



Queensland

*Tow Truck Act 1973*

*Transport Operations (Road Use Management) Act 1995*

*Transport Operations (Passenger Transport) Act 1994*

# **Transport Legislation (COVID-19 Emergency Response) Regulation 2020**

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Queensland

# Transport Legislation (COVID-19 Emergency Response) Regulation 2020

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# Transport Legislation (COVID-19 Emergency Response) Regulation 2020

## Part 1 Preliminary

### 1 Short title

This regulation may be cited as the *Transport Legislation (COVID-19 Emergency Response) Regulation 2020*.

### 2 Purpose

The purpose of this regulation is to provide exemptions from, and otherwise modify the application of, particular regulatory requirements under the transport regulations—

- (a) to minimise risks to the health and safety of persons caused by the COVID-19 emergency; and
- (b) to alleviate the financial burden on persons caused by the COVID-19 emergency; and
- (c) to ensure the effective and efficient regulation and administration of land transport activities during the COVID-19 emergency and particular periods after the emergency ends.

### 3 Definitions

In this regulation—

**COVID-19 emergency** means the public health emergency declared on 29 January 2020 under the *Public Health Act 2005*, section 319(2), as extended and further extended under section 323 of that Act.

**department's website** see the *Transport Operations (Road Use Management) Act 1995*, schedule 4.

**exemption notice**, for part 2, see section 6(1).

***extension notice***—

- (a) for part 3—see section 9(1); or
- (b) for part 4, division 1—see section 13(1).

***grant*** includes issue and renew.

***relevant requirement*** see section 5.

***transport approval*** means any accreditation, certificate, consent, determination, exemption, licence, permit, registration or other authorisation, however described, granted under 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*.

***transport regulation*** means any of the following regulations—

- (a) the *Tow Truck Regulation 2009*;
- (b) the *Traffic Regulation 1962*;
- (c) the *Transport Operations (Passenger Transport) Regulation 2018*;
- (d) the *Transport Operations (Road Use Management—Accreditation and Other Provisions) Regulation 2015*;
- (e) the *Transport Operations (Road Use Management—Dangerous Goods) Regulation 2018*;
- (f) the *Transport Operations (Road Use Management—Driver Licensing) Regulation 2010*;
- (g) the *Transport Operations (Road Use Management—Vehicle Registration) Regulation 2010*;
- (h) the *Transport Operations (Road Use Management—Vehicle Standards and Safety) Regulation 2010*.

#### 4 General provision about notices

- (1) A notice published by the chief executive under this regulation may—
- (a) apply generally to all persons and matters or be limited in its application to—
    - (i) particular persons or classes of persons; or
    - (ii) particular transport approvals or classes of transport approvals; or
    - (iii) particular vehicles or classes of vehicles; and
  - (b) make different provision in relation to—
    - (i) different persons or classes of persons; or
    - (ii) different transport approvals or classes of transport approvals; or
    - (iii) different vehicles or classes of vehicles.
- (2) In this section—
- vehicle* has the meaning given by the *Transport Operations (Road Use Management) Act 1995*, schedule 4.

## Part 2 Modification of application processes and related requirements

#### 5 Application of part

This part applies in relation to a provision of a transport regulation mentioned in schedule 1 to the extent the provision provides for any of the following matters (each a *relevant requirement*)—

- (a) a requirement that a person making an application under the transport regulation include in or with the

application, or produce with the application, a document or other thing;

- (b) a requirement that a person who has made an application under the transport regulation give the chief executive particular information or a particular document for the chief executive to decide the application or grant a transport approval;
- (c) another requirement that must be satisfied by or in relation to a person making an application under the transport regulation for the chief executive to decide the application or grant a transport approval;

*Example—*

a circumstance relating to the person's eligibility to be granted a transport approval

- (d) a requirement that a person making an application, or who has made an application, under the transport regulation pay a fee, whether on the making of the application or otherwise, for any transport approval or other thing to which the application relates.

