

Queensland



Subordinate Legislation 1994 No. 232

Traffic Act 1949

**TRAFFIC AMENDMENT REGULATION (No. 3)
1994**

TABLE OF PROVISIONS

Section		Page
PART 1—PRELIMINARY		
1	Short title	4
2	Commencement	4
PART 2—AMENDMENT OF TRAFFIC REGULATION 1962		
3	Regulation amended in Pt 2 and Sch	4
4	Amendment of s 4 (Definitions)	4
5	Replacement of s 9 (Exemption of ambulance and fire brigade driver) . . .	7
9	Exemption of driver of emergency vehicles	7
6	Amendment of s 20 (Obedience to signs)	7
7	Amendment of s 33 (Meaning of “give way”)	8
8	Replacement of s 37 (Action on approach of emergency vehicles)	8
37	Action when emergency vehicle approaches	8
9	Amendment of s 47 (U Turns)	8
10	Amendment of s 48 (Stopping at level crossings)	9
11	Amendment of s 55 (Prohibited standing places)	9
12	Omission of ss 56 and 57	9
13	Amendment of s 58 (Penalties etc.)	10
14	Amendment of s 59 (Facilitation of proof)	10
15	Omission of s 72 (Tram lights)	10
16	Amendment of s 90B (Compulsory wearing of seat belts)	10

17	Amendment of Pt 13 (Construction of vehicles, and equipment, loading, use and inspection of vehicles)	10
18	Omission of Pt 15 (Passing stationary trams and safety zones)	12
19	Amendment of Pt 16 (Licences for drivers, stalls, itinerant vendors, etc.:permits for itinerant musicians, amplifiers, meetings, processions etc., and advertising, handbills, etc.)	13
20	Replacement of s 103 (Application for licence to be made to superintendent)	13
	103 Licences—applications	13
21	Insertion of new s 104A	13
	104A Licences—decision on application	13
22	Amendment of s 107 (Testing applicant’s fitness to hold driver’s licence)	14
23	Omission of ss 107A and 107B	14
24	Replacement of ss 108B and 108C	15
	108B Allocation of demerit points	15
	108BA Notice of accumulation of too many demerit points	16
	108BB Suspension or cancellation of driver’s licence on accumulation of demerit points	17
	108BC Effect of allocation of demerit points to unlicensed persons	18
	108C Period when person cannot apply for licence after cancellation . .	18
	108CA Section 108C applies even if licence expired	20
25	Amendment of s 108D (Appeals against automatic cancellation)	20
26	Replacement of ss 108E–108G	21
	108E Application for licence under s 16B or 20A of the Act	21
	108F Application for amendment under s 20B of the Act	22
27	Amendment of s 110 (Drivers’ licences issued outside Queensland)	22
28	Amendment of s 117 (Amendment of conditions)	22
29	Omission of ss 118–121	23
30	Amendment of s 134A (Procedure for suspension or cancellation)	23
31	Amendment of s 140 (Traffic offence penalties)	23
32	Amendment of s 142A (Prescribed penalties etc. for offences dealt with under s 16B of the Act)	24

33	Omission of s 165 (Public stands and stopping places)	24
34	Amendment of s 173	24
35	Amendment of s 178 (Blood specimens)	25
36	Replacement of s 182 (Medical exemption from breath test)	25
	182 Medical exemption from breath test	25
37	Insertion of new s 183	25
	183 Delivery of blood or urine specimens	26
38	Replacement of s 208 (Form of notice)	26
	208 Notice under s 44R of the Act	26
39	Amendment of s 209 (Operation and testing of photographic detection device—traffic lights)	26
40	Omission of s 210 (Denotations in data block)	27
41	Omission of Sch A	27
42	Amendment of Sch B (Offences for the purposes of regulation 108B)	27
43	Omission of Sch D	27
44	Amendment of Sch E (Fees)	27
	PART 3—AMENDMENT OF TRANSPORT INFRASTRUCTURE (ROADS) REGULATION 1991	
45	Regulation amended	28
46	Amendment of Sch 1 (Fees)	28
	SCHEDULE	29
	MINOR AMENDMENTS	

PART 1—PRELIMINARY

Short title

1. This regulation may be cited as the *Traffic Amendment Regulation (No. 3) 1994*.

Commencement

2. This regulation commences on 1 July 1994.

PART 2—AMENDMENT OF TRAFFIC REGULATION 1962

Regulation amended in Pt 2 and Sch

3. This Part and the Schedule amend the *Traffic Regulation 1962*.

Amendment of s 4 (Definitions)

4.(1) Section 4(b)—

omit.

