



Queensland

Transport Legislation Amendment Regulation (No. 1) 2017

Subordinate Legislation 2017 No. 20

made under the

Transport Operations (Marine Safety) Act 1994

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. 1) 2017*.

Part 2 Amendment of Transport Operations (Marine Safety) Regulation 2016

2 Regulation amended

This part amends the *Transport Operations (Marine Safety) Regulation 2016*.

3 Insertion of new s 209A

Chapter 10, part 2, division 2—
insert—

209A Exemption for conservancy dues for ships in Amrun pilotage area

No conservancy dues are payable for a ship's arrival at, removal within or departure from the Amrun pilotage area.

4 Amendment of sch 2 (Pilotage areas)

Schedule 2—
insert—

23A Amrun pilotage area

The Amrun pilotage area is the area of—

- (a) waters bounded by an imaginary line drawn—

- starting at the high-water mark on the shoreline of the mainland at approximately latitude 12° 54.60' south, longitude 141° 38.18' east
 - then in a generally northerly direction along the south-west boundary of the Weipa pilotage area to latitude 12° 50.00' south, longitude 141° 37.60' east
 - then west to latitude 12° 50.00' south, longitude 141° 32.48' east
 - then in a generally southerly direction to latitude 13° 00.00' south, longitude 141° 32.73' east
 - then east to the high-water mark on the shoreline of the mainland at approximately 13° 00.00' south, longitude 141° 35.16' east
 - then by the high-water mark in a generally north-easterly direction along the shoreline of the mainland to the starting point; and
- (b) the navigable waters of rivers and creeks flowing, directly or indirectly, into the waters mentioned in paragraph (a).

5 Amendment of sch 3 (Compulsory pilotage areas)

Schedule 3—

insert—

16A Amrun pilotage area

All of the Amrun pilotage area.

6 Amendment of sch 4 (Responsible pilotage entities)

Schedule 4, after entry for Weipa pilotage area—

insert—

Amrun pilotage area

RTA Weipa Pty Ltd ACN 137 266
285

Part 3

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 20 (Special need—learner or provisional licence)

(1) Section 20(3), ‘in the approved form’—

omit.

(2) Section 20(3)—

insert—

Note—

See part 16A for requirements about the application.

(3) Section 20(4), ‘approved form’—

omit, insert—

application

9 Amendment of s 21 (Special need—HC licence)

(1) Section 21(2), ‘in the approved form’—

omit.

(2) Section 21(2)—

insert—

Note—

See part 16A for requirements about the application.

- (3) Section 21(3), ‘approved form’—

omit, insert—

application

10 Amendment of s 22 (Applying for licence)

- (1) Section 22(1), ‘, in the approved form,’—

omit.

- (2) Section 22(1)—

insert—

Note—

See part 16A for requirements about the application.

- (3) Section 22(2) and (3)—

omit.

11 Amendment of s 23 (Deciding application for licence)

Section 23(1)—

omit, insert—

- (1) Subject to section 129D(4) and (5), the chief executive must consider an application for a Queensland driver licence and either—

- (a) grant or renew the licence; or
- (b) refuse to grant or renew the licence.

Note—

See also the *Transport Planning and Coordination Act 1994*, section 28EA(5) (which deals with taking digital photos and digitised signatures) for when the chief executive must refuse to consider an application.

12 Amendment of s 32 (Approval of completed logbook by chief executive)

(1) Section 32(1)—

insert—

Note—

See part 16A for requirements about the application.

(2) Section 32(4) to (6)—

omit, insert—

(4) Subject to section 129D(4) and (5), after receiving the application the chief executive must decide to either approve or not approve the logbook.

(3) Section 32(7) and (8), from ‘as mentioned’ to ‘or (6)’—

omit.

(4) Section 32(9), ‘taken to be withdrawn under subsection (5)’—

omit, insert—

cancelled under section 129D(4) and (5)

(5) Section 32(9)(a), ‘subsection (4)(c)’—

omit, insert—

section 129D(1)

(6) Section 32(7) to (9)—

renumber as section 32(5) to (7).

13 Amendment of s 33 (Credit for other driving experience)

(1) Section 33(2) and (4), ‘, in the approved form,’—

omit.

(2) Section 33(2)—

insert—

Note—

See part 16A for requirements about the application.

(3) Section 33(4)—

insert—

Note—

See part 16A for requirements about the application.

