



Queensland

*Tow Truck Act 1973*

*Transport Operations (Road Use Management) Act 1995*

*Transport Operations (Passenger Transport) Act 1994*

# Transport Legislation (COVID-19 Emergency Response) Regulation 2020

Current as at 1 August 2022

## Repeal/Expiry Information

This is the last reprint before expiry. This legislation expired 30 April 2023 at the end of the day, 6 months after the day the COVID-19 emergency ends—see section 16.

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Queensland

# Transport Legislation (COVID-19 Emergency Response) Regulation 2020

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# Transport Legislation (COVID-19 Emergency Response) Regulation 2020

## Part 1 Preliminary

### 1 Short title

This regulation may be cited as the *Transport Legislation (COVID-19 Emergency Response) Regulation 2020*.

### 2 Purpose

The purpose of this regulation is to provide exemptions from, and otherwise modify the application of, particular regulatory requirements under the transport regulations—

- (a) to minimise risks to the health and safety of persons caused by the COVID-19 emergency; and
- (b) to alleviate the financial burden on persons caused by the COVID-19 emergency; and
- (c) to ensure the effective and efficient regulation and administration of transport activities during the COVID-19 emergency and particular periods after the emergency ends.

### 3 Definitions

In this regulation—

**chief executive**, in relation to the *Transport Operations (Marine Safety) Regulation 2016*, includes the general manager of MSQ.

**COVID-19 emergency** means the public health emergency declared on 29 January 2020 under the *Public Health Act 2005*, section 319(2), as extended and further extended under section 323 of that Act.

**department's website**—

- (a) see the *Transport Operations (Road Use Management) Act 1995*, schedule 4; or
- (b) for the publication of a notice that relates to the *Transport Operations (Marine Safety) Regulation 2016*—includes MSQ’s website.

**exemption notice**, for part 2, see section 6(1).

**extension notice**—

- (a) for part 3—see section 9(1); or
- (b) for part 4—see section 13(1).

**grant** includes issue and renew.

**relevant requirement** see section 5.

**transport approval** means any accreditation, certificate, consent, determination, exemption, licence, permit, registration or other authorisation, however described, granted under any of the following Acts—

- (a) the *Tow Truck Act 1973*;
- (b) the *Transport Infrastructure Act 1994*;
- (c) the *Transport Operations (Marine Safety) Act 1994*;
- (d) the *Transport Operations (Passenger Transport) Act 1994*;
- (e) the *Transport Operations (Road Use Management) Act 1995*.

**transport regulation** means any of the following regulations—

- (a) the *Tow Truck Regulation 2009*;
- (b) the *Traffic Regulation 1962*;
- (c) the *Transport Infrastructure (Waterways Management) Regulation 2012*;
- (d) the *Transport Operations (Marine Safety) Regulation 2016*;

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- (e) the *Transport Operations (Passenger Transport) Regulation 2018*;
  - (f) the *Transport Operations (Road Use Management—Accreditation and Other Provisions) Regulation 2015*;
  - (g) the *Transport Operations (Road Use Management—Dangerous Goods) Regulation 2018*;
  - (h) the *Transport Operations (Road Use Management—Driver Licensing) Regulation 2021*;
  - (i) the *Transport Operations (Road Use Management—Vehicle Registration) Regulation 2021*;
  - (j) the *Transport Operations (Road Use Management—Vehicle Standards and Safety) Regulation 2021*.

#### 4 General provision about notices

- (1) A notice published by the chief executive under this regulation may—
  - (a) apply generally to all persons and matters or be limited in its application to—
    - (i) particular persons or classes of persons; or
    - (ii) particular transport approvals or classes of transport approvals; or
    - (iii) particular vehicles or classes of vehicles; and
  - (b) make different provision in relation to—
    - (i) different persons or classes of persons; or
    - (ii) different transport approvals or classes of transport approvals; or
    - (iii) different vehicles or classes of vehicles.
- (2) In this section—

*vehicle* has the meaning given by the *Transport Operations (Road Use Management) Act 1995*, schedule 4.

