

Queensland



Subordinate Legislation 2001 No. 28

State Penalties Enforcement Act 1999

Transport Operations (Road Use Management) Act 1995

**TRANSPORT LEGISLATION AMENDMENT
REGULATION (No. 1) 2001**

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PART 1—PRELIMINARY

Short title

1. This regulation may be cited as the *Transport Legislation Amendment Regulation (No. 1) 2001*.

PART 2—AMENDMENT OF STATE PENALTIES ENFORCEMENT REGULATION 2000

Regulation amended in pt 2

2. This part amends the *State Penalties Enforcement Regulation 2000*.

Amendment of s 24 (Proof of complaint for noise offence)

3. Section 24(1), ‘section 6W to 6ZF’—

omit, insert—

‘sections 6W to 6ZF’.

Amendment of sch 3 (Transport legislation)

4.(1) Schedule 3, entry for *Transport Operations (Road Use Management—Road Rules) Regulation 1999*, entry for section 114(1)—

omit, insert—

‘s 114(1) For a contravention by—

- | | | |
|---|-------|-----|
| (a) a rider except a motorbike rider . | 2/5 | 2 |
| (b) a driver or motorbike rider | 1 2/5 | 7’. |

(2) Schedule 3, entry for *Transport Operations (Road Use Management—Road Rules) Regulation 1999*, entries for sections 154(1) and 156(1)—

omit, insert—

‘s 154(1)	1	5
s 156(1)	1	5’.

(3) Schedule 3, entry for *Transport Operations (Road Use Management—Vehicle Standards and Safety) Regulation 1999*, entry for section 20(1A)—

omit, insert—

‘s 20(2)	5’.
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(4) Schedule 3, entry for *Transport Operations (Road Use Management—Vehicle Standards and Safety) Regulation 1999—*

insert—

‘s 16A(1)	1 2/5
s 17(2)	1 2/5
s 17A(3)	1 2/5
s 17A(4)	1 2/5’.

Amendment of sch 4 (University legislation)

5. Schedule 4, ‘**UNIVERSITY OF SOUTHERN QUEENSLAND ACT 1997**’—

omit, insert—

‘UNIVERSITY OF SOUTHERN QUEENSLAND ACT 1998’.

Amendment of sch 6 (Dictionary)

6. Schedule 6, definition “**by-law**”—

omit, insert—

‘**“by-law”**, for part 3, see section 11.’.

**PART 3—AMENDMENT OF TRANSPORT
OPERATIONS (ROAD USE MANAGEMENT)
REGULATION 1995**

Regulation amended in pt 3

7. This part amends the *Transport Operations (Road Use Management) Regulation 1995*.

Amendment of s 11B (Permit contents and conditions)

8. Section 11B(4)(a), ‘department’—
omit, insert—
‘State’.

Omission of s 11KB (Agricultural vehicles)

9. Section 11KB—
omit.

Replacement of s 11L (Information and liability offences)

10. Section 11L—
omit, insert—

‘Information and extended liability offences

‘11L. An offence against this part involving a heavy vehicle is—

- (a) an information offence for the Act, section 50;¹ and
- (b) an extended liability offence for the Act, section 57B.²’

¹ Section 50 (Power to require information)

² Section 57B (Further liability provisions for extended liability offences)

Replacement of s 26 (Information and liability offences)

11. Section 26—

omit, insert—

‘Information and extended liability offences

‘26. An offence against this part is—

- (a) an information offence for the Act, section 50;³ and
- (b) an extended liability offence for the Act, section 57B.⁴

Replacement of s 33 (Information and liability offences)

12. Section 33—

omit, insert—

‘Information and extended liability offences

‘33. An offence against this part involving a heavy vehicle is—

- (a) an information offence for the Act, section 50;⁵ and
- (b) an extended liability offence for the Act, section 57B.⁶

Insertion of new s 33DA

13. After section 33D—

insert—

‘Statutory conditions on appointment

‘33DA. The conditions on which an approved examiner holds office include the conditions stated in schedule 3A for the accreditation.’

³ Section 50 (Power to require information)

⁴ Section 57B (Further liability provisions for extended liability offences)

⁵ Section 50 (Power to require information)

⁶ Section 57B (Further liability provisions for extended liability offences)

Amendment of s 33K (Employer's duty)

14. Section 33K, 'with'—

omit, insert—

'with the conditions stated in schedule 3A for the accreditation and with'.

