



Queensland

Transport Legislation Amendment Regulation 2021

Subordinate Legislation 2021 No. 23

made under the

Transport Operations (Road Use Management) Act 1995
Transport Planning and Coordination Act 1994

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[s 1]

Part 1 Preliminary

1 Short title

This regulation may be cited as the *Transport Legislation Amendment Regulation 2021*.

2 Commencement

- (1) The following provisions commence on the commencement of the *Road Vehicle Standards Act 2018* (Cwlth), section 15—
 - (a) part 2, division 3;
 - (b) part 4, division 3;
 - (c) part 5, division 3.
- (2) Part 4, division 2 commences on 1 April 2021.

Part 2 Amendment of Transport Operations (Road Use Management—Accreditation and Other Provisions) Regulation 2015

Division 1 Preliminary

3 Regulation amended

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

Division 2 Amendments commencing on notification

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

(1) Section 73(1)(b)—

omit, insert—

(b) if the application is for the grant or renewal of an AIS approval and the applicant is a person mentioned in section 99(a) to (e)—has a nominee.

(2) Section 73(5)—

omit.

5 Amendment of s 108 (Keeping and maintaining equipment at AIS)

(1) Section 108(1)(a), from ‘equipment’—

omit, insert—

required equipment for the AIS approval; and

(2) Section 108(2), from ‘of the application’—

omit, insert—

of the Business Rules for Approved Inspection Stations before vehicles are inspected at the AIS.

(3) Section 108—

insert—

(3) In this section—

required equipment, for an AIS approval, means equipment stated in the Business Rules for Approved Inspection Stations as being necessary for inspecting vehicles of the type that may be inspected under the AIS approval.

Division 3 Other amendments

6 **Amendment of s 141 (Way of stating GVM—Act, sch 4, definition *GVM*, paragraph (b))**

(1) Section 141(1)(a) to (d)—

omit, insert—

- (a) if the vehicle does not have a compliance plate—stated for the vehicle in the RAV; or
- (b) if the vehicle does not have a compliance plate and the maximum loaded mass is not stated for the vehicle in the RAV—stated in writing by the vehicle’s manufacturer; or
- (c) if the vehicle has a compliance plate but the GVM is not stated on the compliance plate or is illegible—stated in writing by the vehicle’s manufacturer; or
- (d) if the maximum loaded mass is not stated in a way mentioned in paragraph (a), (b) or (c) and the vehicle is registered in Queensland—stated in the vehicle’s registration certificate issued under the Act; or
- (e) if the maximum loaded mass is not stated in a way mentioned in paragraph (a), (b) or (c) and the vehicle is registered in another State—stated in writing by the entity responsible for registering the vehicle in that State.

(2) Section 141(3)—

insert—

RAV means the Register of Approved Vehicles under the *Road Vehicle Standards Act 2018* (Cwlth).

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 63B (Approved interlocks)

Section 63B, third and fourth dot points—
omit.

9 Insertion of new pt 19, div 10

Part 19—
insert—

Division 10 Transitional provision for Transport Legislation Amendment Regulation 2021

185 Former approved interlocks

- (1) This section applies if, before the commencement, a person satisfied section 91N(1)(a) of the Act for a period because the person had a nominated vehicle fitted with a former approved interlock.
- (2) The period continues to be a period for which the person has satisfied section 91N(1)(a) of the Act.
- (3) In this section—

former approved interlock means an interlock that was an approved interlock before the commencement but is not an approved interlock on the commencement.

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

Division 1 Preliminary

10 Regulation amended

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

Division 2 Amendments commencing on 1 April 2021

11 Amendment of s 45 (Registration term if overpayment or underpayment of registration-related amount and any surcharge)

Section 45(7)—

omit, insert—

(7) The chief executive must—

- (a) if subsection (3) applies—notify the applicant that the amount paid is being refunded because it is below the minimum amount required to enable renewal of registration; or

- (b) otherwise—give the applicant, or otherwise make available to the applicant, a notice stating the term of registration for the vehicle.

Division 3 Other amendments

12 Amendment of s 10 (Proof of compliance with vehicle law)

Section 10(1)—

insert—

- (c) an entry for the vehicle in the RAV.

13 Amendment of sch 8 (Dictionary)

- (1) Schedule 8, definitions *Australian Design Rule* and *GCM*—
omit.