(4) Section 33(7) to (9)—

omit, insert—

(7) Subject to section 129D(4) and (5), after receiving the application the chief executive must do 1 of the following—

- (a) grant the application, in whole or in part;
- (b) decide not to grant the application.

(5) Section 33(10) and (13), from ‘as mentioned’ to ‘or (9)’—

omit.

(6) Section 33(11) and (12), ‘subsection (10)’—

omit, insert—

subsection (8)

(7) Section 33(14), ‘taken to be withdrawn under subsection (8)’—

omit, insert—

cancelled under section 129D(4) and (5)

(8) Section 33(14)(a), ‘subsection (7)(c)’—

omit, insert—

section 129D(1)

(9) Section 33(10) to (15)—

renumber as section 33(8) to (13).

14 Amendment of s 34 (Exemption from logbook requirements)

(1) Section 34(1) and (2), ‘, in the approved form,’—

omit.

(2) Section 34(1)—

insert—

Note—

See part 16A for requirements about the application.

(3) Section 34(2)—

insert—

Note—

See part 16A for requirements about the application.

(4) Section 34(3)—

omit, insert—

(3) Subject to section 129D(4) and (5), the chief executive must deal with the application in a timely way and grant or not grant the application.

(5) Section 34(4) and (5)—

omit.

(6) Section 34(6) to (9)—

renumber as section 34(4) to (7).

15 Amendment of s 35 (Taking of practical driving test to be eligible for class C P1 provisional licence)

Section 35(3)—

insert—

(c) information under section 129D relating to an application under section 32 or 33.

16 Amendment of s 38 (Special need for a class RE or R licence)

(1) Section 38(2), ‘in the approved form’—

omit.

(2) Section 38(2)—

insert—

Note—

See part 16A for requirements about the application.

(3) Section 38(3), ‘approved form’—

omit, insert—

application

(4) Section 38(5)—

omit, insert—

(5) Subject to section 129D(4) and (5), the chief executive must deal with the application in a timely way and approve or not approve the application.

17 Omission of pt 7 (Renewal of particular licences by electronic communication)

Part 7—

omit.

18 Amendment of s 71 (Certificate of exemption for high-powered vehicles—individual)

(1) Section 71(1), ‘, in the approved form,’—

omit.

(2) Section 71(1)—

insert—

Note—

See part 16A for requirements about the application.

(3) Section 71(4)—

omit, insert—

(4) Subject to section 129D(4) and (5), the chief

executive must deal with the application in a timely way and decide to either grant or refuse to grant the application.

19 Amendment of s 71A (Certificate of exemption for high-powered vehicles—business)

(1) Section 71A(1)—

insert—

Note—

See part 16A for requirements about the application.

(2) Section 71A(2)—

omit.

(3) Section 71A(3)—

omit, insert—

(3) Subject to section 129D(4) and (5), the chief executive must deal with the application in a timely way and must decide to either grant or refuse to grant the application.

20 Amendment of s 73 (Certificate of exemption—late night driving)

(1) Section 73(1), ‘, in the approved form,’—

omit.

(2) Section 73(1)—

insert—

Note—

See part 16A for requirements about the application.

(3) Section 73(3)—

omit, insert—

(3) Subject to section 129D(4) and (5), the chief executive must deal with the application in a

timely way and must decide to either grant or refuse to grant the application.

21 Amendment of s 114 (Replacement licence if there is a special hardship order)

(1) Section 114(2)—

insert—

Note—

See part 16A for requirements about the application.

(2) Section 114(3)(a)—

omit.

(3) Section 114(3)(b) and (c)—

renumber as section 114(3)(a) and (b).

22 Amendment of s 124 (Grounds for amending, suspending or cancelling licences)

Section 124(h)—

omit, insert—

(h) the application for the grant or renewal of the licence did not comply with part 16A;

23 Amendment of s 125 (Procedure for amending, suspending or cancelling licences)

Section 125(8)(c), ‘, in the approved form,’—

omit.

24 Insertion of new pt 16A

After part 16—

insert—

Part 16A Requirements for particular applications

129A Definitions for part

In this part—

application means—

- (a) an application required or permitted to be made under this regulation, other than an application mentioned in section 92(1), 97(1), 107(1) or 116(1); or
- (b) an application mentioned in section 154(1).

decision-maker, for an application, means the office holder (however described) whose function it is, under this regulation, to decide the application.

information includes a document.

