



Queensland

Transport Legislation (New Queensland Driver Licensing) and Other Legislation Amendment Regulation (No. 1) 2010

Subordinate Legislation 2010 No. 189

made under the

Adult Proof of Age Card Act 2008

Liquor Act 1992

Tow Truck Act 1973

Transport Operations (Marine Safety) Act 1994

Transport Operations (Passenger Transport) Act 1994

Transport Operations (Road Use Management) Act 1995

Transport Planning and Coordination Act 1994

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Part 1 Preliminary

1 Short title

This regulation may be cited as the *Transport Legislation (New Queensland Driver Licensing) and Other Legislation Amendment Regulation (No. 1) 2010*.

2 Commencement

- (1) Subject to subsection (2), this regulation commences on 24 July 2010.
- (2) The following provisions commence on 25 July 2010—
 - part 2
 - section 15
 - section 69
 - section 106.

Part 2 Amendment of Adult Proof of Age Card Regulation 2010

3 Regulation amended

This part amends the *Adult Proof of Age Card Regulation 2010*.

4 Insertion of new ss 4–7

After section 3—

insert—

‘4 Adult proof of age card not received in post

- ‘(1) This section applies if—

- (a) the chief executive issues an adult proof of age card; and
 - (b) the holder has not received the card in the post at the address stated in the holder's application for the card within the time stated by the chief executive when the application was made.
- '(2) The holder must promptly notify the chief executive that the holder has not received the adult proof of age card.
- '(3) If the chief executive is satisfied that the holder has not received the adult proof of age card because it has been lost or stolen, the chief executive must—
- (a) advise the holder; and
 - (b) if the holder applies for a replacement card under section 18(1)(b) of the Act, waive payment of the fee for the replacement card.

Note—

See also section 19 of the Act, which requires a holder to give the chief executive notice if a card has been, or is reasonably suspected of being, lost or stolen.

'5 Change of name and address

- '(1) This section applies if the holder of an adult proof of age card—
- (a) changes the holder's name or address; and
 - (b) gives the chief executive written notice of the change.
- '(2) If the chief executive is satisfied the information given by the holder is correct, the chief executive must—
- (a) record the change in the APA register; and
 - (b) for a change of name—give the holder a replacement adult proof of age card that records the change of name.
- '(3) No fee is payable for—
- (b) recording the change in the APA register; or

- (b) a replacement adult proof of age card for a change of name.

‘6 Notifiable events under other Acts

- ‘(1) This section applies if the holder of an adult proof of age card—
 - (a) has an obligation under the Act to notify the chief executive of a notifiable event; and
 - (b) has an obligation under a prescribed smartcard Act to notify the chief executive, or the general manager under the *Maritime Safety Queensland Act 2002*, of the same notifiable event; and
 - (c) complies with the obligation under the prescribed smartcard Act.
- ‘(2) The obligation under the Act to notify the chief executive of the notifiable event is taken to have been satisfied if any time allowed to make the notification under the Act has not expired.
- ‘(3) In this section—
notifiable event means a change of name or a change of address.

‘7 Dealing with superseded adult proof of age card

- ‘(1) This section applies if—
 - (a) a person has in the person’s possession a superseded adult proof of age card; and
 - (b) the chief executive gives the person a notice requiring the person to destroy the adult proof of age card in a stated way.
- ‘(2) The person must comply with the notice.
Maximum penalty—20 penalty units.

- ‘(3) However, this section does not apply if the person is required to return the adult proof of age card to the chief executive under the Act.’.

Part 3 Amendment of Tow Truck Regulation 2009

5 Regulation amended

This part amends the *Tow Truck Regulation 2009*.

6 Amendment of s 4 (Eligibility to apply for a driver’s certificate)

- (1) Section 4(2)(a) and (b)(i), ‘tow truck of the class’—
omit, insert—
‘class of vehicle’.
- (2) Section 4(2)(a), after ‘years’—
insert—
‘immediately’.

7 Insertion of new ss 10A–10D

After section 10—
insert—

‘10A Form of certificate notice

- ‘(1) This section applies if the chief executive gives a person written notice (a *certificate notice*) of—
- (a) the granting of a certificate to the person; or
 - (b) the renewal of the person’s certificate; or

- (c) the issuing of a replacement document evidencing the granting of a certificate to the person.
- ‘(2) The certificate notice may be in the form of a smartcard certificate or an interim transport authority.
- ‘(3) Subsection (2) does not limit the form the certificate notice may take.
- ‘(4) A smartcard certificate given to a person may be in the form of a smartcard transport authority that includes information about 1 or more other transport authorities held by the person.
- ‘(5) In this section—
transport authority see the *Transport Planning and Coordination Act 1994*, section 36G(3).

‘10B General provisions about certificate notice

- ‘(1) A certificate notice may—
 - (a) indicate by way of a code, expression or otherwise that the person holds a certificate, and whether the certificate is subject to a condition; and
 - (b) contain information about—
 - (i) the certificate; and
 - (ii) the person’s personal particulars.
- ‘(2) A code or expression mentioned in subsection (1) may be—
 - (a) stated on a certificate notice; or
 - (b) stored electronically on a smartcard certificate.
- ‘(3) Subsection (1) does not limit the information that a certificate notice may contain.

‘10C Expressions on certificate notice

- ‘(1) The expression ‘tow truck driver’ on a certificate notice indicates that the person is the holder of a driver’s certificate.

- ‘(2) The expression ‘tow truck assistant’ on a certificate notice indicates that the person is the holder of an assistant’s certificate.

‘10D Codes on certificate notice

- ‘(1) The following codes may be used on a certificate notice to show whether a certificate is subject to a condition—
- ‘N’ stated on a certificate notice to show that—
 - the certificate is not subject to a condition; or
 - the certificate is subject to a condition evidence of which need not be carried by the holder of the certificate while carrying out activities for which the certificate is required
 - ‘Y’ stated on a certificate notice to show that the certificate is subject to a condition evidence of which must be carried by the holder of the certificate while carrying out activities for which the certificate is required
 - ‘TEXT’ stored on a smartcard certificate to show that the certificate is subject to a condition.
- ‘(2) A code mentioned in the *Transport Operations (Road Use Management—Driver Licensing) Regulation 1999*, schedule 2 may also be used on a certificate notice to show the class of vehicle that a certificate holder is authorised to drive under the certificate.’.

8 Amendment of s 11 (Identity card for holder of a certificate)

- (1) Section 11(2)(a), ‘recent photograph’—
omit, insert—
‘photo’.
- (2) Section 11(2)(e)—

omit, insert—

‘(e) bear the certificate holder’s signature.’.

9 Replacement of ss 12 and 13

Sections 12 and 13—

omit, insert—

‘12 Holder to sign written notice or permit document

‘(1) This section applies if the chief executive gives a person—

- (a) a certificate notice; or
- (b) a document evidencing the granting of a miscellaneous permit to the person (a *permit document*).

‘(2) The person must, on receiving the certificate notice or permit document, sign it in ink with the person’s usual signature in the space provided on it.

Maximum penalty—20 penalty units.

‘(3) Subsection (2) does not apply to a smartcard certificate.

‘13 Application by holder for replacement document

‘(1) This section applies if—

- (a) information stated on a document evidencing the granting of an approval to a person is incorrect; or
- (b) the holder of an approval becomes aware, or reasonably suspects, a document evidencing the granting of an approval has been damaged, lost or stolen.

Note—

See also section 14A for notifying the chief executive if a document has been damaged, lost or stolen.

‘(2) The holder may apply to the chief executive for a replacement document.

‘(3) An application under this section must be—

- (a) made in the approved form; and

- (b) accompanied by—
 - (i) the document, unless the document has been, or the holder reasonably suspects it has been, destroyed, lost or stolen; and
 - (ii) the prescribed fee.
- ‘(4) After receiving the application, the chief executive must issue a replacement document to the holder if the chief executive is satisfied—
 - (a) if subsection (1)(a) applies—the information on the document was incorrect; or
 - (b) if subsection (1)(b) applies—the document has been damaged, lost or stolen.
- ‘(5) If the document that has been replaced (the *original document*) comes into, or returns to, the holder’s possession after a replacement document has been issued to the holder, the holder must destroy the original document.
Maximum penalty—20 penalty units.
- ‘(6) The chief executive may waive payment of the fee mentioned in subsection (3)(b)(ii) if—
 - (a) the original document was a smartcard certificate; and
 - (b) the chief executive is satisfied the holder has not received the smartcard certificate because it has been lost or stolen.
- ‘(7) In this section—
approval does not include an application for the renewal of a licence, certificate or permit.

‘13A Chief executive may require document evidencing granting of approval to be replaced

- ‘(1) This section applies if information stated on a holder’s document evidencing the granting of an approval to the person (the *document*) is incorrect and the chief executive reasonably believes the error was caused by the chief executive.

[s 10]

- ‘(2) The chief executive may, by written notice, require the holder of the document to return the document to the chief executive for replacement.
- ‘(3) The notice must include a statement identifying the information that is incorrect and the correct information.
- ‘(4) The holder must comply with the notice, unless the holder has a reasonable excuse.
Maximum penalty—20 penalty units.
- ‘(5) After receiving the document, the chief executive must give the holder a replacement document stating the correct information.

‘13B Upgrading to smartcard certificate

- ‘(1) This section applies to the holder of a certificate notice evidencing the granting of a certificate, if the certificate notice is not a smartcard certificate.
- ‘(2) The holder may apply to the chief executive to replace the certificate notice with a smartcard certificate.
- ‘(3) The application must be—
 - (a) made in the approved form; and
 - (b) accompanied by the prescribed fee.
- ‘(4) The chief executive may replace the certificate notice with a smartcard certificate for the same period as the unexpired period of the approval.’.

10 Replacement of s 15 (Change of name and address)

Section 15—

omit, insert—

‘14A Notifying chief executive if document evidencing granting of approval damaged, lost or stolen

- ‘(1) This section applies if the holder of an approval becomes aware, or reasonably suspects, his or her document evidencing the granting of an approval has been damaged, lost or stolen.
- ‘(2) The holder must give the chief executive written notice of the damage, loss or theft as soon as practicable after becoming aware of, or suspecting, it.
Maximum penalty—20 penalty units.
- ‘(3) The written notice is sufficiently given if an application for a replacement document is made under section 13.

‘15 Change of name and address

- ‘(1) If the holder of an approval changes the holder’s name or address, the holder must, within 14 days after the change, give the chief executive—
 - (a) written notice of the change; and
 - (b) for a change of name—the document evidencing the granting of the approval.Maximum penalty—20 penalty units.
- ‘(2) If the chief executive is satisfied the information given by the holder is correct, the chief executive must—
 - (a) for a change of name—
 - (i) endorse the change of name on the document evidencing the granting of the approval; or
 - (ii) give the holder a replacement document evidencing the granting of the approval that records the change of name; or
 - (b) for a change of address—
 - (i) endorse the change of address on the document evidencing the granting of the approval; or

[s 11]

- (ii) give the holder a replacement document evidencing the granting of the approval that records the change of address; or
 - (iii) give the holder a change of address label.
- ‘(3) If a change of address label is damaged, lost or stolen, the holder must promptly ask the chief executive for a replacement label.
Maximum penalty—20 penalty units.
- ‘(4) On receipt of a change of address label or a replacement label, the holder must promptly attach the label to the back of the document evidencing the granting of the approval in the space provided for a change of address label.
Maximum penalty for subsection (4)—20 penalty units.’.

11 Insertion of new s 15B

After section 15A—

insert—

‘15B Notifiable events under other Acts

- ‘(1) This section applies if the holder of an approval—
 - (a) has an obligation under the Act to notify the chief executive of a notifiable event; and
 - (b) has an obligation under a prescribed smartcard Act to notify the chief executive, or the general manager under the *Maritime Safety Queensland Act 2002*, of the same notifiable event; and
 - (c) complies with the obligation under the prescribed smartcard Act.
- ‘(2) The obligation under the Act to notify the chief executive of the notifiable event is taken to have been satisfied if any time allowed to make the notification under the Act has not expired.
- ‘(3) In this section—

notifiable event means any of the following—

- (a) a change of name;
- (b) a change of address;
- (c) the damage, loss or theft of a certificate notice or permit document.’.

12 Replacement of s 17 (Certificate or miscellaneous permit to be carried)

Section 17—

omit, insert—

‘17 Documents to be carried

- ‘(1) The holder of a miscellaneous permit must carry written notice of the granting of the permit while carrying out activities for which the permit is required.

Maximum penalty—20 penalty units.

- ‘(2) The holder of a certificate must carry 1 of the following documents while carrying out activities for which a certificate is required—

- (a) the holder’s smartcard certificate;
- (b) the holder’s interim transport authority;
- (c) another certificate notice about the granting, renewal or replacement of the holder’s certificate.

