



Queensland

Transport Legislation Amendment Regulation (No. 1) 2015

Subordinate Legislation 2015 No. 160

made under the

Tow Truck Act 1973

Transport Infrastructure Act 1994

Transport Operations (Marine Safety) Act 1994

Transport Operations (Road Use Management) Act 1995

Contents

		Page
Part 1	Preliminary	
1	Short title	4
2	Commencement	4
Part 2	Amendment of Tow Truck Regulation 2009	
3	Regulation amended	4
4	Amendment of s 15 (Change of name, address or postal address)	4
5	Amendment of s 44 (Refund of additional application fee)	5
6	Amendment of sch 5 (Dictionary)	5
Part 3	Amendment of Traffic Regulation 1962	
7	Regulation amended	5
8	Amendment of sch 6 (Breath analysing instruments and breath test devices)	5
Part 4	Amendment of Transport Infrastructure (Dangerous Goods by Rail) Regulation 2008	
9	Regulation amended	6
10	Amendment of s 16 (Meaning of multiple-element gas container)	6
11	Insertion of new s 153A	6

Contents

	153A	Chief executive may refer corresponding decision to competent authorities panel	6
12		Insertion of new pt 20, div 3	7
	Division 3	Transitional provision for Transport Legislation Amendment Regulation (No. 1) 2015	
	196	Reference to ADG Code taken to include previous version of code	7
Part 5		Amendment of Transport Infrastructure (Waterways Management) Regulation 2012	
13		Regulation amended	8
14		Amendment of s 16 (Prohibition on take off from or landing on regulated waters without approval).	8
15		Amendment of s 17 (Take off and landing approval)	8
Part 6		Amendment of Transport Operations (Marine Safety) Regulation 2004	
16		Regulation amended	9
17		Amendment of s 74 (Registration number of commercial ship or recreational ship to be displayed).	9
18		Amendment of sch 14B (Coastal bars)	9
Part 7		Amendment of Transport Operations (Road Use Management—Dangerous Goods) Regulation 2008	
19		Regulation amended	9
20		Amendment of s 18 (Meaning of multiple-element gas container)	10
21		Replacement of s 137 (Duty of driver)	10
	137	Duty of driver	10
22		Insertion of new s 159A	10
	159A	Chief executive may refer corresponding decision to competent authorities panel	11
23		Amendment of s 216B (Change of name, address or postal address)	11
24		Insertion of new pt 22, div 3	12
	Division 3	Transitional provision for Transport Legislation Amendment Regulation (No. 1) 2015	
	252	Reference to ADG Code taken to include previous version of code	12
Part 8		Amendment of Transport Operations (Road Use Management—Vehicle Registration) Regulation 2010	
25		Regulation amended	13
26		Replacement of s 117A (Release of vehicle-related information for particular purposes)	13

117A	Release of vehicle-related information for particular purposes.	13
------	---	----

[s 1]

Part 1 Preliminary

1 Short title

This regulation may be cited as the *Transport Legislation Amendment Regulation (No. 1) 2015*.

2 Commencement

Parts 4 and 7, other than section 23, commence on 1 January 2016.

Part 2 Amendment of Tow Truck Regulation 2009

3 Regulation amended

This part amends the *Tow Truck Regulation 2009*.

4 Amendment of s 15 (Change of name, address or postal address)

(1) Section 15(2)(a) and (b)—

omit, insert—

(a) for a change of name—written notice of the change; or

(b) for any other change—notice of the change.

Maximum penalty—20 penalty units.

(2) Section 15(3)(a)—

omit, insert—

(a) for a change of name—give the holder a replacement document evidencing the

granting of the approval that records the change of name; or

(3) Section 15(3)(b)(i)—

omit.

(4) Section 15(3)(b)(ii) and (iii)—

renumber as section 15(3)(b)(i) and (ii).

5 Amendment of s 44 (Refund of additional application fee)

Section 44(1), before ‘commissioner’—

insert—

police

6 Amendment of sch 5 (Dictionary)

Schedule 5, definition *commissioner*—

omit.