(2) Section 4, definitions “**bus zone**”, “**bus zone sign**”, “**city**”, “**City of Brisbane**”, “**Emergency vehicle**”, “**End of Freeway sign**”, “**Freeway**”, “**MUTCD**”, “**no turns sign**”, “**Prohibited on Freeway sign**” and “**Vehicle**”—

omit.

(3) Section 4—

insert—

‘ “**bus zone**” means—

- (a) if 1 bus zone sign is installed—the lane of carriageway extending 18 m from the sign on the side the bus approaches the zone to

6 m from the sign on the side the bus leaves the zone; or

- (b) if 2 or more bus zone signs are installed—the lane of carriageway between the outside signs;

“bus zone sign” means—

- (a) a bus zone sign depicted in the MUTCD; or
- (b) an official traffic sign inscribed with words indicating where a bus may stop or stand;

“emergency vehicle” means a motor vehicle—

- (a) fitted with—
 - (i) a repeater horn or siren; or
 - (ii) a flashing warning light; and
- (b) used by—
 - (i) the Ambulance Service; or
 - (ii) the Fire Service; or
 - (iii) the Police Service; or
 - (iv) another entity with the written permission of the Commissioner;

“end of freeway sign” means an end of freeway sign depicted in the MUTCD;

“freeway” means a length of road defined by a no ... beyond this point sign and an end of freeway sign;

“no ... beyond this point sign” means a no ... beyond this point sign depicted in the MUTCD;

“no left turn sign” means—

- (a) a no left turn sign depicted in the MUTCD; or
- (b) an official traffic sign inscribed with the words ‘no left turn’ and any other words;

“no right turn sign” means—

- (a) a no right turn sign depicted in the MUTCD; or

- (b) an official traffic sign inscribed with the words ‘no right turn’ and any other words;

“no turns sign” means—

- (a) a no turns sign depicted in the MUTCD; or
 (b) an official traffic sign inscribed with the words ‘no turns’ and any other words;

“no u turn sign” means—

- (a) a no u turn sign depicted in the MUTCD; or
 (b) an official traffic sign inscribed with the words ‘no u turn’ and any other words;

“repeater horn” means a warning device that makes sounds with different amplitude, tones or frequencies on a regular time cycle;’.

(4) Section 4, definitions **“all traffic turn sign”**, **“bicycle path sign”**, **“bicycle prohibition sign”**, **“bus lane sign”**, **“bus prohibition sign”**, **“clearance sign”**, **“clearway sign”**, **“cyclists dismount sign”**, **“end bicycle lane sign”**, **“end bicycle path sign”**, **“end bus lane sign”**, **“end clearway sign”**, **“end local traffic area sign”**, **“end segregated footway sign”**, **“end shared footway sign”**, **“end shared zone sign”**, **“end transit lane sign”**, **“end truck lane sign”**, **“give way sign”**, **“give way to pedestrians sign”**, **“gross load limit sign”**, **“local traffic area sign”**, **“no entry sign”**, **“no parking sign”**, **“no standing sign”**, **“roundabout sign”**, **“school zone sign”**, **“segregated footway sign”**, **“shared footway sign”**, **“shared zone sign”**, **“speed restriction sign”**, **“stop banner”**, **“taxi zone sign”**, **“transit lane sign”**, **“truck lane sign”**, **“truck prohibition sign”** and **“u-turn permitted sign”**, ‘described’—

omit, insert—

‘depicted’.

(5) Section 4, definition **“bicycle prohibition sign”**, paragraph (b), ‘proceed’—

omit, insert—

‘be ridden’.

(6) Section 4, definition **“Endorsement”**, ‘, the District Superintendent or Superintendent’—

omit, insert—

‘or chief executive’.

Replacement of s 9 (Exemption of ambulance and fire brigade driver)

5. Section 9—

omit, insert—

‘Exemption of driver of emergency vehicles

‘9. A provision of this regulation does not apply to the driver of an emergency vehicle if—

- (a) the vehicle is sounding its siren or repeater horn or operating its flashing warning lights; and
- (b) compliance with the provision may be inconsistent with the effective performance of the driver’s functions.’.

