



Queensland

Transport Legislation Amendment Regulation (No. 1) 2014

Subordinate Legislation 2014 No. 232

made under the

Tow Truck Act 1973

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 Legislation Amendment Regulation (No. 1) 2014*.

2 Commencement

Part 4 commences on 24 October 2014.

Part 2 Amendment of Tow Truck Regulation 2009

3 Regulation amended

This part amends the *Tow Truck Regulation 2009*.

4 Amendment of s 13 (Application by holder for replacement document)

(1) Section 13(5), ‘document that has been replaced (the *original document*)’—

omit, insert—

original document that has been replaced

(2) Section 13(7)—

renumber as section 13(8).

(3) Section 13—

insert—

(7) Also, the chief executive may waive payment of the fee mentioned in subsection (3)(b)(ii) if the

chief executive is satisfied the original document was lost or damaged because of a natural disaster.

- (4) Section 13(8), as renumbered—

insert—

original document means a document that is the subject of an application under subsection (2) because subsection (1)(b) applies.

Part 3

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

5 Regulation amended

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

6 Amendment of s 67H (Application by accredited person for replacement accreditation document)

- (1) Section 67H(5), ‘accreditation document that has been replaced (the ***original accreditation document***)’—

omit, insert—

original accreditation document that has been replaced

- (2) Section 67H(7)—

renumber as section 67H(8).

- (3) Section 67H—

insert—

-
- (7) Also, the chief executive may waive payment of the fee mentioned in subsection (3)(b)(ii) if the chief executive is satisfied the original accreditation document was lost or damaged because of a natural disaster.
- (4) Section 67H(8), as renumbered—

insert—

original accreditation document means a document that is the subject of an application under subsection (2) because subsection (1)(b) applies.

7 Amendment of s 114 (Waiver of particular fees)

Section 114—

insert—

- (c) for issuing a replacement AIS approval if the approval being replaced was lost or damaged because of a natural disaster—a fee payable under schedule 8, item 12.

Part 4 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 13 (Application for registration)

Section 13(1)(k), ‘95 or 96—the written evidence required under section 99’

omit, insert—

100C or 100D—the evidence or notice required under section 100E

10 Amendment of s 22 (Registration term)

Section 22, ‘23 and 95’—

omit, insert—

23, 97 and 100C

11 Amendment of s 23 (Seasonal registration)

Section 23(3), ‘section 97’—

omit, insert—

sections 99 and 100F

12 Amendment of s 43 (Renewal of registration)

(1) Section 43(1)(g), ‘95 or 96—the written evidence required under section 99’

omit, insert—

100C or 100D—the evidence or notice required under section 100E

(2) Section 43(3), ‘23 or 95’—

omit, insert—

23, 97 or 100C

(3) Section 43(4)(b), ‘97’—

omit, insert—

99 or 100F

(4) Section 43(6)(a), ‘23(3)(b) or 97(4)’

omit, insert—

23(3)(b), 99(2) or 100F(2)

13 Replacement of pt 9 (Measures for disasters or droughts)

Part 9—

omit, insert—

Part 9 Measures for natural disasters or droughts

Division 1 Measures for natural disasters

94 Application of div 1

- (1) This division applies in relation to the registration, or renewal of registration, of a vehicle while a natural disaster relief notice is in effect for the vehicle.
- (2) A natural disaster relief notice is in effect for a vehicle if, during the period for which the notice has effect, all or part of the postcode area of the vehicle’s garage address is in the area to which the notice applies.
- (3) In this section—

postcode area, for a postcode, means the whole of the area to which the postcode applies.

95 Definitions for div 1

In this division—

natural disaster relief notice see section 96(2).

Personal Hardship Assistance Scheme means the scheme called the ‘Personal Hardship Assistance Scheme’ under which financial

assistance may be granted to an individual under the disaster relief arrangements of the State or the Commonwealth.

96 Natural disaster relief notice

- (1) This section applies if the Personal Hardship Assistance Scheme is activated for an area (the *assistance scheme area*).
- (2) The chief executive may, by notice published on a Queensland Government website (a *natural disaster relief notice*), activate the measures for natural disasters under this division for all or part of the assistance scheme area.
- (3) The natural disaster relief notice must state—
 - (a) the part of the assistance scheme area to which the notice applies; and
 - (b) the period the notice has effect.
- (4) In this section—

Queensland Government website means a website with a URL that contains ‘qld.gov.au’, other than the website of a local government.

97 Reduced term of registration or renewal of registration

- (1) The vehicle may be registered for a term of 3 months, or the vehicle’s registration may be renewed for a term of 3 months.
- (2) This section applies in addition to section 22.