Part 3 Amendment of Traffic Regulation 1962

7 Regulation amended

This part amends the *Traffic Regulation 1962*.

8 Amendment of sch 6 (Breath analysing instruments and breath test devices)

(1) Schedule 6, part 1, items 1A to 1C—

renumber as schedule 6, part 1, items 2 to 4.

(2) Schedule 6, part 2, item 2—

[s 9]

omit, insert—

- 1 A lion alcolmeter and a mouthpiece.

Part 4 **Amendment of Transport Infrastructure (Dangerous Goods by Rail) Regulation 2008**

9 **Regulation amended**

This part amends the *Transport Infrastructure (Dangerous Goods by Rail) Regulation 2008*.

10 **Amendment of s 16 (Meaning of *multiple-element gas container*)**

Section 16(a), 'tubes and'—

omit, insert—

tubes or

11 **Insertion of new s 153A**

Part 15, division 3—

insert—

153A Chief executive may refer corresponding decision to competent authorities panel

- (1) This section applies if—
 - (a) the chief executive considers any of the following (each a ***corresponding decision***) should have effect in all participating jurisdictions or participating jurisdictions including this jurisdiction—

-
- (i) a decision to which section 154(1)(a) and (b) apply;
 - (ii) an exemption to which section 155(1)(a) and (b) apply;
 - (iii) an approval to which section 156(1)(a) and (b) apply; and
- (b) the competent authorities panel has not considered whether the corresponding decision should have effect in all participating jurisdictions or participating jurisdictions including this jurisdiction.
- (2) The chief executive may refer the corresponding decision to the competent authorities panel for the purpose of considering whether the corresponding decision should have effect in all participating jurisdictions or participating jurisdictions including this jurisdiction.

12 Insertion of new pt 20, div 3

After section 195—

insert—

**Division 3 Transitional provision for
Transport Legislation
Amendment Regulation
(No. 1) 2015**

**196 Reference to ADG Code taken to include
previous version of code**

- (1) In this regulation, a reference to the ADG Code is taken to include a reference to the previous version of the code.
- (2) This section applies until the end of 31 December 2016.
- (3) In this section—

[s 13]

previous version, of the ADG Code, is the ADG Code as in force immediately before 1 January 2016.

Part 5

Amendment of Transport Infrastructure (Waterways Management) Regulation 2012

13 Regulation amended

This part amends the *Transport Infrastructure (Waterways Management) Regulation 2012*.

14 Amendment of s 16 (Prohibition on take off from or landing on regulated waters without approval)

Section 16, after ‘aircraft’—

insert—

engaged in a commercial activity

15 Amendment of s 17 (Take off and landing approval)

Section 17, after ‘aircraft’—

insert—

that will be engaged in a commercial activity

Part 6 **Amendment of Transport Operations (Marine Safety) Regulation 2004**

16 **Regulation amended**

This part amends the *Transport Operations (Marine Safety) Regulation 2004*.

17 **Amendment of s 74 (Registration number of commercial ship or recreational ship to be displayed)**

Section 74(3)(a), ‘200mm’—

omit, insert—

150mm

18 **Amendment of sch 14B (Coastal bars)**

Schedule 14B, entry for Gold Coast Seaway Bar, ‘Nerang Head on South Stradbroke Island and Porpoise Point’—

omit, insert—

Porpoise Point on South Stradbroke Island and
Nerang Head

Part 7 **Amendment of Transport Operations (Road Use Management—Dangerous Goods) Regulation 2008**

19 **Regulation amended**

This part amends the *Transport Operations (Road Use Management—Dangerous Goods) Regulation 2008*.

20 Amendment of s 18 (Meaning of *multiple-element gas container*)

Section 18(a), ‘tubes and’—

omit, insert—

tubes or

21 Replacement of s 137 (Duty of driver)

Section 137—

omit, insert—

137 Duty of driver

- (1) This section applies if a vehicle transporting a placard load—
 - (a) has a GVM of 12t or less; and
 - (b) is broken down or otherwise immobilised, or has stopped, on a road; and
 - (c) is a traffic hazard.
- (2) The driver of the vehicle must alert other road users of the hazard in accordance with part 13 of the ADG Code.