Amendment of s 20 (Obedience to signs)

6.(1) Section 20(1)—

omit, insert—

‘20.(1) The driver of a vehicle is only required to comply with the direction of an official traffic sign installed upon a road to face the driver.¹

‘(1A) A person driving a vehicle on a road (the **“first road”**) must not turn the vehicle left into a road adjacent to the first road if a no left turn sign is upon the first road.

‘(1B) A person driving a vehicle on a road (the **“first road”**) must not turn the vehicle right into a road adjacent to the first road if a no right turn sign is upon the first road.

‘(1C) A person driving a vehicle on a road (the **“first road”**) must not turn the vehicle into a road adjacent to the first road if a no turns sign is upon the first road.’.

(2) Section 20(2), ‘along the carriageway of that’—

¹ See section 4 for the definition of **“upon”**.

omit, insert—

‘on the’.

(3) Section 20(3), (9) and (12) to (18), ‘carriageway’—

omit, insert—

‘road’.

(4) Section 20(10) and (11)—

omit, insert—

‘(10) A person driving a vehicle on a road must turn the vehicle in the direction indicated on an all traffic turn sign upon the road.

‘(11) A person must not ride a bicycle or tricycle on a carriageway, footway, segregated footway or shared footway (the “**carriageway**”) beyond a bicycle prohibition sign upon the carriageway.’.

Amendment of s 33 (Meaning of “give way”)

7. Section 33, after ‘vehicle’—

insert—

‘, train’.

Replacement of s 37 (Action on approach of emergency vehicles)

8. Section 37—

omit, insert—

‘Action when emergency vehicle approaches

‘37. A driver must do everything reasonably practicable to give way to, and get out of the way of, an emergency vehicle sounding its siren or repeater horn or operating its flashing warning lights.’.

Amendment of s 47 (U Turns)

9. Section 47—

insert—

‘(c) at a place where a no u turn sign is upon the road.’.

Amendment of s 48 (Stopping at level crossings)

10.(1) Section 48, heading—

omit, insert—

‘Stopping and giving way at level crossings’.

(2) Section 48(1)(b)—

omit.

(3) Section 48—

insert—

‘**(4)** If a give way sign is at or near a railway level crossing, the driver of a vehicle must give way to a train approaching the crossing.’.

Amendment of s 55 (Prohibited standing places)

11.(1) Section 55(f)—

omit, insert—

‘(f) in a bus zone, unless the person is parking, stopping or standing a bus in accordance with any indications on the bus zone sign; or’.

(2) Section 55(p)—

omit, insert—

‘(p) on a road in a shared zone other than in a designated parking space; or’.

Omission of ss 56 and 57

12. Sections 56 and 57—

omit.

Amendment of s 58 (Penalties etc.)

13.(1) Section 58, heading—

omit, insert—

‘Penalties’.

(2) Section 58(1) and (3)—

omit.

Amendment of s 59 (Facilitation of proof)

14. Section 59(1)(d), ‘in, on or adjacent to’—

omit, insert—

‘for’.

Omission of s 72 (Tram lights)

15. Section 72—

omit.

Amendment of s 90B (Compulsory wearing of seat belts)

16. Section 90B(3)(b), ‘certificate signed by a medical practitioner’—

omit, insert—

‘doctor’s certificate in the approved form’.

Amendment of Pt 13 (Construction of vehicles, and equipment, loading, use and inspection of vehicles)

17.(1) Part 13, Schedule, heading—

omit, insert—

‘SCHEDULE A**‘SCHEDULE TO PART 13’.**

(2) Part 13, Schedule, clauses 1 and 43, ‘District Superintendent’—
omit, insert—

‘chief executive, Commissioner’.

(3) Part 13, Schedule, clauses 5 and 35, ‘District Superintendent’—
omit, insert—

‘chief executive or Commissioner’.

(4) Part 13, Schedule, clause 39A(2)(d)—
omit.

(5) Part 13, Schedule, clause 42A, heading—
omit, insert—

‘Flashing warning lights for emergency vehicles’.

(6) Part 13, Schedule, clause 42A(1)—
omit, insert—

‘42A.(1) An emergency vehicle may be fitted with a flashing warning light.

‘(1A) The light when lit must—

- (a) be fitted to the top of the emergency vehicle; and
- (b) emit light visible, in normal sunlight, at a distance of 200 m from the vehicle.

