



Queensland

Transport Legislation Amendment Regulation (No. 5) 2011

Subordinate Legislation 2011 No. 286

made under the

Transport Operations (Road Use Management) Act 1995

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[s 1]

Part 1 Preliminary

1 Short title

This regulation may be cited as the *Transport Legislation Amendment Regulation (No. 5) 2011*.

2 Commencement

Sections 6 and 7(4) commence on 19 December 2011.

Part 2 Amendment of Transport Operations (Road Use Management—Driver Licensing) Regulation 2010

3 Regulation amended

This part amends the *Transport Operations (Road Use Management—Driver Licensing) Regulation 2010*.

4 Amendment of s 10 (Tests)

Section 10(10) and (11)—
omit, insert—

‘(10) In subsections (4) and (5)—

road rules test includes a road rules test, whatever called, under a corresponding law.’.

5 Amendment of s 63B (Approved interlocks)

Section 63B, first and second dot points—
omit, insert—

- Drager Interlock XT (also known as Dräger Interlock XT)
- Guardian WR2
- Guardian WR3 (also known as Alcolock WR3, Guardian Alcolock WR3 and Guardian Interlock WR3).’.

6 Amendment of s 71 (Certificate of exemption—high-powered vehicles)

(1) Section 71(2)—

omit, insert—

- ‘(2) If the certificate of exemption is sought on the grounds mentioned in subsection (6), the application must be accompanied by a signed statement supporting the application from—
- (a) for matters relating to subsection (6)(a)(i)(A) or (B)—the person’s employer; or
 - (b) for matters relating to subsection (6)(a)(i)(C)—the person in charge of the educational institution; or
 - (c) for matters relating to subsection (6)(a)(i)(D)—a doctor; or
 - (d) for matters relating to subsection (6)(a)(ii)(B) or (C)—the immediate family member.
- ‘(2A) If the certificate of exemption is sought on the grounds mentioned in subsection (7), the application must be accompanied by—
- (a) either—
 - (i) a copy of a document (the *manufacturer’s document*) published by the vehicle’s manufacturer showing the specification information for the vehicle; or
 - (ii) if a copy of the manufacturer’s document is unavailable or does not provide the specification

information for the vehicle—a specification
information test report; and

- (b) to the extent the information is available to the applicant, the following information about the vehicle—
 - (i) make and model;
 - (ii) year of manufacture;
 - (iii) engine number;
 - (iv) VIN or chassis number.’.

(2) Section 71—

insert—

‘(3A) The chief executive may grant the application only if the chief executive is satisfied the requirements in subsection (6) or (7) have been met.’.

(3) Section 71(4), ‘only if’—

omit, insert—

‘if’.

(4) Section 71—

insert—

‘(4A) The chief executive may grant the application if the high-powered vehicle—

- (a) is a high-powered vehicle because it has—
 - (i) a turbocharged engine that is not diesel powered;
or
 - (ii) a supercharged engine that is not diesel powered;
and
- (b) does not have any of the other features of a high-powered vehicle as defined in schedule 9; and
- (c) has a power-to-weight ratio of not more than 125kW/t.’.

(5) Section 71(5), after ‘application’—

insert—

‘on the grounds mentioned in subsection (6)’.

- (6) Section 71(7), ‘A certificate of exemption issued under subsection (6)’—

omit, insert—

‘The certificate’.

- (7) Section 71(7)(c), after ‘may’—

insert—

‘, if the certificate is granted on the grounds mentioned in subsection (6),’.

- (8) Section 71(9)—

insert—

‘**kerb weight**, of a vehicle, means the kerb weight—

- (a) under the manufacturer’s specifications for the vehicle;
or
(b) stated in a specification information test report for the vehicle.

maximum engine power, of a vehicle, means the maximum engine power—

- (a) under the manufacturer’s specifications for the vehicle;
or
(b) stated in a specification information test report for the vehicle.

power-to-weight ratio, of a vehicle, means the ratio (expressed in kilowatts per tonne) calculated by—

- (a) dividing the vehicle’s maximum engine power in kilowatts by the kerb weight in kilograms; and
(b) multiplying the product of the division by 1000.

Example—

The power-to-weight ratio of a vehicle that has a maximum engine power of 195kW and a kerb weight of 1667kg is calculated by dividing 195kW by 1667kg and multiplying the product of the division by 1000. In this example, the power-to-weight ratio is 117kW/t.

specification information, for a vehicle, means its kerb weight and maximum engine power.

specification information test report, for a vehicle, means documentation—

- (a) showing the results of 1 or more tests conducted on the vehicle by 1 or more entities to work out the specification information; and
- (b) containing the following information—
 - (i) the name and address of the entity that conducted the test;

Example of an entity for subparagraph (i)—

an entity that operates a vehicle testing facility or a weighbridge

- (ii) the date of the test;
- (iii) the specification information;
- (iv) details about the measuring system used to conduct the test.

Example of a measuring system for subparagraph (iv)—

a dynamometer or a similar measuring system that is designed to measure power produced by an engine

Example of specification information test report—

a printout of the results of a test from a vehicle testing facility and a printout of the results of a test by a weighbridge’.