Maximum penalty—20 penalty units.

- ‘(3) If the chief executive has imposed a condition on the holder of a certificate, the holder must also carry any document evidencing the imposed condition if the imposed condition requires it.

Maximum penalty—20 penalty units.

- ‘(4) Subsection (3) does not apply to a condition about a person’s traffic history or criminal history.’.

13 Replacement of ss 23 and 24

Sections 23 and 24—

omit, insert—

‘23 Damaging a document

‘A person must not wilfully damage a document that is—

- (a) written notice of the granting or renewal of an approval;
or
- (b) a towing authority.

Maximum penalty—20 penalty units.

‘24 Chief executive may direct superseded document to be destroyed

‘(1) The chief executive may direct a person to destroy the person’s superseded document.

‘(2) The person must comply with the direction.

Maximum penalty—20 penalty units.

‘(3) In this section—

document means a certificate notice or a permit document.

superseded document includes a superseded smartcard transport authority.

Note—

See the *Transport Planning and Coordination Regulation 2005*, section 7(5) for when an interim transport authority has effect as a smartcard transport authority.

‘24A Only 1 certificate to be held at the same time

‘A person must not hold more than 1 driver’s certificate or assistant’s certificate at the same time.

Maximum penalty—40 penalty units.

‘24B Possessing another person’s document

- ‘(1) A person must not possess another person’s document, unless the person has a reasonable excuse.

Maximum penalty—40 penalty units.

- ‘(2) A person must not give the person’s document to another person if the person knows, or ought reasonably to know, the other person intends to use the document to deceive someone.

Maximum penalty—40 penalty units.

- ‘(3) For subsection (2), it is irrelevant whether the person intended to be deceived is known or unknown, or exists or does not exist.

- ‘(4) In this section—

document means a certificate notice or a permit document.

‘24C Document purporting to be certificate notice or permit document

- ‘(1) A person must not possess a document that resembles a certificate notice or permit document and is calculated to deceive someone.

Maximum penalty—40 penalty units.

- ‘(2) A person must not give another person a document that resembles a certificate notice or permit document and is calculated to deceive someone.

Maximum penalty—40 penalty units.

- ‘(3) For subsections (1) and (2), it is irrelevant whether the person intended to be deceived is known or unknown, or exists or does not exist.’.

14 Amendment of s 32 (Towing charges)

Section 32—

insert—

[s 15]

‘(1A) An amount stated in schedule 3 is inclusive of any GST payable in relation to the tow.’.

15 Amendment of sch 2 (Fees)

Schedule 2, items 13 to 17, ‘duplicate’—

omit, insert—

‘replacement’.

16 Amendment of sch 3 (Maximum towing charges)

Schedule 3, ‘\$’—

omit, insert—

‘\$
(including GST)’.

17 Amendment of sch 5 (Dictionary)

(1) Schedule 5, definition *damaged*—

omit.

(2) Schedule 5—

insert—

‘*certificate notice* see section 10A.

class, of vehicle, see the *Transport Operations (Road Use Management—Driver Licensing) Regulation 1999*, schedule 7.

damaged—

1 *Damaged*, in relation to a document other than a smartcard certificate, includes destroyed, defaced, mutilated or made illegible.

2 *Damaged*, in relation to a smartcard certificate—

(a) means—

- (i) the certificate is damaged to an extent that—
 - (A) any information on the certificate is impossible or difficult to read without the use of technology; or
 - (B) a digital photo or a digitised signature on the certificate is impossible or difficult to recognise without the use of technology; or
 - (ii) any information stored electronically on the certificate is no longer accessible by using the holder's PIN; and
 - (b) includes destroyed.
- 3 However, *damaged*, in relation to a document, does not include the document being destroyed as required under section 13(5) or 24.

interim transport authority means an interim transport authority issued under the *Transport Planning and Coordination Act 1994*.

permit document see section 12.

smartcard transport authority see the *Transport Planning and Coordination Act 1994*, section 36G(1).’.

Part 4 Amendment of Transport Operations (Marine Safety) Regulation 2004

18 Regulation amended

This part amends the *Transport Operations (Marine Safety) Regulation 2004*.

19 Replacement of pt 6, div 1, hdg (Interpretation)

Part 6, division 1, heading—

omit, insert—

‘Division 1 Preliminary

‘Subdivision 1 Interpretation’.

20 Amendment of s 147 (Definition for pt 6)

(1) Section 147, heading, ‘Definition’—

omit, insert—

‘Definitions’.

(2) Section 147—

insert—

‘marine licence means a licence to operate a personal watercraft, or a recreational ship, as its master.’.

21 Insertion of new pt 6, div 1, sdiv 2

After section 148—

insert—

‘Subdivision 2 Application of divisions 2 to 6

‘148A Application of divs 2–6

‘Subject to section 174B, divisions 2 to 6 do not apply to an approval that is a marine licence.’.

22 Amendment of s 151 (Issuing of authority if application granted)

(1) Section 151(2)—

omit.

- (2) Section 151(3), ‘, or the notice,’—
omit.
- (3) Section 151(3)—
renumber as section 151(2).

23 Insertion of new pt 6, div 8

Part 6, after section 174—
insert—

‘Division 8 Marine licences and marine licence indicators

‘174A Application of div 8

‘This division applies to—

- (a) a marine licence; and
- (b) a marine licence indicator.

‘174B Application of divs 2–6 to marine licences and marine licence indicators

‘The provisions of divisions 2 to 6 mentioned in schedule 4A apply to a marine licence with the changes and additions stated in the schedule.

Note—

Changes and additions to the text of divisions 2 to 6 are shown in italics.
Provisions not applied are indicated by ‘*(omitted)*’.

24 Amendment of s 224 (Refund of fees if application is refused)

Section 224(1)(b), after ‘licence’—
insert—
‘or personal watercraft licence’.

25 Insertion of new sch 4A

After schedule 4—

insert—

**‘Schedule 4A Application of part 6, divisions
2 to 6 to marine licences**

section 174B

**‘Division 2 How *marine licence or marine
licence indicator* is obtained**

‘149 Making the application

- ‘(1) A person may apply to the administering agency for *a marine licence or a marine licence indicator*.
- ‘(2) The application must—
 - (a) be in the approved form; and
 - (b) be supported by enough information to enable the administering agency to decide the application; and
 - (c) *for a marine licence*—be accompanied by the fee prescribed under a regulation.

**‘150 Administering agency to decide application within
30 days**

- ‘(1) The administering agency must decide each application for *a marine licence or a marine licence indicator* within 30 days after the application is made.
- ‘(2) However, if within the 30 days, the administering agency has told an applicant that the application is not supported by enough information to enable the administering agency to decide the application, the administering agency must decide

the application within 30 days after the further information is given to the administering agency.

Note—

See section 63A(5) of the Act (which deals with obtaining digital photos and digitised signatures) for when the administering agency must refuse to consider an application relating to a marine licence or marine licence indicator.

‘(3) *(omitted)*

‘(4) *(omitted)*

‘151 Giving of marine licence indicator if application granted

‘(1) If the administering agency decides to grant an application for *a marine licence or a marine licence indicator*, the administering agency must, within 30 days after making the decision to grant the application, *give to the applicant a marine licence indicator*.

‘(2) *(omitted)*

‘(3) *The marine licence indicator must state whether the marine licence is subject to any condition under section 155.*

‘152 Term of marine licence and smartcard marine licence indicator

‘(1) *(omitted)*

‘(2) *The term of a marine licence is unlimited (words omitted).*

‘(3) *However, the term of a smartcard marine licence indicator given under the Act is up to 10 years.*

‘153 *(omitted)*

‘154 Refusal of application for *marine licence or marine licence indicator*

- ‘(1) If the administering agency decides to refuse an application for *a marine licence or a marine licence indicator*, the administering agency must give the applicant written notice of the decision within 14 days after making the decision.
- ‘(2) Without limiting subsection (1), the administering agency may refuse an application for *a marine licence* if the administering agency is satisfied—
 - (a) the applicant has contravened marine safety legislation; or
 - (b) the applicant has had another authority under the Act cancelled or suspended; or
 - (c) the applicant has been convicted of an indictable offence; or
 - (d) the applicant has not paid fees payable under *the Act*; or
 - (e) *(omitted)*
- ‘(2A) *Also, the administering agency may refuse an application for a marine licence or a marine licence indicator if the administering agency is not satisfied—*
 - (a) with the applicant’s identification for the licence or indicator; or*
 - (b) for a smartcard marine licence indicator—that the applicant is the holder of a current marine licence.*
- ‘(3) The notice must state—
 - (a) the reasons for the refusal; and
 - (b) the prescribed review information for the decision.

‘155 Grant of *marine licence on conditions*

- ‘(1) The administering agency may grant an application for *a marine licence* on conditions the administering agency considers reasonable and relevant.

‘(2) *If the administering agency imposes a condition on a marine licence, the administering agency must give the holder of the marine licence written notice of the condition.*

‘(3) *If the administering agency imposes a condition on a marine licence, the holder of the marine licence must not operate a ship in contravention of the condition.*

Maximum penalty—20 penalty units.

‘Division 3 Renewal of smartcard marine licence indicator

‘156 Renewal of smartcard marine licence indicator

‘(1) The holder of *a marine licence* may apply for *the renewal of a smartcard marine licence indicator* to the administering agency.

‘(2) The application must—

- (a) be made in the approved form; and
- (b) be supported by enough information to enable the administering agency to decide the application; and
- (c) *(omitted)*

‘(3) *A smartcard marine licence indicator given under the Act may be renewed for a term of up to 10 years.*

‘157 Div 2 applies to application for renewal

‘(1) Division 2 applies to an application for renewal of *a smartcard marine licence indicator* in the same way it applies to an application for *a marine licence*.

‘(2) However, the administering agency may also refuse an application for renewal of *a smartcard marine licence indicator* if—

- (a) *the smartcard marine licence indicator* was issued in error or because of a document or representation that—

- (i) *was* false or misleading; or
- (ii) was obtained or made in another improper way; or
- (b) *(omitted)*
- (c) *(omitted)*.

‘Division 4 Amendment of *marine licence*

‘158 Amendment of *marine licence* at holder’s request

- ‘(1) The holder of a *marine licence* may apply to the administering agency for an amendment of the *marine licence*.
- ‘(2) The application for an amendment must—
 - (a) be made to the administering agency in *writing*; and
 - (b) be supported by enough information to enable the administering agency to decide the application; and
 - (c) *(omitted)*
 - (d) *be accompanied by the marine licence indicator, unless it has been, or the holder reasonably suspects it has been, destroyed, lost or stolen.*

Note—

See section 63A(5) of the Act (which deals with obtaining digital photos and digitised signatures) for when the administering agency must refuse to consider an application relating to a marine licence or marine licence indicator.

‘159 Div 2 applies to application for amendment

‘Division 2 applies to an application for an amendment of a *marine licence* in the same way it applies to an application for a *marine licence*.

‘160 Amendment of *marine licence* on administering agency’s initiative

- ‘(1) The administering agency may amend *a marine licence* at any time if—
- (a) the holder of the *marine licence* agrees to the amendment; or
 - (b) the administering agency considers it necessary or desirable (*word omitted*)—
 - (i) *because* the holder has contravened the Act or this regulation; or
 - (ii) *because* the *marine licence* was granted because of a materially false or misleading representation or declaration, made either orally or in writing; or
 - (iii) *to ensure marine safety*.

Example for subparagraph (iii)—

The administering agency considers it necessary or desirable to impose a condition on the marine licence because of the holder’s medical condition.

- ‘(2) If the administering agency considers it necessary or desirable to amend *a marine licence for a reason mentioned in subsection (1)(b)*, the administering agency must give the holder a written notice under this section.
- ‘(3) The notice must state the following—
- (a) the proposed amendment;
 - (b) the grounds for the proposed amendment;
 - (c) an outline of the facts and circumstances forming the basis for the grounds;
 - (d) an invitation to the holder to show within a stated time, which must be at least 30 days, why the *marine licence* should not be amended;
 - (e) the period, which must be at least 30 days after the notice is given to the holder, within which the representations may be made.

- ‘(4) If, after considering all written representations made within the stated time, the administering agency still considers the amendment is necessary or desirable, the administering agency may amend the *marine licence*.

Note—

Part 16 of the Act provides for appeals.

- ‘(5) If the administering agency does not consider the amendment is necessary or desirable, the administering agency must give the holder written notice of the decision within 14 days after making the decision.

‘161 When amendment of *marine licence* takes effect

‘If the administering agency amends a *marine licence*, the amendment takes effect from—

- (a) the day the *marine licence* is amended; or
- (b) if the administering agency provided for a later day when granting or deciding the amendment, the later day.

