



Queensland

Transport (Amendment of Queensland Road Rules) Bill 2006



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2006

A Bill

for

An Act to amend the *Transport Operations (Road Use Management) Act 1995* and the *Transport Operations (Road Use Management—Road Rules) Regulation 1999*

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The Parliament of Queensland enacts—

1

Part 1 Preliminary

2

Clause 1 Short title

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This Act may be cited as the *Transport (Amendment of Queensland Road Rules) Act 2006*.

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Clause 2 Commencement

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Parts 2 and 3 commence 6 months after the date of assent.

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Part 2 Amendment of Transport Operations (Road Use Management—Road Rules) Regulation 1999

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Clause 3 Regulation amended in pt 2

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This part amends the *Transport Operations (Road Use Management—Road Rules) Regulation 1999*.

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Note—

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The *Transport Operations (Road Use Management—Road Rules) Regulation 1999*, section 1 states the regulation may also be cited as the Queensland Road Rules.

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Clause 4 Amendment of s 266 (Wearing of seatbelts by passengers under 16 years old)

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(1) Section 266, heading—

21

omit, insert—

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'266	Wearing of seatbelts by, or use of child restraints for, passengers under 16 years old'.	1
		2
(2)	Sections 266(2) and (3)—	3
	<i>omit, insert—</i>	4
'(2)	If the passenger is under 7 years old, and not exempt from wearing a seatbelt under section 267, the passenger must be restrained in an approved child restraint that is appropriate for the passenger and properly fastened and adjusted, unless the driver is exempt from this subsection under subsection (4).	5
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'(3)	If the passenger is at least 7 years old but under 16 years old, and not exempt from wearing a seatbelt under section 267, the passenger must—	10
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		12
(a)	be restrained in an approved child restraint that is appropriate for the passenger and properly fastened and adjusted; or	13
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		15
(b)	occupy a seating position fitted with a suitable seatbelt and wear the seatbelt properly adjusted and fastened.'.	16
		17
(3)	Section 266(4)(a)—	18
	<i>omit, insert—</i>	19
'(a)	there is no approved child restraint in the taxi that is appropriate for the passenger; and'.	20
		21
Clause 5	Insertion of new ss 266A and 266B	22
	After section 266—	23
	<i>insert—</i>	24
'266A	Business proprietors require accreditation for selling or hiring child restraints	25
		26
'(1)	A business proprietor must not sell or hire a child restraint unless the proprietor is accredited by the chief executive as an accredited proprietor.	27
		28
		29
	Maximum penalty—	30
(a)	for a first offence—40 penalty units; or	31
(b)	for a second or later offence—80 penalty units.	32

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- ‘(2) A business proprietor may apply to the chief executive for accreditation as an accredited proprietor. 1
2
- ‘(3) If the chief executive is satisfied the applicant would, if accredited, be able to comply with subsection (5), the chief executive must— 3
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5
- (a) accredit the applicant as an accredited proprietor for 2 years; and 6
7
- (b) give the applicant a certificate of accreditation. 8
- ‘(4) The accredited proprietor must clearly display the certificate of accreditation at the proprietor’s principal place of business. 9
10
Maximum penalty—10 penalty units. 11
- ‘(5) The accredited proprietor must ensure the following at all times for each relevant place of business— 12
13
- (a) at least 1 certified employee is on duty at the relevant place of business while the place is open; 14
15
- (b) a sign stating the following is clearly displayed in an area of the relevant place of business that is open to the public— 16
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- ‘The effectiveness of any child restraint in reducing injuries to your child in a vehicle accident depends on the restraint’s suitability for your car, whether it is an appropriate restraint for your child’s height and weight and whether it has been installed correctly. This business employs staff who are certified by a registered training organisation to advise you on the correct selection, use and installation of child restraints. Please advise a staff member if you would like to speak to someone who is a certified employee.’; 19
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- (c) approved height and weight charts for each manufacturer’s child restraints are clearly displayed in an area of the relevant place of business that is open to the public. 29
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32
- Maximum penalty—10 penalty units. 33
- ‘(6) The accredited proprietor may, before the accreditation ends, apply to the chief executive to renew the accreditation. 34
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- ‘(7) The chief executive must renew the accreditation if the chief executive is satisfied that, during the current period of accreditation, the accredited proprietor complied with subsection (5). 1
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- ‘(8) A certified employee must be able to produce evidence the person is a certified employee at any time while involved in selling or hiring child restraints. 5
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7
Maximum penalty—10 penalty units. 8
- ‘(9) In this section— 9
- accredited proprietor* means a business proprietor who is accredited as an accredited child restraint business proprietor. 10
11
- business proprietor* means a person carrying on a business involving selling or hiring child restraints. 12
13
- certified employee* means an employee who— 14
- (a) holds a statement of attainment from a registered training organisation for training in the selection and use of child restraints; and 15
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- (b) if it is more than 2 years since the employee obtained the statement of attainment, completed refresher training in the selection and use of child restraints before the end of each 2 year period after obtaining the statement. 18
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- relevant place of business*, for an accredited proprietor, means a place of business at which the accredited proprietor carries on a business involving selling or hiring child restraints. 23
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**‘266B Business proprietors require accreditation for installing child restraints 27
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- ‘(1) A business proprietor must not install a child restraint in a motor vehicle unless the proprietor is accredited by the chief executive as an accredited child restraint installer. 29
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Maximum penalty— 32
- (a) for a first offence—40 penalty units; or 33
- (b) for a second or later offence—80 penalty units. 34

