



Queensland

Transport Legislation Amendment Regulation 2022

Subordinate Legislation 2022 No. 20

made under the

Transport Operations (Marine Safety) Act 1994

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 2022*.

2 Commencement

- (1) Section 7 commences on 1 September 2022.
- (2) Part 3 commences on 26 March 2022.

Part 2 Amendment of Transport Operations (Marine Safety) Regulation 2016

3 Regulation amended

This part amends the *Transport Operations (Marine Safety) Regulation 2016*.

Note—

See also the amendments in schedule 1.

4 Replacement of s 25 (Expiry date and service requirement for particular safety equipment)

Section 25—

omit, insert—

25 Expiry date and service requirement for particular safety equipment

- (1) This section applies if a Queensland regulated ship is required by this regulation to be equipped with any of the following safety equipment—
 - (a) an EPIRB;

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- (b) a lifejacket level 50, a lifejacket level 50S, or a lifejacket level 100, that is inflatable;
 - (c) a fire extinguisher;
 - (d) a compliant handheld red flare;
 - (e) a compliant handheld orange smoke signal.
- (2) For this chapter, the Queensland regulated ship is taken to be equipped with the safety equipment mentioned in subsection (1)(a), (c), (d) or (e) only if—
- (a) the equipment shows a legible expiry date, however described, for the equipment; and
 - (b) at the relevant time—
 - (i) the expiry date has not passed; and
 - (ii) the equipment is in good working order; and
 - (iii) the equipment has been serviced by the manufacturer, or the manufacturer's authorised service agent, in accordance with the manufacturer's requirements for servicing the equipment.
- (3) For this chapter, the Queensland regulated ship is taken to be equipped with a lifejacket mentioned in subsection (1)(b) only if—
- (a) the lifejacket shows a legible expiry date, however described, for the lifejacket; and
 - (b) at the relevant time—
 - (i) the expiry date has not passed; and
 - (ii) the lifejacket is in good working order; and
 - (iii) each service of the lifejacket complies with the relevant servicing requirements for the lifejacket.

(4) In this section—

relevant servicing requirements, for a lifejacket mentioned in subsection (1)(b), means—

(a) if the manufacturer's requirements for servicing the lifejacket provide for the servicing of the lifejacket by, and the lifejacket is serviced by, a person other than the manufacturer or the manufacturer's authorised service agent—

(i) the lifejacket is serviced in accordance with the manufacturer's requirements; and

(ii) the date of the service is marked on the lifejacket in the required way; or

(b) otherwise—

(i) the lifejacket is serviced by the manufacturer or the manufacturer's authorised service agent in accordance with the manufacturer's requirements for servicing the lifejacket; and

(ii) the date of the service is marked on the lifejacket in the required way, or a record of the service is shown to a shipping inspector within 72 hours after a shipping inspector inspects the lifejacket.

Example of a record of a service that may be shown to a shipping inspector—

a certificate or receipt for the service given by the manufacturer or the manufacturer's authorised service agent

required way, for marking the date of a service on a lifejacket, means—

(a) if the manufacturer's requirements for servicing the lifejacket require the date of

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the service to be marked on the lifejacket—the date is marked on the lifejacket in accordance with the requirements; or

- (b) otherwise—the month and year of the service is permanently and legibly marked on a readily accessible part of the lifejacket’s bladder, opposite the firing mechanism, in the format ‘MM–YY’.

Example for paragraph (b)—

If the lifejacket is serviced on 13 January 2022, the date of the service is marked as ‘01–22’.

5 Amendment of s 31 (Imposition of conditions on registration of prescribed other Queensland regulated ship)

Section 31(3), ‘with section 25(2).’—

omit, insert—

with—

- (a) for the equipment mentioned in section 25(1)(b)—section 25(3)(a) and (b); or
(b) otherwise—section 25(2)(a) and (b).

6 Amendment of sch 1 (Coastal bars)

Schedule 1, before entry for Currumbin Bar—

insert—

Bribie Island Bar

the passage of water between the northern and southern parts of Bribie Island in the vicinity of where Pumicestone Channel (commonly known as Pumicestone Passage) and the Coral Sea meet

7 Amendment of sch 9 (Dictionary)

- (1) Schedule 9, definitions *lifejacket level 50*, *lifejacket level 50S* and *lifejacket level 100*—

omit.