- (9) Section 71(2A) to (9)—
renumber as section 71(3) to (12).

7 Amendment of sch 9 (Dictionary)

- (1) Schedule 9, definitions *hazard perception test* and *road rules test*—
omit.
- (2) Schedule 9—
insert—

‘hazard perception test means a test—

- (a) designed to measure the ability of a driver to recognise and respond appropriately to driving situations that are potentially dangerous; and
- (b) available only on the department’s website.

Editor’s note—

At the commencement of this definition, the department’s website is <www.tmr.qld.gov.au>.

road rules test, for an application for a class of Queensland driver licence, means a test of the applicant’s knowledge of matters—

- (a) relevant to the class of licence applied for; and
- (b) mentioned in the document ‘Your keys to driving in Queensland’, including any addendum to the document, published by the department.

Editor’s note—

Your keys to driving in Queensland, including any addendum, is available—

- on the department’s website at <www.tmr.qld.gov.au>; or
- from The Queensland Government Bookshop at <www.bookshop.qld.gov.au>.’.

- (3) Schedule 9, definition *exempted police driver*—

insert—

‘(g) a police recruit within the meaning of the *Police Service Administration Act 1990* who is driving while accompanied by a police officer.’.

- (4) Schedule 9, definition *high-powered vehicle*, paragraph (d) ‘200kW’—

omit, insert—

‘210kW’.

Part 3 Amendment of Transport Operations (Road Use Management—Vehicle Registration) Regulation 2010

8 Regulation amended

This part amends the *Transport Operations (Road Use Management—Vehicle Registration) Regulation 2010*.

9 Amendment of s 11 (Vehicles used on roads must be registered)

(1) Section 11(a)—

omit, insert—

‘(a) the vehicle is being driven or towed under section 15; or

(aa) the vehicle is being brought to the chief executive under section 16; or’.

(2) Section 11(aa) to (g)—

renumber as section 11(b) to (h).

10 Amendment of s 15 (Driving or towing unregistered vehicle to place for inspection)

(1) Section 15, heading, after ‘inspection’—

insert—

‘**or for testing as part of inspection**’.

(2) Section 15(1), after ‘towed’—

insert—

‘on a road’.

(3) Section 15(1)(c), examples, last dot point—

omit, insert—

- a place for obtaining a gas certificate
- a weighbridge for obtaining a measurement ticket’.

(4) Section 15—

insert—

‘(1A) This section also applies if it is necessary, for registering an unregistered vehicle under this regulation, for the vehicle to be driven or towed on a road for testing to confirm the safe operation of the vehicle as part of an inspection mentioned in subsection (1)(a).’.

(5) Section 15(2), ‘the place’—

omit, insert—

‘a place mentioned in subsection (1), or for the testing mentioned in subsection (1A),’.

(6) Section 15(2), at the end—

insert—

Note—

See also section 64(1A).’.

11 Amendment of s 40 (Position for attaching registration label)

Section 40(1)(a)—

omit, insert—

‘(a) so the entire label is clearly visible from outside the vehicle; and

Example of when an entire label for a vehicle is not clearly visible—

a label placed in a cylindrical registration label holder attached to a motorbike

Note—

See also section 127 (Offences involving registration certificates etc.).’.

12 Amendment of s 58 (Cancellation of registration of vehicle or dealer plate)

- (1) Section 58(1)(c), ‘presentation, and the chief executive has not yet received full payment for the registration or renewal; or’—

omit, insert—

‘presentation or is later dishonoured, and the chief executive has not yet received full payment for the registration or renewal; or’.

- (2) Section 58—

insert—

‘(10A) For the purpose of recovering from the relevant person or dealer plate holder the amount mentioned in subsection (10), the chief executive may, by written notice, require the relevant person or dealer plate holder to pay the amount.

‘(10B) A relevant person to whom a notice is given under subsection (10A) must pay the amount within 28 days after the chief executive gives the notice.

Maximum penalty—

- (a) if the amount is in relation to a category 1 vehicle—20 penalty units; or
(b) if the amount is in relation to a category 2 vehicle—60 penalty units.

‘(10C) A dealer plate holder to whom a notice is given under subsection (10A) must pay the amount within 28 days after the chief executive gives the notice.

Maximum penalty—30 penalty units.’.

13 Amendment of s 64 (Use of dealer plates)

- (1) Section 64(1)(g), after ‘driven’—

insert—

‘or towed’.

(2) Section 64—

insert—

‘(1A) Section 15, and not this section, applies in relation to a vehicle if—

- (a) a person uses, or permits to be used on a road the vehicle with a dealer plate attached to it and the vehicle is being driven or towed, as mentioned in subsection (1)(g), (h), (i), (j) or (k); and
- (b) the requirements of section 15(2) are complied with for the vehicle.’

ENDNOTES

- 1 Made by the Governor in Council on 8 December 2011.
- 2 Notified in the gazette on 9 December 2011.
- 3 Laid before the Legislative Assembly on . . .
- 4 The administering agency is the Department of Transport and Main Roads.

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