129B Chief executive may publish a notice about applications

- (1) The chief executive may, by publishing a notice on the department's website—
 - (a) approve a way in which a stated type of application may be made; or

Examples of ways—

 - orally, by electronic communication or by another form of communication
 - (b) require stated information to be given in or with a stated type of application.
- (2) A notice under subsection (1)(a) may include requirements for making an application in the approved way.
- (3) A notice under subsection (1)(b) may only require

information that is reasonably necessary for—

- (a) the purpose of enabling the decision-maker to decide the application; or
- (b) another purpose related to the application or the thing being applied for.

Example—

Required information may not include—

- (a) irrelevant personal information; or
 - (b) relevant personal information if the provision of the information would be excessively intrusive to personal privacy.
- (4) Subsection (1) applies whether or not there is an approved form for making the application.

129C How applications must be made

- (1) An application must be made in any of the following ways—
 - (a) in the approved form for the application;
 - (b) in the way approved under section 129B(1)(a) for making the application;
 - (c) if there is no approved form and no approved way for making the application—in writing.
- (2) An application must include any information required under section 129B(1)(b).
- (3) Subsection (2) does not limit another provision of this regulation that requires an application to include, or be accompanied by, particular information.

129D Decision-maker may request further information

- (1) The decision-maker for an application may give

the applicant a written notice asking for further information that the decision-maker reasonably needs to decide the application.

- (2) The notice—
 - (a) must state—
 - (i) the information required; and
 - (ii) the time, no earlier than 28 days after the notice is given, by which the information is required to be given; and
 - (iii) that, if the applicant does not comply with the notice, the decision-maker may cancel the application; and
 - (b) may state a way in which the information is required to be given.
- (3) If the notice does not state a way in which the information is required to be given, the applicant must give the information in writing.
- (4) If the applicant does not comply with the notice, the decision-maker may give the applicant a further notice cancelling the application.
- (5) A notice cancelling the application has effect on the day it is given to the applicant or any later day stated in it.

129EElectronic issuing of driver licence receipts

- (1) This section applies if—
 - (a) an application is made, under this part, by electronic communication; and
 - (b) as a result of deciding the application, the decision-maker is required under this regulation to issue a driver licence receipt to the applicant.
- (2) The driver licence receipt must be electronically

issued.

25 Amendment of s 132 (Reconsideration of decision by chief executive)

(1) Section 132(2), ‘, in the approved form,’—

omit.

(2) Section 132(2)—

insert—

Note—

See part 16A for requirements about the application.

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

(1) Section 134(2)—

insert—

Note—

See part 16A for requirements about the application.

(2) Section 134(3) and (4)—

omit, insert—

(3) Subject to section 129D(4) and (5), 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.

27 Amendment of s 135 (Upgrading to smartcard driver licence)

(1) Section 135(2)—

insert—

Note—

See part 16A for requirements about the application.

(2) Section 135(3) and (4)—

omit, insert—

(3) The chief executive—

- (a) may replace the licence with a smartcard driver licence for the same period as the unexpired period of the licence; and
- (b) subject to section 129D(4) and (5), must issue to the holder a driver licence receipt.

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

(1) Section 137(2)—

insert—

Note—

See part 16A for requirements about the application.

(2) Section 137(3) and (4)—

omit, insert—

- (3) Subject to section 129D(4) and (5), 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.

29 Amendment of s 139 (Replacement labels)

(1) Section 139(2)—

insert—

Note—

See part 16A for requirements about the application.

(2) Section 139(3)—

omit, insert—

- (3) Subject to section 129D(4) and (5), if the chief executive is satisfied the original label has been

damaged, lost or stolen, the chief executive must issue a replacement label to the holder.

30 Amendment of s 140 (Replacement driver licence receipt)

(1) Section 140(2)—

insert—

Note—

See part 16A for requirements about the application.

(2) Section 140(3) to (5)—

omit, insert—

(3) Subject to section 129D(4) and (5), if the chief executive is satisfied the original receipt has been damaged, lost or stolen, the chief executive must issue to the person a replacement driver licence receipt.

(4) This section does not apply if section 137 applies.

31 Amendment of s 154 (Issue of restricted licences—Act, s 87)

Section 154(1), ‘in the approved form’—

omit, insert—

made as required under part 16A

32 Amendment of s 155 (Issue of P2 restricted licences)

Section 155(1)(c), ‘in the approved form’—

omit.