## Part 2                    **Modification of application processes and related requirements**

### 5            **Application of part**

This part applies in relation to a provision of a transport regulation mentioned in schedule 1 to the extent the provision provides for any of the following matters (each a *relevant requirement*)—

- (a) a requirement that a person making an application under the transport regulation include in or with the application, or produce with the application, a document or other thing;
- (b) a requirement that a person who has made an application under the transport regulation give the chief executive particular information or a particular document for the chief executive to decide the application or grant a transport approval;
- (c) another requirement that must be satisfied by or in relation to a person making an application under the transport regulation for the chief executive to decide the application or grant a transport approval;

*Example—*

a circumstance relating to the person’s eligibility to be granted a transport approval

- (d) a requirement that a person making an application, or who has made an application, under the transport regulation pay a fee, whether on the making of the application or otherwise, for any transport approval or other thing to which the application relates.

### 6            **Publication of exemption notice**

- (1) The chief executive may, in relation to the provision, publish a notice (an *exemption notice*) on the department’s website



stating that, while the notice is in effect, persons are exempt from all or a stated part of a stated relevant requirement.

- (2) The chief executive may publish the exemption notice only if the chief executive considers, having regard to the COVID-19 emergency, that 1 or more of the following applies—
  - (a) it would not be practicable for persons to comply with, or satisfy, the relevant requirement;
  - (b) it would not be reasonable for persons to be required to comply with, or satisfy, the relevant requirement;
  - (c) complying with, or satisfying, the relevant requirement may risk the spread of COVID-19 within the community;
  - (d) if the relevant requirement relates to payment of a fee—exempting persons from all or part of the relevant requirement may alleviate the financial burden on persons;
  - (e) exempting persons from all or part of the relevant requirement would promote the effective and efficient regulation and administration of land transport activities.
- (3) The exemption notice must state—
  - (a) the day the notice is published; and
  - (b) the period for which the notice has effect.
- (4) For subsection (3)(b), the period must be a period ending not later than 6 months after the day the COVID-19 emergency ends.
- (5) The exemption notice takes effect on the day it is published on the department's website or on any later day stated in the notice.

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## **7 Effect of exemption notice on relevant requirement**

- (1) This section applies if an exemption notice is in effect in relation to a relevant requirement that would otherwise apply for deciding an application under a transport regulation.
- (2) The relevant requirement is taken not to apply to the extent stated in the exemption notice and the chief executive may decide the application accordingly and, if applicable, grant any transport approval to which the application relates.

# **Part 3 Modification of provisions for transport approvals**

## **8 Application of part**

This part applies in relation to a provision of a transport regulation mentioned in schedule 2 to the extent the provision provides for the term or duration, however described or provided for, of a transport approval.

## **9 Publication of extension notice**

- (1) The chief executive may, in relation to the provision, publish a notice (an *extension notice*) on the department's website stating—
  - (a) the period, after the transport approval would expire or otherwise end, for which the approval is to continue in effect; or
  - (b) the day, after the transport approval would expire or otherwise end, until which the approval is to continue in effect.
- (2) For subsection (1)—
  - (a) the period must be a period ending not later than 6 months after the day the COVID-19 emergency ends; or
  - (b) the day must be a day not later than 6 months after the day the COVID-19 emergency ends.

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- (3) The chief executive may publish the extension notice only if the chief executive considers, having regard to the COVID-19 emergency, that 1 or more of the following applies—
    - (a) it would not be practicable for persons to apply for a renewal of the transport approval or a new approval of the same type;
    - (b) it would not be reasonable for persons to apply for a renewal of the transport approval or a new approval of the same type;
    - (c) applying for a renewal of the transport approval or a new approval of the same type may risk the spread of COVID-19 within the community;
    - (d) continuing the transport approval in effect may alleviate the financial burden for persons;
    - (e) continuing the transport approval in effect would promote the effective and efficient regulation and administration of land transport activities.
  - (4) The extension notice must state the day the notice is published.
  - (5) The extension notice takes effect on the day it is published on the department's website or on any later day stated in the notice.

