

Queensland



Subordinate Legislation 1997 No. 440

Traffic Act 1949

Tow Truck Act 1973

**TRAFFIC AMENDMENT REGULATION (No. 2)
1997**

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PART 1—PRELIMINARY

Short title

1. This regulation may be cited as the *Traffic Amendment Regulation (No. 2) 1997*.

Commencement

2.(1) Sections 13 to 16 commence on 2 February 1998.

(2) The remainder of this regulation commences on 12 December 1997.

PART 2—AMENDMENT OF TRAFFIC REGULATION 1962

Regulation amended in pt 2

3. This part amends the *Traffic Regulation 1962*.

Amendment of s 4 (Definitions)

4. Section 4, definitions “**agricultural implement**”, “**approved form**”, “**incapacitated person**”, “**power-assisted bicycle**”, “**power-assisted cycle**”, “**power-assisted tricycle**”, “**power source**”, “**propellant**”, “**toy vehicle**” and “**wheelchair**”—

omit.

Omission of s 14 (Approval of forms)

5. Section 14—

omit.

Amendment of s 51 (Radar detection devices)**6. Section 51—***insert—***‘(3)** Subsection (4) applies if—

- (a) a police officer seizes, removes and detains, or causes to be removed or detained a device under subsection (2); and
- (b) the driver is convicted of an offence against subsection (1).

‘(4) The device—

- (a) is forfeited to the State; and
- (b) may be destroyed or otherwise dealt with as directed by the commissioner.

‘(5) The driver is taken to be convicted of an offence against subsection (1) if the driver—

- (a) is served with an infringement notice for the offence under the *Justices Act 1886*, section 98C and—
 - (i) the driver pays the infringement notice penalty for the offence; or
 - (ii) a warrant of commitment in respect of the offence is issued against the driver under the *Justices Act 1886*, section 98S;¹ or
- (b) is found guilty of the offence, including the acceptance of a plea of guilty, by a court even though a conviction is not recorded.’

Insertion of new ss 60 and 61**7. Part 12—***insert—*

¹ Section 98C (Service of infringement notices—generally)
Section 98S (Issue of warrants)

‘Removal of things from off-street regulated parking area—Act, s 44

‘60. For the purposes of section 44(6B) of the Act, an off-street regulated parking area for which there is an agreement mentioned in section 44BB(1) of the Act is a road.

‘Things agreements must provide for—Act, s 44BB(2)

‘61. An agreement under section 44BB of the Act must provide for—

- (a) the payment of installation and maintenance costs of—
 - (i) official traffic signs installed under section 44B of the Act; and
 - (ii) other signs and markings; and
- (b) the kind of parking services to be provided by the local government and the times at which, or circumstances in which, the parking services are to be provided; and
- (c) the fees, costs and charges (if any) to be paid to the local government by the occupier; and
- (d) rights of access to the land by persons authorised by the local government for the provision of parking services and the obligations the persons must comply with while exercising the rights; and
- (e) the suspension of obligations under the agreement in specified circumstances.’.

Amendment of s 96 (Leading animals)

8. Section 96—

insert—

‘(1A) However, a person riding an animal may lead more than 1 other animal across a road if the person holds a permit issued by a local government.’.

Amendment of s 98 (Use of unbroken or undomesticated animals)

9.(1) Section 98(1), from ‘, unless’ to ‘so to do’—

omit.

(2) Section 98(1)(d), after ‘drive’—

insert—

‘or lead’.

(3) Section 98—

insert—

(1A) However, subsection (1) does not apply if the person holds a permit issued by—

(a) for subsection (1)(a) to (c)—a superintendent; or

(b) for subsection (1)(d)—a superintendent or local government.’.

Amendment of s 99 (Drive animals off carriageway if practicable)

10.(1) Section 99, heading, after ‘**Drive**’—

insert—

‘**or lead**’.

(2) Section 99, after ‘drive’—

insert—

‘or lead’.

Amendment of s 147 (Persons must not solicit from roads)

11. Section 147—

insert—

(3) This section does not apply to a person engaged in roadside vending authorised under a permit issued by a local government.’.

Amendment of s 161 (Register of motor vehicles repaired or painted)**12.** Section 161(1)—

omit, insert—

‘161.(1) For section 58 of the Act, the written register must also contain—

- (a) the name and address of the occupier of the garage or premises where the motor vehicle is repaired or painted; and
- (b) the date and time a person who is not the owner of the motor vehicle, or is not the owner’s agent, drove it from or to the garage or premises; and
- (c) the name and residential address of a person mentioned in paragraph (b).

