



Queensland

Transport Legislation Amendment Regulation 2023

Subordinate Legislation 2023 No. 4

made under the

Transport Infrastructure Act 1994

Transport Operations (Marine Safety) Act 1994

Transport Operations (Road Use Management) Act 1995

Transport Planning and Coordination Act 1994

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Part 1 Preliminary

1 Short title

This regulation may be cited as the *Transport Legislation Amendment Regulation 2023*.

2 Commencement

Part 2, division 3 commences on 1 March 2023.

Part 2 Amendment of Transport Operations (Road Use Management—Driver Licensing) Regulation 2021

Division 1 Preliminary

3 Regulation amended

This regulation amends the *Transport Operations (Road Use Management—Driver Licensing) Regulation 2021*.

Division 2 Amendments commencing on notification

4 Amendment of s 390 (Fees)

Section 390—

insert—

- (3) However, despite subsection (2), the fee payable for the renewal of a learner licence is—

[s 5]

- (a) for a term that starts before 1 March 2023—the fee mentioned in schedule 7, item 4(a); or
- (b) for a term that starts on or after 1 March 2023—the fee mentioned in schedule 7, item 4(b).

5 Amendment of sch 7 (Fees)

- (1) Schedule 7, item 4(a), column 1, after ‘years’—

insert—

that starts before 1 March 2023

- (2) Schedule 7, item 4—

insert—

- (aa) for the grant or renewal of the licence for a term of 3 years that starts on or after 1 March 2023 73.18

- (3) Schedule 7, item 4(aa) and (b)—

renumber as schedule 7, item 4(b) and (c).

Division 3 Amendments commencing on 1 March 2023

6 Omission of s 398 (Reduced fees for grants of particular class C learner licences)

Section 398—

omit.

7 Amendment of s 390 (Fees)

Section 390(3)—

omit, insert—

- (3) However, despite subsection (2), the fee payable for the renewal of a learner licence for a term that starts on or after 1 March 2023 but before 1 July 2023 is the fee mentioned in schedule 7, item 4(a).
- (4) Subsection (3) and this subsection expire on 1 July 2023.

8 Amendment of sch 7 (Fees)

- (1) Schedule 7, item 4(a) and (b)—
omit, insert—
 - (a) for the grant or renewal of the licence for a term of 3 years 73.18
- (2) Schedule 7, item 4(c)—
renumber as schedule 7, item 4(b).

Part 3 Amendment of Transport Operations (Road Use Management—Road Rules) Regulation 2009

9 Regulation amended

This regulation amends the *Transport Operations (Road Use Management—Road Rules) Regulation 2009*.

10 Amendment of s 300 (Use of mobile phones)

Section 300(5), definition *mobile phone—*
omit, insert—

mobile phone—

- (a) includes a mobile phone—

- (i) whose telephone function is not capable of being used; or

Example for subparagraph (i)—

a mobile phone whose telephone function is not capable of being used because the phone does not have a SIM card or other means of connecting to a cellular radio system

- (ii) that is being used for a function other than its telephone function; but

Example for subparagraph (ii)—

a smartphone being used as a music player or camera

- (b) does not include a CB radio or any other two-way radio.

Part 4 **Amendment of Transport Operations (Road Use Management—Vehicle Registration) Regulation 2021**

11 **Regulation amended**

This regulation amends the *Transport Operations (Road Use Management—Vehicle Registration) Regulation 2021*.

12 **Amendment of s 132 (Applying for personalised number plates)**

- (1) Section 132, heading—

omit, insert—

132 Personalised number plates given on application or sale

- (2) Section 132(4), from ‘, in’ to ‘plate,’—

omit.