‘162 *Marine licence indicator to be returned (words omitted) after amendment of marine licence or for correction*

- ‘(1) The administering agency may, by written notice, ask the holder of a *marine licence* to return the *marine licence indicator* to the administering agency within a stated time, of at least 30 days, to *allow* the administering agency to alter or replace the *marine licence indicator*—
- (a) to reflect an amendment made to the *marine licence*; or
 - (b) to correct information on the *marine licence indicator*, if the administering agency reasonably believes the error was caused by the administering agency.
- ‘(2) The holder must comply with the notice, unless the holder has a reasonable excuse.

Example of reasonable excuse—

The smartcard marine licence indicator has been, or the holder reasonably suspects it has been, destroyed, lost or stolen.

Maximum penalty—20 penalty units.

- ‘(3) After *receiving the marine licence indicator*, the administering agency must—
 - (a) *alter the marine licence indicator and return it to the holder; or*
 - (b) *give the holder a replacement marine licence indicator.*
- ‘(3A) *If the marine licence indicator required alteration for the reason mentioned in subsection (1)(a), the altered or replaced marine licence indicator must reflect the amendment made to the marine licence.*
- ‘(3B) *If the marine licence indicator required alteration for the reason mentioned in subsection (1)(b), the altered or replaced marine licence indicator must state the correct information.*
- ‘(4) The amendment of *a marine licence* by the administering agency does not depend on *the marine licence indicator* being altered or replaced under this section.

‘Division 5 **Suspension and cancellation of marine licences**

‘163 **Grounds for suspension or cancellation of *marine licences***

‘The administering agency may suspend or cancel *a marine licence* on any of the following grounds—

- (a) the holder has contravened marine safety legislation;
- (b) the *marine licence* was issued in error or because of a document or representation that—
 - (i) *was false or misleading; or*
 - (ii) *was obtained or made in another improper way;*

- (c) the holder has not complied with a condition of the *marine licence*;
- (d) the holder has been convicted of—
 - (i) an indictable offence; or
 - (ii) (*words omitted*) an offence against the *Transport Operations (Road Use Management) Act 1995*, section 79 or 80;
- (e) the holder has not paid fees payable under *the Act*;
- (f) (*omitted*)
- (g) *the administering agency is no longer satisfied with the holder's identification for the marine licence.*

‘164 Procedure for suspension or cancellation

- ‘(1) If the administering agency considers a ground exists to suspend or cancel *a marine licence* (the ***proposed action***), the administering agency may give the holder of the *marine licence* a written notice stating the following—
 - (a) the proposed action;
 - (b) the grounds for the proposed action;
 - (c) an outline of the facts and circumstances forming the basis for the grounds;
 - (d) if the proposed action is to suspend the *marine licence*, the proposed suspension term;
 - (e) an invitation to the holder to show within a stated time, which must be at least 30 days, why the proposed action should not be taken.
- ‘(2) If, after considering all written representations made within the stated time, the administering agency still considers grounds to take the proposed action exist, the administering agency may—
 - (a) if the proposed action was to suspend the *marine licence* for a stated term—suspend the *marine licence* for not longer than the proposed suspension term; or

- (b) if the proposed action was to cancel the *marine licence*—cancel the *marine licence* or suspend it for a term.
- ‘(3) The administering agency must inform the holder of the decision by written notice.
- ‘(4) The notice must be given within 14 days after the administering agency makes the decision.
- ‘(5) If the administering agency decides to suspend or cancel the *marine licence*, the notice must state—
 - (a) the reasons for the decision; and
 - (b) the prescribed review information for the decision.
- ‘(6) The decision takes effect on the later of the following—
 - (a) the day when the notice is given to the holder;
 - (b) the day of effect stated in the notice.
- ‘(7) However, if the *marine licence* is suspended or cancelled because of the conviction of a person for an offence—
 - (a) the suspension or cancellation does not take effect until—
 - (i) the end of the time to appeal against the conviction; and
 - (ii) if an appeal is made against the conviction—the appeal is finally decided; and
 - (b) the suspension or cancellation has no effect if the conviction is quashed on appeal.

‘165 Action by general manager after marine incident

- ‘(1) This section applies to a person or ship involved in a marine incident if the general manager has required a shipping inspector to investigate the marine incident under section 126 of the Act.

- ‘(2) The general manager may, by signed notice given to the person, (*words omitted*) suspend or amend the *person’s marine licence*.
- ‘(3) The notice must state each of the following—
- (a) the grounds for suspension or amendment;
 - (b) an outline of the facts and circumstances forming the basis of the general manager’s decision;
 - (c) if the notice suspends the *marine licence*—the suspension term, which must be reasonable in the circumstances but not longer than 6 months;
 - (d) if the notice amends the *marine licence*—the way the *marine licence* is amended and for how long the amendment is to be in effect;
 - (e) that the holder of the *marine licence* may—
 - (i) under section 203B of the Act—ask for the decision to be reviewed by the general manager; and
 - (ii) under the *Transport Planning and Coordination Act 1994*, part 5, division 2—apply to QCAT for the decision to be stayed; and
 - (iii) under section 203C of the Act—ask for the general manager’s decision on the review (the ***reviewed decision***) to be reviewed by QCAT; and
 - (iv) under the QCAT Act—apply to QCAT for the reviewed decision to be stayed.
- ‘(4) The suspension or amendment takes effect on the later of the following—
- (a) the day on which the notice is given;
 - (b) the day specified in the notice.
- ‘(5) This section does not limit section 164.

‘166 Extension of term of suspension or amendment after marine incident

- ‘(1) This section applies if the general manager suspends or amends, under section 165(2), a *marine licence* after a marine incident.
- ‘(2) If, within 14 days after the general manager has considered a shipping inspector’s report about the marine incident, a board of inquiry is not established, but the general manager has given a notice under section 164(1) to the holder of the *marine licence* before its suspension or amendment under section 165 ends, the suspension or amendment of the *marine licence* continues until the general manager informs the holder of the general manager’s decision about the notice under section 164(3).
- ‘(3) However, if a board of inquiry has been established within 14 days after the general manager has considered an inspector’s report about the marine incident, the general manager may, by signed notice given to the holder of the *marine licence* suspended or amended under section 165, extend the term of the suspension or amendment of the *marine licence* until 7 days after the board has given the Minister its report under section 132 of the Act.
- ‘(4) If a notice under section 164(1) has been given to the holder of the *marine licence* within 7 days after the board has given the Minister its report, the suspension or amendment of the *marine licence* under section 165 continues until the general manager informs the holder of the general manager’s decision about the notice under section 164(3).
- ‘(5) If, within 14 days after the general manager has considered an inspector’s report about the marine incident, a board of inquiry has not been established and the general manager has not given a notice under section 164(1) to the holder of the *marine licence*, the suspension or amendment of the *marine licence* under section 165 ends and the general manager must notify the holder of the *marine licence* accordingly.

‘167 (omitted)

‘168 When smartcard marine licence indicator is required to be returned after marine licence suspended or cancelled

- ‘(1) A person whose *marine licence* is (*words omitted*) cancelled by the administering agency must return the *smartcard marine licence indicator* to the administering agency within 7 days after the (*words omitted*) cancellation takes effect, unless the person has a reasonable excuse.

Example of reasonable excuse—

The smartcard marine licence indicator has been, or the person reasonably suspects it has been, destroyed, lost or stolen.

Maximum penalty—20 penalty units.

- ‘(1A) A person whose *marine licence* is suspended is not required to return the *smartcard marine licence indicator* to the administering agency.
- ‘(2) (*omitted*)

‘Division 5A Particular provisions about restricted licences and licence disqualifications

‘168A Application for variation of restrictions—Act, s 202K

‘For section 202K(4) of the Act, a written notice about an application must be—

- (a) in the approved form; and
- (b) given to the chief executive at the address stated in the approved form as the address for giving the notice.

**‘168B Notice about application for removal of
disqualification—Act, s 202L**

‘For section 202L(4) of the Act, a written notice about an application must be—

- (a) in the approved form; and
- (b) given to the chief executive at the address stated in the approved form as the address for giving the notice.

**‘Division 6 Other provisions about *marine
licences***

‘169 Holder to notify change of *name and address*

- ‘(1) If the holder of a *marine licence* changes the holder’s name or address, the holder must, within 14 days after the change, give the administering agency written notice of the holder’s new name or address, unless the holder has a reasonable excuse.

Maximum penalty—10 penalty units.

- ‘(2) *If the administering agency is satisfied the information given by the holder is correct, the administering agency must give the holder—*

- (a) *for a change of name—a replacement marine licence indicator with the holder’s new name; or*
- (b) *for a change of address—*
 - (i) *a replacement marine licence indicator with the holder’s new address; or*
 - (ii) *for a smartcard marine licence indicator—a change of address label.*

- ‘(3) *On receipt of a change of address label, the holder must promptly attach the label to the back of the smartcard marine licence indicator, in the space provided for change of details labels.*

Maximum penalty—20 penalty units.

‘169A Replacement label

- ‘(1) *This section applies if the holder of a marine licence becomes aware, or reasonably suspects, that a change of address label has been damaged, lost or stolen.*
- ‘(2) *The holder must promptly apply to the administering agency for a replacement label.*
Maximum penalty—20 penalty units.
- ‘(3) *If the administering agency is satisfied the original label has been damaged, lost or stolen, the administering agency must issue a replacement label to the holder.*
- ‘(4) *On receipt of a replacement label, the holder must promptly attach the label to the back of the smartcard marine licence indicator, in the space provided for change of details labels.*
Maximum penalty—20 penalty units.
- ‘(5) *In this section—*
change of address label means a label mentioned in section 169(2)(b)(ii).

‘170 Keeping of marine licence

- ‘(1) *(omitted)*
- ‘(2) *The holder of a current marine licence must keep the marine licence indicator.*
Maximum penalty—20 penalty units.

‘170A Damaging or changing marine licence indicator

- ‘The holder of a marine licence must not wilfully damage or otherwise change the marine licence indicator.*
- Maximum penalty—20 penalty units.*

‘170B Administering agency may direct superseded marine licence indicator to be destroyed

- ‘(1) *The administering agency may direct a person to destroy a superseded marine licence indicator.*
- ‘(2) *The person must comply with the notice.*
Maximum penalty—20 penalty units.

‘171 Replacement of marine licence indicator

- ‘(1) *If the holder of a marine licence becomes aware, or reasonably suspects, the holder’s smartcard marine licence indicator given under the Act or a marine licence indicator receipt given to the holder has been damaged, lost or stolen, the holder (words omitted) may apply to the administering agency for a replacement marine licence indicator.*
- ‘(2) The application must—
 - (a) be made in the approved form; and
 - (b) *(omitted)*
 - (c) *be supported by enough information to enable the administering agency to decide the application; and*
 - (d) *be accompanied by the marine licence indicator, unless it has been, or the holder reasonably suspects it has been, destroyed, lost or stolen.*
- ‘(3) *The administering agency must give the holder a replacement marine licence indicator if the administering agency is satisfied the marine licence indicator has been damaged, lost or stolen.*

Note—

See section 63A(5) of the Act (which deals with obtaining digital photos and digitised signatures) for when the administering agency must refuse to consider an application relating to a marine licence or marine licence indicator.

‘171A (omitted)

‘172 Surrender of *marine licence*

- ‘(1) The holder of a *marine licence* may surrender it by written notice given to the administering agency.
- ‘(2) *If a smartcard marine licence indicator has been given to the person, the notice must be accompanied by the smartcard marine licence indicator, unless the holder has a reasonable excuse.*
- ‘(3) The surrender of the *marine licence* takes effect—
 - (a) on the day the notice is given; or
 - (b) if a later day is stated in the notice—the later day.

‘172A Only 1 *marine licence* of the same class to be held at the same time

‘A person must not hold more than 1 marine licence of the same class at the same time.
Maximum penalty—40 penalty units.

‘172B Form of *marine licence indicator*

- ‘(1) *This section applies if the administering agency—*
 - (a) *grants an application for a marine licence and gives a person a marine licence indicator; or*
 - (b) *grants an application for marine licence indicator or its renewal.*
- ‘(2) *The marine licence indicator may be in the form of—*
 - (a) *a marine licence indicator receipt; or*
 - (b) *a smartcard marine licence indicator given under the Act; or*
 - (c) *a Queensland driver licence with a marine licence indicator code on it.*
- ‘(3) *Subsection (2) does not limit the form of a marine licence indicator.*

‘172C Codes on marine licence indicators including marine licence indicator receipts

- ‘(1) *A marine licence indicator may, by a code, show that the marine licence is subject to a condition.*
- ‘(2) *A code mentioned in subsection (1) may be—*
- (a) stated on a marine licence indicator or a marine licence indicator receipt; or*
 - (b) stored electronically on a smartcard marine licence indicator.*
- ‘(3) *The following codes may be used on a marine licence indicator—*
- ‘N’ stated on the marine licence indicator to show that a marine licence is not subject to a condition*
 - ‘Y’ stated on the marine licence indicator to show that a marine licence is subject to a condition*
 - ‘S’ stored on the smartcard marine licence indicator to show that the holder of the marine licence may only operate a ship while wearing corrective lenses*
 - ‘TEXT’ stored on a smartcard marine licence indicator to show that a marine licence is subject to a condition.*

‘172D Expiry of smartcard marine licence indicator

‘Unless it is sooner surrendered or cancelled, a smartcard marine licence indicator expires on the day stated on it, being a day that is not longer than 10 years after the day it is given.

