



Queensland

*Transport Planning and Coordination Act 1994*

# **Transport Planning and Coordination Regulation 2017**

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Queensland

# Transport Planning and Coordination Regulation 2017

## Contents

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		Page
<b>Part 1</b>	<b>Preliminary</b>	
1	Short title .....	3
2	Commencement .....	3
3	Dictionary .....	3
<b>Part 2</b>	<b>Smartcard transport authorities</b>	
4	Definitions for part .....	3
5	Transport authority—Act, s 36G .....	4
6	Smartcard transport authorities .....	4
7	Interim transport authorities .....	5
8	Replacement of smartcard transport authority .....	5
<b>Part 3</b>	<b>General</b>	
9	Prescribed authorisation Acts—Act, s 28E .....	6
10	Prescribed authorities—Act, s 28E .....	6
11	Authorised officers—Act, s 28EG .....	7
11A	Prescribed matters—Act, s 28EI .....	8
12	Approved agency—Act, sch 1 .....	8
13	Transport Acts—Act, sch 1 .....	9
<b>Part 4</b>	<b>Transitional provisions</b>	
14	Definition for part .....	10
15	References to repealed regulation .....	10
16	Existing interim transport authorities .....	10
<b>Schedule 1</b>	<b>Dictionary</b> .....	11



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# Transport Planning and Coordination Regulation 2017

## Part 1 Preliminary

### 1 Short title

This regulation may be cited as the *Transport Planning and Coordination Regulation 2017*.

### 2 Commencement

This regulation commences on 1 September 2017.

### 3 Dictionary

The dictionary in schedule 1 defines particular words used in this regulation.

## Part 2 Smartcard transport authorities

### 4 Definitions for part

In this part—

*smartcard transport authority* see section 36G(1) of the Act.

*transport authority Act* means any of the following Acts—

- (a) the *Tow Truck Act 1973*;
- (b) the *Transport Operations (Passenger Transport) Act 1994*;
- (c) the *Transport Operations (Road Use Management) Act 1995*.

## **5 Transport authority—Act, s 36G**

For section 36G(3) of the Act, definition *transport authority*, each of the following is prescribed—

- (a) a driver’s certificate or assistant’s certificate under the *Tow Truck Act 1973*;
- (b) a driver authorisation under the *Transport Operations (Passenger Transport) Act 1994*;
- (c) an appointment under the *Transport Operations (Road Use Management) Act 1995* as an accredited person for accreditation of any of the following types—
  - (i) driver trainer;
  - (ii) rider trainer;
  - (iii) pilot vehicle driver;
  - (iv) escort vehicle driver;
  - (v) traffic controller;

*Note—*

The appointments mentioned in this paragraph are made under the *Transport Operations (Road Use Management—Accreditation and Other Provisions) Regulation 2015*, part 2.

- (d) a dangerous goods driver licence under the *Transport Operations (Road Use Management—Dangerous Goods) Regulation 2018*.

## **6 Smartcard transport authorities**

- (1) A smartcard transport authority issued to a person by the chief executive may—
  - (a) indicate by way of a code, expression or otherwise that the person holds 1 or more transport authorities; and
  - (b) include information about the person’s personal particulars.
- (2) A smartcard transport authority is, in relation to a particular transport authority, subject to the transport authority Act

under which the particular transport authority is issued or granted.

- (3) A code or expression used on a smartcard transport authority in relation to a particular transport authority has the meaning given under the transport authority Act under which the particular authority is issued or granted.

## **7 Interim transport authorities**

- (1) This section applies if the chief executive intends to issue a smartcard transport authority to a person.
- (2) The chief executive may issue an interim transport authority to the person.
- (3) An interim transport authority may include the following information—
  - (a) its date of issue;
  - (b) any information that may be included on a smartcard transport authority under section 6;
  - (c) information about anything authorised or required to be stated on it under a transport authority Act.
- (4) Subsection (3) does not limit the information that may be included on an interim transport authority.
- (5) An interim transport authority has effect as if it were a smartcard transport authority until the person receives the smartcard transport authority from the chief executive.

## **8 Replacement of smartcard transport authority**

- (1) This section applies if a person has been issued with a smartcard transport authority and, under a transport authority Act, any of the following happens—
  - (a) the person is granted a transport authority;
  - (b) a transport authority held by the person is amended, suspended or cancelled;

[s 9]

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- (c) a period of suspension of a transport authority held by the person ends;
  - (d) the person is to be given a replacement document evidencing a transport authority held by the person.
- (2) The chief executive may issue a replacement smartcard transport authority to the person.
- (3) The replacement smartcard transport authority must evidence each transport authority held by the person.

## Part 3                      General

### 9                      Prescribed authorisation Acts—Act, s 28E

For section 28E of the Act, definition *prescribed authorisation Act*, each of the following Acts is prescribed—

- (a) the *Adult Proof of Age Card Act 2008*;
- (b) the *Tow Truck Act 1973*;
- (c) the *Transport Operations (Marine Safety) Act 1994*;
- (d) the *Transport Operations (Passenger Transport) Act 1994*;
- (e) the *Transport Operations (Road Use Management) Act 1995*;
- (f) the *Work Health and Safety Act 2011*.

