



Queensland

Transport Operations (Road Use Management—Accreditation and Other Provisions) (AIS approvals) Amendment Regulation 2024

Subordinate Legislation 2024 No. 224

made under the

Transport Operations (Road Use Management) Act 1995

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1 Short title

This regulation may be cited as the *Transport Operations (Road Use Management—Accreditation and Other Provisions) (AIS approvals) Amendment Regulation 2024*.

2 Regulation amended

This regulation amends the *Transport Operations (Road Use Management—Accreditation and Other Provisions) Regulation 2015*.

3 Insertion of new s 7A

After section 7—

insert—

7A Suitability for accreditation as approved examiner

- (1) This section applies in relation to an accreditation for performing the function of an approved examiner for a type of vehicle.
- (2) The chief executive may grant an application for appointment as an accredited person for the accreditation only if satisfied the applicant has the necessary expertise to perform the function under section 24(1).
- (3) The chief executive may refuse to grant an application for renewal of the accreditation if satisfied the applicant has failed to successfully complete a relevant AE training course for the type of vehicle within the completion period for the training course.

4 Amendment of s 9 (Statutory conditions on accreditation)

(1) Section 9(1)—

omit, insert—

- (1) This section applies if either of the following

applications is granted—

- (a) an application to be appointed as an accredited person for a type of accreditation;
- (b) an application for renewal of an accreditation.

(1A) From the grant of the application, the accreditation is subject to the conditions stated for the accreditation in schedule 1 that were in force when the application was granted.

(2) Section 9(1A) and (2)—

renumber as section 9(2) and (3).

5 Insertion of new s 9A

After section 9—

insert—

9A Training requirement for holder of non-renewable AE accreditation—Act, s 18

- (1) This section applies in relation to a non-renewable AE accreditation, in effect immediately before the commencement, for performing the function of an approved examiner for a type of vehicle.
- (2) The holder of the non-renewable AE accreditation must successfully complete each relevant AE training course for the type of vehicle within the completion period for the training course.
- (3) For section 18(1)(s) of the Act, the holder of the non-renewable AE accreditation contravening subsection (2) is prescribed as a ground for suspending or cancelling the accreditation.
- (4) In this section—

non-renewable AE accreditation means an accreditation mentioned in section 174.

6 Amendment of s 20 (Chief executive may approve assessments, experience and training courses)

(1) Section 20—

insert—

(3A) Also, subsection (2) does not prevent the chief executive approving, for section 24(1), a training course for completion by an approved examiner if satisfied a person who successfully completes the training course will have the skills and knowledge to continue to perform the functions of an approved examiner.

(2) Section 20(4)—

insert—

(c) for a training course approved for completion by an approved examiner—the period (the *completion period*), of at least 3 months after the day the training course is notified, in which an approved examiner is required to successfully complete the training course.

(3) Section 20(3A) and (4)—

renumber as section 20(4) and (5).

7 Amendment of s 22 (Chief executive may approve registered training organisations)

Section 22(3)—

omit.

8 Amendment of pt 3, div 1, hdg (Common provisions for part 3 approvals)

Part 3, division 1, heading, ‘Common’—

omit, insert—

General

9 Amendment of s 73 (Suitability for part 3 approvals)

- (1) Section 73, heading, after ‘approvals’—

insert—

generally

- (2) Section 73(1)—

omit.

- (3) Section 73(2), ‘Without limiting subsection (1), the’—

omit, insert—

The

- (4) Section 73(4), ‘Subsections (1), (2) and (3)’—

omit, insert—

Subsections (1) and (2)

- (5) Section 73(2) to (4)—

renumber as section 73(1) to (3).

10 Insertion of new ss 73A–73C

After section 73—

insert—

73A Suitability for registration as registered service provider

- (1) This section applies if the application is for the grant or renewal of a registration as a registered service provider.
- (2) The chief executive may grant the application only if satisfied the applicant is able to comply with the business rules for providing Q-Ride training.

73B Suitability for AIS approval—applicant requiring nominee

- (1) Subsection (2) applies if—

-
- (a) the application is for the grant of an AIS approval; and
 - (b) section 99 would apply to the holder of the approval if the application were granted.
 - (2) The chief executive may grant the application only if satisfied the applicant will have a nominee when the application is granted.
 - (3) Subsection (4) applies if—
 - (a) the application is for the renewal of an AIS approval; and
 - (b) section 99 applies to the holder of the approval.
 - (4) The chief executive may refuse to grant the application if satisfied—
 - (a) the applicant no longer has a nominee; or
 - (b) the nominee for the applicant has failed to successfully complete a training course approved for a nominee under section 106A within the completion period for the training course.

73C Suitability for AIS approval—other individual applicants

- (1) This section applies if—
 - (a) the application is made by an individual for the grant or renewal of an AIS approval; and
 - (b) section 73B does not apply in relation to the application.
- (2) The chief executive may grant an application for the grant of an AIS approval only if satisfied the applicant has successfully completed each training course approved for an applicant for the grant of an AIS approval under section 106A.
- (3) The chief executive may refuse to grant an

application for renewal of an AIS approval if satisfied the applicant has failed to successfully complete a training course approved for a holder of an AIS approval under section 106A within the completion period for the training course.