- (2) Schedule 8—

insert—

Australian Design Rule means a national road vehicle standard under the *Road Vehicle Standards Act 2018* (Cwlth).

certificate of modification means—

- (a) for the modification of a heavy vehicle—a certificate approving the modification given, or taken to have been given, under the Heavy Vehicle National Law (Queensland), section 86(2)(a) or 87(3)(a) or a corresponding law; or

Note—

See the Heavy Vehicle National Law (Queensland), section 748 for things taken to have effect under that Law.

- (b) for the modification of a light vehicle—a certificate of modification under the Vehicle Standards and Safety Regulation for the modification.

GCM (gross combination mass)—

1 The *GCM* of a motor vehicle is the maximum loaded mass for the motor vehicle and any vehicles it may lawfully tow—

- (a) stated for the motor vehicle in the RAV; or

- (b) if the maximum loaded mass is not stated in the way mentioned in paragraph (a)—

- (i) stated on the motor vehicle’s compliance plate; or

- (ii) if the motor vehicle does not have a compliance plate or the maximum loaded mass is not stated on the compliance plate or is illegible—

- (A) stated by the motor vehicle’s manufacturer in another place; or

- (B) if the motor vehicle’s manufacturer can not be identified—stated by the chief executive or the corresponding authority under a corresponding law to the Act.

2 However, if a motor vehicle has been modified, the *GCM* of the motor vehicle is the maximum loaded mass for the motor vehicle and any vehicles it may lawfully tow—

-
- (a) stated on the certificate of modification or modification plate for the modification; or
 - (b) if the maximum loaded mass is not stated in the way mentioned in paragraph (a)—stated by the chief executive or the corresponding authority under a corresponding law to the Act; or
 - (c) if the maximum loaded mass is not stated in any of the ways mentioned in paragraph (a) or (b)—applying to the motor vehicle under paragraph 1.

modification plate means—

- (a) for the modification of a heavy vehicle—a plate or label relating to the modification fitted or affixed, or taken to have been fitted or affixed, to the vehicle under the Heavy Vehicle National Law (Queensland), section 86(2)(b) or 87(3)(b) or a corresponding law; or

Note—

See the Heavy Vehicle National Law (Queensland), section 748 for things taken to have effect under that Law.

- (b) for the modification of a light vehicle—a modification plate for the modification under the Vehicle Standards and Safety Regulation.

RAV means the Register of Approved Vehicles under the *Road Vehicle Standards Act 2018* (Cwlth).

- (3) Schedule 8, definition *MRC*, before paragraph (a)—

insert—

- (aa) stated in the RAV as the GVM, GTMR or ATM of the vehicle; or
- (4) Schedule 8, definition *MRC*, paragraph (a), before ‘shown’—
insert—
if the maximum permissible mass of the vehicle and its load is not stated as mentioned in paragraph (a)—
- (5) Schedule 8, definition *MRC*, paragraph (b), ‘for a vehicle without a compliance plate’—
omit, insert—
if the maximum permissible mass of the vehicle and its load is not stated or shown as mentioned in paragraph (a) or (b)
- (6) Schedule 8, definition *MRC*, paragraphs (aa) to (b)—
renumber as paragraphs (a) to (c).

Part 5

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

Division 1

Preliminary

14

Regulation amended

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

Division 2 Amendments commencing on notification

15 Amendment of sch 1, s 9 (Exception to compliance with ADRs—vehicles that are not road vehicles)

Schedule 1, section 9, from ‘if a’—

omit, insert—

if—

- (a) a determination or declaration under the repealed *Motor Vehicle Standards Act 1989* (Cwlth), section 5B provided that the vehicle is not a road vehicle for that Act; or
- (b) a determination under the *Road Vehicle Standards Act 2018* (Cwlth), section 6(5)(b) or (6)(b) provides that the vehicle is not a road vehicle for that Act.

Division 3 Other amendments

16 Amendment of sch 1, s 2 (Non-application of standards—Motor Vehicle Standards Act approvals)

(1) Schedule 1, section 2, heading, from ‘Motor’—

omit, insert—

vehicles subject to particular approvals

(2) Schedule 1, section 2(c) and (d)—

omit, insert—

(c) despite the noncompliance—

- (i) an approval was given under the repealed *Motor Vehicle Standards Act 1989* (Cwlth), section 10A(2) or (3) for identification plates to be placed on vehicles of that type; or

- (ii) an approval is given under the *Road Vehicle Standards (Consequential and Transitional Provisions) Act 2018* (Cwlth), schedule 3, item 4(2) or 6(2) in relation to vehicles of that type; or
- (iii) the vehicle satisfied the requirements of an entry pathway under the *Road Vehicle Standards Act 2018* (Cwlth), section 15 and is entered on the RAV; and
- (d) the vehicle complies with any conditions of the relevant approval.