98 Exemption from surcharge for reduced registration term or from administrative fee for late payment

The applicant for registration or renewal of registration of the vehicle is exempt from paying—

- (a) any surcharge that would otherwise be payable by the applicant under schedule 3, part 2, item 6, 7, 8, 9 or 10 for the application; and
- (b) for an application for renewal of registration—any administrative fee for late payment that would otherwise be payable for the application.

99 Seasonal registration—deferral of registration

- (1) This section applies if the vehicle is a prescribed vehicle—
 - (a) owned by a primary producer and used only in the registered operator’s business as a primary producer; or
 - (b) used only seasonally, and only to transport primary produce from a farm or fishing waters to where the primary produce is—
 - (i) loaded onto a train, vessel or another vehicle; or
 - (ii) stored before being processed; or
 - (iii) the subject of the first processing step applied to it; or
 - (iv) processed.
- (2) The registration of the vehicle may be—
 - (a) deferred at the end of the registration term for a period of not more than 2 years; and

- (b) renewed during, or at the end of, the deferral period.
- (3) This section applies despite section 23(3).

100 Section 97, 98 or 99 may be relied on only once

To remove any doubt, it is declared that each of sections 97, 98 and 99 may be relied on for a vehicle only once while a particular natural disaster relief notice is in effect for the vehicle.

Division 2 Measures for droughts

100A Application of div 2

- (1) This division applies in relation to the registration, or renewal of registration, of an eligible vehicle during the eligibility period for the vehicle.
- (2) A vehicle is an *eligible vehicle* if the vehicle—
 - (a) has its garage address—
 - (i) in a drought-declared area or at a drought-declared property; or
 - (ii) in an area that has stopped being a drought-declared area and for which a drought relief measure was relied on while the area was a drought-declared area; or
 - (iii) at a property that has stopped being a drought-declared property and for which a drought relief measure was relied on while the property was a drought-declared property; and

-
- (b) for which the register records the vehicle's purpose of use as private purposes or farming purposes; and
 - (c) is not—
 - (i) a conditionally registered vehicle; or
 - (ii) a vehicle, with distance and road use limits imposed by the chief executive, owned by a primary producer and used only in the owner's business as a primary producer.
 - (3) The *eligibility period* for an eligible vehicle is the period—
 - (a) while the vehicle's garage address is in a drought-declared area or at a drought-declared property; and
 - (b) ending 1 year after the area or property that the vehicle's garage address is in or at stopped being a drought-declared area or drought-declared property.
 - (4) In this section—

drought relief measure, for a vehicle, means—

 - (a) for a vehicle other than a prescribed vehicle—a measure provided for by section 100C or 100D; and
 - (b) for a prescribed vehicle—a measure provided for by section 100F.

100B Definitions for div 2

In this division—

drought declaration means an official acknowledgement by the State or Commonwealth that an area or property is drought-stricken.

drought-declared area means an area for which a drought declaration is in force.

drought-declared property means a property for which a drought declaration is in force.

required evidence or notice means—

- (a) for a vehicle with a garage address in a drought-declared area or at a drought-declared property—written evidence that the garage address for the vehicle is in the area or at the property; or
- (b) for a vehicle with a garage address in an area or at a property that has stopped being a drought-declared area or drought-declared property—written notice that—
 - (i) the applicant has complied with paragraph (a) for the vehicle; and
 - (ii) the vehicle’s garage address is in the area or at the property.

100C Reduced term of registration or renewal of registration

- (1) The vehicle may be registered for a term of 3 months, or the vehicle’s registration may be renewed for a term of 3 months, during the period of 1 year from and including—
 - (a) for registration—the day of registration of the vehicle; or
 - (b) for renewal of registration—the day of renewal of registration of the vehicle in relation to which the required evidence or notice is given under section 100E.
- (2) This section applies in addition to section 22.

100D Exemption from surcharge for reduced registration term or from administrative fee for late payment

- (1) For the period mentioned in subsection (2), the applicant is exempt from paying—
 - (a) any surcharge that would otherwise be payable by the applicant under schedule 3, part 2, item 6, 7, 8, 9 or 10 for the application; and
 - (b) for an application for registration—any administrative fee for late payment that would otherwise be payable by the applicant for the application.
- (2) For subsection (1), the period is 1 year from and including—
 - (a) if section 100E is complied with in relation to the registration of the vehicle—the day of registration; or
 - (b) if section 100E is complied with in relation to the renewal of registration of the vehicle—the day of the renewal.