‘172E Renewal of smartcard marine licence indicator by electronic communication

- ‘(1) *The holder of a smartcard marine licence indicator may apply by electronic communication for a new smartcard marine licence indicator if—*
- (a) the holder’s smartcard marine licence indicator is about to expire; and*

- (b) *there are at least 5 years before the end of the shelf life, or the end of the most recent extension of the shelf life under section 63AB of the Act, of the holder's most recent digital photo and digitised signature; and*
 - (c) *the administering agency has given the holder written notice that the person may apply by electronic communication for a new smartcard marine licence indicator.*
- ‘(2) *The application must be—*
 - (a) *made in the approved form; and*
 - (b) *made before the holder's smartcard marine licence indicator expires.*

‘172F Notifiable events under other Acts

- ‘(1) *This section applies if the holder of a marine licence—*
 - (a) *has an obligation under the Act to notify the administering agency of a notifiable event; and*
 - (b) *has an obligation under a prescribed smartcard Act to notify the chief executive of the same notifiable event; and*
 - (c) *complies with the obligation under the prescribed smartcard Act.*
- ‘(2) *The obligation under the Act to notify the administering agency of a notifiable event is taken to have been satisfied if any time allowed to make the notification under the Act has not expired.*
- ‘(3) *In this section—*
notifiable event *means a change of name or a change of address.*

‘172G Possessing another person’s smartcard marine licence indicator

- ‘(1) *A person must not possess another person’s smartcard marine licence indicator unless the person has a reasonable excuse.*
Maximum penalty—40 penalty units.
- ‘(2) *A person must not give the person’s smartcard marine licence indicator to another person if the person knows, or ought reasonably to know, the other person intends to use the smartcard marine licence indicator to deceive someone.*
Maximum penalty—40 penalty units.
- ‘(3) *For subsection (2), it is irrelevant whether the person intended to be deceived is known or unknown, or exists or does not exist.*

‘172H Document purporting to be smartcard marine licence indicator

- ‘(1) *A person must not possess a document that resembles a smartcard marine licence indicator and is calculated to deceive someone.*
Maximum penalty—40 penalty units.
- ‘(2) *A person must not give another person a document that resembles a smartcard marine licence indicator and is calculated to deceive someone.*
Maximum penalty—40 penalty units.
- ‘(3) *For subsections (1) and (2), it is irrelevant whether the person intended to be deceived is known or unknown, or exists or does not exist.*

‘172I Exemption from marine licence fee for particular applicants for marine licence indicators

- ‘(1) *Subsection (2) applies if—*
- (a) *on the commencement of this section, a person is the holder of a marine licence; and*

- (b) *after the commencement of this section, the person applies to the administering agency for a smartcard marine licence indicator.*
- ‘(2) *The person is exempt from paying the fee mentioned in schedule 10 for a marine licence.*
- ‘(3) *Subsection (4) applies if, after the commencement of this section—*
 - (a) *a person’s application for a marine licence is granted; and*
 - (b) *when the application is granted, the administering agency is unable to give the person a smartcard marine licence indicator.*
- ‘(4) *The administering agency may give the person mentioned in subsection (3) a marine licence indicator.*
- ‘(5) *The person is exempt from paying the fee for a marine licence if the person subsequently applies for a smartcard marine licence indicator.*
- ‘(6) *In this section—*
marine licence indicator does not include a Queensland driver licence with a marine licence indicator code on it.’.

26 Amendment of sch 10 (Fees, charges and related matters)

- (1) Schedule 10, section 16(2)(f)—
omit.
- (2) Schedule 10, section 16(2)(g) to (i)—
renumber as section 16(2)(f) to (h).

27 Amendment of sch 15 (Dictionary)

Schedule 15—
insert—

‘damaged—

- 1 *Damaged*, in relation to a marine licence indicator that is not a smartcard marine licence indicator, includes destroyed, defaced, mutilated or made illegible.
- 2 *Damaged*, in relation to a smartcard marine licence indicator—
 - (a) means—
 - (i) the smartcard marine licence indicator is damaged to an extent that—
 - (A) any information on the smartcard marine licence indicator is impossible or difficult to read without the use of technology; or
 - (B) a digital photo or a digitised signature on the smartcard marine licence indicator is impossible or difficult to recognise without the use of technology; or
 - (ii) any information stored electronically on the smartcard marine licence indicator is no longer accessible by using the holder’s PIN; and
 - (b) includes destroyed.
- 3 However, *damaged*, in relation to a marine licence indicator, does not include the marine licence indicator being destroyed as required under section 170B as applied in schedule 4A.

marine licence see section 147.

marine licence indicator receipt, for schedule 4A, means a receipt given to a person that has effect as a marine licence indicator until the person receives—

- (a) a smartcard marine licence indicator given under the Act; or

- (b) a smartcard driver licence with a marine licence indicator code on it.

Queensland driver licence, for schedule 4A, see the *Transport Operations (Road Use Management) Act 1995*, schedule 4.

smartcard driver licence, for schedule 4A, see the *Transport Operations (Road Use Management) Act 1995*, schedule 4.’.

Part 5 Amendment of Transport Operations (Passenger Transport) Regulation 2005

28 Regulation amended

This part amends the *Transport Operations (Passenger Transport) Regulation 2005*.

29 Amendment of s 20 (Application for grant or renewal of driver authorisation)

Section 20(3)—

insert—

‘(c) accompanied by the fee stated in schedule 9.’.

30 Amendment of s 21 (Deciding application)

Section 21—

insert—

‘Note—

See also the Act, section 35A(5) (which deals with obtaining digital photos and digitised signatures) for when the chief executive must refuse to consider an application.’.

31 Insertion of new ss 21A–21D

After section 21—

insert—

‘21A Form of authorising document

- ‘(1) This section applies if the chief executive—
- (a) grants a person’s application for driver authorisation or the renewal of driver authorisation and gives the person an authorising document; or
 - (b) gives the person a replacement authorising document.
- ‘(2) The authorising document may be in the form of a smartcard driver authorisation or an interim transport authority.
- ‘(3) Subsection (2) does not limit the form of an authorising document.
- ‘(4) A smartcard driver authorisation given to a person may be in the form of a smartcard transport authority that includes information about 1 or more other transport authorities held by the person.
- ‘(5) In this section—
- transport authority* see the *Transport Planning and Coordination Act 1994*, section 36G(3).

‘21B General provisions about authorising documents

- ‘(1) An authorising document may—
- (a) indicate by way of a code, expression or otherwise that the person holds driver authorisation, and whether the driver authorisation is subject to a condition; and
 - (b) contain information about—
 - (i) the driver authorisation; and
 - (ii) the person’s personal particulars.
- ‘(2) A code or expression mentioned in subsection (1) may be—
- (a) stated on an authorising document; or

- (b) stored electronically on a smartcard driver authorisation.
- ‘(3) Subsection (1) does not limit the information that an authorising document may contain.

‘21C Expressions on authorising documents

- ‘(1) The expression ‘Taxi’ on an authorising document indicates that the authorised driver is authorised to provide taxi services.
- ‘(2) The expression ‘Limo’ on an authorising document indicates that the authorised driver is authorised to provide limousine services.
- ‘(3) The expression ‘Genr’ on an authorising document indicates that the authorised driver is authorised to provide any of the following—
 - (a) accommodation transfer services;
 - (b) charter bus services;
 - (c) scheduled passenger services, other than a general route service or a school service;
 - (d) tourist services;
 - (e) tourist transfer services;
 - (f) unscheduled long distance passenger services.
- ‘(4) The expression ‘Sche’ on an authorising document indicates that the authorised driver is authorised to provide general route services and school services.
- ‘(5) The expression ‘TrMc’ on an authorising document indicates that the authorised driver is authorised to provide tourist services using any of the following—
 - (a) a motor cycle;
 - (b) a motor cycle and sidecar;
 - (c) a motor tricycle.

Note—

An authorised driver may also, under the Act, provide public passenger services other than the services stated on the authorising document.

‘21D Codes on authorising documents

‘The following codes may be used on an authorising document—

- ‘N’ stated on the authorising document to show that the driver authorisation is not subject to a condition
- ‘Y’ stated on the authorising document to show that the driver authorisation is subject to a condition
- ‘TEXT’ stored on a smartcard driver authorisation to show that the driver authorisation is subject to a condition.’.

32 Amendment of s 24 (Refusal of driver authorisation—Act, s 29)

Section 24(1)—

insert—

‘(g) the chief executive is not satisfied with the person’s identification for driver authorisation.’.

33 Amendment of s 28 (Amendment, suspension and cancellation of driver authorisation—Act, s 32)

Section 28(2)—

insert—

‘(g) the chief executive is no longer satisfied with the person’s identification for driver authorisation.’.

34 Amendment of s 30 (Immediate amendment and suspension of driver authorisation—Act, s 32)

Section 30(2)—

insert—

‘(e) the chief executive is no longer satisfied with the person’s identification for driver authorisation.’.

35 Replacement of s 35 (Return of document evidencing driver authorisation if amended)

Section 35—

omit, insert—

‘35 Chief executive may require authorising document to be replaced

‘(1) This section applies if—

- (a) information stated on an authorising document is incorrect and the chief executive reasonably believes the error was caused by the chief executive; or
- (b) the chief executive has amended the person’s driver authorisation and the person’s authorising document requires replacement.

‘(2) The chief executive may, by written notice, require the holder of the driver authorisation to return the holder’s authorising document to the chief executive within a stated time and in a stated way for replacement.

‘(3) If subsection (1)(a) applies, the notice must include a statement identifying the information that is incorrect and the correct information.

‘(4) The holder must comply with the notice, unless the holder has a reasonable excuse.

Maximum penalty—20 penalty units.

‘(5) After receiving the authorising document, the chief executive must give the holder a replacement authorising document.

‘(6) If subsection (1)(a) applies, the replacement authorising document must state the correct information.

‘(7) In this section—

driver authorisation includes provisional driver authorisation and restricted driver authorisation.

written notice includes a regulation notice under section 29(4) or 31(3).

‘35A Voluntary surrender of driver authorisation

- ‘(1) An authorised driver may surrender the person’s driver authorisation by giving the chief executive a written notice of surrender.
- ‘(2) To be effective, the notice of surrender must be accompanied by the person’s authorising document, unless the person has a reasonable excuse for not returning it.
- ‘(3) Subject to subsection (2), the surrender takes effect on the day the notice is given to the chief executive.’.

36 Amendment of s 36 (Return of evidence of driver authorisation if cancelled or suspended)

- (1) Section 36, heading—

omit, insert—

‘36 Return of authorising document if authorisation cancelled or suspended’.

- (2) Section 36(1)(b), ‘for longer than 3 months’—

omit.

- (3) Section 36(2), after ‘must’—

insert—

‘, if the regulation notice requires the authorising document to be returned,’.

- (4) Section 36(4), definition *authorising document*—

omit.

37 Insertion of new ss 37A–37C

After section 37—

insert—

‘37A Notification of damage, loss or theft of authorising document

- ‘(1) This section applies if an authorised driver is required under section 34A of the Act to notify the chief executive that the driver’s authorising document has been damaged, lost or stolen.

Note—

Section 34A of the Act provides for an offence for failing to notify of the damage, lost or theft of an authorising document.

- ‘(2) The notification—

- (a) must be written notification; and
- (b) is sufficiently given if an application for a replacement authorising document is made under section 37B.

‘37B Application for replacement authorising document

- ‘(1) This section applies if—

- (a) information stated on an authorising document is incorrect; or
- (b) an authorised driver becomes aware, or reasonably suspects, his or her authorising document has been damaged, lost or stolen.

- ‘(2) The authorised driver may apply to the chief executive for the issue of a replacement authorising document.

- ‘(3) The application must be—

- (a) made in the approved form; and
- (b) accompanied by the authorising document, unless it has been, or the authorised driver reasonably suspects it has been, destroyed, lost or stolen.

