



Queensland

Transport Operations (Road Use Management—Vehicle Registration) and Other Legislation Amendment Regulation 2023

Subordinate Legislation 2023 No. 83

made under the

State Penalties Enforcement Act 1999

Tow Truck Act 1973

Transport Operations (Road Use Management) Act 1995

Contents

		Page
Part 1	Preliminary	
1	Short title	4
Part 2	Amendment of State Penalties Enforcement Regulation 2014	
2	Regulation amended	4
3	Amendment of sch 1 (Infringement notice offences and fines for nominated laws)	4
Part 3	Amendment of Tow Truck Regulation 2009	
4	Regulation amended	5
5	Amendment of s 13 (Application by holder for replacement document) 5	
Part 4	Amendment of Traffic Regulation 1962	
6	Regulation amended	6
7	Amendment of s 172 (Relevant drugs prescribed)	6
8	Amendment of s 186 (Device approved for Act, s 80(1), definition saliva test)	6
Part 5	Amendment of Transport Operations (Road Use Management—Accreditation and Other Provisions) Regulation 2015	
9	Regulation amended	7

Contents

10	Amendment of s 60 (Application by accredited person for replacement accreditation document)	7
Part 6	Amendment of Transport Operations (Road Use Management—Driver Licensing) Regulation 2021	
11	Regulation amended	8
12	Insertion of new s 367A	8
	367A Replacement Queensland driver licences if data breach	8
13	Amendment of sch 7 (Fees)	9
Part 7	Amendment of Transport Operations (Road Use Management—Vehicle Registration) Regulation 2021	
14	Regulation amended	9
15	Amendment of s 118 (Position, visibility and legibility of number plates)	9
16	Insertion of new pt 6, div 6A	10
	Division 6A Approval for modified number of number plates	
	142A Application for approval to modify number of number plates	10
17	Insertion of new pt 14, div 2A	11
	Division 2A Recognised primary producers and nominated primary producers	
	228A Meaning of recognised primary producer and nominated primary producer	12
	228B Application to be a recognised primary producer . . .	12
	228C Deciding application to be a recognised primary producer	12
	228D Application to nominate a recognised primary producer	13
	228E Deciding application to nominate a recognised primary producer	13
	228F Notices and details recorded in the register	14
18	Replacement of s 233 (Primary producers—farm plate vehicles and heavy primary production vehicles)	15
	233 Recognised primary producers and primary producers	15
19	Replacement of s 241 (Use of particular concessionally registered heavy primary production vehicles)	15
	241 Use of restricted primary production vehicles	15
20	Amendment of s 243 (Notification requirements for registered operators of concessionally registered vehicles)	16
21	Insertion of new s 243A	16
	243A Notification requirements for registered operators of relevant vehicles and nominated primary producers	16

22	Insertion of new pt 15, div 3	17
	Division 3 Transitional provision for Transport Operations (Road Use Management—Vehicle Registration) and Other Legislation Amendment Regulation 2023	
	258 Existing registered operators of heavy primary production vehicles	18
23	Amendment of sch 5, s 3 (Vehicle used only in particular areas)	18
24	Amendment of sch 8 (Dictionary)	19
Part 8	Amendment of Transport Operations (Road Use Management—Vehicle Standards and Safety) Regulation 2021	
25	Regulation amended	20
26	Amendment of sch 1, s 15 (Application to vehicle or coupling complying with inconsistent ADR requirement)	20
27	Amendment of sch 1, s 16 (Non-application to vehicles subject to particular approvals)	20
28	Amendment of sch 1, s 24A (Vehicles subject to particular approvals etc. under Road Vehicle Standards Act 2018 (Cwlth))	21
29	Amendment of sch 1, pt 4, hdg (General Safety requirements)	21
30	Amendment of sch 1, s 26 (Steering)	21
31	Insertion of new sch 1, s 29A	22

Part 1 Preliminary

1 Short title

This regulation may be cited as the *Transport Operations (Road Use Management—Vehicle Registration) and Other Legislation Amendment Regulation 2023*.

