



Queensland

# Transport and Other Legislation Amendment Regulation (No. 1) 2015

## Subordinate Legislation 2015 No. 89

made under the

*Adult Proof of Age Card Act 2008*

*State Penalties Enforcement Act 1999*

*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. 1) 2015*.

### 2 Commencement

Sections 11, 12 and 22 and part 6 commence on 1 September 2015.

## Part 2 Amendment of Adult Proof of Age Card Regulation 2010

### 3 Regulation amended

This part amends the *Adult Proof of Age Card Regulation 2010*.

### 4 Insertion of new s 3B

After section 3A—

*insert—*

#### **3B Waiving payment of application fee if licence surrendered or cancelled**

(1) This section applies if—

- (a) a person applies for an adult proof of age card under section 8 of the Act; and
- (b) before applying, the person had a Queensland driver licence that—
  - (i) was surrendered under the driver licensing regulation, section 123; or

[s 5]

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- (ii) was cancelled under the driver licensing regulation, section 125 for a ground mentioned in the regulation, section 124(a); and

*Note—*

The driver licensing regulation, section 124(a) provides a Queensland driver licence may be cancelled on the ground that the licensee has a mental or physical incapacity that is likely to adversely affect the licensee's ability to drive safely.

- (c) the application is the first application for an adult proof of age card made by the person after the surrender or cancellation of the person's Queensland driver licence.
- (2) The chief executive may waive the fee payable for the application under section 8(2)(b)(ii) of the Act.
- (3) In this section—

*driver licensing regulation* means the *Transport Operations (Road Use Management—Driver Licensing) Regulation 2010*.

*Queensland driver licence* see the *Transport Operations (Road Use Management) Act 1995*, schedule 4.

## Part 3 **Amendment of State Penalties Enforcement Regulation 2014**

### 5 **Regulation amended**

This part amends the *State Penalties Enforcement Regulation 2014*.

**6 Amendment of sch 1 (Infringement notice offences and fines for nominated laws)**

Schedule 1, entry for *Transport Operations (Road Use Management—Driver Licensing) Regulation 2010*, entries for sections 56(3) and 142(2)—

*omit.*

**Part 4 Amendment of Transport Operations (Road Use Management—Driver Licensing) Regulation 2010**

**7 Regulation amended**

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

**8 Amendment of s 23 (Deciding application for licence)**

Section 23(3)—

*omit, insert—*

- (3) If the chief executive decides to grant or renew the licence, the chief executive must promptly issue a driver licence receipt to the applicant.

*Note—*

A driver licence receipt confirms that the person mentioned on it is authorised to drive a stated class of vehicle until the receipt is superseded by the issue of a licence—see the Act, schedule 4 (Dictionary), definition *driver licence receipt*.

**9 Amendment of s 55 (When chief executive may renew licence)**

Section 55(2)(e), ‘for a smartcard driver licence,’—

*omit.*

**10 Replacement of s 56 (Renewal of electronically renewable licence)**

Section 56—

*omit, insert—*

**56 Renewal of electronically renewable licence**

If the chief executive renews a person's electronically renewable licence under section 55, the chief executive must electronically issue a driver licence receipt to the person.

**11 Amendment of s 75 (Allocation of demerit points)**

(1) Section 75(2)(c), 'or 78'—

*omit, insert—*

, 78 or 78A

(2) Section 75(3), 'and 78'—

*omit, insert—*

, 78 and 78A

**12 Insertion of new s 78A**

After section 78—

*insert—*

**78A Additional demerit points for mobile phone offences**

(1) This section applies to each mobile phone offence for which demerit points are recorded on a person's traffic history under section 75.

(2) Each time further demerit points are recorded on the person's traffic history under section 75 for a later mobile phone offence committed within 1

year after the mobile phone offence was committed, 3 additional demerit points must be allocated for the later mobile phone offence.

(3) The additional demerit points are taken to be allocated on the day the later mobile phone offence was committed.

(4) In this section—

*mobile phone offence* means an offence committed against section 68 or the Queensland Road Rules, section 300.

### **13 Amendment of s 127 (Return of licence or returning driver certificate for amendment)**

Section 127(3) and (4)—

*omit, insert—*

(3) If the notice is given under subsection (1)(a)—

(a) the chief executive must, after receiving the licence, issue to the holder a driver licence receipt stating the conditions as amended; and

(b) the conditions, as amended, take effect from the appropriate day under section 125(7), even if the holder does not return the licence for amendment.

(4) If the notice is given under subsection (1)(b), the chief executive must, after receiving the licence, issue to the holder a driver licence receipt stating the correct information.

### **14 Amendment of s 133 (Change of name, address or postal address)**

Section 133(2)—

*omit, insert—*

- (2) If the chief executive is satisfied the information given by the holder is correct, the chief executive must issue—
  - (a) for a change of name—a driver licence receipt stating the holder’s new name; or
  - (b) for a change of address—a change of address label.

