



Queensland

# Transport and Another Regulation Amendment Regulation (No. 1) 2012

## Subordinate Legislation 2012 No. 174

made under the

*State Penalties Enforcement Act 1999*

*Transport Operations (Road Use Management) Act 1995*

## Contents

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		Page
<b>Part 1</b>	<b>Preliminary</b>	
1	Short title . . . . .	3
2	Commencement . . . . .	3
<b>Part 2</b>	<b>Amendment of Transport Operations (Road Use Management—Vehicle Registration) Regulation 2010</b>	
3	Regulation amended . . . . .	3
4	Amendment of s 18 (Registered vehicles register) . . . . .	3
5	Insertion of new pt 8, div 1A . . . . .	3
	Division 1A      Classification of written-off vehicles	
	66A      Written-off vehicle to be classified as statutory write-off or repairable write-off . . . . .	4
6	Insertion of new s 68A . . . . .	4
	68A      Chief executive to advise notifier of label specifications	4
7	Amendment of s 69 (Obligation of notifiers to give notifiable information) . . . . .	5
8	Amendment of s 73 (Obligation of dealer or auctioneer to report written-off vehicle) . . . . .	5
9	Insertion of new s 75A . . . . .	5
	75A      Chief executive to give label for written-off vehicle to registered operator or owner of unregistered vehicle .	6

Contents

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10	Replacement of ss 76–78. . . . .	6
	76 Notifier’s obligation to inform registered operator or owner of unregistered vehicle. . . . .	6
	77 Notifier’s obligation to attach label to written-off vehicle	7
	78 Obligation on registered operator or owner of unregistered vehicle to attach label to written-off vehicle	8
11	Amendment of s 80 (Written-off vehicles must not be used on road)	9
12	Amendment of sch 8 (Dictionary). . . . .	9
<b>Part 3</b>	<b>Amendment of State Penalties Enforcement Regulation 2000</b>	
13	Regulation amended . . . . .	11
14	Amendment of sch 3 (Transport legislation). . . . .	11

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## **Part 1 Preliminary**

### **1 Short title**

This regulation may be cited as the *Transport and Another Regulation Amendment Regulation (No. 1) 2012*.

### **2 Commencement**

This regulation commences on 14 December 2012.

## **Part 2 Amendment of Transport Operations (Road Use Management—Vehicle Registration) Regulation 2010**

### **3 Regulation amended**

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

### **4 Amendment of s 18 (Registered vehicles register)**

Section 18(7)(b), examples—

*insert—*

- information about a written-off vehicle given to the chief executive by the Queensland Police Service, the police service of another State, a corresponding authority or a notifier under a corresponding law to this regulation?

### **5 Insertion of new pt 8, div 1A**

Part 8—

*insert—*

## **‘Division 1A            Classification of written-off vehicles**

### **‘66A    Written-off vehicle to be classified as statutory write-off or repairable write-off**

- ‘(1) This section applies to—
- (a) a notifier required under this regulation to give notifiable information for a written-off vehicle to the chief executive; or
  - (b) a person assisting a notifier mentioned in paragraph (a) to determine if a vehicle is a written-off vehicle for which the notifier is required to give notifiable information to the chief executive.
- ‘(2) If the notifier or person assesses a notifiable vehicle as a total loss the notifier or person must—
- (a) if the vehicle is a total loss because of corrosion or because of damage that satisfies the statutory write-off assessment criteria for the vehicle—classify the vehicle as a statutory write-off; or
  - (b) otherwise—classify the vehicle as a repairable write-off.
- Maximum penalty—50 penalty units.’.

## **6            Insertion of new s 68A**

After section 68—

*insert—*

### **‘68A    Chief executive to advise notifier of label specifications**

‘The chief executive must advise a notifier of the chief executive’s specifications for a label of the kind a notifier is required, under section 77, to attach to a written-off vehicle.

*Editor’s note—*

The department advises notifiers of label specifications when notifiers register themselves with the department. The label specifications are also available from the department on request.’.

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**7 Amendment of s 69 (Obligation of notifiers to give notifiable information)**

(1) Section 69(3), penalty, ‘subsection (3)’—

*omit, insert—*

‘subsection (5)’.

(2) Section 69(3)—

*renumber* as section 69(5).

