



Queensland

Transport Legislation Amendment Regulation (No. 1) 2016

Subordinate Legislation 2016 No. 72

made under the

State Penalties Enforcement Act 1999

Transport Operations (Road Use Management) Act 1995

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Part 1 Preliminary

1 Short title

This regulation may be cited as the *Transport Legislation Amendment Regulation (No. 1) 2016*.

Part 2 Amendment of Transport Operations (Road Use Management—Vehicle Registration) Regulation 2010

2 Regulation amended

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

3 Amendment of s 13 (Application for registration)

Section 13(1)(g) and (h), ‘Regulation, a’—
omit, insert—

Regulation, prescribed evidence of a

4 Amendment of s 17 (Deciding applications)

Section 17(1)(g), ‘under the *Transport Operations (Road Use Management—Accreditation and Other Provisions) Regulation 2015*’—
omit.

5 Amendment of s 43 (Renewal of registration)

Section 43(1)(f), ‘Regulation—a’—
omit, insert—

Regulation—prescribed evidence of a

6 Amendment of s 48 (Transfer of registration)

(1) Section 48(1)—

omit, insert—

- (1) A person who buys or otherwise acquires a registered vehicle must apply to the chief executive for transfer of the vehicle’s registration within 14 days after acquiring it, unless the person has a reasonable excuse.

Maximum penalty—16 penalty units.

(2) Section 48(2)(e) and (7)(b), ‘required—a’—

omit, insert—

required—prescribed evidence of a

(3) Section 48(6), from ‘and reasonably’ to ‘may—’—

omit, insert—

, the disposer may—

(4) Section 48(9)(d)—

omit.

(5) Section 48—

insert—

- (9A) On receipt of a disposal notice under subsection (6)(b) or otherwise forming a reasonable belief that the acquirer has not applied for transfer of the vehicle’s registration under subsection (1), the chief executive may, by written notice given to the acquirer, require the acquirer to apply for transfer of the vehicle’s registration within 14 days after the notice is given.

(6) Section 48(10), ‘subsection (9)(d)’—

omit, insert—

subsection (9A)

7 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—
 - (a) the information will inform the person about whether the vehicle is, or is not—
 - (i) registered; or
 - (ii) a high-powered vehicle; or
 - (iii) a learner approved motorbike; or
 - (b) the information will inform the person about the vehicle's purpose of use; or
 - (c) the person requires the information to inform himself or herself that the vehicle has, or does not have, a current inspection certificate under the Vehicle Standards and Safety Regulation; or
 - (d) the person is a specified person who requires the information in relation to an inspection certificate or inspection report under the Vehicle Standards and Safety Regulation for the vehicle; or
 - (e) the person is an approved person who requires the information to perform a function of an approved person.

- (2) In this section—

approved person means an approved person

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

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

proprietor of an AIS means a proprietor of an AIS under the *Transport Operations (Road Use Management—Accreditation and Other Provisions) Regulation 2015*.

provide, for vehicle-related information, includes—

- (a) providing the information—
 - (i) electronically; or
 - (ii) orally; and
- (b) allowing a person to access the information.

specified person means—

- (a) a proprietor of an AIS; or
- (b) an approved examiner; or
- (c) a person authorised by a proprietor of an AIS to receive or obtain vehicle-related information.

8 Amendment of sch 8 (Dictionary)

Schedule 8—

insert—

approved examiner see the *Transport Operations (Road Use Management—Accreditation and Other Provisions) Regulation 2015*, schedule 7.

prescribed evidence, of a current inspection certificate under the Vehicle Standards and Safety Regulation, means—

- (a) for a current inspection certificate issued under that regulation using an electronic method—the certificate number of the certificate; or
- (b) otherwise—the current certificate under that regulation.

Part 3

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

9 Regulation amended

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

10 Amendment of s 19 (Inspections by approved examiners for inspection certificate)

- (1) Section 19(6)(c)—

omit, insert—

- (c) for a certificate that is issued manually—the date of issue of the certificate is indicated on the label part of the certificate by punching a hole through the appropriate day and month.

- (2) Section 19(10)—

insert—

sign, an inspection certificate, includes, for a certificate issued electronically, sign using an electronic method that identifies the person signing the certificate and indicates that person's

intention to sign the certificate.

11 Amendment of s 19A (Inspections by approved examiners in special circumstances)

Section 19A—

insert—

(3) In this section—

sign, an inspection certificate, includes, for a certificate issued electronically, sign using an electronic method that identifies the person signing the certificate and indicates that person's intention to sign the certificate.