33 Amendment of s 161 (Partial refund of fees)

(1) Section 161(2)—

insert—

Note—

See part 16A for requirements about the application.

(2) Section 161(3)—

omit, insert—

- (3) Subject to section 129D(4) and (5), if the chief executive is satisfied the information given by the applicant is correct, the chief executive must make the partial refund to the applicant.

34 Insertion of new pt 19, div 7

Part 19—

insert—

Division 7 Transitional provision for Transport Legislation Amendment Regulation (No. 1) 2017

179 Grounds for amending, suspending or cancelling particular licences

- (1) This section applies if—
- (a) a person holds a Queensland driver licence renewed under repealed part 7; and
 - (b) the person was not eligible for the renewal of the licence under repealed part 7.
- (2) The person's ineligibility for renewal of the licence under repealed part 7 is a ground for amending, suspending or canceling the licence under part 15.
- (3) In this section—
- repealed part 7* means part 7 as it was in force from time to time before the commencement.

35 Amendment of sch 1 (Fees)

Schedule 1, item 11, ‘135(4)’—

omit, insert—

135(3)

36 Amendment of sch 9 (Dictionary)

(1) Schedule 9, definitions *electronic communication*,
electronically renewable licence, *recently expired smartcard*
driver licence and *renew*—

omit.

(2) Schedule 9—

insert—

application, for part 16A, see section 129A.

decision-maker, for part 16A, see section 129A.

electronic communication see the *Electronic Transactions (Queensland) Act 2001*, schedule 2.

information, for part 16A, see section 129A.

Part 4 **Amendment of Transport Operations (Road Use Management—Vehicle Registration) Regulation 2010**

37 Regulation amended

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

38 Amendment of s 13 (Application for registration)

(1) Section 13(1), ‘in the approved form’—

omit.

(2) Section 13(1)—

insert—

Note—

See part 10, division 3A, subdivision 2 for requirements about the application.

(3) Section 13(2)—

omit.

(4) Section 13(1A)—

renumber as section 13(2).

39 Amendment of s 15 (Driving or towing unregistered vehicle)

(1) Section 15(1)(b) to (d)—

omit, insert—

(b) for a vehicle that is required to be insured under the *Motor Accident Insurance Act 1994*—a current insurance certificate has been issued for the vehicle and is carried—

(i) for a trailer—in the motor vehicle towing the trailer; or

(ii) for another vehicle—in the vehicle.

(2) Section 15(2)(c), ‘stated in the registration form’—

omit.

40 Amendment of s 17 (Deciding applications)

Section 17—

insert—

(7) This section is subject to section 109D(4) and (5).

41 Amendment of s 48 (Transfer of registration)

- (1) Section 48(1)—

insert—

Note—

See part 10, division 3A, subdivision 2 for requirements about the application.

- (2) Section 48(2) and (7), ‘in the approved form and be’—

omit.

- (3) Section 48(3), ‘notify the chief executive of the acquisition, in the approved form,’—

omit, insert—

give notice to the chief executive of the acquisition

- (4) Section 48(3)—

insert—

Note—

See part 10, division 3A, subdivision 3 for requirements about the notice.

- (5) Section 48(4), ‘transfer appearing in the application form’—

omit, insert—

the acquisition

- (6) Section 48(5), from ‘can not’ to ‘approved form’—

omit, insert—

is unable to state the full name and address, or include the signature, of the person who sold or disposed of the vehicle in the application or notice

- (7) Section 48(6)(a)—

insert—

Note—

See part 10, division 3A, subdivision 2 for requirements about the application.

(8) Section 48(6)(b)—

omit, insert—

(b) give notice (a ***disposal notice***) to the chief executive of the disposer’s disposal to the acquirer.

Note—

See part 10, division 3A, subdivision 3 for requirements about the notice.

(9) Section 48(8), ‘notification’—

omit, insert—

notice

(10) Section 48(8)(a), ‘appearing in the approved form’—

omit, insert—

given in or with the application, notice or statement

(11) Section 48(9A), ‘given’—

omit.

42 Amendment of s 49 (Failure by dealer to apply for transfer of registration)

Section 49(2)—

insert—

Note—

See part 10, division 3A, subdivision 2 for requirements about the application.