Example of paragraphs (b) and (c)—

If an employee of the occupier of the garage takes the vehicle for a test drive, the employee’s name and residential address, and the date and time when the vehicle was driven in and out of the garage, must be inserted in the register.’.

Amendment of s 173 (Definitions)**13.** Section 173, definition “reagent ampoule”—

omit.

Omission of s 174 (Testing breath analysing instruments)**14.** Section 174—

omit.

Omission of s 176 (Evidence—reagent ampoules)**15.** Section 176—

omit.

Amendment of s 183A (Breath analysing instruments and breath testing devices)

16.(1) Section 183A(1), ‘a type of breath analysing instrument’—

omit, insert—

‘approved’.

(2) Section 183A(2), ‘, paragraph (b)’—

omit.

Amendment of sch 2 (Demerit points for certain offences)

17. Schedule 2, section 10A—

omit.

**PART 3—AMENDMENT OF TOW TRUCK
REGULATION 1988****Regulation amended in pt 3 and schedule**

18. This part and the schedule amend the *Tow Truck Regulation 1988*.

Amendment of s 5 (Interpretation)

19. Section 5(1), definitions “**approved form**” and “**incident**”—

omit.

Amendment of s 6 (Approved forms)

20. Section 6—

omit.

Amendment of s 27 (Records to be kept)**21.** Section 27(a) and (b)—

omit, insert—

- ‘(a) all information given to the holder or the holder’s employee or agent relating to an incident or the removal of a seized vehicle; and
- (b) the name and address of the person who gave the information; and
- (c) the place, date and approximate time of the incident or seizure; and
- (d) the make, and registration or other vehicle identification number, of the vehicles concerned.’

Amendment of s 33 (Authorized officer may authorize tow)**22.** Section 33(b)—

omit, insert—

- ‘(b) the holder of the licence or permit issued for the tow truck shown on the towing authority form must give the original towing authority form signed by the authorised officer to—
 - (i) for a damaged motor vehicle—the chief executive within 7 days after the vehicle was towed; or
 - (ii) for a seized motor vehicle—the authorised officer before the vehicle is towed.’

Amendment of s 35 (Shortest route to be used)**23.** Section 35(1), from ‘motor vehicle’ to ‘incident shall’—

omit, insert—

‘or seized motor vehicle from the scene of an incident or seizure must’.

Amendment of s 37 (Notification to owner of location of vehicle)

24.(1) Section 37, heading, ‘to owner’—

omit.

(2) Section 37—

insert—

‘(2) In this section—

“agent”, for a seized motor, means the authorised officer who signed the towing authority form.’.

Amendment of s 43 (Exemption from compliance with Act)

25. Section 43(b), after ‘incident’—

insert—

‘or its seizure’.

Amendment of s 45 (The Commissioner may investigate)

26. Section 45, ‘damaged motor vehicles’—

omit, insert—

‘a damaged motor vehicle or the towing of a seized motor vehicle’.

Amendment of s 46 (The Commissioner may request documentation, etc.)

27. Section 46, after ‘motor vehicle’—

insert—

‘or the towing of a seized motor vehicle’.

Amendment of s 49 (Offences)

28. Section 49(3), ‘four (4)’—

omit, insert—

‘20’.

SCHEDULE**MINOR AMENDMENTS TO TOW TRUCK
REGULATION 1988**

section 18

1. Section 5(1), definition “holding yard”, paragraph (iv), 7(2), 8(2) and (3), 9(2), (3)(b) and (4), 10(2), (3)(b) and (4), 11, 12(1) and (3), 13, 14(1) and (2), 15(1) and (2)(d), 16, 18(1) and (2), 19, 20, 21(2)(b), 22(2)(b), 23(1), (3), (4) and (5), 24, 25(b), 26(1) and (2), 31(a), 42(2), 44(1)(e), 45 and heading, 46 and heading, 47 and heading, 48 and 55(1) and (2), ‘Commissioner’—

omit, insert—

‘chief executive’.

2. Section 8(1), ‘Commissioner’s’—

omit, insert—

‘chief executive’s’.

3. Section 30(a), ‘office of the Commissioner for Transport’—

omit, insert—

‘chief executive’.

4. Section 31(b) and (c), 38 and 40(3) and schedule 2, part B, section 11, after ‘incident’—

insert—

‘or seizure’.

5. Section 33, 34, 35(2), 36, 37, 38, 39, 40(3) and 41 and schedule 2, part B, sections 8 and 11, after ‘damaged’—

insert—

‘or seized’.

ENDNOTES

1. Made by the Governor in Council on 11 December 1997.
2. Notified in the gazette on 12 December 1997.
3. Laid before the Legislative Assembly on . . .
4. The administering agency is the Department of Transport.