- ‘(4) After receiving the application, the chief executive must give the authorised driver a replacement authorising document if the chief executive is satisfied—
 - (a) if subsection (1)(a) applies—the information on the authorising document was incorrect; or
 - (b) if subsection (1)(b) applies—the authorising document has been damaged, lost or stolen.
- ‘(5) If the authorising document that has been replaced (the ***original document***) comes into, or returns to, the authorised driver’s possession after a replacement authorising document has been issued to the holder, the authorised driver must destroy the original document.

Maximum penalty—20 penalty units.

‘37C Upgrading to smartcard driver authorisation

- ‘(1) This section applies to the holder of an authorising document that is not a smartcard driver authorisation.
- ‘(2) The holder may apply to the chief executive to replace the authorising document with a smartcard driver authorisation.
- ‘(3) The application must be made in the approved form.
- ‘(4) The chief executive may replace the authorising document with a smartcard driver authorisation for the same period as the unexpired period of the authorising document.’.

38 Replacement of s 38 (Other amendments of driver authorisation)

Section 38—

omit, insert—

‘38 Other amendments of driver authorisation

- ‘(1) This section applies if the chief executive proposes to amend a person’s driver authorisation—
 - (a) for a formal or clerical reason; or

- (b) in another way that does not adversely affect the person's interests; or
 - (c) if the person asks for the amendment.
- ‘(2) This section does not apply if section 35 applies.
- ‘(3) The chief executive may, by written notice, require the person to return the person's authorising document to the chief executive within a stated time and in a stated way.
- ‘(4) If subsection (1)(a) or (b) applies, the notice must include a statement identifying how the chief executive proposes to amend the person's driver authorisation.
- ‘(5) The holder must comply with the notice, unless the holder has a reasonable excuse.
- Maximum penalty—20 penalty units.
- ‘(6) If the chief executive amends a person's driver authorisation under this section and the person's authorising document requires replacement, the chief executive must give the authorised driver a replacement authorising document.
- ‘(7) In this section—
- driver authorisation* includes provisional driver authorisation.’.

39 Insertion of new ss 43A–43F

Part 3, division 3, after section 43—

insert—

‘43A Damaging authorising document

‘A person must not wilfully damage an authorising document.

Maximum penalty—20 penalty units.

‘43B Chief executive may direct superseded authorising document to be destroyed

- ‘(1) The chief executive may direct a person to destroy the person's superseded authorising document.

‘(2) The person must comply with the direction.

Maximum penalty—20 penalty units.

‘(3) In this section—

superseded authorising document includes a superseded smartcard transport authority.

Note—

See the *Transport Planning and Coordination Regulation 2005*, section 7(5) for when an interim transport authority has effect as a smartcard transport authority.

‘43C Driver authorisation may only be held in the driver’s name

‘An authorised driver must not hold driver authorisation other than under the driver’s name.

Maximum penalty—40 penalty units.

‘43D Possessing another person’s authorising document

‘(1) A person must not possess another person’s authorising document, unless the person has a reasonable excuse.

Maximum penalty—40 penalty units.

‘(2) A person must not give the person’s authorising document to another person if the person knows, or ought reasonably to know, the other person intends to use the authorising document to deceive someone.

Maximum penalty—40 penalty units.

‘(3) For subsection (2), it is irrelevant whether the person intended to be deceived is known or unknown, or exists or does not exist.

‘43E Document purporting to be authorising document

‘(1) A person must not possess a document that resembles an authorising document and is calculated to deceive someone.

Maximum penalty—40 penalty units.

- ‘(2) A person must not give another person a document that resembles an authorising document and is calculated to deceive someone.

Maximum penalty—40 penalty units.

- ‘(3) For subsections (1) and (2), it is irrelevant whether the person intended to be deceived is known or unknown, or exists or does not exist.

‘43F Notifiable events under other Acts

- ‘(1) This section applies if an authorised driver—
- (a) has an obligation under the Act to notify the chief executive of a notifiable event; and
 - (b) has an obligation under a prescribed smartcard Act to notify the chief executive, or the general manager under the *Maritime Safety Queensland Act 2002*, of the same notifiable event; and
 - (c) complies with the obligation under the prescribed smartcard Act.
- ‘(2) The obligation under the Act to notify the chief executive of the notifiable event is taken to have been satisfied if any time allowed to make the notification under the Act has not expired.
- ‘(3) In this section—
- notifiable event*** means any of the following—
- (a) a change of name;
 - (b) a change of address;
 - (c) the damage, loss or theft of an authorising document.’.

40 Amendment of s 143 (Change of name and address)

Section 143—

insert—

- ‘(3) For a change of address of a holder of driver authorisation, the chief executive may give the holder a change of address label for the holder’s authorising document.
- ‘(4) If a change of address label is damaged, lost or stolen, the holder must promptly ask the chief executive for a replacement label.

Maximum penalty—20 penalty units.

- ‘(5) On receipt of a change of address label or a replacement label, the holder must promptly attach the label to the back of the authorising document in the space provided for a change of details label.

Maximum penalty—20 penalty units.’.

41 Amendment of sch 11 (Dictionary)

Schedule 11—

insert—

‘*damaged*, in relation to an authorising document, other than in sections 37A and 37B—

- (a) means damaged as defined under the Act, section 34A(2); but
- (b) does not include the authorising document being destroyed as required under section 37B(5) or 43B.

interim transport authority means an interim transport authority issued under the *Transport Planning and Coordination Act 1994*.

smartcard transport authority see the *Transport Planning and Coordination Act 1994*, section 36G(1).’.

Part 6 Amendment of Transport Operations (Road Use Management—Accreditation and Other Provisions) Regulation 2005

42 Regulation amended

This part amends the *Transport Operations (Road Use Management—Accreditation and Other Provisions) Regulation 2005*.

43 Replacement of pt 2, hdg (Accredited persons)

Part 2, heading—

omit, insert—

‘Part 2 Accredited persons other than driver trainers and rider trainers

‘Division 1A Application of part 2

‘3A Application

‘This part applies to accredited persons other than driver trainers or rider trainers.’.

44 Replacement of ss 5 and 6

Sections 5 and 6—

omit, insert—

‘5 Decision on application

- ‘(1) The chief executive must consider an application made under section 4 after receiving all necessary information relevant to the application and—
- (a) grant the application; or
 - (b) grant the application on conditions; or
 - (c) refuse to grant the application.
- ‘(2) Despite subsection (1), the chief executive may refuse to consider an application if the applicant already holds an accreditation of the same type under the name stated in the application or another name.

Notes—

- 1 Under the Act, section 21, the chief executive may only appoint a person as an accredited person if satisfied the person has the necessary expertise to be an accredited person to perform the function.
 - 2 See also the Act, section 91A(5) (which deals with obtaining digital photos and digitised signatures) for when the chief executive must refuse to consider an application.
 - 3 It is an offence under section 67B to hold more than 1 accreditation of the same type.
- ‘(3) If the chief executive grants the application, the applicant is appointed as an accredited person.

‘6 Notice of granting of application

- ‘(1) If the chief executive decides to grant the application, the chief executive must give the applicant an accreditation document.
- ‘(2) If the chief executive decides to impose a condition on the accreditation, the chief executive must give the applicant—
- (a) written notice of the condition; and
 - (b) an information notice for the decision.’.

45 Amendment of s 7 (Refusing application)

- (1) Section 7(1)(b) and (c)—
renumber as section 7(1)(c) and (d).
- (2) Section 7(1)—
insert—
‘(b) the applicant holds, or has held, accreditation that has
been suspended or cancelled; or’.

46 Amendment of s 8 (Statutory conditions on appointment)

- Section 8—
insert—
- ‘(2) This section does not limit section 5(1)(b).’.

47 Replacement of s 9 (Accreditation documents and identity cards)

Section 9—
omit, insert—

‘9 Duration of accreditation

- ‘(1) An accreditation under this part is granted for the term, of not longer than 5 years, stated in the accreditation document given under section 6 for the accreditation.
- ‘(2) However, an accreditation under this part may be renewed for successive terms of not longer than 5 years.

‘9A Renewal of accreditation

- ‘(1) An accredited person may apply to the chief executive for renewal of accreditation.
- ‘(2) The application must be—
 - (a) made in the approved form; and

- (b) supported by enough information to enable the chief executive to decide the application; and
- (c) accompanied by the appropriate fee; and
- (d) made no sooner than 2 weeks before the accreditation ends.

‘9B Application of ss 5–8 to renewal of accreditation

- ‘(1) Sections 5 to 8 apply with all necessary changes to an application for the renewal of accreditation in the same way they apply to an application for appointment as an accredited person.
- ‘(2) Also, in applying sections 5 to 8, the chief executive may refuse an application for renewal of accreditation if the accreditation was issued—
 - (a) in error; or
 - (b) because of a document or representation that is—
 - (i) false or misleading; or
 - (ii) obtained or made in another improper way.’.

48 Amendment of s 10 (Display of accreditation document or identity card)

Section 10—

insert—

- ‘(3) Also, subsection (4) applies if—
 - (a) the chief executive has given the person a notice under section 6(2) about the imposition of a condition on the person’s accreditation; and
 - (b) the notice states the person must carry the document evidencing the condition while performing the person’s function.
- ‘(4) The person must—

- (a) carry the document while performing the person's function; and
- (b) produce the document for inspection if asked by a police officer or another authorised officer.

Maximum penalty—20 penalty units.’.

49 Replacement of ss 11–13

Sections 11 to 13—

omit, insert—

‘11 Accreditation dependent on driver licence

- ‘(1) This section applies if an accredited person is an escort vehicle driver or a pilot vehicle driver and—
 - (a) the driver licence held by the person is suspended or cancelled; or
 - (b) the person surrenders the licence.
- ‘(2) The person’s accreditation under this part is—
 - (a) if the licence is suspended—automatically suspended on the day the licence is suspended and of no effect while the licence is suspended; or
 - (b) if the licence is cancelled or surrendered—automatically cancelled on the day the licence is cancelled or surrendered.

‘12 Voluntary surrender of accreditation

- ‘(1) An accredited person may surrender the person’s accreditation by giving the chief executive a written notice of surrender.
- ‘(2) To be effective, the notice of surrender must be accompanied by the person’s accreditation document or identity card, unless the person has a reasonable excuse for not returning it.
- ‘(3) Subject to subsection (2), the surrender of the accreditation takes effect on the day the notice is given to the chief executive.

‘13 Return of accreditation document or identity card

- ‘(1) This section applies if a person’s accreditation is cancelled or suspended.

Note—

A person’s accreditation may be suspended or cancelled under chapter 3, part 1A of the Act.

- ‘(2) The person must return the person’s accreditation document or identity card to the chief executive within the time stated by the chief executive in the notice of cancellation or suspension, unless the person has a reasonable excuse.

Maximum penalty—40 penalty units.

- ‘(3) If a person returns an accreditation document or identity card to the chief executive because the person’s accreditation is suspended, the chief executive must return the document or card to the person at the end of the suspension term.’.

50 Amendment of s 15 (Employer’s duty)

- (1) Section 15(1), from ‘and’ to ‘(*appointment conditions*).’—

omit, insert—

‘and with any conditions imposed by the chief executive (*imposed conditions*).’.

- (2) Section 15(2), ‘appointment’—

omit, insert—

‘the imposed’.

51 Relocation and renumbering of s 16 (Only accredited person to be employed or engaged as traffic controller)

Section 16—

relocate and renumber as section 28A.

52 Insertion of new pt 3, div 1A

Part 3, before division 1—

insert—

‘Division 1A Application of part 3

‘29A Application

‘This part applies to—

- (a) accreditation as a driver trainer; and
- (b) accreditation as a rider trainer.’.

53 Amendment of s 35 (Accrediting driver trainers)

- (1) Section 35(4)(a)—

insert—

‘(iii) convicted of an offence against the Act, or a corresponding law, within 5 years immediately before the application is made; or’.

- (2) Section 35(4)(b) and (c)—

renumber as section 35(4)(c) and (d).

- (3) Section 35(4)—

insert—

‘(b) the applicant holds, or has held, accreditation that has been suspended or cancelled; or’.

54 Amendment of s 36 (Accrediting rider trainers)

- (1) Section 36(4)(a)—

insert—

‘(iii) convicted of an offence against the Act, or a corresponding law, within 5 years immediately before the application is made; or’.

- (2) Section 36(4)(b) and (c)—

renumber as section 36(4)(c) and (d).

- (3) Section 36(4)—

insert—

‘(b) the applicant holds, or has held, accreditation that has been suspended or cancelled; or’.

55 Omission of s 37 (Definition for div 3)

Section 37—

omit.

56 Replacement of s 39 (Deciding application for accreditation)

Section 39—

omit, insert—

‘39 Decision on application

‘(1) The chief executive must consider an application for accreditation after receiving all necessary information relevant to the application and—

- (a) grant the application; or
- (b) grant the application on conditions; or
- (c) refuse to grant the application.