Amendment of s 67 (Duration of provisional accreditation of licensed driving instructors)

15. Section 67, '92B'—

omit, insert—

'179'.

Insertion of new sch 3A

16. After schedule 3—

insert—

'SCHEDULE 3A**'STATUTORY CONDITIONS FOR APPOINTMENT
AS ACCREDITED PERSON**

section 33DA

An accredited person who is an approved examiner—

- (a) must not contravene the Act; and
- (b) must not contravene the Code of Practice—Vehicle Inspection Guidelines mentioned in the *Transport Operations (Road Use Management—Vehicle Standards and Safety) Regulation 1999*, section 13(e).'

Amendment of sch 13 (Dictionary)

17.(1) Schedule 13, definition “**primary production vehicle**”—

omit.

(2) Schedule 13—

insert—

‘**“approved examiner”** means a person who holds an appointment under part 4A as an accredited person with the function of an approved examiner.’.

(3) Schedule 13, definition “**pilot vehicle**”, paragraph (b)—

omit, insert—

‘(b) under a guideline or permit under part 2A, is required to be driven by—

(i) a pilot vehicle driver; or

(ii) an escort vehicle driver; or

(iii) another person stated in the guideline or permit.’.

PART 4—AMENDMENT OF TRANSPORT OPERATIONS (ROAD USE MANAGEMENT—ROAD RULES) REGULATION 1999

Regulation amended in pt 4

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

Amendment of s 25 (Speed limit elsewhere)

19. Section 25(3), definition “**lower speed limit area**”, paragraph (j)—

omit, insert—

‘(j) Redcliffe City Council;’.

Amendment of s 240A (Powered wheeled recreational devices)

- 20.** Section 240A(5), penalty—
relocate as penalty for section 240A(4).

Amendment of sch 6 (Dictionary)

- 21.** Schedule 6, definition “AS”—
omit.

**PART 5—AMENDMENT OF TRANSPORT
OPERATIONS (ROAD USE
MANAGEMENT—VEHICLE REGISTRATION)
REGULATION 1999**

Regulation amended in pt 5

- 22.** This part amends the *Transport Operations (Road Use Management—Vehicle Registration) Regulation 1999*.

Amendment of s 10 (Vehicles used on roads must be registered)

- 23.** Section 10(a), after ‘section’—
insert—
‘12A or’.

Amendment of s 11 (Application for registration)

- 24.** Section 11—
insert—
‘(2) A vehicle mentioned in subsection (1)(e) or (f) must be taken with the application to the place where the application is to be given to the chief executive.’.

Insertion of new s 12A

25. After section 12—

insert—

‘Driving or towing unregistered vehicle to approved inspection station for inspection

‘**12A.(1)** This section applies if it is necessary for an unregistered vehicle to be inspected at an AIS under the Vehicle Standards and Safety Regulation for obtaining an inspection certificate under that regulation for registering the vehicle under this regulation.

‘**(2)** The vehicle may be driven or towed to the AIS and subsequently to an office of the chief executive where it may be registered, but only if—

- (a) an application in the approved form to register the vehicle has been completed; and
- (b) if the vehicle is required to be insured under the *Motor Accident Insurance Act 1994*, a current insurance certificate has been issued for the vehicle; and
- (c) the documents mentioned in paragraphs (a) and (b) are—
 - (i) for a trailer—carried in the motor vehicle towing the trailer; or
 - (ii) for another vehicle—carried in the vehicle.’

Amendment of s 14 (Determination of applications)

26. Section 14(1)—

insert—

‘(ba)an approved examiner under the Vehicle Standards and Safety Regulation has, by issuing an inspection certificate for the vehicle under that regulation, contravened the Act; or’.

**PART 6—AMENDMENT OF TRANSPORT
OPERATIONS (ROAD USE
MANAGEMENT—VEHICLE STANDARDS AND
SAFETY) REGULATION 1999**

Regulation amended in pt 6

27. This part amends the *Transport Operations (Road Use Management—Vehicle Standards and Safety) Regulation 1999*.

Amendment of s 13 (When a vehicle is defective)

28. Section 13(e), after ‘Guidelines’—

insert—

‘(the “**vehicle inspection code of practice**”)’.

