



Queensland

*Heavy Vehicle National Law Act 2012*  
*Heavy Vehicle National Law (Queensland)*  
*Photo Identification Card Act 2008*  
*Tow Truck Act 2023*  
*Transport Infrastructure Act 1994*  
*Transport Operations (Marine Safety) Act 1994*  
*Transport Operations (Passenger Transport) Act 1994*  
*Transport Operations (Road Use Management) Act 1995*  
*Transport Planning and Coordination Act 1994*

# **Transport Planning and Coordination Regulation 2017**

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Queensland

# Transport Planning and Coordination Regulation 2017

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# Transport Planning and Coordination Regulation 2017

## Part 1 Preliminary

### 1 Short title

This regulation may be cited as the *Transport Planning and Coordination Regulation 2017*.

### 2 Commencement

This regulation commences on 1 September 2017.

### 3 Dictionary

The dictionary in schedule 1 defines particular words used in this regulation.

## Part 2 Smartcard transport authorities

### 4 Definitions for part

In this part—

*smartcard transport authority* see section 36G(1) of the Act.

*transport authority Act* means any of the following Acts—

- (a) the *Tow Truck Act 2023*;
- (b) the *Transport Operations (Passenger Transport) Act 1994*;
- (c) the *Transport Operations (Road Use Management) Act 1995*.

## 5 Transport authority—Act, s 36G

For section 36G(3) of the Act, definition *transport authority*, each of the following is prescribed—

- (a) a driver accreditation or an assistant accreditation under the *Tow Truck Act 2023*;
- (b) a driver authorisation under the *Transport Operations (Passenger Transport) Act 1994*;
- (c) an appointment under the *Transport Operations (Road Use Management) Act 1995* as an accredited person for accreditation of any of the following types—
  - (i) driver trainer;
  - (ii) rider trainer;
  - (iii) pilot vehicle driver;
  - (iv) escort vehicle driver;
  - (v) traffic controller;

*Note—*

The appointments mentioned in this paragraph are made under the *Transport Operations (Road Use Management—Accreditation and Other Provisions) Regulation 2015*, part 2.

- (d) a dangerous goods driver licence under the *Transport Operations (Road Use Management—Dangerous Goods) Regulation 2018*.

## 6 Smartcard transport authorities

- (1) A smartcard transport authority issued to a person by the chief executive may—
  - (a) indicate by way of a code, expression or otherwise that the person holds 1 or more transport authorities; and
  - (b) include information about the person's personal particulars.
- (2) A smartcard transport authority is, in relation to a particular transport authority, subject to the transport authority Act

under which the particular transport authority is issued or granted.

- (3) A code or expression used on a smartcard transport authority in relation to a particular transport authority has the meaning given under the transport authority Act under which the particular authority is issued or granted.

## **7 Interim transport authorities**

- (1) This section applies if the chief executive intends to issue a smartcard transport authority to a person.
- (2) The chief executive may issue an interim transport authority to the person.
- (3) An interim transport authority may include the following information—
  - (a) its date of issue;
  - (b) any information that may be included on a smartcard transport authority under section 6;
  - (c) information about anything authorised or required to be stated on it under a transport authority Act.
- (4) Subsection (3) does not limit the information that may be included on an interim transport authority.
- (5) An interim transport authority has effect as if it were a smartcard transport authority until the person receives the smartcard transport authority from the chief executive.

## **8 Replacement of smartcard transport authority**

- (1) This section applies if a person has been issued with a smartcard transport authority and, under a transport authority Act, any of the following happens—
  - (a) the person is granted a transport authority;
  - (b) a transport authority held by the person is amended, suspended or cancelled;

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- (c) a period of suspension of a transport authority held by the person ends;
  - (d) the person is to be given a replacement document evidencing a transport authority held by the person.
- (2) The chief executive may issue a replacement smartcard transport authority to the person.
- (3) The replacement smartcard transport authority must evidence each transport authority held by the person.

## **Part 2A**                      **Access to transport information databases**

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

#### **9**                      **Definitions for division**

In this division—

*authorised person* means an individual, or a member of a class of individuals, who—

- (a) is—
  - (i) a SPER official; or
  - (ii) a service contractor; or
  - (iii) employed or otherwise engaged by a service contractor that is not an individual; or
  - (iv) a service subcontractor; or
  - (v) employed or otherwise engaged by a service subcontractor that is not an individual; and
- (b) is authorised in writing by the chief executive to directly access a transport information database.



*service contractor* see the *State Penalties Enforcement Act 1999*, section 10A(1).

*service subcontractor* see the *State Penalties Enforcement Act 1999*, section 10B(1).

**SPER** means the State Penalties Enforcement Registry established under the *State Penalties Enforcement Act 1999*, part 2.

**SPER official** means—

- (a) the registrar of SPER under the *State Penalties Enforcement Act 1999*, section 10(1); or
- (b) another member of the staff of SPER; or
- (c) an enforcement officer under the *State Penalties Enforcement Act 1999*.