‘(2) Despite subsection (1), the chief executive may refuse to consider an application if the applicant already holds an accreditation of the same type under the name stated in the application or another name.

Notes—

- 1 Under the Act, section 21, the chief executive may only appoint a person as an accredited person if satisfied the person has the necessary expertise to be an accredited person to perform the function.

- 2 See also the Act, section 91A(5) (which deals with obtaining digital photos and digitised signatures) for when the chief executive must refuse to consider an application.
 - 3 It is an offence under section 67B to hold more than 1 accreditation of the same type.
- ‘(3) If the chief executive grants the application, the person is appointed as an accredited person.’.

**57 Amendment, relocation and renumbering of s 40
(Statutory conditions on accreditation)**

- (1) Section 40(2), ‘section 39(2)’—
omit, insert—
‘section 39(1)(b)’.
- (2) Section 40—
relocate and renumber as section 43A.

58 Replacement of ss 41 and 42

Sections 41 and 42—
omit, insert—

‘41 Notice of granting of accreditation

- ‘(1) If the chief executive decides to grant the accreditation, the chief executive must give the applicant an accreditation document.
- ‘(2) If the chief executive decides to impose a condition on the accreditation, the chief executive must give the applicant—
 - (a) written notice of the condition; and
 - (b) an information notice for the decision.’.

59 Amendment of s 44 (Duration of accreditation)

- (1) Section 44(1)—
omit, insert—

- ‘(1) An accreditation as a driver trainer is granted for the term, of not longer than 5 years, stated in the accreditation document given under section 41 for the accreditation.’.
- (2) Section 44—
insert—
- ‘(3) However, an accreditation as a driver trainer or rider trainer may be renewed for successive terms of not longer than 5 years.’.

60 Amendment of s 45 (Renewal of accreditation)

Section 45(2)(d)—

omit, insert—

‘(d) made no sooner than 2 weeks before the accreditation ends.’.

61 Amendment of s 46 (Application of declared sections to renewal of accreditation)

Section 46(3), definition *declared section*, ‘43’—

omit, insert—

‘43A’.

62 Omission of ss 47 and 48

Sections 47 and 48—

omit.

63 Replacement of ss 51 and 52

Sections 51 and 52—

omit, insert—

‘51 Voluntary surrender of accreditation

- ‘(1) An accredited driver trainer or rider trainer may surrender the trainer’s accreditation by giving the chief executive a written notice of surrender.
- ‘(2) To be effective, the notice of surrender must be accompanied by the trainer’s accreditation document or identity card, unless the person has a reasonable excuse for not returning it.
- ‘(3) Subject to subsection (2), the surrender of the accreditation takes effect on the day the notice is given to the chief executive.

‘52 Return of accreditation document or identity card

- ‘(1) This section applies if a person’s accreditation as a driver trainer or rider trainer is cancelled or suspended.

Note—

A person’s accreditation may be suspended or cancelled under chapter 3, part 1A of the Act.

- ‘(2) The person must return the person’s accreditation document or identity card to the chief executive within the time stated by the chief executive in the notice of cancellation or suspension, unless the person has a reasonable excuse.

Maximum penalty—40 penalty units.

- ‘(3) If a person returns an accreditation document or identity card to the chief executive because the person’s accreditation is suspended, the chief executive must return the accreditation document or identity card to the person at the end of the suspension term.’.

64 Replacement of s 62 (Display of identity card)

Section 62—

omit, insert—

‘62 Display of accreditation document or identity card

- ‘(1) When an accredited driver trainer is giving pre-licence driver training or an accredited rider trainer is giving Q-Ride training, the trainer must display the trainer’s accreditation document or identity card so as to be clearly visible to the learner.

Maximum penalty—20 penalty units.

- ‘(2) Also, subsection (3) applies if—

- (a) the chief executive has given the person a notice under section 41(2) about the imposition of a condition on the person’s accreditation; and
- (b) the notice states the person must carry the document evidencing the condition while performing the person’s function.

- ‘(3) The person must—

- (a) carry the document while performing the person’s function; and
- (b) produce the document for inspection if asked by a police officer or another authorised officer.

Maximum penalty—20 penalty units.’.

65 Insertion of new pt 3A

After section 67—

insert—

**‘Part 3A Accreditation documents and
identity cards for accredited
persons**

‘67A Application of pt 3A

‘This part applies to accreditation under parts 2 and 3.

‘67B Only 1 accreditation of the same type to be held at the same time

‘A person must not hold more than 1 accreditation of the same type at the same time.

Maximum penalty—40 penalty units.

‘67C Form of accreditation document

- ‘(1) This section applies if the chief executive—
 - (a) grants a person’s application for accreditation or renews the person’s accreditation and gives the person an accreditation document; or
 - (b) gives the person a replacement accreditation document.
- ‘(2) The accreditation document may be in the form of a smartcard accreditation document or an interim transport authority.
- ‘(3) Subsection (2) does not limit the form of an accreditation document.
- ‘(4) An accreditation document given to a person may be in the form of a smartcard transport authority that includes information about 1 or more other transport authorities held by the person.
- ‘(5) In this section—
transport authority see the *Transport Planning and Coordination Act 1994*, section 36G(3).

‘67D General provisions about accreditation documents

- ‘(1) An accreditation document may—
 - (a) indicate by way of a code, expression or otherwise that the person is an accredited person, and whether the accreditation is subject to a condition; and
 - (b) contain information about—
 - (i) the accreditation; and

- (ii) the person's personal particulars.
- '(2) A code or expression mentioned in subsection (1) may be—
 - (a) stated on an accreditation document; or
 - (b) stored electronically on a smartcard accreditation document.
- '(3) Subsection (1) does not limit the information that an accreditation document may contain.

'67E Expressions on accreditation documents

- '(1) The expression 'driver trainer' on an accreditation document indicates that the accredited person is an accredited driver trainer.
- '(2) The expression 'driver and rider trainer' on an accreditation document indicates that the accredited person is both an accredited driver trainer and an accredited rider trainer.
- '(3) The expression 'escort vehicle driver' on an accreditation document indicates that the accredited person is an escort vehicle driver.
- '(4) The expression 'pilot vehicle driver' on an accreditation document indicates that the accredited person is a pilot vehicle driver.
- '(5) The expression 'traffic controller' on an accreditation document indicates that the accredited person is a traffic controller.
- '(6) The expression 'authority no.' on an accreditation document indicates the accreditation number given to an accredited person.

Note—

An accredited person is given only 1 authority number regardless of the number of types of accreditation the person holds under the Act.

‘67F Codes on accreditation documents

- ‘(1) The following codes may be used on an accreditation document—
- ‘N’ stated on an accreditation document to show that—
 - the accreditation is not subject to a condition; or
 - the accreditation is subject to a condition that the accredited person need not carry a document evidencing the condition while performing the person’s function
 - ‘Y’ stated on an accreditation document to show that the accreditation is subject to a condition that the accredited person must carry a document evidencing the condition while performing the person’s function
 - ‘TEXT’ stored on a smartcard accreditation document to show that the accreditation is subject to a condition.
- ‘(2) A code mentioned in the *Transport Operations (Road Use Management—Driver Licensing) Regulation 1999*, schedule 2 may also be used on a smartcard accreditation document to show the class of vehicle for which an accredited person is authorised to give driver training under the accreditation.

‘67G Identity cards

- ‘(1) This section applies if the chief executive gives a person an identity card.
- ‘(2) The identity card must—
- (a) contain a photo of the person; and
 - (b) identify the person as an accredited person and the type of accreditation; and
 - (c) state the person’s accreditation number; and
 - (d) state the day the accreditation ends; and
 - (e) bear the accredited person’s signature.

- ‘(3) If the chief executive gives an accredited person a smartcard accreditation document, the accredited person must promptly destroy the accredited person’s identity card for the accreditation shown on the smartcard.

Maximum penalty—20 penalty units.

‘67H Application by accredited person for replacement accreditation document

- ‘(1) This section applies if—
- (a) information stated on an accreditation document is incorrect; or
 - (b) an accredited person becomes aware, or reasonably suspects, an accreditation document has been damaged, lost or stolen.

Note—

See also section 67K for notifying the chief executive if an accreditation document has been damaged, lost or stolen.

- ‘(2) The accredited person may apply to the chief executive for a replacement accreditation document.
- ‘(3) An application under this section must be—
- (a) made in the approved form; and
 - (b) accompanied by—
 - (i) the accreditation document, unless it has been, or the accredited person reasonably suspects it has been, destroyed, lost or stolen; and
 - (ii) the prescribed fee.
- ‘(4) After receiving the application, the chief executive must give the accredited person a replacement accreditation document if the chief executive is satisfied—
- (a) if subsection (1)(a) applies—the information on the accreditation document was incorrect; or

(b) if subsection (1)(b) applies—the accreditation document has been damaged, lost or stolen.

‘(5) If the accreditation document that has been replaced (the ***original accreditation document***) comes into, or returns to, the accredited person’s possession after a replacement accreditation document has been issued to the person, the person must destroy the original accreditation document.

Maximum penalty—20 penalty units.

‘(6) The chief executive may waive payment of the fee mentioned in subsection (3)(b)(ii) if—

(a) the original accreditation document was a smartcard accreditation document; and

(b) the chief executive is satisfied the accredited person has not received the document because it has been lost or stolen.

‘(7) In this section—

accreditation document includes an identity card.

‘671 Upgrading to smartcard accreditation document

‘(1) This section applies to an accredited person’s accreditation document that is not a smartcard accreditation document.

‘(2) The accredited person may apply to the chief executive to replace the accreditation document with a smartcard accreditation document.

‘(3) The application must be—

(a) made in the approved form; and

(b) accompanied by the prescribed fee.

‘(4) The chief executive may replace the accreditation document with a smartcard accreditation document for the same period as the unexpired period of the accreditation.

‘67J Chief executive may require smartcard accreditation document to be replaced

- ‘(1) This section applies if—
- (a) information stated on an accreditation document is incorrect and the chief executive reasonably believes the error was caused by the chief executive; or
 - (b) the chief executive has amended the person’s accreditation under section 19 of the Act and the person’s accreditation document requires amendment or replacement.
- ‘(2) The chief executive may, by written notice, require the accredited person to return the person’s smartcard accreditation document to the chief executive within a stated time and in a stated way for amendment or replacement.
- ‘(3) If subsection (1)(a) applies, the notice must include a statement identifying the information that is incorrect and the correct information.
- ‘(4) The accredited person must comply with the notice, unless the person has a reasonable excuse.
- Maximum penalty—20 penalty units.
- ‘(5) After receiving the smartcard accreditation document, the chief executive must give the accredited person a replacement smartcard accreditation document.
- ‘(6) If subsection (1)(a) applies, the replacement smartcard accreditation document must state the correct information.

‘67K Notifying chief executive if accreditation document damaged, lost or stolen

- ‘(1) This section applies if an accredited person becomes aware, or reasonably suspects, his or her accreditation document has been damaged, lost or stolen.
- ‘(2) The accredited person must give the chief executive written notice of the damage, loss or theft as soon as practicable after becoming aware of, or suspecting, it.

Maximum penalty—20 penalty units.

- ‘(3) The written notice is sufficiently given if an application for a replacement accreditation document is made under section 67H.

‘67L Change of name and address

- ‘(1) If an accredited person changes the person’s name or address, the person must, within 14 days after the change, give the chief executive—

- (a) written notice of the change; and
- (b) for a change of name, the person’s accreditation document.

Maximum penalty—20 penalty units.

- ‘(2) If the chief executive is satisfied the information given by the accredited person is correct, the chief executive must—

- (a) for a change of name—
 - (i) endorse the change of name on the person’s accreditation document; or
 - (ii) give the person a replacement accreditation document that records the change of name; or
- (b) for a change of address—
 - (i) endorse the change of address on the person’s accreditation document; or
 - (ii) give the person a replacement accreditation document that records the change of address; or
 - (iii) give the person a change of address label.

- ‘(3) If a change of address label is damaged, lost or stolen, the accredited person must promptly ask the chief executive for a replacement label.

Maximum penalty—20 penalty units.

- ‘(4) On receipt of a change of address label or a replacement label, the accredited person must promptly attach the label to the back of the accreditation document in the space provided for a change of address label.

Maximum penalty—20 penalty units.

‘67M Notifiable events under other Acts

- ‘(1) This section applies if an accredited person, other than an accredited person who is an approved examiner or an approved person—
- (a) has an obligation under the Act to notify the chief executive of a notifiable event; and
 - (b) has an obligation under a prescribed smartcard Act to notify the chief executive, or the general manager under the *Maritime Safety Queensland Act 2002*, of the same notifiable event; and
 - (c) complies with the obligation under the prescribed smartcard Act.
- ‘(2) The obligation under the Act to notify the chief executive of the notifiable event is taken to have been satisfied if any time allowed to make the notification under the Act has not expired.
- ‘(3) In this section—
- notifiable event*** means any of the following—
- (a) a change of name;
 - (b) a change of address;
 - (c) the damage, loss or theft of a holder’s accreditation document.

