



Queensland

# Transport Legislation Amendment Regulation (No. 2) 2010

## Subordinate Legislation 2010 No. 36

made under the

*Transport Operations (Road Use Management) Act 1995*

## Contents

---

		Page
<b>Part 1</b>	<b>Preliminary</b>	
1	Short title . . . . .	3
2	Commencement . . . . .	3
<b>Part 2</b>	<b>Amendment of Traffic Regulation 1962</b>	
3	Regulation amended . . . . .	3
4	Amendment of s 59 (Facilitation of proof) . . . . .	3
5	Insertion of new s 77 . . . . .	3
	77 Carrying capacity of hire vehicle—Fraser Island . . . . .	3
6	Amendment of s 77 (Carrying capacity of hire vehicle—Fraser Island) . . . . .	4
7	Amendment of s 134A (Procedure for suspension or cancellation) . . . . .	5
8	Amendment of s 135 (Effect of cancellation or suspension of licence) . . . . .	5
9	Amendment of s 138 (Change of name or address) . . . . .	5
10	Amendment of s 151 (Goods and other obstructions upon road) . . . . .	6
11	Amendment of s 178 (Blood specimens) . . . . .	6
12	Amendment of s 178B (Evidence—certificates) . . . . .	6
<b>Part 3</b>	<b>Amendment of Transport Operations (Road Use Management—Driver Licensing) Regulation 1999</b>	
13	Regulation amended . . . . .	6

Contents

---

14	Replacement of sch 3, pt 4, s 7C (Driving vehicle with more than maximum number of persons or weight) . . . . .	7
	7C Driving vehicle exceeding carrying capacity. . . . .	7

---

## **Part 1 Preliminary**

### **1 Short title**

This regulation may be cited as the *Transport Legislation Amendment Regulation (No. 2) 2010*.

### **2 Commencement**

- (1) This regulation, other than section 6, commences on 1 April 2010.
- (2) Section 6 commences on 31 December 2010.

## **Part 2 Amendment of Traffic Regulation 1962**

### **3 Regulation amended**

This part amends the *Traffic Regulation 1962*.

### **4 Amendment of s 59 (Facilitation of proof)**

Section 59(1)(a) to (c), at the end—

*insert—*

‘or’.

### **5 Insertion of new s 77**

Part 13—

*insert—*

### **‘77 Carrying capacity of hire vehicle—Fraser Island**

- ‘(1) A person must not drive a hire vehicle on Fraser Island if the vehicle is carrying—

[s 6]

---

- (a) more than 7 passengers; or
- (b) a load on the vehicle's roof.

Maximum penalty—40 penalty units.

*Editor's note—*

*Transport Operations (Road Use Management) Act 1995, schedule 4, definition passenger—*

*passenger* includes any person carried on a vehicle, train, animal, vessel or tram, other than the driver or conductor thereof.

‘(2) In this section—

*hire vehicle* means a vehicle hired under a hiring agreement.

*hiring agreement* does not include a hire-purchase agreement.

*Example—*

If a person acquires a vehicle under a hire-purchase agreement and the person hires the vehicle to someone else under a hiring agreement, the vehicle is a hire vehicle while under the hiring agreement.

*load* means any thing other than a roof rack.

*Examples—*

surfboard, backpack, camping equipment, mounted spare tyre, cargo pod, jerry can

*roof rack* includes a cross bar and roof rail but does not include a tray, basket or similar item.’

## 6 Amendment of s 77 (Carrying capacity of hire vehicle—Fraser Island)

Section 77(1)—

*omit, insert—*

- ‘(1) A person must not drive a hire vehicle on Fraser Island if the vehicle—
- (a) has more than 8 seats; or
  - (b) has any seats that are not forward or rear facing; or

(c) is carrying a load on the vehicle's roof.

Maximum penalty—40 penalty units.’.

**7 Amendment of s 134A (Procedure for suspension or cancellation)**

(1) Section 134A(1)(e), example, ‘*of paragraph*’—

*omit, insert—*

*‘for paragraph’.*

(2) Section 134A(2)—

*omit, insert—*

‘(2) The time specified in subsection (1)(e) must be at least 28 days.’.

**8 Amendment of s 135 (Effect of cancellation or suspension of licence)**

Section 135(a), at the end—

*insert—*

‘and’.

**9 Amendment of s 138 (Change of name or address)**

(1) Section 138(1), from ‘Except’ to ‘every’—

*omit, insert—*

‘Every’.

(2) Section 138(1), after ‘such licence’—

*insert—*

‘each of the following’.

**10 Amendment of s 151 (Goods and other obstructions upon road)**

(1) Section 151(1)(a) and (b), at the end—

*insert—*

‘or’.

(2) Section 151(2)(a) to (e), at the end—

*insert—*

‘or’.

**11 Amendment of s 178 (Blood specimens)**

Section 178(1), ‘shall’—

*omit, insert—*

‘must comply with the following’.

**12 Amendment of s 178B (Evidence—certificates)**

Section 178B(a), at the end—

*insert—*

‘and’.

**Part 3 Amendment of Transport Operations (Road Use Management—Driver Licensing) Regulation 1999**

**13 Regulation amended**

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

---

**14 Replacement of sch 3, pt 4, s 7C (Driving vehicle with more than maximum number of persons or weight)**

Schedule 3, part 4, section 7C—

*omit, insert—*

**‘7C Driving vehicle exceeding carrying capacity**

‘The number of points for a contravention of each of the following provisions of the *Traffic Regulation 1962* is 3—

- section 76
- section 77(1).’

---

ENDNOTES

- 1 Made by the Governor in Council on 11 March 2010.
- 2 Notified in the gazette on 12 March 2010.
- 3 Laid before the Legislative Assembly on . . .
- 4 The administering agency is the Department of Transport and Main Roads.