Part 2 Amendment of State Penalties Enforcement Regulation 2014

2 Regulation amended

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

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

(1) Schedule 1, entry for *Transport Operations (Road Use Management—Vehicle Registration) Regulation 2021*, entry for section 241—

omit.

(2) Schedule 1, entry for *Transport Operations (Road Use Management—Vehicle Registration) Regulation 2021*—

insert—

s 241(1)	6 ² / ₅	6 ² / ₅
s 243A(2)	6 ² / ₅	6 ² / ₅

Part 3 **Amendment of Tow Truck Regulation 2009**

4 **Regulation amended**

This part amends the *Tow Truck Regulation 2009*.

5 **Amendment of s 13 (Application by holder for replacement document)**

(1) Section 13(1)—

insert—

(c) the holder of a driver's certificate or assistant's certificate is at risk from a data breach relating to the certificate.

(2) Section 13(2), after 'The'—

insert—

person or

(3) Section 13(3)(b)(i), before 'the document,'—

insert—

for an application for which subsection (1)(a) or (b) applies—

(4) Section 13(4), from 'the application' to 'document to the'—

omit, insert—

an application for which subsection (1)(a) or (b) applies, the chief executive must issue a replacement document to the person or

(5) Section 13—

insert—

(4A) After receiving an application for which subsection (1)(c) applies, the chief executive must issue a replacement document to the holder.

(6) Section 13(8)—

insert—

at risk see the *Privacy Act 1988* (Cwlth), section 6(1).

data breach means an eligible data breach under the *Privacy Act 1988* (Cwlth) that is notified as required under that Act.

Part 4 **Amendment of Traffic Regulation 1962**

6 **Regulation amended**

This part amends the *Traffic Regulation 1962*.

7 **Amendment of s 172 (Relevant drugs prescribed)**

(1) Section 172—

insert—

(aa) cocaine;

(2) Section 172(aa) to (c)—

renumber as section 172(b) to (d).

8 **Amendment of s 186 (Device approved for Act, s 80(1), definition *saliva test*)**

Section 186, from ‘a Securetec’—

omit, insert—

each of the following devices is approved—

(a) a Securetec Drugwipe II Twin;

(b) a Securetec Drugwipe 3 S.

Part 5 Amendment of Transport Operations (Road Use Management—Accreditation and Other Provisions) Regulation 2015

9 Regulation amended

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

10 Amendment of s 60 (Application by accredited person for replacement accreditation document)

(1) Section 60(1)—

insert—

(c) an accredited person is at risk from a data breach relating to an accreditation document for the person.

(2) Section 60(4), ‘the application’—

omit, insert—

an application for which subsection (1)(a) or (b) applies

(3) Section 60—

insert—

(4A) After receiving an application for which subsection (1)(c) applies, the chief executive must give the accredited person a replacement accreditation document.

(4) Section 60(6)—

insert—

at risk see the *Privacy Act 1988* (Cwlth), section

6(1).

data breach means an eligible data breach under the *Privacy Act 1988* (Cwlth) that is notified as required under that Act.

- (5) Section 60(4A) to (6)—
renumber as section 60(5) to (7).

Part 6 Amendment of Transport Operations (Road Use Management—Driver Licensing) Regulation 2021

11 Regulation amended

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

12 Insertion of new s 367A

After section 367—

insert—

367A Replacement Queensland driver licences if data breach

- (1) This section applies if the holder of a Queensland driver licence, including a Queensland driver licence that is suspended, (the *original licence*) is at risk from a data breach.
- (2) The holder may apply to the chief executive for a replacement Queensland driver licence.

Note—

See chapter 14, part 1 for requirements about the application.

- (3) The chief executive must issue a driver licence

receipt to the holder.

(4) However, if the original licence is suspended, the chief executive is not required to comply with subsection (3) until after the suspension ends.