‘(1B) The light when lit must emit—

- (a) for a vehicle being used by the Police Service—blue or red light;
or
- (b) otherwise—red light.

‘(1C) A motor vehicle (other than an emergency vehicle) must not be fitted with a red or blue flashing warning light except with the written permission of the Commissioner.’.

(7) Part 13, Schedule, clause 63, Tables A and B, ‘truck or motor utility truck’—
omit, insert—

‘vehicle’.

(8) Part 13, Schedule, clause 63, Table B, ‘truck and motor utility truck’—

omit, insert—

‘vehicle’.

(9) Part 13, Schedule, clause 70—

omit, insert—

‘Audible warning devices

‘70.(1) A motor vehicle (other than a trailer) must be fitted with at least 1 warning device that makes a sound to warn a person of the presence of the vehicle.

‘(2) The device must make a sound with a constant amplitude, tone and frequency.

‘(3) The sound may be made by any energy source including compressed air.

‘(4) A motor vehicle (other than an emergency vehicle) must not be fitted with a repeater horn or siren except with the written permission of the Commissioner.’.

(10) Part 13, Schedule, clause 82(2), ‘or motor utility truck’—

omit.

(11) Part 13, Schedule, clause 85, ‘omnibus, motor truck and motor utility truck’—

omit, insert—

‘motor omnibus and motor truck’.

(12) Part 13, Schedule—

relocate before Schedule B.

Omission of Pt 15 (Passing stationary trams and safety zones)

18. Part 15—

omit.

Amendment of Pt 16 (Licences for drivers, stalls, itinerant vendors, etc.: permits for itinerant musicians, amplifiers, meetings, processions etc., and advertising, handbills, etc.)

19. Part 16, heading—

omit, insert—

‘PART 16—LICENCES’.

Replacement of s 103 (Application for licence to be made to superintendent)

20. Section 103—

omit, insert—

‘Licences—applications

‘103.(1) A person may apply to a superintendent in the approved form for the grant of a licence.

‘(2) The superintendent, by written notice, may request the applicant to give further information or documents relevant to the application.

‘(3) The superintendent may refuse to consider the application if the applicant does not comply with the request without reasonable excuse.’.

Insertion of new s 104A

21. After section 104—

insert—

‘Licences—decision on application

‘104A.(1) The superintendent must consider an application for a licence and either—

- (a) grant the licence; or
- (b) refuse to grant the licence.

‘(2) If the superintendent decides to grant the licence, the superintendent must promptly give the applicant—

- (a) the licence; and

- (b) if the licence is subject to a condition—a written notice stating that the applicant may contest the decision to impose the condition by—
 - (i) applying under section 134C for reconsideration of the decision; or
 - (ii) appealing under section 57(1) of the Act.

‘(3) If the superintendent decides to refuse to grant the licence, the superintendent must promptly give the applicant a written notice stating—

- (a) the decision; and
- (b) the reasons for the decision; and
- (c) that the applicant may contest the refusal by—
 - (i) applying under section 134C for reconsideration of the decision; or
 - (ii) appealing under section 57(1) of the Act.’.

Amendment of s 107 (Testing applicant’s fitness to hold driver’s licence)

22.(1) Section 107(1), from ‘Upon’ to ‘licence, the Superintendent’—
omit, insert—

‘On receiving an application for the issue or renewal of a provisional or open licence, a superintendent’.

(2) Section 107(2) and (3)—
omit.

Omission of ss 107A and 107B

23. Sections 107A and 107B—
omit.

Replacement of ss 108B and 108C

24. Sections 108B and 108C—

omit, insert—

‘Allocation of demerit points

‘108B.(1) This section does not apply to a person who commits an offence while riding a bicycle or tricycle.

‘(2) This section applies if—

- (a) a person has paid a penalty, or been dealt with, for a contravention of—
 - (i) an offence mentioned in Schedule B; or
 - (ii) an offence under a corresponding law that corresponds to an offence mentioned in Schedule B (a **“corresponding offence”**); or
- (b) an order has been made against a person under—
 - (i) section 98F of the *Justices Act 1886* for an offence mentioned in Schedule B; or
 - (ii) a corresponding law for a corresponding offence.

‘(3) The chief executive may endorse on the person’s traffic history—

- (a) particulars of the offence; and
- (b) the penalty imposed on the person; and
- (c) the number of demerit points allocated for the offence; and
- (d) the date the offence was committed.