### 10                      Prescribed authorities—Act, s 28E

For section 28E of the Act, definition *prescribed authority*, each of the following is prescribed—

- (a) an adult proof of age card under the *Adult Proof of Age Card Act 2008*;
- (b) a driver's certificate or assistant's certificate, or a document evidencing a driver's certificate or assistant's certificate, under the *Tow Truck Act 1973*;



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- (c) a marine licence, marine licence indicator or smartcard marine licence indicator under the *Transport Operations (Marine Safety) Act 1994*;
  - (d) a driver authorisation or authorising document under the *Transport Operations (Passenger Transport) Act 1994*;
  - (e) a Queensland driver licence under the *Transport Operations (Road Use Management) Act 1995*;
  - (f) an appointment under the *Transport Operations (Road Use Management) Act 1995* as an accredited person, or an accreditation document mentioned in section 21(2) of the Act, for accreditation of any of the following types—
    - (i) driver trainer;
    - (ii) rider trainer;
    - (iii) pilot vehicle driver;
    - (iv) escort vehicle driver;
    - (v) traffic controller;

*Note—*

The appointments mentioned in this paragraph are made under the *Transport Operations (Road Use Management—Accreditation and Other Provisions) Regulation 2015*, part 2.

- (g) a dangerous goods driver licence or driver authorising document under the *Transport Operations (Road Use Management—Dangerous Goods) Regulation 2018*;
- (h) a high risk work licence, or a licence document for a high risk work licence, under the *Work Health and Safety Regulation 2011*.

## 11 Authorised officers—Act, s 28EG

For section 28EG(2) of the Act, definition *authorised officer*, each of the following persons is prescribed—

[s 11A]

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- (a) if the smartcard identification authority is a smartcard certificate under the *Tow Truck Act 1973*—an authorised officer under that Act;
- (b) if the smartcard identification authority is a smartcard marine licence indicator under the *Transport Operations (Marine Safety) Act 1994*—a shipping inspector under that Act;
- (c) if the smartcard identification authority is a smartcard driver authorisation under the *Transport Operations (Passenger Transport) Act 1994*—an authorised person under that Act;
- (d) if the smartcard identification authority is a smartcard authority under the *Transport Operations (Road Use Management) Act 1995*—an authorised officer under that Act.

#### **11A Prescribed matters—Act, s 28EI**

- (1) For section 28EI(1)(b) of the Act, a prescribed matter is an application made—
  - (a) by an applicant mentioned in the *Transport Operations (Road Use Management—Driver Licensing) Regulation 2010*, section 10B(1)(b) or (d); and
  - (b) before completing an online road rules test under the *Transport Operations (Road Use Management) Act 1995*.
- (2) A reference to section 28EI in subsection (1) is a reference to section 28EI inserted into the Act by the *Heavy Vehicle National Law and Other Legislation Amendment Act 2018*.

#### **12 Approved agency—Act, sch 1**

- (1) For schedule 1 of the Act, definition *approved agency*, paragraph (b), ASIO is prescribed as an approved agency.
- (2) In this section—

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*ASIO* means the Australian Security Intelligence Organisation established under the *Australian Security Intelligence Organisation Act 1979* (Cwlth).

### 13 Transport Acts—Act, sch 1

For schedule 1 of the Act, definition *transport Act*, each of the following Acts is prescribed—

- (a) the *Adult Proof of Age Card Act 2008*;
- (b) the *Air Navigation Act 1937*;
- (c) the *Century Zinc Project Act 1997*, sections 5(2) to (7), 11, 12, 13 and 21;
- (d) the *Civil Aviation (Carriers' Liability) Act 1964*;
- (e) the *Gold Coast Waterways Authority Act 2012*;
- (f) the *Heavy Vehicle National Law Act 2012*;
- (g) the *Maritime Safety Queensland Act 2002*;
- (h) the *Queensland Rail Transit Authority Act 2013*;
- (i) the *Rail Safety National Law (Queensland) Act 2017*;
- (j) the *State Transport Act 1938*;
- (k) the *State Transport (People Movers) Act 1989*;
- (l) the *Thiess Peabody Mitsui Coal Pty. Ltd. Agreements Act 1965* (to the extent administered by a Minister administering the *Transport Infrastructure Act 1994*);
- (m) the *Tow Truck Act 1973*;
- (n) the *Transport Infrastructure Act 1994*;
- (o) the *Transport Operations (Marine Pollution) Act 1995*;
- (p) the *Transport Operations (Marine Safety) Act 1994*;
- (q) the *Transport Operations (Passenger Transport) Act 1994*;
- (r) the *Transport Operations (Road Use Management) Act 1995*;

[s 14]

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- (s) the *Transport Planning and Coordination Act 1994*;
- (t) the *Transport Security (Counter-Terrorism) Act 2008*;
- (u) the *Transport (South Bank Corporation Area Land) Act 1999*.

## Part 4 Transitional provisions

### 14 Definition for part

In this part—

*repealed regulation* means the repealed *Transport Planning and Coordination Regulation 2005*, as in force from time to time before the commencement.

### 15 References to repealed regulation

In an instrument, if the context permits, a reference to the repealed regulation may be taken to be a reference to this regulation.

### 16 Existing interim transport authorities

An interim transport authority issued under section 7 of the repealed regulation is taken to be an interim transport authority issued under section 7 of this regulation.

## **Schedule 1      Dictionary**

### section 3

*smartcard transport authority*, for part 2, see section 4.

*transport authority* see section 5.

*transport authority Act*, for part 2, see section 4.