## **10 Effect of extension notice on transport approval**

- (1) This section applies if an extension notice is published in relation to the transport approval.
- (2) The transport approval is taken to continue in effect, after the day it would expire or otherwise end—
  - (a) for the period stated in the extension notice; or
  - (b) until the end of the day stated in the extension notice.
- (3) Subsection (2) applies—
  - (a) even if the term or duration of the transport approval, as continued in effect under that subsection, is greater than

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any maximum term or period, however described, provided for the approval under a transport regulation; and

- (b) despite anything stated in the approval.

## **Part 4**

# **Modification of particular offence and requirement provisions**

### **11 Application of part**

This part applies in relation to a provision of a transport regulation mentioned in schedule 3 under which—

- (a) a person commits an offence if the person fails to do a particular thing within a particular period; or
- (b) a requirement may be made of a person to do a particular thing within a particular period.

### **12 References to particular periods for doing things**

A reference in this part to a particular period, under a provision of a transport regulation, for doing a particular thing includes a reference to any expression of time provided for under the provision for doing the thing.

*Examples of expressions of time in a provision—*

- a provision requiring a person to do a thing immediately
- a provision requiring a person to do a thing promptly

### **13 Publication of extension notice**

- (1) The chief executive may, in relation to the provision, publish a notice (an *extension notice*) on the department's website stating a period for doing the particular thing that is longer than the period provided for under the provision.

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- (2) The chief executive may publish the extension notice only if the chief executive considers, having regard to the COVID-19 emergency, that 1 or more of the following applies—
    - (a) it would not be practicable for persons to do the particular thing within the particular period;
    - (b) it would not be reasonable for persons to be required to do the particular thing within the particular period;
    - (c) doing the particular thing within the particular period may risk the spread of COVID-19 within the community;
    - (d) providing a longer period for doing the particular thing would promote the effective and efficient regulation and administration of land transport activities.
  - (3) The extension notice must state—
    - (a) the day the notice is published; and
    - (b) the period for which the notice has effect.
  - (4) For subsection (3)(b), the period must be a period ending not later than 6 months after the day the COVID-19 emergency ends.
  - (5) The extension notice takes effect on the day it is published on the department's website or on any later day stated in the notice.

#### **14 Effect of extension notice on period for compliance**

- (1) While the extension notice is in effect, the provision applies as if the reference in the provision to the particular period for doing the particular thing were a reference to the period stated in the notice.
- (2) If, when the extension notice takes effect, a person has not done the particular thing but the period for doing the thing has not ended, the provision applies as if the reference in the provision to the particular period for doing the thing were a reference to the period stated in the notice.

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- (3) If, when the extension notice ends, a person has not done the particular thing but the period for doing the thing as extended under this section has not ended, the provision continues to apply as if the reference in the provision to the particular period for doing the thing were a reference to the period stated in the notice.

## **Part 5 Expiry**

### **16 Expiry**

This regulation expires 6 months after the day the COVID-19 emergency ends.

## **Part 6 Transitional provision for Transport Operations (Road Use Management—Driver Licensing) Regulation 2021**

### **17 Particular references in extension notice published under s 9 on 25 April 2020**

- (1) This section applies to the notice published by the chief executive under section 9(1) on 25 April 2020 to the extent the notice relates to the expired driver licensing regulation, section 128.
- (2) On the commencement—
  - (a) a reference in the notice to the authority of a non-Queensland driver licence holder to drive on a Queensland road under the expired driver licensing regulation, section 128 is taken to be a reference to the authority of a non-Queensland driver licence holder under the new driver licensing regulation, chapter 5 to drive, or learn to drive, a motor vehicle on a Queensland road under the non-Queensland driver licence; and

- (b) a reference in the notice to the expired driver licensing regulation, section 128(6) is taken to be a reference to the new driver licensing regulation, section 211 or 212.
- (3) In this section—
- expired driver licensing regulation* means the expired *Transport Operations (Road Use Management—Driver Licensing) Regulation 2010*.
- new driver licensing regulation* means the *Transport Operations (Road Use Management—Driver Licensing) Regulation 2021*.