12 Amendment of s 21 (Reinspection by approved examiners for inspection certificate)

(1) Section 21(5), after 'corrected'—

insert—

and the vehicle is not otherwise defective

(2) Section 21(6)(b)—

omit, insert—

(b) if the inspection certificate that relates to the inspection report was issued manually—mark the certificate as cancelled.

13 Amendment of s 22 (Action more than 14 days after inspection report issued)

Section 22(1)—

omit, insert—

(1) Subsection (1A) applies if—

- (a) a vehicle that is the subject of an inspection report is not returned for reinspection within 14 days after the report was signed; and
 - (b) the inspection report was issued manually.
- (1A) The proprietor of the AIS where the inspection report was issued must mark the inspection certificate that relates to the report as cancelled.
- Maximum penalty—30 penalty units.

14 Amendment of s 23 (SC vehicles for sale—safety certificate requirement)

- (1) Section 23(1) and (2)—

omit, insert—

- (1) The owner of a registered SC vehicle must not offer the vehicle for sale unless—
 - (a) there is a current safety certificate for the vehicle; and
 - (b) the owner complies with subsection (1A).
- Maximum penalty—60 penalty units.
- (1A) The owner of a registered SC vehicle that is for sale must—
- (a) if the current safety certificate for the vehicle is issued manually, ensure—
 - (i) the certificate is attached to, or displayed on, a conspicuous part of the vehicle; and
 - (ii) all of the information stated on the front of the certificate is clearly legible from outside the vehicle; or
 - (b) if the current safety certificate for the vehicle is issued electronically—if asked by a prospective buyer or a buyer’s agent, produce a copy of the safety certificate for

inspection by the prospective buyer or buyer's agent.

- (2) A dealer who is acting for the owner of a registered SC vehicle in relation to its disposal must—
- (a) if the current safety certificate for the vehicle is issued manually, ensure—
- (i) the certificate is attached to, or displayed on, a conspicuous part of the vehicle; and
- (ii) all of the information stated on the front of the certificate is clearly legible from outside the vehicle; or
- (b) if the current safety certificate for the vehicle is issued electronically—if asked by a prospective buyer or buyer's agent, produce a copy of the safety certificate for inspection by the prospective buyer or buyer's agent.

Maximum penalty—60 penalty units.

- (2) Section 23(3), 'Subsection (1) does'—

omit, insert—

Subsections (1) and (1A) do

- (3) Section 23(4), 'Subsection (1) also does'—

omit, insert—

Subsections (1) and (1A) also do

- (4) Section 23(5), definition *safety certificate*—

omit, insert—

buyer's agent means a person assisting, or acting as an agent of, a prospective buyer.

prospective buyer means a person who expresses interest in purchasing the vehicle.

safety certificate means—

- (a) for a certificate issued electronically—a copy of the certificate; or
- (b) otherwise—either the certificate or the label that comprises a safety certificate.

15 Amendment of s 24 (Disposal of registered vehicles—inspection certificate requirement)

Section 24(1)(b)(i) and (ii)—

omit, insert—

- (i) for an SC vehicle—
 - (A) if the certificate was issued electronically—a copy of the certificate or the certificate number; or
 - (B) otherwise—the original and duplicate copies of the certificate; or
- (ii) for a COI vehicle—
 - (A) if the certificate was issued electronically—a copy of the certificate or the certificate number; or
 - (B) otherwise—the original copy of the certificate.

16 Amendment of sch 4 (Dictionary)

(1) Schedule 4—

insert—

issued electronically means issued using an electronic method.

issued manually means issued other than by using an electronic method.

(2) Schedule 4, definition *safety certificate*—

[s 17]

omit, insert—

safety certificate means an inspection certificate issued for an SC vehicle—

- (a) in the approved form; and
- (b) for an inspection certificate issued manually—consisting of a certificate and a label.

Part 4 Amendment of State Penalties Enforcement Regulation 2014

17 Regulation amended

This part amends the *State Penalties Enforcement Regulation 2014*.

18 Amendment of sch 1 (Infringement notice offences and fines for nominated laws)

Schedule 1, entry for *Transport Operations (Road Use Management—Vehicle Standards and Safety) Regulation 2010*, entry for section 22(1), ‘22(1)’—

omit, insert—

22(1A)

ENDNOTES

- 1 Made by the Governor in Council on 16 June 2016.
- 2 Notified on the Queensland legislation website on 17 June 2016.
- 3 The administering agency is the Department of Transport and Main Roads.

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