43 Amendment of s 54 (Cancellation of registration at registered operator's request)

(1) Section 54(1)—

insert—

Note—

See part 10, division 3A, subdivision 2 for requirements about the application.

(2) Section 54(2)—

omit.

(3) Section 54(3), 'the approved form'—

omit, insert—

the application

44 Insertion of new pt 10, div 3A

Part 10—

insert—

Division 3A Requirements for particular applications etc.

Subdivision 1 Preliminary

109A Definitions for division

In this division—

application means an application—

- (a) for registration of a vehicle under section 13(1); or
- (b) for transfer of the vehicle's registration under sections 48(1) or (6)(a) or 49(2); or
- (c) for cancellation of a vehicle's registration under section 54(1).

information includes a document.

Subdivision 2 Particular applications

109B Chief executive may publish a notice about applications

(1) The chief executive may, by publishing a notice on the department's website—

(a) approve a way in which a stated type of application may be made; or

Examples of ways—

orally, by electronic communication or by another form of communication

(b) require stated information to be given in or with a stated type of application.

(2) A notice under subsection (1)(a) may include requirements for making an application in the approved way.

(3) A notice under subsection (1)(b) may only require information that is reasonably necessary for—

(a) the purpose of enabling the chief executive to decide the application; or

(b) another purpose related to the application or the thing being applied for.

Example—

Required information may not include—

(a) irrelevant personal information; or

(b) relevant personal information if the provision of the information would be excessively intrusive to personal privacy.

(4) Subsection (1) applies whether or not there is an approved form for making the application.

109C How applications must be made

- (1) An application must be made in any of the following ways—
 - (a) in the approved form for the application;
 - (b) in the way approved under section 109B(1)(a) for making the application; or
 - (c) if there is no approved form and no approved way for making the application—in writing.
- (2) An application must include any information required under section 109B(1)(b).
- (3) Subsection (2) does not limit another provision of this regulation that requires an application to include, or be accompanied by, particular information.

109D Chief executive may request further information

- (1) The chief executive may give an applicant a written notice asking for further information that the chief executive reasonably needs to decide the applicant's application.
- (2) The notice—
 - (a) must state—
 - (i) the information required; and
 - (ii) the time, no earlier than 28 days after the notice is given, by which the information is required to be given; and
 - (iii) that, if the applicant does not comply with the notice, the chief executive may cancel the application; and
 - (b) may state a way in which the information is required to be given.

- (3) If the notice does not state a way in which the information is required to be given, the applicant must give the information in writing.
- (4) If the applicant does not comply with the notice, the chief executive may give the applicant a further notice cancelling the application.
- (5) A notice cancelling the application has effect on the day it is given to the applicant or any later day stated in it.

Subdivision 3 Particular notices

109E Chief executive may publish a notice about particular notices

- (1) This section applies to the following notices (each a *section 48 notice*)—
 - (a) a notice given under section 48(3);
 - (b) a disposal notice given under section 48(6)(b).
- (2) The chief executive may, by publishing a notice (a *departmental notice*) on the department's website—
 - (a) approve a way in which a stated section 48 notice may be given; or
Examples of ways—
 - orally, by electronic communication or by another form of communication
 - (b) require stated information to be given in or with a stated section 48 notice.
- (3) A departmental notice may include requirements for giving a section 48 notice in the approved way.
- (4) Subsection (2) applies whether or not there is an

approved form for giving the section 48 notice.

109F How section 48 notices must be given

- (1) A section 48 notice must be given in any of the following ways—
 - (a) in the approved form for the notice;
 - (b) in the way approved under section 109E(2)(a) for giving the notice; or
 - (c) if there is no approved form and no approved way for giving the notice—in writing.
- (2) A section 48 notice must include any information required under section 109E(2)(b).
- (3) Subsection (2) does not limit another provision of this regulation that requires a section 48 notice to include, or be accompanied by, particular information.

45 Amendment of sch 8 (Dictionary)

Schedule 8—

insert—

application, for part 10, division 3A, subdivision 1, see section 109A.

electronic communication, for part 10, division 3A, see the *Electronic Transactions (Queensland) Act 2001*, schedule 2.

information, for part 10, division 3A, subdivision 1, see section 109A.

section 48 notice see section 109E(1).

ENDNOTES

- 1 Made by the Governor in Council on 23 February 2017.
- 2 Notified on the Queensland legislation website on 24 February 2017.
- 3 The administering agency is the Department of Transport and Main Roads.

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