(3) Section 69—

*insert—*

‘(3) Also, a notifier may at any time ask the chief executive, in writing, for approval to correct a clerical or technical error in notifiable information the notifier has given to the chief executive for a vehicle.

‘(4) In deciding whether to approve a request under subsection (3), the chief executive may require the notifier to provide information the chief executive considers necessary to determine the request.’.

**8 Amendment of s 73 (Obligation of dealer or auctioneer to report written-off vehicle)**

Section 73(3)—

*omit, insert—*

‘(3) The person is not required to act under subsection (2) if the person is able to show that—

(a) the person searched the register or arranged for the register to be searched; and

(b) the search result showed that someone else had already given the notifiable information for the vehicle to the chief executive.’.

**9 Insertion of new s 75A**

After section 75—

*insert—*

**‘75A Chief executive to give label for written-off vehicle to registered operator or owner of unregistered vehicle**

- ‘(1) This section applies if, under section 75(2), a person gives the chief executive notifiable information for a vehicle.
- ‘(2) On receiving the information, the chief executive must give the person a label for the vehicle that states—
- (a) the vehicle is a written-off vehicle; and
  - (b) any other information the chief executive considers appropriate.

*Notes—*

- 1 See section 68A for the requirements of a label given under subsection (2).
- 2 See section 78 for the obligation of the registered operator, or the owner, of the vehicle to attach the label to the vehicle.’.

**10 Replacement of ss 76–78**

Sections 76 to 78—

*omit, insert—*

**‘76 Notifier’s obligation to inform registered operator or owner of unregistered vehicle**

- ‘(1) This section applies if—
- (a) a notifier gives the notifiable information for a notifiable vehicle to the chief executive under this part; and
  - (b) the notifier is not the owner of the vehicle.
- ‘(2) Within 7 days after the notifier gives the notifiable information for the vehicle to the chief executive, the notifier must inform, in writing, the registered operator or, if the vehicle is not registered under this regulation or a corresponding law to this regulation, the owner of the vehicle that—
- (a) the notifier has given the notifiable information for the vehicle to the chief executive; and

- 
- (b) the vehicle is—
- (i) if the vehicle is a repairable write-off—a repairable write-off and can be registered under this regulation only if it passes a written-off vehicle inspection; or
  - (ii) if the vehicle is a statutory write-off—a statutory write-off and can not be registered under this regulation.

Maximum penalty—10 penalty units.

**‘77 Notifier’s obligation to attach label to written-off vehicle**

- ‘(1) This section applies if a notifier gives notifiable information for a notifiable vehicle to the chief executive.
- ‘(2) On giving the information to the chief executive, the notifier must, under subsection (3), attach to the vehicle a label that—
- (a) meets the chief executive’s specifications mentioned in section 68A; and
  - (b) states that the vehicle is—
    - (i) if the vehicle is a repairable write-off—a repairable write-off and can be registered under this regulation only if it passes a written-off vehicle inspection; or
    - (ii) if the vehicle is a statutory write-off—a statutory write-off and can not be registered under this regulation.

Maximum penalty—30 penalty units.

- ‘(3) The notifier must attach the label to the vehicle in a conspicuous position so as to be clearly visible from outside the vehicle.

*Examples of when a label is not attached in a conspicuous position—*

- label attached to back seat
- label attached to vehicle floor

[s 10]

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‘(4) However, if it is not reasonably practicable for the notifier to attach the label to the vehicle the notifier must, within 7 days after giving the notifiable information for the vehicle to the chief executive, give the registered operator or, if the vehicle is not registered under this regulation or a corresponding law to this regulation, the owner of the vehicle—

(a) a label for the vehicle that complies with subsection (2)(a) and (b); and

(b) a notice, in the approved form, about the label.

*Example of when it is not reasonably practicable for a notifier to attach a label to a written-off vehicle—*

A notifiable vehicle is located in a remote area. The notifier has assessed the vehicle to be a written-off vehicle based on photographic evidence or on a report prepared by a loss adjuster who has assessed the vehicle at the remote location.

Maximum penalty—30 penalty units.