## 10 Operation and application of division

- (1) This division authorises the disclosure and use of particular information for each of the following provisions—
  - (a) the Heavy Vehicle National Law (Queensland), section 727(1), definition *authorised use*, paragraph (k);
  - (b) the *Photo Identification Card Act 2008*, section 46(2)(b)(i);
  - (c) the *Tow Truck Act 2023*, section 144(3)(a)(ii);
  - (d) the *Transport Infrastructure Act 1994*, section 104(2)(b)(i) or section 105ZN(2)(b)(i);
  - (e) the *Transport Operations (Marine Safety) Act 1994*, section 205AC(2)(b)(i);
  - (f) the *Transport Operations (Passenger Transport) Act 1994*, section 148C(2)(b)(i);
  - (g) the *Transport Operations (Road Use Management) Act 1995*, section 143(2)(b)(i);
  - (h) the *Transport Planning and Coordination Act 1994*, section 36GA(2)(b)(i).

[s 10A]

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- (2) This division applies to the extent the disclosure or use of the information is not already required or permitted under a transport Act or another law.
- (3) This division is specified for the Heavy Vehicle National Law (Queensland), section 727(1), definition *relevant law*.

### **10A Disclosure and use of particular information**

- (1) The chief executive may disclose information in a transport information database to an authorised person to enable the person to use the information to perform a function under the *State Penalties Enforcement Act 1999*.
- (2) The authorised person may use the information to perform a function under the *State Penalties Enforcement Act 1999*.
- (3) Without limiting subsection (1), the chief executive may disclose the information to the authorised person by allowing the person to directly access the transport information database.
- (4) The chief executive may disclose the information to the authorised person on the conditions the chief executive considers appropriate.

### **10B Restriction on use of information**

- (1) This section applies to an authorised person to whom information is disclosed by the chief executive under section 10A.
- (2) The authorised person must not use the information—
  - (a) other than for performing a function under the *State Penalties Enforcement Act 1999*; or
  - (b) in contravention of a condition imposed by the chief executive under section 10A(4).

Maximum penalty—20 penalty units.

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## 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*;

[s 10D]

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- (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
  - (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.

## **Part 3 General**

### **11 Authorised officers—Act, s 28EG**

For section 28EG(2) of the Act, definition *authorised officer*, each of the following persons is prescribed—

- (a) if the smartcard identification authority is a smartcard accreditation under the *Tow Truck Act 2023*—an authorised officer under that Act;
- (b) if the smartcard identification authority is a smartcard marine licence indicator under the *Transport Operations (Marine Safety) Act 1994*—a shipping inspector under that Act;
- (c) if the smartcard identification authority is a smartcard driver authorisation under the *Transport Operations (Passenger Transport) Act 1994*—an authorised person under that Act;

[s 11A]

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- (d) if the smartcard identification authority is a smartcard authority under the *Transport Operations (Road Use Management) Act 1995*—an authorised officer under that Act.

### **11A Prescribed matters—Act, s 28EHA**

- (1) For section 28EHA(1)(b) of the Act, a prescribed matter is an application made under the *Transport Operations (Road Use Management—Driver Licensing) Regulation 2021* for a relevant Queensland driver licence if—
  - (a) the applicant is a person to whom the following provisions of that regulation apply—
    - (i) section 54(2)(a);
    - (ii) section 62(2)(a);
    - (iii) section 116(2)(a);
    - (iv) section 120(4);
    - (v) section 124(2)(a);
    - (vi) section 166(2);
    - (vii) section 170(3);
    - (viii) section 172(2); and
  - (b) the application is made before the applicant completes an online road rules test under that regulation.
- (2) In this section—

*relevant Queensland driver licence* means an open licence, provisional licence or probationary licence under the *Transport Operations (Road Use Management) Act 1995*.

### **11AA Standard for recognised country authority—Act, s 29AB**

- (1) For section 29AB of the Act, definition *recognised country authority*, paragraph (b), ISO/IEC 18013-5 is prescribed.
- (2) In this section—

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*ISO/IEC 18013-5* means the standard titled ‘ISO/IEC 18013-5 (Personal identification— ISO-compliant driving licence—part 5: mobile driving licence (mDL) application)’, as in force from time to time, published jointly by the International Organization for Standardization and the International Electrotechnical Commission.

### **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*.

### **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*.

### **12 Approved agency—Act, sch 1**

- (1) For schedule 1 of the Act, definition *approved agency*, paragraph (b), ASIO is prescribed as an approved agency.

(2) In this section—

*ASIO* means the Australian Security Intelligence Organisation established under the *Australian Security Intelligence Organisation Act 1979* (Cwlth).