## 6 Publication of exemption notice

- (1) The chief executive may, in relation to the provision, publish a notice (an *exemption notice*) on the department's website stating that, while the notice is in effect, persons are exempt from all or a stated part of a stated relevant requirement.
- (2) The chief executive may publish the exemption notice only if the chief executive considers, having regard to the COVID-19 emergency, that 1 or more of the following applies—
  - (a) it would not be practicable for persons to comply with, or satisfy, the relevant requirement;
  - (b) it would not be reasonable for persons to be required to comply with, or satisfy, the relevant requirement;



- (c) complying with, or satisfying, the relevant requirement may risk the spread of COVID-19 within the community;
  - (d) if the relevant requirement relates to payment of a fee—exempting persons from all or part of the relevant requirement may alleviate the financial burden on persons;
  - (e) exempting persons from all or part of the relevant requirement would promote the effective and efficient regulation and administration of land transport activities.
- (3) The exemption notice must state—
- (a) the day the notice is published; and
  - (b) the period for which the notice has effect.
- (4) For subsection (3)(b), the period must be a period ending not later than 6 months after the day the COVID-19 emergency ends.
- (5) The exemption notice takes effect on the day it is published on the department's website or on any later day stated in the notice.

## **7 Effect of exemption notice on relevant requirement**

- (1) This section applies if an exemption notice is in effect in relation to a relevant requirement that would otherwise apply for deciding an application under a transport regulation.
- (2) The relevant requirement is taken not to apply to the extent stated in the exemption notice and the chief executive may decide the application accordingly and, if applicable, grant any transport approval to which the application relates.



- (b) it would not be reasonable for persons to apply for a renewal of the transport approval or a new approval of the same type;
  - (c) applying for a renewal of the transport approval or a new approval of the same type may risk the spread of COVID-19 within the community;
  - (d) continuing the transport approval in effect may alleviate the financial burden for persons;
  - (e) continuing the transport approval in effect would promote the effective and efficient regulation and administration of land transport activities.
- (4) The extension notice must state the day the notice is published.
- (5) The extension notice takes effect on the day it is published on the department's website or on any later day stated in the notice.

## **10 Effect of extension notice on transport approval**

- (1) This section applies if an extension notice is published in relation to the transport approval.
- (2) The transport approval is taken to continue in effect, after the day it would expire or otherwise end—
- (a) for the period stated in the extension notice; or
  - (b) until the end of the day stated in the extension notice.
- (3) Subsection (2) applies—
- (a) even if the term or duration of the transport approval, as continued in effect under that subsection, is greater than any maximum term or period, however described, provided for the approval under a transport regulation; and
  - (b) despite anything stated in the approval.

## **Part 4                      Modification of particular offence and requirement provisions**

### **Division 1                      Extension notices**

#### **11                      Application of division**

This division applies in relation to a provision of a transport regulation mentioned in schedule 3 under which—

- (a) a person commits an offence if the person fails to do a particular thing within a particular period; or
- (b) a requirement may be made of a person to do a particular thing within a particular period.

#### **12                      References to particular periods for doing things**

A reference in this division to a particular period, under a provision of a transport regulation, for doing a particular thing includes a reference to any expression of time provided for under the provision for doing the thing.

*Examples of expressions of time in a provision—*

- a provision requiring a person to do a thing immediately
- a provision requiring a person to do a thing promptly

#### **13                      Publication of extension notice**

- (1) The chief executive may, in relation to the provision, publish a notice (an *extension notice*) on the department's website stating a period for doing the particular thing that is longer than the period provided for under the provision.
- (2) The chief executive may publish the extension notice only if the chief executive considers, having regard to the COVID-19 emergency, that 1 or more of the following applies—

- (a) it would not be practicable for persons to do the particular thing within the particular period;
  - (b) it would not be reasonable for persons to be required to do the particular thing within the particular period;
  - (c) doing the particular thing within the particular period may risk the spread of COVID-19 within the community;
  - (d) providing a longer period for doing the particular thing would promote the effective and efficient regulation and administration of land transport activities.
- (3) The extension notice must state—
- (a) the day the notice is published; and
  - (b) the period for which the notice has effect.
- (4) For subsection (3)(b), the period must be a period ending not later than 6 months after the day the COVID-19 emergency ends.
- (5) The extension notice takes effect on the day it is published on the department's website or on any later day stated in the notice.