‘(4) The number of demerit points to be allocated for the offence is—

- (a) for an offence under this Act—the number set out beside the offence in Schedule B; or
- (b) for a corresponding offence—the number set out beside the offence in Schedule B that corresponds to the corresponding offence.

‘(5) The demerit points are taken to be allocated on the day the offence was committed.

‘(6) When a person’s driver’s licence is suspended or cancelled (whether or not under this Part), the chief executive must disregard the demerit points allocated before the suspension or cancellation when considering a further suspension or cancellation of the person’s licence.

‘Notice of accumulation of too many demerit points

‘108BA.(1) The chief executive must give written notice to a person—

- (a) whose driver’s licence must be cancelled under section 108BB; or
- (b) whose open licence may be suspended or cancelled under section 108BB(3); or
- (c) who, because of section 108BC, will be unable to apply for a driver’s licence for 3 months.

‘(2) The notice must—

- (a) if the person’s driver’s licence must be cancelled under section 108BB(1)—inform the person about section 108D; and
- (b) if the person’s open licence may be cancelled because of a choice made under section 108BB(3)—
 - (i) inform the person of the choice the person must make under the subsection; and
 - (ii) require the person to make the choice and advise the chief executive of the person’s choice in the way, and within the time, specified; and
- (c) require the person—
 - (i) to return the person’s driver’s licence to the chief executive in the way, and within a time, specified; or
 - (ii) if the person cannot comply with subparagraph (i)—to give the chief executive, within the time specified, a statutory declaration stating why the person cannot comply with the subparagraph.

‘(3) A time specified under subsection (2)(b) or (c) must be at least 14 days.

‘(4) The person must comply with the notice, unless the person has a

reasonable excuse not to comply with it.

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

‘(5) A statutory declaration given under subsection (2)(c)(ii) is not admissible as evidence in proceedings against the declarant for an offence of driving a motor vehicle without a driver’s licence.

‘Suspension or cancellation of driver’s licence on accumulation of demerit points

‘108BB.(1) The chief executive must cancel a person’s driver’s licence if—

- (a) 4 or more demerit points are endorsed on a person’s traffic history; and
- (b) the demerit points were allocated in a continuous 1 year period while the person held a learner’s permit or provisional licence.

‘(2) The chief executive must require a person to make a choice about the suspension or cancellation of the person’s open licence if—

- (a) 12 or more demerit points are endorsed on a person’s traffic history; and
- (b) the demerit points were allocated in a continuous 3 year period while the person held a driver’s licence.

‘(3) A person required to make a choice under subsection (2) must choose, within the time specified in the notice under section 108BA(2)(b), between—

- (a) suspension of the person’s open licence for 3 months from the day the person returns the licence to the chief executive; or
- (b) cancellation of the person’s open licence and, on the person’s application, the grant of a provisional licence to the person.

‘(4) The chief executive must cancel a person’s open licence if—

- (a) the person chooses cancellation; or
- (b) the person does not advise the chief executive of the person’s choice within the specified time.

‘(5) The chief executive must cancel a person’s provisional or open

licence if—

- (a) 2 or more demerit points are endorsed on the person's traffic history; and
- (b) the demerit points were allocated in a continuous 1 year period while the person held a provisional licence issued after the person's open licence was cancelled under subsection (4).

'(6) The cancellation of a person's driver's licence under this section takes effect—

- (a) if the licence is returned, or a statutory declaration is given, as required by a section 108BA notice—when the licence is returned or the declaration is given to the chief executive; or
- (b) if the licence is not returned, or a statutory declaration is not given, as required—at the end of the time specified in the notice for the return of the licence; or
- (c) if the licence expires before the time specified in the notice for the return of the licence—on the day after the expiry date of the driver's licence.

'Effect of allocation of demerit points to unlicensed persons

'108BC. If—

- (a) 4 or more demerit points are endorsed on a person's traffic history; and
- (b) the demerit points were allocated in a continuous 1 year period while the person did not hold a driver's licence;

the person cannot apply for a driver's licence for 3 months from the day specified in the chief executive's notice under section 108BA(1).

'Period when person cannot apply for licence after cancellation

'108C.(1) In this section—

"calculation day" means the day a person—

- (a) returns a driver's licence to the chief executive under section 108BA; or

(b) gives a statutory declaration mentioned in section 108BA(2)(c)(ii).