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- ‘(2) A business proprietor may apply to the chief executive for accreditation as an accredited child restraint installer. 1
2
- ‘(3) If the chief executive is satisfied the applicant would, if accredited, be able to comply with subsection (5), the chief executive must— 3
4
5
- (a) accredit the applicant as an accredited child restraint installer for 2 years; and 6
7
- (b) give the applicant a certificate of accreditation. 8
- ‘(4) The accredited child restraint installer must clearly display the certificate of accreditation at the installer’s principal place of business. 9
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11
- Maximum penalty—10 penalty units. 12
- ‘(5) The accredited child restraint installer must ensure the following at all times for each relevant place of business— 13
14
- (a) all employees installing child restraints in motor vehicles are certified employees; 15
16
- (b) approved height and weight charts for each manufacturer’s child restraints are clearly displayed in an area of the relevant place of business that is open to the public. 17
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- Maximum penalty—10 penalty units. 21
- ‘(6) The accredited child restraint installer may, before the accreditation ends, apply to the chief executive to renew the accreditation. 22
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24
- ‘(7) The chief executive must renew the accreditation if the chief executive is satisfied that, during the current period of accreditation, the accredited child restraint installer complied with subsection (5). 25
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- ‘(8) A certified employee must be able to produce evidence the person is a certified employee at any time while installing child restraints. 29
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- Maximum penalty—10 penalty units. 32
- ‘(9) In this section— 33

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<i>business proprietor</i> means a person carrying on a business involving installing child restraints in motor vehicles.	1 2
<i>certified employee</i> means an employee who—	3
(a) holds a statement of attainment from a registered training organisation for training in the selection, use and installation of child restraints; and	4 5 6
(b) if it is more than 2 years since the employee obtained the statement of attainment, completed refresher training in the selection, use and installation of child restraints before the end of each 2 year period after obtaining the statement.	7 8 9 10 11
<i>relevant place of business</i> , for an accredited child restraint installer, means a place of business at which the installer carries on a business involving installing child restraints in motor vehicles.’.	12 13 14 15

Clause 6	Amendment of sch 6 (Dictionary)	16
	Schedule 6—	17
	<i>insert—</i>	18
	‘ <i>appropriate</i> , for a child passenger using an approved child restraint, means appropriate for the child’s height and weight in accordance with an approved height and weight chart.	19 20 21
	<i>approved height and weight chart</i> means a manufacturer’s chart, approved by the chief executive, showing the minimum and maximum height and weight requirements for child restraints.	22 23 24 25
	<i>registered training organisation</i> see the <i>Vocational Education, Training and Employment Act 2000</i> , section 19.	26 27
	<i>statement of attainment</i> see the <i>Vocational Education, Training and Employment Act 2000</i> , section 19.’.	28 29

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Part 3	Amendment of Transport Operations (Road Use Management) Act 1995	1 2 3
Clause 7	Act amended in pt 3	4
	This part amends the <i>Transport Operations (Road Use Management) Act 1995</i> .	5 6
Clause 8	Insertion of new ch 7, pt 8	7
	After section 202—	8
	<i>insert—</i>	9
‘Part 8	Transitional provision for Transport (Amendment of Queensland Road Rules) Act 2006	10 11 12 13
‘203	Governor in Council’s power not affected by amendment of regulation	14 15
	‘The amendment of the <i>Transport Operations (Road Use Management—Road Rules) Regulation 1999</i> by the <i>Transport (Amendment of Queensland Road Rules) Act 2006</i> does not affect the power of the Governor in Council to further amend the regulation or to repeal it.’.	16 17 18 19 20