## **14 Effect of extension notice on period for compliance**

- (1) While the extension notice is in effect, the provision applies as if the reference in the provision to the particular period for doing the particular thing were a reference to the period stated in the notice.
- (2) If, when the extension notice takes effect, a person has not done the particular thing but the period for doing the thing has not ended, the provision applies as if the reference in the provision to the particular period for doing the thing were a reference to the period stated in the notice.
- (3) If, when the extension notice ends, a person has not done the particular thing but the period for doing the thing as extended under this section has not ended, the provision continues to

apply as if the reference in the provision to the particular period for doing the thing were a reference to the period stated in the notice.

## Division 2                      Specific provision

### 15            **Modified application of Transport Operations (Road Use Management—Driver Licensing) Regulation 2010, s 66**

- (1) During the special measures period, the *Transport Operations (Road Use Management—Driver Licensing) Regulation 2010*, section 66 applies with the modifications provided for under this section.
- (2) Each of the following medical certificates is also taken to be a valid medical certificate for the *Transport Operations (Road Use Management—Driver Licensing) Regulation 2010*, section 66(1)—
  - (a) a medical certificate that was a valid medical certificate on 29 January 2020, but ceased to be a valid medical certificate before the commencement;
  - (b) a medical certificate that was a valid medical certificate on the commencement but would, but for this section, cease to be a valid medical certificate during the special measures period.
- (3) The *Transport Operations (Road Use Management—Driver Licensing) Regulation 2010*, section 66 is taken to provide that section 66(1) does not apply to the holder of a Queensland driver licence who does not hold a valid medical certificate (including a valid medical certificate provided for under subsection (2)) if, having regard to the COVID-19 emergency—
  - (a) it would not be practicable for the person to obtain a valid medical certificate; or
  - (b) it would not be reasonable for the person to obtain a valid medical certificate; or

- (c) attempting to obtain a valid medical certificate may risk the spread of COVID-19 within the community.
- (4) In this section—
  - special measures period* means the period—
    - (a) starting on the commencement; and
    - (b) ending 6 months after the day the COVID-19 emergency ends.

*valid medical certificate* means a valid medical certificate under the *Transport Operations (Road Use Management—Driver Licensing) Regulation 2010*, section 66(3).

## Part 5 Expiry

### 16 Expiry

This regulation expires 6 months after the day the COVID-19 emergency ends.

## **Schedule 1      Provisions providing for relevant requirements**

section 5

### **Tow Truck Regulation 2009**

- section 4 (Eligibility to apply for a driver's certificate)
- section 7 (Application for approval)
- section 9 (Applicant to undertake test or be medically examined)
- section 13 (Application by holder for replacement document)
- section 14 (Conditions of licence)

### **Traffic Regulation 1962**

- section 2 (Fees)
- section 60 (Eligibility for disability parking permit)
- section 61 (Application for permit)
- section 68 (Replacement permits)

### **Transport Operations (Passenger Transport) Regulation 2018**

- section 6 (Application for grant or renewal)
- section 23 (Application for grant or renewal)
- section 56 (Requirement for current medical certificate)
- section 278 (Fees and levy), to the extent the section applies in relation to schedule 8, items 7, 8, 9, 10, 11, and 12



### **Transport Operations (Road Use Management— Accreditation and Other Provisions) Regulation 2015**

- section 4 (Application for appointment or renewal)
- section 60 (Application by accredited person for replacement accreditation document)
- section 71 (Application for grant or renewal of part 3 approvals)
- section 100 (Application for approval as nominee)
- section 144 (Fees)