## **12A Prescribed authorisation Acts—Act, sch 1**

For schedule 1 of the Act, definition *prescribed authorisation Act*, each of the following Acts is prescribed—

- (a) the *Disability Services Act 2006*;
- (b) the *Photo Identification Card Act 2008*;
- (c) the *Tow Truck Act 2023*;
- (d) the *Transport Operations (Marine Safety) Act 1994*;
- (e) the *Transport Operations (Passenger Transport) Act 1994*;
- (f) the *Transport Operations (Road Use Management) Act 1995*;
- (g) the *Work Health and Safety Act 2011*;
- (h) the *Working with Children (Risk Management and Screening) Act 2000*.

## **12B Prescribed authorities—Act, sch 1**

For schedule 1 of the Act, definition *prescribed authority*, each of the following is prescribed—

- (a) an NDIS clearance or State clearance, or a clearance card for an NDIS clearance or State clearance, under the *Disability Services Act 2006*;
- (b) a photo identification card under the *Photo Identification Card Act 2008*;
- (c) a driver accreditation or an assistant accreditation, or an accreditation document for a driver accreditation or an assistant accreditation, under the *Tow Truck Act 2023*;



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- (d) a marine licence, marine licence indicator or smartcard marine licence indicator under the *Transport Operations (Marine Safety) Act 1994*;
  - (e) a driver authorisation or authorising document under the *Transport Operations (Passenger Transport) Act 1994*;
  - (f) a Queensland driver licence under the *Transport Operations (Road Use Management) Act 1995*;
  - (g) an appointment under the *Transport Operations (Road Use Management) Act 1995* as an accredited person, or an accreditation document mentioned in section 21(2) of that Act, for accreditation of any of the following types—
    - (i) driver trainer;
    - (ii) rider trainer;
    - (iii) pilot vehicle driver;
    - (iv) escort vehicle driver;
    - (v) traffic controller;

*Note—*

The appointments mentioned in this paragraph are made under the *Transport Operations (Road Use Management—Accreditation and Other Provisions) Regulation 2015*, part 2.

- (h) a dangerous goods driver licence or driver authorising document under the *Transport Operations (Road Use Management—Dangerous Goods) Regulation 2018*;
- (i) a high risk work licence, or a licence document for a high risk work licence, under the *Work Health and Safety Regulation 2011*;
- (j) a working with children authority, or a working with children card for a working with children authority, under the *Working with Children (Risk Management and Screening) Act 2000*.

### **13 Transport Acts—Act, sch 1**

For schedule 1 of the Act, definition *transport Act*, each of the following Acts is prescribed—

- (a) the *Photo Identification Card Act 2008*;
- (b) the *Air Navigation Act 1937*;
- (c) the *Century Zinc Project Act 1997*, sections 5(2) to (7), 11, 12, 13 and 21;
- (d) the *Civil Aviation (Carriers' Liability) Act 1964*;
- (e) the *Gold Coast Waterways Authority Act 2012*;
- (f) the *Heavy Vehicle National Law Act 2012*;
- (g) the *Maritime Safety Queensland Act 2002*;
- (h) the *Queensland Rail Transit Authority Act 2013*;
- (i) the *Rail Safety National Law (Queensland) Act 2017*;
- (j) the *State Transport Act 1938*;
- (k) the *State Transport (People Movers) Act 1989*;
- (l) the *Thiess Peabody Mitsui Coal Pty. Ltd. Agreements Act 1965* (to the extent administered by a Minister administering the *Transport Infrastructure Act 1994*);
- (m) the *Tow Truck Act 2023*;
- (n) the *Transport Infrastructure Act 1994*;
- (o) the *Transport Operations (Marine Pollution) Act 1995*;
- (p) the *Transport Operations (Marine Safety) Act 1994*;
- (q) the *Transport Operations (Passenger Transport) Act 1994*;
- (r) the *Transport Operations (Road Use Management) Act 1995*;
- (s) the *Transport Planning and Coordination Act 1994*;
- (t) the *Transport Security (Counter-Terrorism) Act 2008*;
- (u) the *Transport (South Bank Corporation Area Land) Act 1999*.

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## Part 4 Transitional provisions

### 14 Definition for part

In this part—

*repealed regulation* means the repealed *Transport Planning and Coordination Regulation 2005*, as in force from time to time before the commencement.

### 15 References to repealed regulation

In an instrument, if the context permits, a reference to the repealed regulation may be taken to be a reference to this regulation.

### 16 Existing interim transport authorities

An interim transport authority issued under section 7 of the repealed regulation is taken to be an interim transport authority issued under section 7 of this regulation.

## Schedule 1 Dictionary

### section 3

***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.

***service contractor***, for part 2A, division 1, see section 9.

***service subcontractor***, for part 2A, division 1, see section 9.

***smartcard transport authority***, for part 2, see section 4.

***SPER***, for part 2A, division 1, see section 9.

***SPER official***, for part 2A, division 1, see section 9.

***transport authority*** see section 5.

***transport authority Act***, for part 2, see section 4.