‘(2) If a person’s learner’s permit is cancelled under section 108BB(1), a superintendent must not grant another learner’s permit to the person for 3 months from the calculation day.

‘(3) If a subsequent learner’s permit issued to the person is cancelled under section 108BB(1), a superintendent must not grant another learner’s permit to the person for 6 months from the calculation day.

‘(4) If a person’s provisional licence is cancelled under section 108BB(1), a superintendent must not grant the person a learner’s permit or a further provisional licence for 3 months from the calculation day.

‘(5) If a subsequent provisional licence issued to the person is cancelled under section 108BB(1), a superintendent must not grant the person a learner’s permit or another provisional licence for 6 months from the calculation day.

‘(6) If a person’s provisional licence is cancelled under section 108BB(5), a superintendent must not grant the person a learner’s permit or another provisional licence for 6 months from the calculation day.

‘(7) If a person’s provisional licence granted under section 20A of the Act is cancelled under section 108BB(1), a superintendent must not grant a learner’s permit or provisional licence to the person—

- (a) for 3 months from the calculation day; or
- (b) if the balance of the disqualification period imposed under section 20(5) of the Act is longer than 3 months—the balance of the period.

‘(8) If a person’s open licence is cancelled under section 108BB(1), a superintendent must not grant the person—

- (a) a learner’s permit or provisional licence for 3 months from the calculation day; or
- (b) an open licence until the person has, immediately before applying for the open licence, held a provisional licence for at least 1 year.

‘(9) If a person’s open licence is cancelled under section 108BB(5), a superintendent must not grant the person—

- (a) a learner's permit or provisional licence for 6 months from the calculation day; or
- (b) an open licence until the person has, immediately before applying for the open licence, held a provisional licence for at least 1 year.

‘(10) If a person chooses, under section 108BB(3), to have the person's open licence cancelled, a superintendent must not grant the person another open licence until the person has, immediately before applying for the open licence, held a provisional licence for at least 1 year.

‘Section 108C applies even if licence expired

‘108CA.(1) This section applies to a person—

- (a) whose driver's licence expired after demerit points were allocated to the person's traffic history; and
- (b) whose driver's licence, apart from the expiry, could have been cancelled by the chief executive because of the demerit points.

‘(2) Section 108C applies to the person as if the person's driver's licence had been cancelled by the chief executive under section 108BB.

‘(3) For the purposes of subsection (2), the licence is taken to have been cancelled on the day after the expiry date of the licence.’

Amendment of s 108D (Appeals against automatic cancellation)

25.(1) Section 108D(1)—

omit, insert—

‘108D.(1) A person may appeal against the cancellation of the person's—

- (a) learner's permit under section 108BB(1); or
- (b) provisional licence (other than a provisional licence issued under section 20A of the Act) under section 108BB(1) or (5); or
- (c) open licence under section 108BB(1).

‘(1A) The person may only appeal on the ground that the cancellation would cause extreme hardship to the person or the person's family by

depriving the person of the means of earning a living.’.

(2) Section 108D—

insert—

‘(5A) The chief executive or Commissioner may give the court information about the person’s traffic history.’.

(3) Section 108D—

insert—

‘(6A) The court must not set aside the cancellation of the person’s driver’s licence unless satisfied—

- (a) the person is an appropriate person to be licensed to drive a motor vehicle having regard to the person’s traffic history; and
- (b) the cancellation would cause extreme hardship to the person or the person’s family by depriving the person of the means of earning a living.’.

(4) Section 108D—

insert—

‘(8) The clerk of the court must give the chief executive a copy of the order made under this section.’.

Replacement of ss 108E–108G

26. Sections 108E to 108G—

omit, insert—

‘Application for licence under s 16B or 20A of the Act

‘108E. An application under section 16B or 20A of the Act, for an order directing that a person be issued with a provisional licence, must be in the approved form.

‘Application for amendment under s 20B of the Act

‘108F. An application under section 20B of the Act, for an order amending the restrictions to which a provisional licence is subject, must be in the approved form.’.

Amendment of s 110 (Drivers' licences issued outside Queensland)

27.(1) Section 110(1)(b), 'District Superintendent'—

omit, insert—

'chief executive or Commissioner'.