(5) In this section—

at risk see the *Privacy Act 1988* (Cwlth), section 6(1).

data breach means an eligible data breach under the *Privacy Act 1988* (Cwlth) that is notified as required under that Act.

13 Amendment of sch 7 (Fees)

Schedule 7, item 11, ‘or 367(3)’—

omit, insert—

, 367(3) or 367A(3)

Part 7 Amendment of Transport Operations (Road Use Management—Vehicle Registration) Regulation 2021

14 Regulation amended

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

15 Amendment of s 118 (Position, visibility and legibility of number plates)

(1) Section 118(1)(a), ‘vehicle—’—

omit, insert—

vehicle and the registered operator does not hold

an approval under section 142A—

(2) Section 118(1)—

insert—

(aa) if 2 number plates are given for the vehicle and the registered operator holds an approval under section 142A—1 of the number plates is attached to the rear of the vehicle; or

(3) Section 118(1)(aa) and (b)—

renumber as section 118(1)(b) and (c).

16 Insertion of new pt 6, div 6A

Part 6—

insert—

Division 6A Approval for modified number of number plates

142A Application for approval to modify number of number plates

- (1) This section applies if 2 number plates are given to a registered operator of—
 - (a) a conditionally registered motorised golf buggy; or
 - (b) another conditionally registered vehicle with limited access registration.
- (2) The registered operator may apply to the chief executive for approval to attach only 1 of the number plates to the vehicle and to attach that number plate to the rear of the vehicle.

Note—

See part 9, division 2 for requirements for particular applications.

- (3) The chief executive must, after considering the application—
 - (a) grant the application; or
 - (b) refuse the application.
- (4) In making a decision about the application, the chief executive must have regard to—
 - (a) the type of vehicle and construction of the vehicle; and
 - (b) the reason why a number plate can not be attached to the front of the vehicle; and
 - (c) the location in which the vehicle will be used; and
 - (d) whether granting the application is likely to—
 - (i) endanger public safety; or
 - (ii) hinder or prevent the enforcement of compliance with the Act in relation to the use of the vehicle.
- (5) If the chief executive grants the application, the chief executive must give the registered operator written notice of the approval.

17 Insertion of new pt 14, div 2A

Part 14—

insert—

Division 2A Recognised primary producers and nominated primary producers

228A Meaning of *recognised primary producer* and *nominated primary producer*

- (1) A *recognised primary producer* is a person who holds an authorisation under section 228C.
- (2) A *nominated primary producer* for a heavy primary production vehicle is a person given a notice under section 228F(3) authorising the person to use the vehicle.
- (3) However, a person stops being a nominated primary producer for a heavy primary production vehicle—
 - (a) if the term of registration of the vehicle ends—3 months after the day the registration ends, unless the registration is renewed; or
 - (b) if the vehicle’s registration is transferred—on the day the transfer is recorded in the register; or
 - (c) on the day there is a change in circumstances relating to whether the person is a primary producer.

228B Application to be a recognised primary producer

A primary producer may apply to the chief executive for an authorisation to be a recognised primary producer.

Note—

See part 9, division 2 for requirements for particular applications.

228C Deciding application to be a recognised primary producer

- (1) The chief executive must, after considering an application made under section 228B—

- (a) grant the application; or
 - (b) refuse the application.
- (2) The chief executive may grant the application only if the chief executive is satisfied the applicant is a primary producer.

228D Application to nominate a recognised primary producer

- (1) A person who is eligible under subsection (2) may apply to the chief executive to nominate a recognised primary producer to use a heavy primary production vehicle.

Note—

See part 9, division 2 for requirements for particular applications.

- (2) The person is eligible if—
- (a) the person is the registered operator of the vehicle or will be the registered operator of the vehicle when the vehicle is registered; and
 - (b) the person is, or will be when the vehicle is registered, a recognised primary producer.
- (3) For each vehicle to which the application relates, the person may nominate no more than 5 other persons who are recognised primary producers to use the vehicle.