**15 Amendment of s 134 (Holder may apply for replacement licence if incorrect information on licence)**

Section 134(4)—

*omit, insert—*

- (4) If the chief executive is satisfied the information given by the holder is correct, the chief executive must issue to the applicant a driver licence receipt stating the correct information.

**16 Amendment of s 137 (Replacement licence if licence damaged, lost or stolen)**

Section 137(4)—

*omit, insert—*

- (4) If the chief executive is satisfied the original licence has been damaged, lost or stolen, the chief executive must issue a driver licence receipt to the applicant.

**17 Amendment of s 139 (Replacement labels)**

- (1) Section 139(1), ‘a renewal of licence label or’—

*omit.*

- (2) Section 139(5), definition *change of address label*, ‘133(2)(c)’—

*omit, insert—*



133(2)(b)

- (3) Section 139(5), definition *renewal of licence label*—  
*omit.*

**18 Omission of ss 142 and 147**

Sections 142 and 147—

*omit.*

**19 Amendment of s 148 (Change of information on Queensland driver licence identifying holder of marine licence—change in conditions)**

Section 148(2)(b)—

*omit, insert—*

- (b) give the person a driver licence receipt stating the conditions as amended.

**20 Amendment of s 149 (Removal of information on Queensland driver licence identifying holder of marine licence—marine licence cancelled)**

Section 149(2)(b)—

*omit, insert—*

- (b) give the person a driver licence receipt without the code on it.

**21 Amendment of s 150 (Removal of information on Queensland driver licence identifying holder of marine licence—marine licence surrendered)**

Section 150(3)(b)—

*omit, insert—*

- (b) give the person a driver licence receipt without the code on it.

**22 Insertion of new pt 19, div 5**

Part 19—

*insert—*

**Division 5 Transitional provision for  
Transport and Other  
Legislation Amendment  
Regulation (No. 1) 2015**

**177 Mobile phone offences to which s 78A applies**

To remove any doubt, it is declared that section 78A applies to a mobile phone offence under that section only if the offence was committed on or after 1 September 2015.

**23 Amendment of sch 1 (Fees)**

- (1) Schedule 1, items 4, 5, 10 and 12, ‘in the form of a smartcard driver licence’—

*omit.*

- (2) Schedule 1, item 11, from ‘in the form’ to ‘section 137(4)’—

*omit, insert—*

or 137

**24 Amendment of sch 9 (Dictionary)**

- (1) Schedule 9, definition *damaged*, paragraph 3—

*omit.*

- (2) Schedule 9—

*insert—*

*recently expired smartcard driver licence*, for part 7, see section 52.

*renew*, an electronically renewable licence, for part 7, see section 52.

## Part 5

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

### 25 Regulation amended

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

### 26 Amendment of sch 8 (Dictionary)

- (1) Schedule 8, definition *learner approved motorbike*, editor's note—

*omit.*

- (2) Schedule 8, definition *learner approved motorbike*, paragraph (d), 'department's website'—

*omit, insert—*

whole-of-government website

- (3) Schedule 8—

*insert—*

***whole-of-government website*** means the website located at <www.qld.gov.au>.

## **Part 6**

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

### **27 Regulation amended**

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

### **28 Amendment of s 14 (Guidelines and permits for light vehicles)**

(1) Section 14(1)(a), ‘, in the approved form,’—

*omit.*

(2) Section 14—

*insert—*

(7) The chief executive must publish a guideline issued under this section on the department’s website.

(8) The guideline takes effect—

(a) when it is published on the department’s website; or

(b) if the guideline states a later day it takes effect—on the later day.

### **29 Insertion of new pt 7, div 5**

Part 7—

*insert—*

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## **Division 5      Transitional provision for Transport and Other Legislation Amendment Regulation (No. 1) 2015**

### **55 Existing guidelines**

- (1) This section applies to a guideline (an *existing guideline*) that—
  - (a) was issued under pre-amended section 14;  
and
  - (b) was in force immediately before the commencement.
- (2) For section 14, the existing guideline is taken to have been published—
  - (a) if the guideline states a day it commences—on the day stated; or
  - (b) otherwise—on the day the guideline was issued.
- (3) To remove any doubt, it is declared that the existing guideline took effect on the day it is taken to have been published under this section.
- (4) In this section—

*pre-amended section 14* means section 14 as in force from time to time before the commencement of the *Transport and Other Legislation Amendment Regulation (No. 1) 2015*.

ENDNOTES

- 1 Made by the Governor in Council on 20 August 2015.
- 2 Notified on the Queensland legislation website on 21 August 2015.
- 3 The administering agency is the Department of Transport and Main Roads.

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Authorised by the Parliamentary Counsel