## **‘78 Obligation on registered operator or owner of unregistered vehicle to attach label to written-off vehicle**

‘(1) This section applies if the registered operator of a notifiable vehicle or, if the vehicle is not registered under this regulation or a corresponding law to this regulation, the owner of the notifiable vehicle receives a label for the vehicle from—

(a) the chief executive under section 75A; or

(b) a notifier under section 77(4).

‘(2) Within 24 hours after receiving the label, the registered operator, or the owner, must attach the label to the vehicle in a conspicuous position so as to be clearly visible from outside the vehicle.

*Examples of when a label is not attached in a conspicuous position—*

- label attached to back seat
- label attached to vehicle floor

Maximum penalty—30 penalty units.’.



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**11 Amendment of s 80 (Written-off vehicles must not be used on road)**

Section 80(3)—

*omit, insert—*

‘(3) A person does not commit an offence against subsection (2) if—

(a) the vehicle is being driven or towed to—

(i) an AIS for inspection for obtaining an inspection certificate under the Vehicle Standards and Safety Regulation; or

(ii) a written-off vehicle inspection site for obtaining a written-off vehicle inspection report, but only if there is a current inspection certificate for the vehicle under the Vehicle Standards and Safety Regulation; or

(iii) another place as required by the chief executive; or

*Examples for subparagraph (iii)—*

- a place for inspecting by the Queensland Police Service
- a place for road testing by an inspection station
- a place for having an identifying number stamped

(b) the person is acting in accordance with an approval given by the chief executive for the vehicle.

*Note—*

The chief executive may issue the approval by phone, fax, radio or another form of communication.’.

**12 Amendment of sch 8 (Dictionary)**

(1) Schedule 8, definitions *late-model vehicle*, *statutory write-off* and *total loss*—

*omit.*

(2) Schedule 8—

*insert—*

***‘late-model vehicle*** means a vehicle that is not more than 16 years old, counting from—

- (a) the last day of the month in which the vehicle was manufactured; or
- (b) if the month in which the vehicle was manufactured is not known—the last day of the year in which the vehicle was manufactured.

***statutory write-off*** means a notifiable vehicle that is a total loss because of—

- (a) damage by corrosion; or
- (b) damage that satisfies the statutory write-off assessment criteria for the vehicle.

***statutory write-off assessment criteria*** means—

- (a) for a notifiable vehicle that is a motor vehicle with a GVM not over 4.5t—the criteria mentioned in the document entitled *Damage Assessment Criteria for the Classification of Statutory Write-Offs (National Written-Off Vehicle Criteria)*, as approved by the chief executive; or
- (b) for a notifiable vehicle that is a trailer with an ATM over 4.5t, a motorbike, a caravan or a vehicle of a type notified by the chief executive by gazette notice—the criteria mentioned in the document entitled *Damage Assessment Criteria for the Classification of Statutory Write-Offs—Motorbikes, Caravans, Heavy Trailers and Other Vehicles*, as approved by the chief executive.

*Editor’s note—*

The documents mentioned in paragraphs (a) and (b), as approved by the chief executive, are available on the department’s website at <[www.tmr.qld.gov.au](http://www.tmr.qld.gov.au)>.

***total loss*** means a notifiable vehicle—

- (a) damaged by corrosion to the extent that the vehicle’s fair salvage value, when added to the cost of repairing the



[s 14]