228E Deciding application to nominate a recognised primary producer

- (1) The chief executive must, after considering an application made under section 228D—
- (a) grant the application; or
 - (b) refuse the application.

- (2) The chief executive may grant the application only if the chief executive is satisfied—
 - (a) the applicant is eligible under section 228D(2); and
 - (b) for each heavy primary production vehicle to which the application relates—
 - (i) the vehicle is, or is eligible to be, a concessionally registered vehicle for which the applicant is, or would be, eligible to pay a registration fee under section 233(1); and
 - (ii) each person nominated in section 228D(3) is, or will be when the vehicle is registered, a recognised primary producer.

228F Notices and details recorded in the register

- (1) This section applies if the chief executive decides to grant an application made under section 228D to nominate a recognised primary producer to use a heavy primary production vehicle.
- (2) The chief executive must give the registered operator of the vehicle a notice stating the name and other relevant details of each nominated primary producer for the vehicle.
- (3) Also, the chief executive must give each person nominated in section 228D(3) for the vehicle a notice stating that the nominated primary producer is authorised to use the vehicle.
- (4) The chief executive must record in the register the name and customer reference number of each nominated primary producer for the vehicle.

18 Replacement of s 233 (Primary producers—farm plate vehicles and heavy primary production vehicles)

Section 233—

omit, insert—

233 Recognised primary producers and primary producers

- (1) A recognised primary producer is eligible to pay a concessional registration fee for a vehicle, other than a motorbike or conditionally registrable vehicle, mentioned in—
 - (a) schedule 2, part 2, item 11; or
 - (b) schedule 3, part 4, item 29; or
 - (c) schedule 3, part 4, item 30.
- (2) A primary producer who is not a recognised primary producer is eligible to pay a concessional registration fee for a vehicle, other than a motorbike or conditionally registrable vehicle, mentioned in—
 - (a) schedule 2, part 2, item 11; or
 - (b) schedule 3, part 4, item 30.
- (3) However, a person mentioned in subsection (1) or (2) is not eligible to pay a concessional registration fee if the person does not own the vehicle.

19 Replacement of s 241 (Use of particular concessionally registered heavy primary production vehicles)

Section 241—

omit, insert—

241 Use of restricted primary production vehicles

- (1) The registered operator of a restricted primary production vehicle, or a nominated primary producer for the vehicle, must not use the vehicle,

or permit the vehicle to be used, other than—

(a) for carrying on the primary production business of the registered operator or nominated primary producer; or

(b) for a purpose permitted under section 191.

Maximum penalty—80 penalty units.

(2) In this section—

restricted primary production vehicle means a concessionally registered vehicle, other than a category 2 vehicle mentioned in schedule 5, for which a registration fee was paid under schedule 3, part 4, item 29.

20 Amendment of s 243 (Notification requirements for registered operators of concessionally registered vehicles)

(1) Section 243(1), after ‘vehicle’—

insert—

, other than a relevant vehicle under section 243A

(2) Section 243(2)(a), after ‘change’—

insert—

in circumstance

21 Insertion of new s 243A

After section 243—

insert—

243A Notification requirements for registered operators of relevant vehicles and nominated primary producers

(1) This section applies if—

(a) a person is, for a relevant vehicle—

- (i) the registered operator of the vehicle;
or
 - (ii) a nominated primary producer for the vehicle; and
- (b) there is a change in circumstances relating to whether the person is a primary producer.
- (2) The person must—
- (a) give the chief executive notice of the change in circumstances; and

Note—

See part 9, division 3 for requirements for particular customer communications.

- (b) ensure the notice is given to the chief executive within 14 days after the change, unless the person has a reasonable excuse.

Maximum penalty—80 penalty units.

- (3) In this section—

relevant vehicle means a concessionally registered vehicle for which a registration fee was paid under—

- (a) schedule 2, part 2, item 11; or
- (b) schedule 3, part 4, item 29; or
- (c) schedule 3, part 4, item 30.