(2) Section 110(2)—

omit, insert—

'**(2)** The chief executive or Commissioner may withdraw the privilege conferred on a licensee under subsection (1), if the chief executive or Commissioner considers on reasonable grounds—

- (a) the licensee has a mental or physical incapacity that is likely to adversely affect the licensee's ability to drive; or
- (b) having regard to the licensee's traffic history, it is not desirable that the licensee be allowed to drive a motor vehicle in Queensland.

'**(2A)** The withdrawal takes effect from a date specified in a notice given by the chief executive or Commissioner to the licensee.'

Amendment of s 117 (Amendment of conditions)

28. Section 117(6)(b)—

omit, insert—

'(b) that the licensee may contest the decision by—

- (i) applying under section 134C for reconsideration of the decision; or
- (ii) appealing under section 57(1) of the Act.'

Omission of ss 118–121

29. Sections 118 to 121—

omit.

Amendment of s 134A (Procedure for suspension or cancellation)

30. Section 134A(8)(b)—

omit, insert—

‘(b) that the licensee may contest the decision by—

- (i) applying under section 134C for reconsideration of the decision; or
- (ii) appealing under section 57(1) of the Act.’.

Amendment of s 140 (Traffic offence penalties)

31.(1) Section 140(1A)(c)—

insert—

‘19(2)(a) 130’.

(2) Section 140(1A)(c), ‘20(1)’—

omit, insert—

‘20(1A), 20(1B), 20(1C)’.

(3) Section 140(1A)(c), ‘46, 46A, 47’—

omit, insert—

‘46, 46A’.

(4) Section 140(1A)(c)—

insert—

‘47 60’.

(5) Section 140(1A)(c), ‘77 50’—

omit, insert—

‘77 250’.

(6) Section 140(1A)(c), from ‘90’ to ‘vehicle 5’—

omit, insert—

‘90 40’.

(7) Section 140(1B)(a), ‘19(1)(c)(i) or 19(1)(d)(iii)’—

omit, insert—

‘19(1)(c)(i), (1)(c)(iii) and (1)(d)(iii)), 19(2)(a)’.

Amendment of s 142A (Prescribed penalties etc. for offences dealt with under s 16B of the Act)

32.(1) Section 142A(2), Table 2, ‘s.16(2)(a)’—

omit, insert—

‘s 16(2)’.

(2) Section 142A(2), Table 2, ‘s.16(2)(aa)’—

omit, insert—

‘s 16(2A)’.

(3) Section 142A(2), Table 2, ‘s.16(2)(ab)’—

omit, insert—

‘s 16(2B)’.

Omission of s 165 (Public stands and stopping places)

33. Section 165—

omit.

Amendment of s 173

34. Section 173, as a heading—

insert—

‘**Definitions**’.

Amendment of s 178 (Blood specimens)

35.(1) Section 178(1), ‘legally qualified medical practitioner’—

omit, insert—

‘doctor’.

(2) Section 178(1)(iv) and (v), ‘receptacle’—

omit, insert—

‘specimen tube’.

(3) Section 178(1)(vi)—

omit, insert—

‘(vi) sign a certificate stating—

- (a) the name of the person who supplied the specimen; and
- (b) the place where and the date and time when the specimen was supplied; and
- (c) the identifying number the doctor placed on the specimen tube containing the specimen; and
- (d) the name, rank and station of the police officer who asked the person to supply the specimen.’.

Replacement of s 182 (Medical exemption from breath test)

36. Section 182—

omit, insert—

‘Medical exemption from breath test

‘**182.** A doctor’s certificate given for the purposes of section 16A(5B)(a) of the Act must be in the approved form.’.

Insertion of new s 183

37. In Part 19—

insert—

‘Delivery of blood or urine specimens

‘**183.** For the purposes of section 16A(16A) of the Act, delivery of a blood or urine specimen made other than personally must be made in accordance with the *International Air Transport Association Dangerous Goods Regulations*.’.

Replacement of s 208 (Form of notice)

38. Section 208—

omit, insert—

‘Notice under s 44R of the Act

‘208.(1) A notice under section 44R of the Act must be in the approved form.

‘(2) The notice must—

- (a) be identified by a unique number; and
- (b) specify the full name, or surname and initials, and full address of the alleged offender; and
- (c) specify the alleged offence in a way clearly showing the nature of the offence; and
- (d) specify the place, time and date of the offence; and
- (e) specify particulars identifying the vehicle; and
- (f) specify the penalty and demerit points for the offence; and
- (g) inform the alleged offender that the offender may examine a copy of the photographic evidence of the alleged offence.’