Insertion of new s 16A

29. After section 16—

insert—

‘Identifying vehicle before inspection

‘**16A.(1)** An approved examiner must, before inspecting a vehicle for an inspection certificate, be satisfied in the way required under subsection (2) about the identity of the vehicle.

Maximum penalty—20 penalty units.

‘(2) The only way the approved examiner may be satisfied about the identity of a vehicle for subsection (1) is to inspect the vehicle to find out—

- (a) if the vehicle is manufactured before 1 January 1989—its chassis number and engine number; or
- (b) otherwise—its VIN and engine number.’.

Amendment of s 17 (Inspections by approved examiners for inspection certificate)

30.(1) Section 17(2)(a) and (b)—

renumber as section 17(2)(b) and (c).

(2) Section 17(2)—

insert—

‘(a) the examiner is satisfied under section 16A about the identity of the vehicle; and’.

Insertion of new s 17A

31. After section 17—

insert—

‘Issue of replacement certificate if registration refused

‘**17A.(1)** This section applies if, under the *Transport Operations (Road Use Management—Vehicle Registration) Regulation 1999*, section 14(1)(ba), the chief executive refuses an application for the registration of a vehicle because the chief executive reasonably believes an approved examiner has, by issuing an inspection certificate, contravened the Act.

‘**(2)** The person to whom the inspection certificate was issued may, within 14 days after the refusal, require the proprietor of the AIS where the certificate was issued to again inspect the vehicle for a replacement inspection certificate.

‘**(3)** The proprietor of the AIS must ensure that—

- (a) the vehicle is properly inspected under this regulation for the issue of the replacement inspection certificate; and
- (b) the inspection is completed—
 - (i) within 7 days after the person requires it; and
 - (ii) at a time convenient to the person.

Maximum penalty—20 penalty units.

‘(4) Despite section 4,⁷ the proprietor must not charge a fee for the inspection or the issue of the replacement certificate.

Maximum penalty for subsection (4)—20 penalty units.’.

Amendment of s 20 (SC vehicles for sale)

32. Section 20(2), after ‘certificate’—

insert—

‘issued for the vehicle’.

Replacement of s 41 (Imposing conditions)

33. Section 41—

omit, insert—

‘Statutory conditions

‘**40A.(1)** An approval that is an AIS approval is subject to the conditions stated in schedule 3A.

‘(2) Subsection (1) does not limit the conditions that may be imposed under section 41.

‘Discretionary conditions

‘**41.** The issuing authority may impose reasonable and relevant conditions on an approval.’.

Amendment of s 44 (Review of decisions)

34. Section 44(2), ‘schedule 2A’—

omit, insert—

‘schedule 3’.

⁷ Section 4 (Fees)

Insertion of new sch 3A

35. After schedule 3—

insert—

‘SCHEDULE 3A**‘STATUTORY CONDITIONS OF AIS APPROVAL**

section 40A

- ‘1. The holder must comply with the vehicle inspection code of practice.
- ‘2. The proprietor of the AIS must not contravene the Act or permit or allow an approved examiner or other agent or employee of the proprietor to contravene the Act.
- ‘3. The proprietor of the AIS must ensure that a copy of the vehicle inspection code of practice—
 - (a) is kept in or at each AIS to which the approval relates; and
 - (b) is available for—
 - (i) use by an approved examiner for inspecting a vehicle; or
 - (ii) inspection by any other person at the AIS.
- ‘4. The proprietor of the AIS must ensure that—
 - (a) the proprietor or an approved examiner operating from the AIS is familiar with the contents of the vehicle inspection code of practice before undertaking an inspection for issuing an inspection certificate for a vehicle; and
 - (b) in determining whether or not a vehicle is defective, the proprietor or approved examiner has appropriate regard for the requirements of the vehicle inspection code of practice.
- ‘5. If the AIS is a mobile AIS, the proprietor must ensure that the AIS trading name and approval number is clearly and legibly displayed on the sides of the AIS.

‘6. The proprietor of the AIS must ensure that an incomplete inspection certificate is kept in a secure place except when the certificate is to be issued or is required by an authorised officer to be produced for inspection.’.

Amendment of sch 4 (Dictionary)

36. Schedule 4—

insert—

‘**“vehicle inspection code of practice”** see section 13.’.

ENDNOTES

1. Made by the Governor in Council on 5 April 2001.
2. Notified in the gazette on 6 April 2001.
3. Laid before the Legislative Assembly on . . .
4. The administering agency is the Department of Transport.