## Part 7 **Transitional provision for Transport Operations (Road Use Management—Vehicle Registration) Regulation 2021**

### 18 **Particular references in exemption notice published under s 6 on 25 April 2020**

- (1) This section applies to the notice published by the chief executive under section 6(1) on 25 April 2020 to the extent the notice relates to particular provisions of the expired vehicle registration regulation.
- (2) On the commencement, a reference in the notice to the following provisions (each a *former provision*) of the expired vehicle registration regulation includes a reference to the provision stated for the former provision—
- (a) section 13—the new vehicle registration regulation, section 20;
- (b) section 13(1)(c)—the new vehicle registration regulation, section 20(2)(b)(i);
- (c) section 13(1)(g)—the new vehicle registration regulation, section 20(2)(d);

- (d) section 13(1)(h)—the new vehicle registration regulation, section 20(2)(e);
- (e) section 36—the new vehicle registration regulation, section 137;
- (f) section 54—the new vehicle registration regulation, section 54;
- (g) section 54(6)(a)(ii) or (b)—the new vehicle registration regulation, section 54(1)(a)(ii) or (b);
- (h) section 120—the new vehicle registration regulation, section 220;
- (i) schedule 3, part 4, item 21—the new vehicle registration regulation, schedule 4, part 5, item 28.

(3) In this section—

*expired vehicle registration regulation* means the expired *Transport Operations (Road Use Management—Vehicle Registration) Regulation 2010*.

*new vehicle registration regulation* means the *Transport Operations (Road Use Management—Vehicle Registration) Regulation 2021*.



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## **Schedule 1      Provisions providing for relevant requirements**

section 5

### **Tow Truck Regulation 2009**

- section 4 (Eligibility to apply for a driver's certificate)
- section 7 (Application for approval)
- section 9 (Applicant to undertake test or be medically examined)
- section 13 (Application by holder for replacement document)
- section 14 (Conditions of licence)

### **Traffic Regulation 1962**

- section 2 (Fees)
- section 60 (Eligibility for disability parking permit)
- section 61 (Application for permit)
- section 68 (Replacement permits)

### **Transport Infrastructure (Waterways Management) Regulation 2012**

- section 21 (Administering agency may issue)
- section 23 (Renewal)
- section 31 (Fees)

### **Transport Operations (Marine Safety) Regulation 2016**

- section 101 (Making application)
- section 109 (Application for renewal)

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- section 111 (Amendment at holder's request)
- section 124 (Replacement of document evidencing authority)
- section 126 (Making application)
- section 200 (Fees and charges)

**Transport Operations (Passenger Transport) Regulation 2018**

- section 6 (Application for grant or renewal)
- section 23 (Application for grant or renewal)
- section 56 (Requirement for current medical certificate)
- section 278 (Fees and levy), to the extent the section applies in relation to schedule 8, items 1, 2, 3, 4, 5, and 12

**Transport Operations (Road Use Management—Accreditation and Other Provisions) Regulation 2015**

- section 4 (Application for appointment or renewal)
- section 60 (Application by accredited person for replacement accreditation document)
- section 71 (Application for grant or renewal of part 3 approvals)
- section 100 (Application for approval as nominee)
- section 144 (Fees)

**Transport Operations (Road Use Management—Dangerous Goods) Regulation 2018**

- section 172 (Applications)
- section 189 (Applications for licences)
- section 190 (Required driver licence evidence)
- section 191 (Required competency evidence)

- section 192 (Required medical fitness evidence)
- section 194 (Applications for renewal of licences)
- section 206 (Applications for licences)
- section 209 (Applications for renewal of licences)
- section 210 (Renewal of licences)
- section 221 (Applications by licensees for replacement licence documents)
- section 246 (Fees)

### **Transport Operations (Road Use Management—Driver Licensing) Regulation 2021**

- section 23 (Eligibility requirements)
- section 26 (Eligibility requirements)
- section 56 (Eligibility requirements)
- section 60(2) (Categories and types of higher class licences for non-Queensland driver licence holders)
- section 64(2) (Categories and types of lower class licences for current and past non-Queensland driver licence holders)
- section 66 (Logbook requirements)
- section 70(2) (Deciding applications)
- chapter 3, part 3, division 4 (Credit for other supervised driving)
- section 87 (Eligibility requirements)
- section 89 (Eligibility requirements)
- section 118 (Eligibility requirements)
- section 122(2) (Categories and types of higher class licences for non-Queensland driver licence holders)
- section 126(2) (Categories and types of lower class licences for current and past non-Queensland driver licence holders)