17 Replacement of sch 1, ss 3 and 4

Schedule 1, sections 3 and 4—

omit, insert—

3 What is an *ADR*

An *ADR* is—

- (a) a second edition *ADR*; or
- (b) a third edition *ADR*.

18 Replacement of sch 1, s 6 (What is a *third edition ADR*)

Schedule 1, section 6—

omit, insert—

6 What is a *third edition ADR*

A *third edition ADR* is—

- (a) a national standard under the repealed *Motor Vehicle Standards Act 1989* (Cwlth) before its repeal; or
- (b) a national road vehicle standard under the *Road Vehicle Standards Act 2018* (Cwlth).

19 Amendment of sch 1, s 10 (Exception to compliance with ADRs—Motor Vehicle Standards Act)

(1) Schedule 1, section 10, heading, from ‘Motor’—

omit, insert—

vehicles subject to particular approvals

(2) Schedule 1, section 10(1)(a) and (b)—

omit, insert—

(a) despite noncompliance with the ADR—

(i) an approval was given under the repealed *Motor Vehicle Standards Act 1989* (Cwlth), section 10A(2) or (3) to place identification plates on vehicles of that type; or

(ii) an approval is given under the *Road Vehicle Standards (Consequential and Transitional Provisions) Act 2018* (Cwlth), schedule 3, item 4(2) or 6(2) in relation to vehicles of that type; and

(b) the vehicle complies with any conditions of the approval.

(3) Schedule 1, section 10(2)(a) and (b)—

omit, insert—

(a) either—

(i) the vehicle was permitted to be supplied to the market under an approval given under the repealed *Motor Vehicle Standards Act 1989* (Cwlth), section 14A(1); or

(ii) an approval is given under the *Road Vehicle Standards (Consequential and Transitional Provisions) Act 2018* (Cwlth), schedule 3, item 11(2) in relation to the vehicle; and

- (b) the vehicle complies with any conditions of the approval.
- (4) Schedule 1, section 10(3)(a) and (b)—
- omit, insert—*
- (a) the vehicle was permitted to be used in transport in Australia under an approval given under the repealed *Motor Vehicle Standards Act 1989* (Cwlth), section 15(2); and
 - (b) the vehicle complies with any conditions of the approval.

20 Insertion of new sch 1, s 10A

Schedule 1—

insert—

10A Exception to compliance with ADRs—particular vehicles on RAV

A vehicle need not comply with an ADR applied by section 7(1) or 8(1) if—

- (a) the vehicle satisfied the requirements of an entry pathway under the *Road Vehicle Standards Act 2018* (Cwlth), section 15(2); and
- (b) despite noncompliance with the ADR, the vehicle is entered on the RAV.

21 Amendment of sch 1, s 11 (Partial exception to compliance with ADRs—personally imported vehicles)

Schedule 1, section 11(4), definition *personally imported vehicle*, from ‘under’—

omit, insert—

by a person who—

-
- (a) before the vehicle was imported into Australia, owned and used the vehicle for a continuous period of at least—
 - (i) if the vehicle was owned by the person before 9 May 2000—3 months; or
 - (ii) otherwise—1 year; and
 - (b) has—
 - (i) if the vehicle was imported before the repeal of the repealed *Motor Vehicle Standards Act 1989* (Cwlth)—undertaken to comply with any requirements relating to road safety imposed for the vehicle under the repealed *Motor Vehicle Standards Regulations 1989* (Cwlth); or
 - (ii) if the vehicle is imported during the transitional period under the *Road Vehicle Standards (Consequential and Transitional Provisions) Act 2018* (Cwlth)—undertaken to comply with any requirements relating to road safety applying to the vehicle under that Act; or
 - (iii) otherwise—complied with the rules made under the *Road Vehicle Standards Act 2018* (Cwlth) in relation to the vehicle.

22 Amendment of sch 1, s 12 (Attaching compliance or identification plates)

- (1) Schedule 1, section 12(4)(a), after ‘under the’—
insert—
repealed
- (2) Schedule 1, section 12(4)(a), after ‘(Cwlth)’—

insert—

or the *Road Vehicle Standards (Consequential and Transitional Provisions) Act 2018* (Cwlth), schedule 3, part 4,

- (3) Schedule 1, section 12(4)(b), after ‘section 14’—

insert—

of this regulation

- (4) Schedule 1, section 12(4)—

insert—

(c) entered on the RAV.