Amendment of s 209 (Operation and testing of photographic detection device—traffic lights)

39. Section 209(c)(iv)—

omit.

Omission of s 210 (Denotations in data block)

40. Section 210—

omit.

Omission of Sch A

41. Schedule A—

omit.

Amendment of Sch B (Offences for the purposes of regulation 108B)

42.(1) Schedule B, ‘regulations 11(1)(a)’—

omit, insert—

‘sections 11(1)(a), 19(2)(a)’.

(2) Schedule B, ‘regulations 20, 32, 39(2)(a)’—

omit, insert—

‘sections 20, 32, 39(2)(a), 47’.

(3) Schedule B, ‘regulations 39(1), 48(1)(b)’—

omit, insert—

‘sections 39(1) and 48(4)’.

Omission of Sch D

43. Schedule D—

omit.

Amendment of Sch E (Fees)

44. Schedule E, items 1, 2, 5 and 6—

omit.

PART 3—AMENDMENT OF TRANSPORT INFRASTRUCTURE (ROADS) REGULATION 1991

Regulation amended

45. This Part amends the *Transport Infrastructure (Roads) Regulation 1991*.

Amendment of Sch 1 (Fees)

46. Schedule 1, Part 4—

insert—

‘8. Traffic improvement fee 30.50 ’.

SCHEDULE

MINOR AMENDMENTS

section 3

1. Section 13(2)—

omit.

2. Sections 14, 122, 190(2)(a), 205(2)(a) and (d), (3), (6) and (7) and 206, ‘District Superintendent’—

omit, insert—

‘chief executive, Commissioner’.

3. Section 18, ‘District Superintendent or Superintendent, or the Commissioner of Main Roads, as the case may be,’—

omit, insert—

‘chief executive, Commissioner or superintendent’.

4. Section 42(3)—

omit.

5. Section 90B(3)(h)—

omit, insert—

‘(h) in possession of a written permission of the chief executive exempting the person from this section.’.

SCHEDULE (continued)

6. Sections 106(2), 109(5)(a), (6) and (7) and 117A, ‘driver’s licence, other than a learner’s permit,’—*omit, insert—*

‘provisional or open licence’.

7. Sections 106(2A) and 109(2A), ‘A District Superintendent’—*omit, insert—*

‘The chief executive or Commissioner’.

8. Sections 106(2A) (2nd mention), 126B and 164(1), (2)(b), (7) and (8), ‘District Superintendent’—*omit, insert—*

‘chief executive or Commissioner’.

9. Section 108(1), ‘driver’s licence, other than a learner’s permit,’—*omit, insert—*

‘provisional or open licence’.

10. Section 108(1), ‘driver’s’ (2nd mention)—*omit.***11. Section 108(3)(c), ‘by a District Superintendent’—***omit.***12. Sections 108A(1) and (6) and 109(3)(b)(ii), ‘driver’s licence (other than a learner’s permit)’—***omit, insert—*

‘provisional or open licence’.

SCHEDULE (continued)

13. Sections 108A(1)(b), ‘driver’s licence (other than a learner’s permit or a provisional licence),’—*omit, insert—*

‘open licence’.

14. Section 108A(2) and (3)—*omit.***15. Section 117A, ‘driver’s licence other than a learner’s permit’—***omit, insert—*

‘provisional or open licence’.

16. Section 137(1), table, from ‘O Driver’s’ to ‘a provisional licence’—*omit, insert—*

‘O Open licence’.

17. Section 142(2) and (3)(b), ‘a District Superintendent or’—*omit, insert—*

‘the Commissioner or a’.

18. Section 145—*omit.***19. Section 147, ‘District Superintendent’—***omit, insert—*

‘Commissioner’.

SCHEDULE (continued)

20. Section 164(3), from ‘Commissioner’ to ‘other’—*omit, insert—*

‘chief executive, Commissioner or a’.

21. Section 169—*omit, insert—***‘Delegation to sign documents**

‘**169.** The chief executive or Commissioner may delegate the power to give or sign a document that the chief executive or Commissioner is required or permitted to give or sign under the Act.’.

22. Section 186—*omit.*

ENDNOTES

1. Made by the Governor in Council on 30 June 1994.
2. Notified in the Gazette on 1 July 1994.
3. Laid before the Legislative Assembly on . . .
4. The administering agency is the Department of Transport.