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- chapter 3, part 5, division 1 (Persons who have special need for class C learner licences or provisional licences)
- chapter 3, part 5, division 2 (Persons who have special need for class HC Queensland driver licences)
- chapter 3, part 5, division 3, subdivision 2 (Special need for class RE or class R Queensland driver licences)
- chapter 3, part 5, division 3, subdivision 3 (Eligibility for class RE learner licences)
- section 147 (Eligibility requirements)
- section 157 (Eligibility requirements)
- section 169 (Applications by persons who do not hold driver licences or hold interstate licences that correspond to class RE learner licence)
- section 170 (Applications by persons who hold Queensland driver licences or interstate licences that do not authorise learning to drive motor vehicles of relevant class)
- section 171 (Applications by persons who hold Queensland driver licences or interstate licences that authorise learning to drive motor vehicles of relevant class)
- section 173 (Eligibility for learner licences because of non-Queensland driver licences)
- section 180 (Particular circumstances in which persons not eligible for Queensland driver licences)
- chapter 6, part 3, division 3, subdivision 2 (Certificates of exemption for individuals)
- chapter 6, part 3, division 3, subdivision 3 (Certificates of exemption for businesses)
- section 244 (Applications for certificates of exemption)
- section 245(2) (Deciding applications)
- section 362 (Persons may apply to omit or amend particular conditions)

- section 390 (Fees—Act, ss 91P and 171)
- section 414 (Fees for particular hazard perception tests)

### **Transport Operations (Road Use Management—Vehicle Registration) Regulation 2021**

- section 20 (Requirements for registration application), other than section 20(2)(f)
- section 32 (Renewal application)
- section 33 (Requirements for renewal application)
- section 37 (When surcharge is payable for renewal)
- section 42 (Acquirer of registered vehicle must apply for transfer), other than section 42(3)(c)
- section 44 (Application for transfer, or notice of disposal, by disposer of registered vehicle)
- section 45 (Statement to be given if particular details of disposer can not be provided)
- section 52 (Application by registered operator)
- section 53 (Application by person acting under authority of court to sell vehicle)
- section 54 (Additional requirements for application under s 52 or 53)
- section 55 (Application by local government)
- section 56 (Application by commissioner)
- section 73 (Application for permit)
- section 78 (Registration application)
- section 101 (Application by registered operator)
- section 123 (Damaged, destroyed, lost or stolen number plates)
- section 124 (Copied number plates)
- section 131 (Application to replace number plate with national heavy vehicle number plate)

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- section 139 (Applying for accessory plates for vehicles other than tow trucks)
- section 141 (Applying for accessory plates for tow trucks)
- section 220 (Fees)

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## **Schedule 2      Provisions providing for transport approvals**

### section 8

#### **Traffic Regulation 1962**

- section 64 (Duration of permit)

#### **Transport Infrastructure (Waterways Management) Regulation 2012**

- section 22 (Granting or refusing application)

#### **Transport Operations (Passenger Transport) Regulation 2018**

- section 10 (Term)
- section 33 (Term)

#### **Transport Operations (Road Use Management—Accreditation and Other Provisions) Regulation 2015**

- section 10 (Duration of accreditation)
- section 77 (Duration of part 3 approval)
- section 118 (Duration of interlock approval)

#### **Transport Operations (Road Use Management—Dangerous Goods) Regulation 2018**

- section 176 (Periods and conditions)
- section 196 (Licence periods)
- section 211 (Licence periods)

**Transport Operations (Road Use Management—Driver Licensing) Regulation 2021**

- section 199 (Term of Queensland driver licences)
- section 211 (Authority withdrawn if interstate licence holders take up residence)
- section 212 (Authority withdrawn if foreign driver licence holders take up residence)

**Transport Operations (Road Use Management—Vehicle Registration) Regulation 2021**

- section 73 (Application for permit)
- section 74 (Grant of permit)
- section 107(1) (Application of division)
- section 108 (Use of vehicle on road)