22 Insertion of new pt 15, div 3

Part 15—

insert—

Division 3

Transitional provision for Transport Operations (Road Use Management—Vehicle

Registration) and Other Legislation Amendment Regulation 2023

258 Existing registered operators of heavy primary production vehicles

- (1) This section applies if, immediately before the commencement, a person was the registered operator of a heavy primary production vehicle for which a concessional registration fee was paid under former section 233(3)(a).
- (2) The person is taken to be a recognised primary producer if—
 - (a) the person—
 - (i) applies under section 228D to nominate another person as a nominated primary producer authorised to use the vehicle; or
 - (ii) applies for registration of another heavy primary production vehicle and the other vehicle is to be concessionally registered; and
 - (b) the application is granted.
- (3) In this section—

former, for a provision of this regulation, means the provision as in force from time to time before the commencement.

23 Amendment of sch 5, s 3 (Vehicle used only in particular areas)

- (1) Schedule 5, section 3, heading, ‘used only’—

omit, insert—

garaged

- (2) Schedule 5, section 3, from ‘used’ to ‘more’—
omit, insert—
that has a garage address in 1

24 Amendment of sch 8 (Dictionary)

- (1) Schedule 8, definitions *farm plate vehicle* and *primary producer—*
omit.
- (2) Schedule 8—
insert—

farm plate vehicle means a concessionally registered vehicle for which a registration fee was paid under schedule 2, part 2, item 11 or schedule 3, part 4, item 30.

nominated primary producer, for a heavy primary production vehicle, see section 228A(2) and (3).

primary producer means a person who carries on a business in which—

- (a) the main activity of the business is the production of primary produce; and
(b) any transportation of primary produce is incidental to the main activity.

recognised primary producer see section 228A(1).

Part 8

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

25 Regulation amended

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

26 Amendment of sch 1, s 15 (Application to vehicle or coupling complying with inconsistent ADR requirement)

(1) Schedule 1, section 15(3), before paragraph (a)—

insert—

(aa)

Note—

Paragraph is not used. See note to section 1.

(2) Schedule 1, section 15(3)—

insert—

(d)

Note—

Paragraph is not used. See note to section 1.

27 Amendment of sch 1, s 16 (Non-application to vehicles subject to particular approvals)

(1) Schedule 1, section 16, ‘do not apply’—

omit, insert—

does not apply

(2) Schedule 1, section 16(c)(iii)—

omit, insert—

- (iii) for a vehicle to which the *Road Vehicle Standards Rules 2019* (Cwlth), section 15(2) applies—the vehicle satisfies the requirements, under section 15(1) of those rules, of the type approval pathway for the type of vehicle; and

28 Amendment of sch 1, s 24A (Vehicles subject to particular approvals etc. under Road Vehicle Standards Act 2018 (Cwlth))

Schedule 1, section 24A, from ‘if—’—

omit, insert—

if the vehicle—

- (a) is a vehicle to which the *Road Vehicle Standards Rules 2019* (Cwlth), section 15(2) applies; and
- (b) satisfies the requirements, under section 15(1) of those rules, of the type approval pathway for the type of vehicle.

29 Amendment of sch 1, pt 4, hdg (General Safety requirements)

Schedule 1, part 4, heading, ‘Safety’—

omit, insert—

safety

30 Amendment of sch 1, s 26 (Steering)

Schedule 1, section 26—

insert—

- (6) A motor vehicle to which the third edition ADR 42 applies and that is at least 30 years old may

have a left hand drive.

31 Insertion of new sch 1, s 29A

Schedule 1, after section 29—

insert—

29A Section 29A not used

See note to section 1.

ENDNOTES

- 1 Made by the Governor in Council on 6 July 2023.
- 2 Notified on the Queensland legislation website on 7 July 2023.
- 3 The administering agency is the Department of Transport and Main Roads.

© State of Queensland 2023