Part 5 Amendment of Transport Planning and Coordination Regulation 2017

13 Regulation amended

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

14 Amendment of pt 2A, hdg (Access to transport information database)

Part 2A, heading, ‘database’—

omit, insert—

databases

15 Insertion of new pt 2A, div 1, hdg

Part 2A—

insert—

**Division 1 Access relating to
 performing SPER
 functions**

16 Amendment of s 9 (Definitions for part)

(1) Section 9, heading, ‘part’—

omit, insert—

division

(2) Section 9, ‘this part’—

omit, insert—

this division

[s 17]

17 Amendment of s 10 (Operation and application of part)

- (1) Section 10, heading, ‘part’—

omit, insert—

division

- (2) Section 10, ‘This part’—

omit, insert—

This division

18 Insertion of new pt 2A, div 2

Part 2A—

insert—

**Division 2 Access to marine
transport information
databases**

10C Definitions for division

In this division—

authorised person, of a prescribed agency—

- (a) means an individual, or a member of a class of individuals, employed or otherwise engaged by the prescribed agency; and
- (b) for the Queensland Police Service—includes a police officer of the Queensland Police Service; and
- (c) for the NSW Police Force—includes a police officer of the NSW Police Force.

marine transport information database means—

- (a) a transport information database kept for the *Transport Operations (Marine Safety) Act 1994*; or

-
- (b) a transport information database kept for the *Transport Infrastructure Act 1994* relating to—
- (i) the management of public marine facilities under chapter 15, part 1 of that Act; or
 - (ii) the management of waterways under chapter 15, part 2 of that Act.

prescribed agency means any of the following—

- (a) the Australian Maritime Safety Authority established under the *Australian Maritime Safety Authority Act 1990* (Cwlth);
- (b) the department in which the *Environmental Protection Act 1994* is administered;
- (c) the department in which the *Fisheries Act 1994* is administered;
- (d) the Gold Coast Waterways Authority established under the *Gold Coast Waterways Authority Act 2012*;
- (e) the Great Barrier Reef Marine Park Authority established under the *Great Barrier Reef Marine Park Act 1975* (Cwlth);
- (f) Transport for New South Wales constituted under the *Transport Administration Act 1988* (NSW);
- (g) the NSW Police Force;
- (h) the Queensland Police Service.

10D Operation and application of division

- (1) This division authorises the disclosure and use of particular information for—
 - (a) the *Transport Operations (Marine Safety) Act 1994*, section 205AC(2)(b)(i); and

[s 18]

- (b) the *Transport Infrastructure Act 1994*, sections 104(2)(b)(i) and 105ZN(2)(b)(i).
- (2) This division applies to the extent the disclosure or use of the information is not already required or permitted under the Acts mentioned in subsection (1) or another law.

10E Disclosure and use of marine transport information database

- (1) The chief executive may disclose information in a marine transport information database to an authorised person of a prescribed agency to enable the person to use the information for a purpose—
 - (a) for which the agency is authorised to use the information under a law of the Commonwealth or a State; or
 - (b) consistent with the agency's functions under a law of the Commonwealth or a State.
- (2) Without limiting subsection (1), the chief executive may disclose the information to the authorised person by allowing the person to directly access the marine transport information database.
- (3) The chief executive may disclose the information to the person on the conditions the chief executive considers appropriate.

10F Restriction on use of information

- (1) This section applies to an authorised person to whom information is disclosed by the chief executive under section 10E.
- (2) The authorised person must not use the information—

- (a) other than for a purpose mentioned in section 10E(1); or
- (b) in contravention of a condition imposed by the chief executive under section 10E(3).

Maximum penalty—20 penalty units.

19 Amendment of sch 1 (Dictionary)

(1) Schedule 1, definition *authorised person*—
omit.

(2) Schedule 1—
insert—

authorised person—

- (a) for part 2A, division 1, see section 9; or
- (b) for part 2A, division 2, see section 10C.

marine transport information database, for part 2A, division 2, see section 10C.

NSW Police Force means the NSW Police Force established under the *Police Act 1990* (NSW).

prescribed agency, for part 2A, division 2, see section 10C.

public marine facility see the *Transport Infrastructure Act 1994*, schedule 6.

(3) Schedule 1, definitions *service contractor*, *service subcontractor*, *SPER* and *SPER official*, after ‘2A,’—
insert—

division 1,

ENDNOTES

- 1 Made by the Governor in Council on 9 February 2023.
- 2 Notified on the Queensland legislation website on 10 February 2023.
- 3 The administering agency is the Department of Transport and Main Roads.

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