‘67N Possessing another person’s accreditation document or identity card

- ‘(1) A person must not possess another person’s accreditation document or identity card unless the person has a reasonable excuse.

Maximum penalty—40 penalty units.

- ‘(2) A person must not give the person’s accreditation document or identity card to another person if the person knows, or ought reasonably to know, the other person intends to use the document or card to deceive someone.

Maximum penalty—40 penalty units.

- ‘(3) For subsection (2), it is irrelevant whether the person intended to be deceived is known or unknown, or exists or does not exist.

‘67O Document purporting to be accreditation document or identity card

- ‘(1) A person must not possess a document that resembles an accreditation document or identity card and is calculated to deceive someone.

Maximum penalty—40 penalty units.

- ‘(2) A person must not give another person a document that resembles an accreditation document or identity card and is calculated to deceive someone.

Maximum penalty—40 penalty units.

- ‘(3) For subsections (1) and (2), it is irrelevant whether the person intended to be deceived is known or unknown, or exists or does not exist.

‘67P Damaging accreditation document or identify card

‘A person must not wilfully damage an accreditation document or identity card.

Maximum penalty—20 penalty units.

‘67Q Chief executive may direct superseded accreditation document or identity card to be destroyed

‘(1) The chief executive may direct a person to destroy the person’s superseded accreditation document or identity card.

‘(2) The person must comply with the direction.

Maximum penalty—20 penalty units.

‘(3) In this section—

superseded accreditation document includes a superseded smartcard transport authority.

Note—

See the *Transport Planning and Coordination Regulation 2005*, section 7(5) for when an interim transport authority has effect as a smartcard transport authority.’.

66 Insertion of new s 115A

Part 6, after section 115—

insert—

‘115A Refund of fees in relation to smartcard accreditation documents

‘(1) This section applies if—

(a) the chief executive refuses to grant an application in relation to a smartcard accreditation document; or

(b) an applicant withdraws an application in relation to a smartcard accreditation document before the chief executive grants the application.

‘(2) The chief executive may refund the whole or part of a fee paid by the applicant in relation to the application.

(3) This section does not affect section 115.’.

67 Amendment of sch 4 (Statutory accreditation conditions for driver trainers or rider trainers)

(1) Schedule 4, heading, ‘section 40’—

omit, insert—

‘section 43A’.

(2) Schedule 4, section 6(a) and (b)—

omit, insert—

‘(a) the trainer is convicted of a disqualifying offence;

(b) the trainer is charged with a disqualifying offence and
the charge has not been finally disposed of.’.

68 Amendment of sch 7 (Reviewable decisions)

Schedule 7—

omit, insert—

‘Schedule 7 Reviewable decisions

section 112

Section	Description of decision
5	refusing to grant an application for appointment as an accredited person or granting the application on a condition imposed by the chief executive
5, 9A and 9B	refusing to grant an application for renewal of accreditation or granting the renewal on a condition imposed by the chief executive
39	refusing to grant accreditation as a driver trainer or rider trainer or granting the accreditation on a condition imposed by the chief executive
39, 45 and 46	refusing to grant renewal of accreditation as a driver trainer or rider trainer or granting the renewal on a condition imposed by the chief executive

Section	Description of decision
72	refusing to grant registration or granting registration on a condition imposed by the chief executive
72, 77 and 78	refusing to grant renewal of registration or granting renewal of registration on a condition imposed by the chief executive’.

69 Amendment of sch 8 (Fees)

Schedule 8, items 8 to 11—

omit, insert—

‘8	Application for replacement of accreditation document or identity card of accredited person, other than in the form of a smartcard accreditation document (s 67H)	18.65
9	Application for replacement of accreditation document of accredited person in the form of a smartcard accreditation document (ss 67H and 67I)	35.80
10	Application for replacement of identity card of accredited driver trainer or rider trainer, other than in the form of a smartcard accreditation document (s 67H)	18.65
11	Application for replacement of accreditation document of accredited driver trainer or rider trainer in the form of a smartcard accreditation document (ss 67H and 67I)	35.80’.

70 Amendment of sch 9 (Dictionary)

(1) Schedule 9, definition *accreditation*—

omit.

(2) Schedule 9—

insert—

‘**approved person** means a person who holds an appointment under part 2 as an accredited person with the function of an approved person.

class, of vehicle, see the *Transport Operations (Road Use Management—Driver Licensing) Regulation 1999*, schedule 7.

damaged—

- 1 *Damaged*, in relation to a document other than a smartcard accreditation document, includes destroyed, defaced, mutilated or made illegible.
- 2 *Damaged*, in relation to a smartcard accreditation document—
 - (a) means—
 - (i) the document is damaged to an extent that—
 - (A) any information on the document is impossible or difficult to read without the use of technology; or
 - (B) a digital photo or a digitised signature on the document is impossible or difficult to recognise without the use of technology; or
 - (ii) any information stored electronically on the document is no longer accessible by using the holder's PIN; and
 - (b) includes destroyed.
- 3 However, *damaged*, in relation to a document, does not include the document being destroyed as required under section 67H(5) or 67Q.

interim transport authority means an interim transport authority issued under the *Transport Planning and Coordination Act 1994*.

smartcard transport authority see the *Transport Planning and Coordination Act 1994*, section 36G(1).'

- (3) Schedule 9, definition *TCASAP*, editor's note—
omit, insert—

‘Editor’s note—

*A copy of this document may be viewed on the department’s website at
<www.tmr.qld.gov.au>.’.*

Part 7 Amendment of Transport Operations (Road Use Management—Dangerous Goods) Regulation 2008

71 Regulation amended

*This part amends the *Transport Operations (Road Use Management—Dangerous Goods) Regulation 2008*.*

72 Amendment of s 189 (Required driver licence evidence)

Section 189(a)—

omit, insert—

‘(a) a copy of—

- (i) the applicant’s open licence; or*
- (ii) if the applicant does not presently hold, but has previously held, an open licence—the applicant’s probationary licence or restricted licence;’.*

73 Amendment of s 192 (Grant of dangerous goods driver licences)

(1) Section 192(1), note—

omit, insert—

‘Notes—

- 1 See also the Act, section 91A(5) (which deals with obtaining digital photos and digitised signatures) for when the chief executive must refuse to consider an application.
- 2 See also section 196 for the conditions the chief executive may impose on a dangerous goods driver licence.’.

(2) Section 192(4) and (5)—

renumber as section 192(6) and (7).

(3) Section 192—

insert—

‘(4) Also, the chief executive may refuse to consider an application for a dangerous goods driver licence if the applicant already holds a dangerous goods driver licence under the name stated in the application or another name.

Note—

It is an offence under section 197A to hold more than 1 dangerous goods driver licence.

‘(5) If the chief executive grants a dangerous goods driver licence, the chief executive must give the applicant a driver authorising document.’.

74 Amendment of s 194 (Renewal of licences)

Section 194(1), note—

omit, insert—

‘Notes—

- 1 See also the Act, section 91A(5) (which deals with obtaining digital photos and digitised signatures) for when the chief executive must refuse to consider an application.
- 2 See also section 196 for the conditions the chief executive may impose on a dangerous goods driver licence.’.

75 Insertion of new ss 195A–195C

After section 195—

insert—

‘195A Form of driver authorising document

- ‘(1) This section applies if the chief executive—
- (a) grants a dangerous goods driver licence to a person, or renews a person’s dangerous goods driver licence, and gives the person a driver authorising document; or
 - (b) gives a person a replacement driver authorising document.
- ‘(2) The driver authorising document may be in the form of a smartcard dangerous goods driver licence or an interim transport authority.
- ‘(3) Subsection (2) does not limit the form of a driver authorising document.
- ‘(4) A smartcard dangerous goods driver licence given to a person may be in the form of a smartcard transport authority that includes information about 1 or more other transport authorities held by the person.
- ‘(5) In this section—
- smartcard transport authority* has the meaning given by the *Transport Planning and Coordination Act 1994*, section 36G(1).
- transport authority* see the *Transport Planning and Coordination Act 1994*, section 36G(3).

‘195B General provisions about driver authorising document

- ‘(1) A driver authorising document may—
- (a) indicate by way of a code, expression or otherwise that a person holds a dangerous goods driver licence and whether the licence is subject to a condition; and
 - (b) contain information about—
 - (i) the licence; and

(ii) the person's personal particulars.

‘(2) A code or expression mentioned in subsection (1) may be—

(a) stated on a driver authorising document; or

(b) stored electronically on a smartcard dangerous goods driver licence.

‘(3) Subsection (1) does not limit the information that a driver authorising document may contain.

‘195C Expressions on driver authorising document

‘(1) The expression ‘dangerous goods driver licence’ on a driver authorising document indicates that the person is the holder of a dangerous goods driver licence.

‘(2) The expression ‘authority no.’ on a driver authorising document indicates the licence number given to the holder of a dangerous goods driver licence.’.

76 Amendment of s 196 (Licence conditions)

(1) Section 196(1), ‘(3) and (4)’—

omit, insert—

‘(2) and (3)’.

(2) Section 196(2)—

omit.

(3) Section 196(3) and (4)—

renumber as section 196(2) and (3).

77 Insertion of new s 196A

After section 196—

insert—

‘196A Codes on driver authorising document

‘The following codes may be used on a driver authorising document—

- ‘N’ stated on a driver authorising document to show that—
 - the dangerous goods driver licence is not subject to a condition; or
 - the dangerous goods driver licence is subject to a condition evidence of which need not be carried by the holder of the licence while carrying out activities for which the licence is required.
- ‘Y’ stated on a driver authorising document to show that the dangerous goods driver licence is subject to a condition evidence of which must be carried by the holder of the licence while carrying out activities for which the licence is required
- ‘TEXT’ stored on a smartcard driver dangerous goods driver licence to show that the licence is subject to a condition.’.

78 Insertion of new s 197A

After section 197—

insert—

‘197A Only 1 dangerous goods driver licence to be held at the same time

‘A person must not hold more than 1 dangerous goods driver licence at the same time.

Maximum penalty—40 penalty units.’.

79 Amendment of s 208 (Licence labels)

Section 208—

insert—

‘(4) In this section—

current licence label includes a replacement licence label issued under section 211.’.

80 Replacement of s 209 (Licence to be carried)

Section 209—

omit, insert—

‘209 Driver authorising document and conditions to be carried

‘(1) The holder of a dangerous goods driver licence must carry a driver authorising document when driving a vehicle transporting—

- (a) dangerous goods that are in a receptacle with a capacity of more than 500L; or
- (b) more than 500kg of dangerous goods in a receptacle.

‘(2) If the chief executive has imposed a condition on a dangerous goods driver licence, the holder must also carry any document evidencing the imposed condition if the imposed condition requires it.

Maximum penalty—7½ penalty units.

‘209A Damaging driver authorising document

‘A person must not wilfully damage a driver authorising document.

Maximum penalty—20 penalty units.

‘209B Chief executive may direct superseded driver authorising document to be destroyed

‘(1) The chief executive may direct a person to destroy the person’s superseded driver authorising document.

‘(2) The person must comply with the direction.

Maximum penalty—20 penalty units.

‘(3) In this section—

superseded driver authorising document includes a superseded smartcard transport authority.

Note—

See the *Transport Planning and Coordination Regulation 2005*, section 7(5) for when an interim transport authority has effect as a smartcard transport authority.

‘209C Possessing another person’s driver authorising document

‘(1) A person must not possess another person’s driver authorising document, unless the person has a reasonable excuse.

Maximum penalty—40 penalty units.

‘(2) A person must not give the person’s driver authorising document to another person if the person knows, or ought reasonably to know, the other person intends to use the document to deceive someone.

Maximum penalty—40 penalty units.

‘(3) For subsection (2), it is irrelevant whether the person intended to be deceived is known or unknown, or exists or does not exist.

‘209D Document purporting to be driver authorising document

‘(1) A person must not possess a document that resembles a driver authorising document and is calculated to deceive someone.

Maximum penalty—40 penalty units.

‘(2) A person must not give another person a document that resembles a driver authorising document and is calculated to deceive someone.

Maximum penalty—40 penalty units.

- ‘(3) For subsections (1) and (2), it is irrelevant whether the person intended to be deceived is known or unknown, or exists or does not exist.’.