100E Required evidence or notice must be given

- (1) An application for registration, or renewal of registration, of the vehicle made in reliance on section 100C or 100D must be accompanied by the required evidence or notice.
- (2) Subsection (1) does not apply if the applicant has previously complied with the subsection in relation to an application for registration, or renewal of registration, of the vehicle for the period of 1 year from and including—
 - (a) for a previous application for registration—the day of registration of the vehicle; or

- (b) for a previous application for renewal of registration—the day of renewal of registration of the vehicle.
- (3) This section applies in addition to sections 13(1) and 43(1).

100F Seasonal registration—deferral of registration

- (1) This section applies if the vehicle is a prescribed vehicle—
 - (a) owned by a primary producer and used only in the registered operator’s business as a primary producer; or
 - (b) used only seasonally, and only to transport primary produce from a farm or fishing waters to where the primary produce is—
 - (i) loaded onto a train, vessel or another vehicle; or
 - (ii) stored before being processed; or
 - (iii) the subject of the first processing step applied to it; or
 - (iv) processed.
- (2) The registration of the vehicle may be—
 - (a) deferred at the end of the registration term for a period of not more than 2 years; and
 - (b) renewed during, or at the end of, the deferral period.
- (3) However, a person who wants to defer registration of a vehicle for longer than 1 year but not longer than 2 years, and then renew the registration, must give the chief executive the required evidence or notice.
- (4) This section applies despite section 23(3).

Division 3 Measure for transport of fodder for disaster or drought-affected primary producer

100G Transport of fodder by primary producer for another primary producer

- (1) A primary producer who is granted concessional registration for a primary production vehicle may use the vehicle, or permit the vehicle to be used, to transport fodder—
 - (a) for another primary producer who has been granted disaster relief financial assistance in relation to an address—if the fodder is transported within 1 year after the day the other primary producer is granted the disaster relief financial assistance; or
 - (b) for another primary producer—
 - (i) who is the registered operator of a vehicle that has its garage address in a drought-declared area or at a drought-declared property; or
 - (ii) who is the registered operator of a vehicle that had its garage address in a drought-declared area —if the fodder is transported within 1 year after the area stopped being a drought-declared area; or
 - (iii) who is the registered operator of a vehicle that had its garage address at a drought-declared property—if the fodder is transported within 1 year after the property stopped being a drought-declared property.

(2) Subsection (1) applies only if the transport of the fodder is not done for reward or under a commercial arrangement.

(3) In this section—

disaster relief financial assistance means financial assistance granted by the State or Commonwealth to a person in relation to an address because of a disaster.

drought-declared area see section 100B.

drought-declared property see section 100B.

reward does not include an expense incurred in transporting fodder.

14 **Amendment of s 124 (Concessional registration fees—primary production vehicles)**

Section 124(3)(b) and (5), ‘100’—

omit, insert—

100G

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

(1) Schedule 8, definitions *disaster relief financial assistance*, *drought declaration*, *drought-declared area*, *drought-declared property*, *eligibility period*, *eligible vehicle*, *eligible vehicle (disaster)* and *eligible vehicle (drought)*—

omit.

(2) Schedule 8—

insert—

drought declaration, for part 9, division 2, see section 100B.

drought-declared area, for part 9, division 2, see section 100B.

drought-declared property, for part 9, division 2, see section 100B.

natural disaster relief notice, for part 9, division 1, see section 96(2).

Personal Hardship Assistance Scheme, for part 9, division 1, see section 95.

required evidence or notice, for part 9, division 2, see section 100B.

Part 5 **Amendment of Transport Operations (Road Use Management—Vehicle Standards and Safety) Regulation 2010**

16 **Regulation amended**

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

17 **Insertion of new s 41A**

Part 6—

insert—

41A Waiving payment of particular fee in special circumstances

If the chief executive is satisfied that special circumstances exist, the chief executive may waive the payment of the following fees for a person—

[s 17]

- (a) a fee payable under schedule 3, item 2 or 3, other than for inspection of a vehicle at an AIS;
- (b) a fee payable under schedule 3, item 11, 12 or 14.

Examples of special circumstances—

- the vehicle has concessional registration for primary production purposes and is in an area or on a property that is drought-stricken
- the vehicle is in a disaster area
- the relevant document was lost, damaged or destroyed because of a disaster

ENDNOTES

- 1 Made by the Governor in Council on 9 October 2014.
- 2 Notified on the Queensland legislation website on 10 October 2014.
- 3 The administering agency is the Department of Transport and Main Roads.

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Authorised by the Parliamentary Counsel