## ‘Transport Operations (Road Use Management—Vehicle Registration) Regulation 2010

	Column 1 Infringement notice offence	Column 2 Infringement notice fine (penalty units)	
		Individual	Corporation
s 11	For a contravention involving a category 1 vehicle of a type mentioned in any of the following items of the <i>Transport Operations (Road Use Management—Vehicle Registration) Regulation 2010</i> , schedule 1, part 1, that is not a conditionally registered vehicle—		
	• item 1(a) . . . . .	1 <sup>3</sup> / <sub>5</sub>	1 <sup>3</sup> / <sub>5</sub>
	• item 1(b) . . . . .	2 <sup>2</sup> / <sub>5</sub>	2 <sup>2</sup> / <sub>5</sub>
	• item 1(c), (d) or (e) . . . . .	3 <sup>1</sup> / <sub>5</sub>	3 <sup>1</sup> / <sub>5</sub>
	• item 2 . . . . .	3 <sup>1</sup> / <sub>5</sub>	3 <sup>1</sup> / <sub>5</sub>
	• item 3 . . . . .	3 <sup>1</sup> / <sub>5</sub>	3 <sup>1</sup> / <sub>5</sub>
	• item 4 . . . . .	3 <sup>1</sup> / <sub>5</sub>	3 <sup>1</sup> / <sub>5</sub>
	• item 5 . . . . .	1 <sup>3</sup> / <sub>5</sub>	1 <sup>3</sup> / <sub>5</sub>
	• item 6 . . . . .	1 <sup>3</sup> / <sub>5</sub>	1 <sup>3</sup> / <sub>5</sub>
	• item 7(a) . . . . .	1 <sup>3</sup> / <sub>5</sub>	1 <sup>3</sup> / <sub>5</sub>
	• item 7(b) . . . . .	2 <sup>2</sup> / <sub>5</sub>	2 <sup>2</sup> / <sub>5</sub>
s 11	For a contravention involving a heavy vehicle, or heavy vehicle combination, of any of the following types mentioned in the <i>Transport Operations (Road Use Management—Vehicle Registration) Regulation 2010</i> , that is not a conditionally registered vehicle—		
	• motorised caravan . . . . .	4	4

• truck (type 1) with 2 axles and an MRC of not more than 12t . . . . .	4	4
• truck (type 1) with 3 axles and an MRC of not more than 16.5t. . . . .	4 <sup>4</sup> / <sub>5</sub>	4 <sup>4</sup> / <sub>5</sub>
• truck (type 1) with 4 or more axles and an MRC of not more than 20t	6 <sup>2</sup> / <sub>5</sub>	6 <sup>2</sup> / <sub>5</sub>
• truck (type 2) with 2 axles and an MRC of more than 12t . . . . .	4 <sup>4</sup> / <sub>5</sub>	4 <sup>4</sup> / <sub>5</sub>
• truck (type 2) with 3 axles and an MRC of more than 16.5t. . . . .	6 <sup>2</sup> / <sub>5</sub>	6 <sup>2</sup> / <sub>5</sub>
• truck (type 2) with 4 or more axles and an MRC of more than 20t . . .	8	8
• short combination truck with 2 axles . . . . .	6 <sup>2</sup> / <sub>5</sub>	6 <sup>2</sup> / <sub>5</sub>
• short combination truck with 3 or more axles. . . . .	9 <sup>3</sup> / <sub>5</sub>	9 <sup>3</sup> / <sub>5</sub>
• medium combination truck. . . . .	14 <sup>2</sup> / <sub>5</sub>	14 <sup>2</sup> / <sub>5</sub>
• long combination truck. . . . .	16	16
• short combination prime mover with 2 axles. . . . .	9 <sup>3</sup> / <sub>5</sub>	9 <sup>3</sup> / <sub>5</sub>
• short combination prime mover with 3 or more axles . . . . .	14 <sup>2</sup> / <sub>5</sub>	14 <sup>2</sup> / <sub>5</sub>
• medium combination prime mover (B-double) with 2 axles . . .	14 <sup>2</sup> / <sub>5</sub>	14 <sup>2</sup> / <sub>5</sub>
• medium combination prime mover (B-double) with 3 or more axles . . . . .	16	16
• long combination prime mover. . .	16	16
• trailer with 1 axle . . . . .	3 <sup>1</sup> / <sub>5</sub>	3 <sup>1</sup> / <sub>5</sub>
• trailer with 2 axles. . . . .	6 <sup>2</sup> / <sub>5</sub>	6 <sup>2</sup> / <sub>5</sub>
• trailer with 3 or more axles. . . . .	9 <sup>3</sup> / <sub>5</sub>	9 <sup>3</sup> / <sub>5</sub>
• bus type 1 . . . . .	4	4
• bus type 2 with 2 axles . . . . .	5 <sup>3</sup> / <sub>5</sub>	5 <sup>3</sup> / <sub>5</sub>
• bus type 2 with 3 axles . . . . .	9 <sup>3</sup> / <sub>5</sub>	9 <sup>3</sup> / <sub>5</sub>

[s 14]