23 Amendment of sch 1, s 13 (What is an adopted standard)

Schedule 1, section 13, ‘a national standard’—

omit, insert—

an ADR

24 Amendment of sch 1, s 132 (Meaning of certified to ADR 83/00)

Schedule 1, section 132, from ‘if approval’—

omit, insert—

if—

(a) approval has been given to place identification plates showing compliance with ADR 83/00 on vehicles of that type under—

(i) the repealed *Motor Vehicle Standards Act 1989* (Cwlth), section 10A; or

(ii) the *Road Vehicle Standards (Consequential and Transitional Provisions) Act 2018* (Cwlth), schedule 3, item 4(2) or 6(2); or

-
- (b) the vehicle—
 - (i) has satisfied the requirements of an entry pathway under the *Road Vehicle Standards Act 2018* (Cwlth), section 15(2), including compliance with ADR 83/00; and
 - (ii) is entered on the RAV.

25 Amendment of sch 4 (Dictionary)

- (1) Schedule 4, definitions *GCM* and *national standard*—
omit.
- (2) Schedule 4—
insert—

GCM (gross combination mass)—

- 1 The *GCM* of a motor vehicle is the maximum loaded mass for the motor vehicle and any vehicles it may lawfully tow—
 - (a) stated for the motor vehicle in the RAV;
or
 - (b) if the maximum loaded mass is not stated in the way mentioned in paragraph (a)—
 - (i) stated on the motor vehicle’s compliance plate; or
 - (ii) if the motor vehicle does not have a compliance plate or the maximum loaded mass is not stated on the compliance plate or is illegible—
 - (A) stated by the motor vehicle’s manufacturer in another place; or

- (B) if the motor vehicle's manufacturer can not be identified—stated by the registration authority for the motor vehicle.
- 2 However, if a motor vehicle has been modified, the *GCM* of the motor vehicle is the maximum loaded mass for the motor vehicle and any vehicles it may lawfully tow—
- (a) stated on the relevant certificate or relevant plate for the modification; or
 - (b) if the maximum loaded mass is not stated in the way mentioned in paragraph (a)—stated by the registration authority for the motor vehicle; or
 - (c) if the maximum loaded mass is not stated in any of the ways mentioned in paragraph (a) or (b)—applying to the motor vehicle under paragraph 1.

RAV means the Register of Approved Vehicles under the *Road Vehicle Standards Act 2018* (Cwlth).

relevant certificate, for a modification of a motor vehicle, means—

- (a) if the vehicle is registered in Queensland—a certificate of modification for the modification; or
- (b) if the vehicle is registered in another State—a certificate approving the modification given under a corresponding law to section 13(3)(a).

relevant plate, for a modification of a motor vehicle, means—

- (a) if the vehicle is registered in Queensland—a modification plate for the modification; or
 - (b) if the vehicle is registered in another State—a plate relating to the modification attached to the vehicle under a corresponding law to section 13(3)(b).
- (3) Schedule 4, definition *identification plate*, after ‘by the’—
insert—
repealed

Part 6 Amendment of Transport Planning and Coordination Regulation 2017

26 Regulation amended

This part amends the *Transport Planning and Coordination Regulation 2017*.

27 Insertion of new ss 11B and 11C

After section 11A—

insert—

11B Relevant Act—Act, s 29AB

For section 29AB of the Act, definition *relevant Act*, each of the following Acts is prescribed to be a relevant Act—

- (a) the *Photo Identification Card Act 2008*;
- (b) the *Transport Operations (Marine Safety) Act 1994*;
- (c) the *Transport Operations (Road Use Management) Act 1995*.

[s 27]

11C Relevant authority—Act, s 29AB

For section 29AB of the Act, definition *relevant authority*, paragraph (a), each of the following authorities is prescribed as a relevant authority—

- (a) a photo identification card under the *Photo Identification Card Act 2008*;
- (b) a personal watercraft licence granted under the *Transport Operations (Marine Safety) Regulation 2016*, section 61;
- (c) a recreational marine driver licence granted under the *Transport Operations (Marine Safety) Regulation 2016*, section 61;
- (d) a Queensland driver licence under the *Transport Operations (Road Use Management) Act 1995*.

ENDNOTES

- 1 Made by the Governor in Council on 25 March 2021.
- 2 Notified on the Queensland legislation website on 26 March 2021.
- 3 The administering agency is the Department of Transport and Main Roads.

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