11 Amendment of s 76 (Statutory conditions for part 3 approval)

Section 76(1), from ‘A part 3 approval’ to ‘mentioned in’—
omit, insert—

From the grant of an application for the grant or renewal of a part 3 approval, the approval is subject to the conditions, in force when the application was granted, mentioned in

12 Amendment of s 102 (Suitability for approval as nominee)

Section 102(1)—
insert—

(d) has successfully completed each training course approved for an applicant for approval as a nominee under section 106A.

13 Insertion of new s 105A

After section 105—
insert—

105A Training requirement for nominee—Act, s 18

- (1) This section applies to a nominee whether the person’s application for approval as a nominee was granted before the commencement or is granted after the commencement.
- (2) The nominee must successfully complete each training course approved for a nominee under section 106A within the completion period for the training course.

- (3) For section 18(1)(s) of the Act, the nominee contravening subsection (2) is prescribed as a ground for suspending or cancelling the person's approval as a nominee.

14 Insertion of new s 106A

Part 3, division 3, subdivision 2—

insert—

106A Approved training course for AIS activities

- (1) This section applies in relation to the following activities (*AIS activities*) for an AIS approval or an approval as a nominee—
 - (a) operating an AIS;
 - (b) inspecting particular types of vehicles at an AIS.
- (2) The chief executive may approve a training course for carrying out the AIS activities if the chief executive considers a person who successfully completes the training course will have, or continue to have, the skills and knowledge necessary to carry out the activities.
- (3) The chief executive may approve a training course under subsection (2) for completion by any 1 or more of the following—
 - (a) an applicant for the grant of an AIS approval;
 - (b) an applicant for the grant of an approval as a nominee;
 - (c) the holder of an AIS approval;
 - (d) a nominee.
- (4) The chief executive may approve a registered training organisation to conduct a training course approved under subsection (2).
- (5) The chief executive must notify the following on

the department’s website—

- (a) each training course approved under subsection (2);
- (b) the class of person for which the training course is approved under subsection (3);
- (c) for a training course approved for completion by the holder of an AIS approval or a nominee—the period (the *completion period*), of at least 3 months after the day the training course is notified, in which an AIS approval holder or nominee is required to successfully complete the training course;
- (d) if a registered training organisation is approved to conduct a training course under subsection (4)—
 - (i) the name of the training organisation; and
 - (ii) each training course the training organisation is approved to conduct;
- (e) if paragraph (d) does not apply in relation to a training course—information about where the training course may be undertaken.

15 Insertion of new ss 141 and 141A

After section 140—

insert—

141 Completing training course for another person

- (1) This section applies if a person (the *responsible person*) is required under this regulation to—
 - (a) successfully complete a training course, approved under section 20, relating to an existing or prospective accreditation as an approved examiner; or

- (b) successfully complete a training course approved under section 106A relating to an existing or prospective AIS approval or approval as a nominee.
- (2) A person, other than the responsible person, must not complete all or part of the training course for the responsible person.

Maximum penalty—40 penalty units.

141A Disclosure of information to registered training organisation

- (1) This section authorises the disclosure of information for section 143(2)(b)(i) of the Act.
- (2) Subsection (3) applies if—
 - (a) a person is required under this regulation to—
 - (i) successfully complete a training course, approved under section 20, relating to an existing or prospective accreditation as an approved examiner; or
 - (ii) successfully complete a training course, approved under section 106A, relating to an existing or prospective AIS approval or approval as a nominee; and
 - (b) the chief executive has approved a registered training organisation to conduct the training course under section 22 or 106A(4).
- (3) The chief executive may disclose information about the person to the registered training organisation to the extent the disclosure of the information is necessary to enable the chief executive to monitor compliance with the requirement in the administration of the Act.

16 Amendment of s 154 (Existing accreditations)

Section 154(2)—

insert—

Note—

See, however, section 174 for the application of this subsection to an accreditation to which subsection (1)(a)(ii) applies.

17 Insertion of new pt 8, div 3

Part 8—

insert—

Division 3 Transitional provisions for Transport Operations (Road Use Management—Accreditation and Other Provisions) (AIS approvals) Amendment Regulation 2024

174 Continuation of non-renewable AE accreditation

- (1) This section applies to an accreditation as an approved examiner under the repealed *Transport Operations (Road Use Management) Regulation 1995*, part 4A that—
 - (a) was continued under the repealed *Transport Operations (Road Use Management—Accreditation and Other Provisions) Regulation 2005*, section 117; and
 - (b) under section 154(2), was taken to be an accreditation granted under part 2.
- (2) Despite section 154(2), section 10 does not apply,

and is taken never to have applied, to the accreditation.