### **Transport Operations (Road Use Management— Dangerous Goods) Regulation 2018**

- section 172 (Applications)
- section 189 (Applications for licences)
- section 190 (Required driver licence evidence)
- section 191 (Required competency evidence)
- section 192 (Required medical fitness evidence)
- section 194 (Applications for renewal of licences)
- section 206 (Applications for licences)
- section 209 (Applications for renewal of licences)
- section 210 (Renewal of licences)
- section 221 (Applications by licensees for replacement licence documents)
- section 246 (Fees)

### **Transport Operations (Road Use Management—Driver Licensing) Regulation 2010**

- section 4 (Motorbike licences)
- section 5 (Other types of licences)
- section 10B (Road rules test)

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- section 10C (Practical driving test)
- section 10CA (Competency declaration (learner) for class RE learner licence applicant)
- section 10D (Competency declarations and practical driving tests for class RE and R applicants)
- section 11 (Learner licence—class RE)
- section 13 (Provisional or probationary licence—class RE)
- section 14 (Provisional or probationary licence—class C)
- section 15 (Open licence—class RE)
- section 16 (Open licence—class C)
- section 17 (Upgrading licence class)
- section 18 (Upgrading class RE licence to class R licence)
- section 19 (Other provisions about general eligibility)
- section 20 (Special need—learner or provisional licence)
- section 21 (Special need—HC licence)
- section 29 (Requirements)
- section 33 (Credit for other driving experience)
- section 38 (Special need for a class RE or R licence)
- section 41 (P1 provisional or P1 probationary licence—class RE)
- section 42 (P2 provisional or P2 probationary licence—class RE)
- section 43 (P provisional or P probationary licence—class RE)
- section 44 (Open licence—class RE)
- section 46 (P1 provisional or P1 probationary licence—class R)

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- section 47 (P2 provisional or P2 probationary licence—class R)
  - section 48 (P provisional or P probationary licence—class R)
  - section 49 (Open licence—class R)
  - section 71 (Certificate of exemption for high-powered vehicles—individual)
  - section 71A (Certificate of exemption for high-powered vehicles—business)
  - section 73 (Certificate of exemption—late night driving)
  - section 159 (Fees)

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

- section 13 (Application for registration), other than section 13(1)(i)
- section 32C (Application to replace number plate with national heavy vehicle number plate)
- section 37 (Accessory plates)
- section 38 (Accessory plate for tow truck)
- section 43 (Renewal of registration)
- section 44 (When surcharge is payable for renewal)
- section 48 (Transfer of registration), other than section 48(2)(c)
- section 54 (Cancellation of registration at registered operator's request)
- section 55A (Cancellation of registration at request of chief executive officer of a local government)
- section 55B (Cancellation of registration at request of the commissioner)
- section 60 (Unregistered vehicle permits)
- section 62 (Registration of dealer plate)

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- section 65 (Cancellation of dealer plates)
- section 101 (Replacing damaged, destroyed, lost or stolen number plates)
- section 101A (Replacing unlawfully copied number plates)
- section 120 (Fees)

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## **Schedule 2      Provisions providing for transport approvals**

section 8

### **Traffic Regulation 1962**

- section 64 (Duration of permit)

### **Transport Operations (Passenger Transport) Regulation 2018**

- section 10 (Term)
- section 33 (Term)

### **Transport Operations (Road Use Management— Accreditation and Other Provisions) Regulation 2015**

- section 10 (Duration of accreditation)
- section 77 (Duration of part 3 approval)
- section 118 (Duration of interlock approval)

### **Transport Operations (Road Use Management— Dangerous Goods) Regulation 2018**

- section 176 (Periods and conditions)
- section 196 (Licence periods)
- section 211 (Licence periods)