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	• articulated bus . . . . .	5 <sup>3</sup> / <sub>5</sub>	5 <sup>3</sup> / <sub>5</sub>
	• mobile machinery . . . . .	2 <sup>2</sup> / <sub>5</sub>	2 <sup>2</sup> / <sub>5</sub>
	• plant . . . . .	2 <sup>2</sup> / <sub>5</sub>	2 <sup>2</sup> / <sub>5</sub>
	• drawn plant . . . . .	2 <sup>2</sup> / <sub>5</sub>	2 <sup>2</sup> / <sub>5</sub>
	• tractor . . . . .	4/5	4/5
	• special purpose vehicle (type o) . .	4	4
s 11	for a contravention involving a conditionally registered vehicle . . . . .	4/5	4/5
s 12(4)	. . . . .	2 <sup>2</sup> / <sub>5</sub>	-
s 12(5)	. . . . .	2 <sup>2</sup> / <sub>5</sub>	2 <sup>2</sup> / <sub>5</sub>
s 20(1)	. . . . .	4/5	4/5
s 20(2)	. . . . .	4/5	4/5
s 20(3)	. . . . .	4/5	4/5
s 30(1)	. . . . .	3 <sup>1</sup> / <sub>5</sub>	3 <sup>1</sup> / <sub>5</sub>
s 30(3)	. . . . .	4/5	4/5
s 31(1)	. . . . .	4/5	4/5
s 31(2)	. . . . .	4/5	4/5
s 33(5)	. . . . .	1 <sup>3</sup> / <sub>5</sub>	1 <sup>3</sup> / <sub>5</sub>
s 34(2)	. . . . .	1 <sup>3</sup> / <sub>5</sub>	1 <sup>3</sup> / <sub>5</sub>
s 34(3)	. . . . .	4/5	4/5
s 37(6)	. . . . .	4/5	4/5
s 37(7)	. . . . .	4/5	4/5
s 38(5)	. . . . .	4/5	4/5
s 40(1)	. . . . .	4/5	4/5
s 40(7)	. . . . .	4/5	4/5
s 41(1)	. . . . .	4/5	4/5
s 43(9)	. . . . .	3 <sup>1</sup> / <sub>5</sub>	3 <sup>1</sup> / <sub>5</sub>
s 48(1)	. . . . .	1 <sup>3</sup> / <sub>5</sub>	1 <sup>3</sup> / <sub>5</sub>
s 48(3)	. . . . .	1 <sup>3</sup> / <sub>5</sub>	1 <sup>3</sup> / <sub>5</sub>

Transport and Another Regulation Amendment Regulation (No. 1) 2012  
 Part 3 Amendment of State Penalties Enforcement Regulation 2000

[s 14]

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s 48(10) .....	1 <sup>3</sup> / <sub>5</sub>	1 <sup>3</sup> / <sub>5</sub>
s 49(2) .....	1 <sup>3</sup> / <sub>5</sub>	1 <sup>3</sup> / <sub>5</sub>
s 50(1) .....	1 <sup>3</sup> / <sub>5</sub>	1 <sup>3</sup> / <sub>5</sub>
s 50(2) .....	1 <sup>3</sup> / <sub>5</sub>	1 <sup>3</sup> / <sub>5</sub>
s 53(2) .....	3 <sup>1</sup> / <sub>5</sub>	3 <sup>1</sup> / <sub>5</sub>
s 57(3) .....	3 <sup>1</sup> / <sub>5</sub>	3 <sup>1</sup> / <sub>5</sub>
s 58(4) .....	3 <sup>1</sup> / <sub>5</sub>	3 <sup>1</sup> / <sub>5</sub>
s 58(8) .....	3 <sup>1</sup> / <sub>5</sub>	3 <sup>1</sup> / <sub>5</sub>
s 63(1) .....	1 <sup>3</sup> / <sub>5</sub>	1 <sup>3</sup> / <sub>5</sub>
s 64(1) .....	3 <sup>1</sup> / <sub>5</sub>	3 <sup>1</sup> / <sub>5</sub>
s 64(2) .....	3 <sup>1</sup> / <sub>5</sub>	3 <sup>1</sup> / <sub>5</sub>
s 64(3) .....	3 <sup>1</sup> / <sub>5</sub>	3 <sup>1</sup> / <sub>5</sub>
s 64(4) .....	3 <sup>1</sup> / <sub>5</sub>	3 <sup>1</sup> / <sub>5</sub>
s 64(5) .....	3 <sup>1</sup> / <sub>5</sub>	3 <sup>1</sup> / <sub>5</sub>
s 65(3) .....	3 <sup>1</sup> / <sub>5</sub>	3 <sup>1</sup> / <sub>5</sub>
s 65(7) .....	3 <sup>1</sup> / <sub>5</sub>	3 <sup>1</sup> / <sub>5</sub>
s 66A(2) .....	5	25
s 68(4) .....	2	10
s 70(2) .....	5	25
s 71(2) .....	5	25
s 72(2) .....	5	25
s 73(2) .....	5	25
s 74(2) .....	5	25
s 75(2) .....	1	5
s 76(2) .....	1	5
s 77(2) .....	3	15
s 77(4) .....	3	15
s 78(2) .....	3	15
s 79 .....	3	3
s 80(1) .....	2	2