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

- section 66(3) (What is a certificate of inspection)
- section 67(2) and (3) (What is a safety certificate)
- section 68 (Earlier ending of inspection certificate)



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## **Schedule 3      Offences and requirements**

section 11

### **Tow Truck Regulation 2009**

- section 15(2) or (4) (Change of name, address or postal address)
- section 39(2) (Disposal of tow truck)

### **Traffic Regulation 1962**

- section 68(2) (Replacement permits)
- section 70(1) (Change of name, address or postal address)

### **Transport Operations (Road Use Management—Accreditation and Other Provisions) Regulation 2015**

- section 41(2) (Records for registered service provider)
- section 64(2), (4) or (5) (Change of name, address or postal address)
- section 81(1) (Return of documents and things)
- section 142(1) (Return of unused certificates, plates and labels by proprietor of modification business)
- section 143(4) (Document keeping by proprietor of modification business)

### **Transport Operations (Road Use Management—Dangerous Goods) Regulation 2018**

- section 213(1) or (2) (Disposal of licensed vehicles)
- section 227(2) (Change of information given in licence applications)

- section 229(2) or (4) (Change of name, address or postal address)
- section 231(2) (Production of licences to chief executive)

### **Transport Operations (Road Use Management—Driver Licensing) Regulation 2021**

- section 250(1) (Holders of certificates of exemption must give notice of change in circumstances)
- section 363(1) or (5) (Changes of name, address or postal address)
- section 367(2) (Replacement Queensland driver licences if licences damaged, lost or stolen)
- section 368(2) (Replacement driver licence receipts if receipts damaged, lost or stolen)
- section 369(2) or (6) (Replacement labels)

### **Transport Operations (Road Use Management—Vehicle Registration) Regulation 2021**

- section 42(2) (Acquirer of registered vehicle must apply for transfer)
- section 43(1) (Dealer must give notice of acquisition)
- section 46(2) (Chief executive may require acquirer to apply for transfer of registration)
- section 47(2) (Dealer from whom acquirer acquires vehicle must apply for transfer of registration)
- section 49(1) or (2) (Transferring registration under legal process)
- section 58(2) (Noncompliance with notice about defective or unsafe vehicle—Act, ss 18 and 19)
- section 59(2) (Other grounds—Act, ss 18 and 19)
- section 66(3) (Chief executive may recover proportion of unpaid registration fee)

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- section 68(2) (Registered operator must notify chief executive of particular changes)
  - section 69(1) (Requirements relating to modification of vehicles)
  - section 102(2) (Cancellation because of ending of or material change in business)
  - section 103(2) (Cancellation on other grounds)
  - section 105(3) (Recovering proportion of registration amount)
  - section 120 (When registered operator must attach number plates)
  - section 123(2) (Damaged, destroyed, lost or stolen number plates)
  - section 127(2) (Chief executive may require return of number plates for other reasons)
  - section 134(3) (Attaching personalised number plates to vehicles)
  - section 135(2) (Transferring personalised number plates)
  - section 138(3) (Attaching customised number plates to vehicles)
  - section 146(2) (Obligation of insurers to report written-off vehicles)
  - section 147(2) (Obligation of self-insurers to report written-off vehicles)
  - section 148(3) (Obligation of loss adjusters to report written-off vehicles)
  - section 149(2) (Obligation of dealers and auctioneers to report written-off vehicles)
  - section 150(2) (Obligation of auto parts dismantlers to report written-off vehicles)
  - section 157(2) (Notifiers' obligation to inform responsible persons for notifiable vehicles)

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- section 159(4) (Notifiers' obligation to attach labels to written-off vehicles)
- section 226(2) or (3) (Notification requirements for person granted exemption from paying particular fees)
- section 243(2) or (3) (Notification requirements for registered operators of concessionally registered vehicles)

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

- section 11(1) (Compliance with defect notice)
- section 83 (Action after inspection—vehicle passes inspection)
- section 86 (Action after inspection—vehicle is defective)
- section 89 (Action after reinspection—vehicle passes inspection)
- section 90 (Action after reinspection—vehicle is defective)
- section 94 (Request for inspection for replacement inspection certificate)
- section 95(1) (Requirements relating to inspection)