- ‘(1) This section applies if the chief executive suspects a person who holds driver authorisation is no longer medically fit to operate a public passenger vehicle under the driver authorisation.’.

[s 7]

7 Insertion of new s 146A

Part 11, after section 146—

insert—

‘146A Matters prescribed for operator accreditation standards or driver authorisation standards

- ‘(1) The following matters are prescribed under section 14(f) of the Act—
- (a) the maximum allowable age of a type of public passenger vehicle used by an operator of a public passenger service to provide the service;
 - (b) extensions of a maximum allowable age mentioned in paragraph (a);
 - (c) timetables for, or reliability of, a public passenger service.
- ‘(2) Reliability of a public passenger service is prescribed under section 26(d) of the Act.’.

8 Amendment of s 147 (Definitions for div 1)

Section 147, definition *section 62B guidelines*—
omit.

9 Insertion of new pt 12, div 5

After section 158E—

insert—

**‘Division 5 Transitional provision for Transport
and Other Legislation Amendment
Regulation (No. 2) 2008**

‘158F Prescribed medical certificates

‘(1) A certificate given under a repealed provision is taken, for 6 months after the commencement of this section, to be a prescribed medical certificate.

‘(2) In this section—

repealed provision means the *Transport Operations (Passenger Transport) Standard 2000*, section 8(1) or 8B(1)(a) as in force immediately before the commencement of this section.’.

10 Amendment of sch 11 (Dictionary)

Schedule 11—

insert—

‘prescribed medical certificate, for a person, means a certificate in the approved form from a doctor stating that the person meets the medical standards for licensing, commercial standards, stated in *Assessing Fitness to Drive*, part B published by Austroads Incorporated.

Editor’s note—

At the commencement of this definition, *Assessing Fitness to Drive* is available at <www.austroads.com.au>.’.

- (b) keep the warning lights activated until at least 5 seconds after the vehicle has started to move off after stopping.

Maximum penalty—20 penalty units.

- ‘(3) The driver must ensure the warning lights are not activated, other than under subsection (2) or the passenger transport standard, schedule 1, section 24(3), while the vehicle is on a road, unless the driver has a reasonable excuse.

Example—

The driver is testing the lights to ensure their satisfactory operation.

Maximum penalty—20 penalty units.

- ‘(4) This section applies despite the requirement under the passenger transport standard, schedule 1, section 24(3) that the vehicle be fitted with automatically operating warning lights.’.

13 Amendment of sch 6 (Dictionary)

- (1) Schedule 6, definitions *guideline* and *school bus*—
omit.

- (2) Schedule 6—
insert—

‘*passenger transport standard* means the *Transport Operations (Passenger Transport) Standard 2000.*

school bus see the passenger transport standard, schedule 4.’.

Part 4 **Amendment of Transport Operations (Road Use Management—Vehicle Standards and Safety) Regulation 1999**

14 **Regulation amended in pt 4**

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

15 **Amendment of sch 1, s 104 (Other lights and reflectors)**

(1) Schedule 1, section 104(6), definition *guideline*—
omit.

(2) Schedule 1, section 104(6), definition *special use vehicle*, paragraph (d)—
omit, insert—

‘(d) a vehicle, whether or not a school bus, fitted with warning lights and warning signs under the *Transport Operations (Passenger Transport) Standard 2000*, schedule 1, section 19 or 25(1).’.

Part 5 **Amendment of State Penalties Enforcement Regulation 2000**

16 **Regulation amended in pt 5**

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

17 Amendment of sch 3 (Transport legislation)

Schedule 3, entry for the *Transport Operations (Road Use Management—Road Rules) Regulation 1999*, entry for section 222(2)—

omit, insert—

‘s 222 2/5 -’.

ENDNOTES

- 1 Made by the Governor in Council on 4 December 2008.
- 2 Notified in the gazette on 5 December 2008.
- 3 Laid before the Legislative Assembly on . . .
- 4 The administering agency is the Department of Transport.

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