### **Transport Operations (Road Use Management—Driver Licensing) Regulation 2010**

- section 24 (Duration of licence)
- section 128 (Non-Queensland driver licence)

**Transport Operations (Road Use Management—Vehicle Registration) Regulation 2010**

- section 60 (Unregistered vehicle permits)
- section 105(1) and (2) (Vehicles temporarily in Queensland)

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

- section 28 (Currency of certificates)

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## Schedule 3      Offences and requirements

### section 11

#### **Tow Truck Regulation 2009**

- section 15(2) or (4) (Change of name, address or postal address)
- section 39(2) (Disposal of tow truck)

#### **Traffic Regulation 1962**

- section 68(2) (Replacement permits)
- section 70(1) (Change of name, address or postal address)

#### **Transport Operations (Road Use Management— Accreditation and Other Provisions) Regulation 2015**

- section 41(2) (Records for registered service provider)
- section 64(2), (4) or (5) (Change of name, address or postal address)
- section 81(1) (Return of documents and things)
- section 142(1) (Return of unused certificates, plates and labels by proprietor of modification business)
- section 143(4) (Document keeping by proprietor of modification business)

#### **Transport Operations (Road Use Management— Dangerous Goods) Regulation 2018**

- section 213(1) or (2) (Disposal of licensed vehicles)
- section 227(2) (Change of information given in licence applications)

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- section 229(2) or (4) (Change of name, address or postal address)
- section 231(2) (Production of licences to chief executive)

**Transport Operations (Road Use Management—Driver Licensing) Regulation 2010**

- section 74D(1) (Holder of certificate of exemption must give notice of change in circumstances)
- section 133(1) or (3) (Change of name, address or postal address)
- section 137(2) (Replacement licence if licence damaged, lost or stolen)
- section 139(2) or (4) (Replacement labels)
- section 140(2) (Replacement driver licence receipt)

**Transport Operations (Road Use Management—Vehicle Registration) Regulation 2010**

- section 20(1), (2) or (3) (Registered operator to notify change of particulars)
- section 31(1) or (2) (Time for attaching number plates)
- section 34(2) (Transfer of personalised number plate)
- section 43(8) (Renewal of registration)
- section 48(1), (3) or (9A) (Transfer of registration)
- section 49(2) (Failure by dealer to apply for transfer of registration)
- section 50(1) or (2) (Transfer of registration under legal process)
- section 57(2) (Cancellation for noncompliance with notice about defective or unsafe vehicle)
- section 58(3), (7), (10B) or (10C) (Cancellation of registration of vehicle or dealer plate)



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- section 65(3) or (6) (Cancellation of dealer plates)
  - section 70(2) (Obligation of insurer to report written-off vehicle)
  - section 71(2) (Obligation of self-insurer to report written-off vehicle)
  - section 72(2) (Obligation of loss adjuster to report written-off vehicle)
  - section 73(2) (Obligation of dealer or auctioneer to report written-off vehicle)
  - section 74(2) (Obligation of auto parts dismantler to report written-off vehicle)
  - section 76(2) (Notifier's obligation to inform registered operator or owner of unregistered vehicle)
  - section 77(4) (Notifier's obligation to attach label to written-off vehicle)
  - section 101(2) (Replacing damaged, destroyed, lost or stolen number plates)
  - section 103(2) (Chief executive may require return of number plates)
  - section 122(4) (Exemption from payment of fee)
  - section 123(6) or (7) (Concessional registration fees—category 1 vehicles)
  - section 124(4) (Concessional registration fees—primary production vehicles)
  - section 125(4) (Concessional registration fee for motorised caravan for card holders and prescribed service persons)
  - section 126(4) (Concessional registration fees for other vehicles)

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

- section 8(4) (Defect notices)

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- section 19(5) or (9) (Inspections by approved examiners for inspection certificate)
- section 20(2) or (3) (Issue of replacement inspection certificate if registration refused)
- section 21(5) or (6) (Reinspection by approved examiners for inspection certificate)