Transport and Another Regulation Amendment Regulation (No. 1) 2012  
 Part 3 Amendment of State Penalties Enforcement Regulation 2000

[s 14]

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s 80(2) .....	2	2
s 86.....	8	8
s 87.....	8	8
s 88.....	8	-
s 101(2) .....	$\frac{4}{5}$	$\frac{4}{5}$
s 101(6) .....	$\frac{4}{5}$	$\frac{4}{5}$
s 101(8) .....	$1\frac{3}{5}$	$1\frac{3}{5}$
s 106(1) .....	$3\frac{1}{5}$	$3\frac{1}{5}$
s 106(3) .....	$\frac{4}{5}$	$\frac{4}{5}$
s 109(4) .....	$1\frac{3}{5}$	$1\frac{3}{5}$
s 121(3) .....	$6\frac{2}{5}$	$6\frac{2}{5}$
s 122(4) .....	$1\frac{3}{5}$	$1\frac{3}{5}$
s 122(7) .....	$1\frac{3}{5}$	$1\frac{3}{5}$
s 123(4) .....	$1\frac{3}{5}$	$1\frac{3}{5}$
s 123(6) .....	$1\frac{3}{5}$	$1\frac{3}{5}$
s 123(7) .....	$1\frac{3}{5}$	$1\frac{3}{5}$
s 123(10) .....	$1\frac{3}{5}$	$1\frac{3}{5}$
s 124(3) .....	$4\frac{4}{5}$	$4\frac{4}{5}$
s 124(4) .....	$4\frac{4}{5}$	$4\frac{4}{5}$
s 124(8) .....	$4\frac{4}{5}$	$4\frac{4}{5}$
s 125(4) .....	$1\frac{3}{5}$	-
s 125(7) .....	$1\frac{3}{5}$	-
s 126(3) .....	$4\frac{4}{5}$	$4\frac{4}{5}$
s 126(4) .....	$4\frac{4}{5}$	$4\frac{4}{5}$
s 126(8) .....	$4\frac{4}{5}$	$4\frac{4}{5}$
s 127(1) .....	$2\frac{2}{5}$	$2\frac{2}{5}$
s 127(2)(a) .....	$2\frac{2}{5}$	$2\frac{2}{5}$
s 127(2)(b) .....	$2\frac{2}{5}$	$2\frac{2}{5}$
s 127(2)(c) .....	$\frac{4}{5}$	$\frac{4}{5}$



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s 127(2)(d) . . . . .	4/5	4/5
s 127(2)(e) . . . . .	2 <sup>2</sup> /5	2 <sup>2</sup> /5
s 127(2)(f) . . . . .	1 <sup>3</sup> /5	1 <sup>3</sup> /5
s 127(2)(g) . . . . .	4/5	4/5
s 127(2)(h) . . . . .	4/5	4/5
s 127(2)(i) . . . . .	4/5	-
s 127(2)(j) . . . . .	4/5	4/5
s 128(2) . . . . .	2 <sup>2</sup> /5	-

**Authorised person for service of infringement notices**—an authorised officer under the *Transport Operations (Road Use Management) Act 1995*, section 20’.

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ENDNOTES

- 1 Made by the Governor in Council on 11 October 2012.
- 2 Notified in the gazette on 12 October 2012.
- 3 Laid before the Legislative Assembly on . . .
- 4 The administering agency is the Department of Transport and Main Roads.