175 Training requirement for holder of existing accreditation—Act, s 18

- (1) This section applies to the holder of an accreditation, in effect immediately before the commencement, for performing the function of an approved examiner for a type of vehicle.
- (2) However, this section does not apply in relation to an accreditation mentioned in section 174.
- (3) The holder of the accreditation must successfully complete any relevant AE training course for the type of vehicle within the completion period for the training course.
- (4) For section 18(1)(s) of the Act, the holder of the accreditation contravening subsection (3) is prescribed as a ground for suspending or cancelling the accreditation.
- (5) This section applies to the holder of the accreditation in relation to a requirement under subsection (3) until—
 - (a) if the chief executive gives the holder a notice under section 19(1) of the Act to suspend or cancel the accreditation on the ground the requirement has been contravened—
 - (i) if the holder applies for an internal or external review of the suspension or cancellation—the end of the day the review proceedings are finally dealt with;
 - (ii) otherwise—the end of the day the procedure under section 19 of the Act is finished; or

- (b) if paragraph (a) does not apply—the first of the following happens—
 - (i) the accreditation is renewed;
 - (ii) the accreditation stops having effect.

176 Training requirement for holder of existing AIS approval—Act, s 18

- (1) This section applies to the holder of an AIS approval that was in effect immediately before the commencement.
- (2) If the holder of the AIS approval is required to have a nominee under section 99, the holder must ensure the nominee successfully completes any training course approved for a nominee under section 106A within the completion period for the training course.
- (3) If the holder of the AIS approval is an individual who is not required to have a nominee under section 99, the holder must successfully complete any training course approved for a holder of an AIS approval under section 106A within the completion period for the training course.
- (4) For section 18(1)(s) of the Act, the holder of the AIS approval contravening subsection (2) or (3) is prescribed as a ground for suspending or cancelling the approval.
- (5) This section applies to the holder of the AIS approval in relation to a requirement under subsection (2) or (3) until—
 - (a) if the chief executive gives the holder a notice under section 19(1) of the Act to suspend or cancel the approval on the ground the requirement has been contravened—
 - (i) if the holder applies for an internal or external review of the suspension or

- cancellation—the end of the day the review proceedings are finally dealt with;
- (ii) otherwise—the end of the day the procedure under section 19 of the Act is finished; or
- (b) if paragraph (a) does not apply—the first of the following happens—
- (i) the approval is renewed;
- (ii) the approval stops having effect.

18 Amendment of sch 1 (Statutory conditions for appointment as accredited person)

- (1) Schedule 1, part 2, heading—

omit, insert—

Part 2 Approved examiners

- (2) Schedule 1, part 2, as amended by this regulation—

insert—

7A Completion of relevant AE training course

- (1) This section applies to the holder of an accreditation, other than an accreditation mentioned in section 174, for performing the function of an approved examiner for a type of vehicle.
- (2) The holder of the accreditation must successfully complete any relevant AE training course for the type of vehicle within the completion period for the training course.
- (3) This section applies whether the relevant AE training course was notified under section 20(5) before or after the accreditation was last renewed.
- (3) Schedule 1, section 8, heading—

omit, insert—

8 Other conditions

- (4) Schedule 1, after section 8, as amended by this regulation—

insert—

Part 3 Other accredited persons

19 Amendment of sch 2 (Statutory conditions for part 3 approval)

Schedule 2, part 3—

insert—

16 Particular conditions for AIS approval holder requiring nominee

- (1) This section applies to a holder of an AIS approval that is required to have a nominee under section 99.
- (2) The holder of the AIS approval must—
 - (a) continue to have a nominee; and
 - (b) ensure the nominee continues to hold a position in which the person is charged with responsibility for the conduct of the holder's business at the fixed AIS to which the AIS approval relates.
- (3) The holder of the AIS approval must ensure the nominee for the holder successfully completes any training course approved for a nominee under section 106A within the completion period for the training course.
- (4) Subsection (3) applies whether the training course was notified under section 106A(5) before or after the AIS approval was last renewed.

17 Completion of training course for particular individual AIS approval holders

- (1) This section applies to a holder of an AIS approval who is an individual unless section 16 of this schedule applies to the holder.
- (2) The holder of the AIS approval must successfully complete any training course approved for a holder of an AIS approval under section 106A within the completion period for the training course.
- (3) This section applies whether the training course was notified under section 106A(5) before or after the AIS approval was last renewed.

20 Amendment of sch 7 (Dictionary)

Schedule 7—

insert—

completion period—

- (a) for a training course approved under section 20 for completion by an approved examiner—see section 20(5)(c); or
- (b) for a training course approved under section 106A(3) for completion by the holder of an AIS approval or a nominee—see section 106A(5)(c).

registered training organisation see the *National Vocational Education and Training Regulator Act 2011* (Cwlth), section 3.

relevant AE training course, for a type of vehicle, means a training course—

- (a) approved for completion by an approved examiner under section 20; and
- (b) relating to the performance of safety inspections for the type of vehicle.

ENDNOTES

- 1 Made by the Governor in Council on 19 September 2024.
- 2 Notified on the Queensland legislation website on 20 September 2024.
- 3 The administering agency is the Department of Transport and Main Roads.

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