- (2) Schedule 9—

insert—

lifejacket level 50 means a lifejacket that—

- (a) is classified as level 50 under AS 4758 (Lifejackets) as in force when the lifejacket is manufactured; and
- (b) has the symbol ‘50’ marked on it by the manufacturer to show the classification.

lifejacket level 50S means a lifejacket that—

- (a) is classified as level 50S under AS 4758 (Lifejackets) as in force when the lifejacket is manufactured; and
- (b) has the symbol ‘50S’ marked on it by the manufacturer to show the classification.

lifejacket level 100 means—

- (a) a lifejacket that—
 - (i) complies with the requirements for the lifejacket under SOLAS as in force when the lifejacket is manufactured; and
 - (ii) has the symbol ‘SOLAS’ marked on it by the manufacturer to show the lifejacket complies with the requirements; or
- (b) a lifejacket that—
 - (i) complies with the requirements for the lifejacket under the NSCV, part C, section 7, subsection 7A, annex G; and

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- (ii) has the symbol '150' marked on it by the manufacturer to show the lifejacket complies with the requirements; or
- (c) a lifejacket that—
 - (i) is classified as level 100 under AS 4758 (Lifejackets) as in force when the lifejacket is manufactured; and
 - (ii) has the symbol '100' marked on it by the manufacturer to show the classification; or
- (d) a lifejacket that—
 - (i) is classified as level 150 under AS 4758 (Lifejackets) as in force when the lifejacket is manufactured; and
 - (ii) has the symbol '150' marked on it by the manufacturer to show the classification; or
- (e) a lifejacket that—
 - (i) is classified as level 275 under AS 4758 (Lifejackets) as in force when the lifejacket is manufactured; and
 - (ii) has the symbol '275' marked on it by the manufacturer to show the classification.

Part 3 Amendment of Transport Operations (Road Use Management—Vehicle Standards and Safety) Regulation 2021

8 Regulation amended

This part amends the *Transport Operations (Road Use Management—Vehicle Standards and Safety) Regulation 2021*.

Note—

See also the amendments in schedule 1.

9 Amendment of s 70 (What is a *COI vehicle*)

(1) Section 70(1)(b) to (d)—

omit, insert—

(b) a light vehicle that is—

(i) a booked hire vehicle, limousine or taxi; or

(ii) another vehicle used to provide a public passenger service; or

(iii) a tow truck licensed under the *Tow Truck Act 1973*.

(2) Section 70(2)—

omit, insert—

(2) However, a concessionally registered ambulance vehicle is not a *COI vehicle*.

(3) Section 70(4)—

insert—

concessionally registered ambulance vehicle

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means a vehicle that is—

- (a) an ambulance vehicle under the *Transport Operations (Road Use Management—Vehicle Registration) Regulation 2021*; and
- (b) concessionally registered under that regulation.

10 Amendment of sch 2 (Exempt areas)

Schedule 2, item 4, ‘3.5t’—

omit, insert—

4.5t

11 Amendment of sch 3 (Fees)

Schedule 3, items 1(c) and 2(f), ‘3.5t’—

omit, insert—

4.5t

Part 4 Other amendments

12 Legislation amended

Schedule 1 amends the legislation it mentions.

Schedule 1 Other amendments

section 12

Transport Operations (Marine Safety) Regulation 2016

1 Section 22(a), from ‘a lifejacket level 100’—

omit, insert—

- (i) a lifejacket level 50; or
- (ii) a lifejacket level 50S; or
- (iii) a lifejacket level 100; or
- (iv) a compliant inflatable diver’s jacket;

2 Section 22(b)(i), from ‘a lifejacket level 100’—

omit, insert—

- (A) a lifejacket level 50; or
- (B) a lifejacket level 100; or
- (C) a compliant inflatable diver’s jacket; or

3 Section 22(c)(i), ‘50S’—

omit, insert—

a lifejacket level 50S

**4 Section 23(4), definition *custom-made lifejacket*,
paragraph (a)(i) to (iii)—**

omit, insert—

- (i) for a custom-made lifejacket that is used in place of a lifejacket level 50—a lifejacket level 50; or
- (ii) for a custom-made lifejacket that is used in place of a lifejacket level 50S—a lifejacket level 50S; or
- (iii) for a custom-made lifejacket that is used in place of a lifejacket level 100—a lifejacket level 100; and

5 Section 199(1) and (3)(a), ‘50S or 100’—

omit, insert—

lifejacket level 50S or lifejacket level 100

Transport Operations (Road Use Management—Vehicle Standards and Safety) Regulation 2021

1 Schedule 1, heading, note, ‘Counsels’—

omit, insert—

Counsel’s

2 Schedule 1, section 144A(2)(d), ‘uppercase’—

omit, insert—

upper case

3 Schedule 1, section 144B(2)(d), ‘uppercase’—

omit, insert—

upper case

ENDNOTES

- 1 Made by the Governor in Council on 17 March 2022.
- 2 Notified on the Queensland legislation website on 18 March 2022.
- 3 The administering agency is the Department of Transport and Main Roads.

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