Maximum penalty—13 penalty units.

Note—

For requirements about using portable warning triangles in relation to vehicles with a GVM of over 12t, see the *Transport Operations (Road Use Management—Road Rules) Regulation 2009*, section 227.

22 Insertion of new s 159A

Part 15, division 3—

insert—

159A Chief executive may refer corresponding decision to competent authorities panel

- (1) This section applies if—
 - (a) the chief executive considers any of the following (each a *corresponding decision*) should have effect in all participating jurisdictions or participating jurisdictions including this jurisdiction—
 - (i) a decision to which section 160(1)(a) and (b) apply;
 - (ii) an exemption to which section 161(1)(a) and (b) apply;
 - (iii) an approval to which section 162(1)(a) and (b) apply; and
 - (b) the competent authorities panel has not considered whether the corresponding decision should have effect in all participating jurisdictions or participating jurisdictions including this jurisdiction.
- (2) The chief executive may refer the corresponding decision to the competent authorities panel for the purpose of considering whether the corresponding decision should have effect in all participating jurisdictions or participating jurisdictions including this jurisdiction.

23 Amendment of s 216B (Change of name, address or postal address)

Section 216B(2) and (3)—

omit, insert—

- (2) The licensee must, within 14 days after the change, give the chief executive—
 - (a) for a change of name—written notice of the change; or

- (b) for any other change—notice of the change.
Maximum penalty—20 penalty units.
- (3) If the chief executive is satisfied the information given by the licensee is correct, the chief executive must—
 - (a) for a change of name—give the licensee a replacement licence or driver authorising document that records the change of name;
or
 - (b) for a change of address—
 - (i) give the person a replacement licence or driver authorising document that records the change of address; or
 - (ii) if the change of address relates to a dangerous goods driver licence—give the person a change of address label.

24 Insertion of new pt 22, div 3

After section 251—

insert—

Division 3 Transitional provision for Transport Legislation Amendment Regulation (No. 1) 2015

252 Reference to ADG Code taken to include previous version of code

- (1) In this regulation, a reference to the ADG Code is taken to include a reference to the previous version of the code.
- (2) This section applies until the end of 31 December 2016.
- (3) In this section—

previous version, of the ADG Code, is the ADG Code as in force immediately before 1 January 2016.

Part 8 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 Replacement of s 117A (Release of vehicle-related information for particular purposes)

Section 117A—

omit, insert—

117A Release of vehicle-related information for particular purposes

- (1) The chief executive may provide vehicle-related information about a vehicle to a person if satisfied the information will inform the person about—
 - (a) whether the vehicle is, or is not—
 - (i) registered; or
 - (ii) a high-powered vehicle; or
 - (iii) a learner approved motorbike; or
 - (b) the vehicle’s purpose of use; or
 - (c) if the vehicle is an eligible COI vehicle—whether a current certificate of

inspection under the Vehicle Standards and Safety Regulation has been issued for the vehicle.

(2) In this section—

COI vehicle see the Vehicle Standards and Safety Regulation, schedule 4.

eligible COI vehicle means a COI vehicle whose owner is required, under the Vehicle Standards and Safety Regulation, to possess a current certificate of inspection under that regulation for the vehicle.

Note—

See also the Vehicle Standards and Safety Regulation, section 25.

high-powered vehicle see the *Transport Operations (Road Use Management—Driver Licensing) Regulation 2010*, schedule 9.

provide, for vehicle-related information, includes providing the information—

- (a) electronically; or
- (b) orally.

ENDNOTES

- 1 Made by the Governor in Council on 26 November 2015.
- 2 Notified on the Queensland legislation website on 27 November 2015.
- 3 The administering agency is the Department of Transport and Main Roads.