81 Replacement of s 211 (Replacement licences and licence labels)

Section 211—

omit, insert—

‘211 Chief executive may require licence documents to be replaced

- ‘(1) This section applies if—
- (a) a licensee’s licence is renewed; or
 - (b) a licensee’s licence is amended under section 19 of the Act; or
 - (c) a period of suspension of a licensee’s licence ends or a suspension is withdrawn; or
 - (d) information stated on a licensee’s licence document is incorrect and the chief executive reasonably believes the error was caused by the chief executive.
- ‘(2) The chief executive may, by written notice, require the licensee to return the licensee’s licence document to the chief executive for replacement.
- ‘(3) If subsection (1)(d) applies, the notice must include a statement identifying the information that is incorrect and the correct information.
- ‘(4) The licensee must comply with the notice, unless the licensee has a reasonable excuse.
- Maximum penalty—20 penalty units.
- ‘(5) After receiving the licence document, the chief executive must give the licensee a replacement licence document.
- ‘(6) If subsection (1)(d) applies, the replacement licence document must state the correct information.

‘(7) In this section—

licence document means any of the following—

- (a) a driver authorising document;
- (b) a dangerous goods vehicle licence;
- (c) a licence label.

‘211A Application by licensee for replacement licence document

‘(1) This section applies if—

- (a) information stated on a licence document is incorrect; or
- (b) the licensee becomes aware, or reasonably suspects, the licence document has been damaged, lost or stolen.

Note—

See also section 216A for notifying the chief executive if a licence document has been damaged, lost or stolen.

‘(2) The licensee may apply to the chief executive for a replacement licence document.

‘(3) The application must be—

- (a) made in the approved form; and
- (b) accompanied by—
 - (i) the licence document, unless it has been, or the licensee reasonably suspects it has been, destroyed, lost or stolen; and
 - (ii) the prescribed fee.

‘(4) After receiving the application, the chief executive must give the licensee a replacement licence document if the chief executive is satisfied—

- (a) if subsection (1)(a) applies—the information on the licence document was incorrect; or
- (b) if subsection (1)(b) applies—the licence document has been damaged, lost or stolen.

- ‘(5) If the licence document that has been replaced (the *original licence document*) comes into, or returns to, the licensee’s possession after a replacement licence document has been issued to the licensee, the licensee must destroy the original licence document.

Maximum penalty—20 penalty units.

- ‘(6) The chief executive may waive payment of the fee mentioned in subsection (3)(b)(ii) if—
- (a) the licence document being replaced was a smartcard dangerous goods driver licence; and
 - (b) the chief executive is satisfied the licensee has not received the smartcard dangerous goods driver licence because it has been lost or stolen.

- ‘(7) In this section—

licence document means any of the following—

- (a) a driver authorising document;
- (b) a dangerous goods vehicle licence;
- (c) a licence label.

‘211B Upgrading to smartcard dangerous goods driver licence

- ‘(1) This section applies to the holder of a driver authorising document that is not a smartcard dangerous goods driver licence.
- ‘(2) The holder may apply to the chief executive to replace the driver authorising document with a smartcard dangerous goods driver licence.
- ‘(3) The application must be made in the approved form.
- ‘(4) The chief executive may replace the driver authorising document with a smartcard dangerous goods driver licence for the same period as the unexpired portion of the superseded dangerous goods driver licence.’.

82 Replacement of s 213 (Surrender of licences)

Section 213—

omit, insert—

‘213 Voluntary surrender of licences

- ‘(1) A licensee may surrender a licensee’s licence by giving the chief executive a written notice of surrender.
- ‘(2) To be effective, the notice of surrender must be accompanied by—
 - (a) for the surrender of a dangerous goods driver licence—the driver authorising document; or
 - (b) for the surrender of a dangerous goods vehicle licence—the dangerous goods vehicle licence;unless the licensee has a reasonable excuse for not returning it.
- ‘(3) Subject to subsection (2), the surrender of the licence takes effect on the day the notice is given to the chief executive.’.

83 Insertion of new ss 216A–216C

After section 216—

insert—

‘216A Notifying chief executive if licence document damaged, lost or stolen

- ‘(1) This section applies if a licensee becomes aware, or reasonably suspects, his or her licence document has been damaged, lost or stolen.
- ‘(2) The licensee must give the chief executive written notice of the damage, loss or theft as soon as practicable after becoming aware of, or suspecting, it.
Maximum penalty—20 penalty units.
- ‘(3) The written notice is sufficiently given if an application for a replacement licence document is made under section 211A.

‘216B Change of name and address

‘(1) If a licensee changes the licensee’s name or address, the licensee must, within 14 days after the change, give the chief executive—

- (a) written notice of the change; and
- (b) if the licensee holds a dangerous goods driver licence—the driver authorising document; and
- (c) if the licensee holds a dangerous goods vehicle licence—the dangerous goods vehicle licence.

Maximum penalty—20 penalty units.

‘(2) If the chief executive is satisfied the information given by the licensee is correct, the chief executive must—

- (a) for a change of name—
 - (i) endorse the change of name on the licence or driver authorising document; or
 - (ii) give the licensee a replacement licence or driver authorising document that records the change of name; or
- (b) for a change of address—
 - (i) endorse the change of address on the licence or driver authorising document; or
 - (ii) give the person a replacement licence or driver authorising document that records the change of address; or
 - (iii) if the change of address relates to a dangerous goods driver licence—give the person a change of address label.

‘(3) If a change of address label is damaged, lost or stolen, the licensee must promptly ask the chief executive for a replacement label.

Maximum penalty—20 penalty units.

- ‘(4) On receipt of a change of address label or a replacement label, the licensee must promptly attach the label to the back of the driver authorising document in the space provided for a change of address label.

Maximum penalty—20 penalty units.

‘216C Notifiable events under other Acts

- ‘(1) This section applies if a licensee—
- (a) has an obligation under the Act to notify the chief executive of a notifiable event; and
 - (b) has an obligation under a prescribed smartcard Act to notify the chief executive, or the general manager under the *Maritime Safety Queensland Act 2002*, of the same notifiable event; and
 - (c) complies with the obligation under the prescribed smartcard Act.
- ‘(2) The obligation under the Act to notify the chief executive of the notifiable event is taken to have been satisfied if any time allowed to make the notification under the Act has not expired.
- ‘(3) In this section—
- notifiable event*** means any of the following—
- (a) a change of name;
 - (b) a change of address;
 - (c) the damage, loss or theft of a licence or driver authorising document.’.

84 Amendment of s 217 (Production of licences to chief executive)

Section 217(1), after ‘the licence’—

insert—

‘or driver authorising document’.

85 Replacement of s 218 (Seizure of licences etc.)

Section 218—

omit, insert—

‘218 Seizure of licences and documents

‘(1) An authorised officer to whom a licence or driver authorising document is produced for inspection may seize the licence or driver authorising document if the officer reasonably believes—

- (a) the licence has been suspended or cancelled; or
- (b) the licence has ended; or
- (c) the licence has been amended and the amendment is not recorded on the licence or driver authorising document; or
- (d) the person who produces the licence or driver authorising document is not the licensee.

Note—

Under section 49 of the Act, an authorised officer may require a person to produce particular documents for inspection.

‘(2) An authorised officer to whom a document that purports to be a licence or driver authorising document is produced for inspection may seize the document if the officer reasonably believes the document is not genuine.’.

86 Amendment of s 219 (Return of licences)

(1) Section 219(1), after ‘a licence’—

insert—

‘or driver authorising document’.

(2) Section 219(1)(b), after ‘replacement licence’—

insert—

‘or driver authorising document’.

- (3) Section 219(1)(c), ‘and a replacement licence’—

omit, insert—

‘or driver authorising document and a replacement licence or driver authorising document’.

- (4) Section 219(2) and (3), ‘licence to’—

omit, insert—

‘licence or driver authorising document to’.

87 Insertion of new s 227A

After section 227—

insert—

‘227A Refund of fees in relation to smartcard dangerous goods driver licence

- ‘(1) This section applies if—

- (a) the chief executive refuses to grant an application in relation to a smartcard dangerous goods driver licence; or
- (b) an applicant withdraws an application in relation to a smartcard dangerous goods driver licence before the chief executive grants the application.

- ‘(2) The chief executive may refund the whole or part of a fee paid by the applicant in relation to the application.’.

88 Amendment of sch 1 (Reviewable decisions)

Schedule 1, entry for section 211—

omit.

89 Amendment of sch 4 (Dictionary)

Schedule 4—

insert—

‘damaged—

- 1 *Damaged*, in relation to a document other than a smartcard dangerous goods driver licence, includes destroyed, defaced, mutilated or made illegible.
- 2 *Damaged*, in relation to a smartcard dangerous goods driver licence—
 - (a) means—
 - (i) the licence is damaged to an extent that—
 - (A) any information on the licence is impossible or difficult to read without the use of technology; or
 - (B) a digital photo or a digitised signature on the licence is impossible or difficult to recognise without the use of technology; or
 - (ii) any information stored electronically on the licence is no longer accessible by using the holder’s PIN; and
 - (b) includes destroyed.
- 3 However, *damaged*, in relation to a document, does not include the document being destroyed as required under section 209B or 211A(5).

driver authorising document means a document evidencing a dangerous goods driver licence.

interim transport authority means an interim transport authority issued under the *Transport Planning and Coordination Act 1994*.

Part 8 Amendment of Transport Operations (Road Use Management—Driver Licensing) Regulation 1999

90 Regulation amended

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

91 Insertion of new s 3B

After section 3A—

insert—

‘3B Partial refund of fees

‘(1) This section applies if—

- (a) the holder of a valid Queensland driver licence has a mental or physical incapacity that is likely to adversely affect the holder’s ability to drive safely and, before the licence expires—
 - (i) the holder surrenders the licence under section 31; or
 - (ii) the chief executive cancels the licence under section 33; or
- (b) the holder of a valid Queensland driver licence dies before the licence expires.

‘(2) The person who was the holder of the licence or, if subsection (1)(b) applies, the deceased’s legal personal representative, may apply to the chief executive for a partial refund of the fee paid for the driver licence.

‘(3) If the chief executive is satisfied the information given by the applicant is correct, the chief executive must make the partial refund to the applicant.

‘(4) The partial refund is to be worked out using the formula—

$$\text{refund} = \frac{LF \times WM}{LP}$$

where—

LF means the licence fee paid for the licence.

LP means the total period of the licence in months.

WM means the unexpired period of the licence in whole months.

‘(5) The chief executive may deduct from the partial refund an amount decided by the chief executive to cover reasonable administrative costs.

‘(6) Subsection (3) does not apply if the reasonable administrative costs are greater than the amount of the partial refund.’.

92 Insertion of new s 6A

After section 6—

insert—

‘6A Only 1 Queensland driver licence to be held at the same time

‘(1) A person must not hold a Queensland driver licence other than under the person’s name.

Maximum penalty—40 penalty units.

‘(2) A person must not hold more than 1 Queensland driver licence of a particular type at the same time.

Maximum penalty—40 penalty units.

‘(3) Subsection (2) does not apply to a learner licence.’.

93 Amendment of s 13 (Other provisions about general eligibility)

Section 13(1)(c), ‘another driver licence’—

omit, insert—

‘a non-Queensland driver licence’.

94 Amendment of s 15 (Applying for licences)

Section 15(2) and (3)—

omit, insert—

- ‘(2) If the chief executive reasonably believes further information or documents are required to make a decision about the application, the chief executive may give a written notice to the person requesting the person, within a stated period of at least 28 days, to give further information or documents relevant to the application.
- ‘(3) If the person does not comply with a notice given under subsection (2), the chief executive may declare, by further written notice given to the person, that the application is taken to be withdrawn on the day stated in the notice.’.

95 Amendment of s 16 (Deciding applications for licence)

- (1) Section 16(1), ‘The’—

omit, insert—

‘Subject to section 15(3), the’.

- (2) After section 16(1)—

insert—

‘Note—

See also the Act, section 91A(5) (which deals with obtaining digital photos and digitised signatures) for when the chief executive must refuse to consider an application.’.

- (3) Section 16(2) and (3)—

omit, insert—

- ‘(2) The chief executive must not grant or renew the licence if—

- (a) the applicant is not eligible for that type or class of licence; or
 - (b) the chief executive is not satisfied with the applicant's identification for the licence.
- ‘(3) If the chief executive decides to grant or renew the licence, the chief executive must promptly—
- (a) for the grant or renewal of a driver licence that is a smartcard driver licence—issue a current driver licence receipt to the applicant; or
- Note—*
- A current driver licence receipt confirms that the person mentioned on it is authorised to drive a stated class of vehicle until the receipt is superseded by the issue of a licence—see the Act, schedule 4 (Dictionary), definition *current driver licence receipt*.
- (b) for the grant of a driver licence that is not a smartcard driver licence—give the licence to the applicant; or
 - (c) for the renewal of a driver licence that is not a smartcard driver licence—give a renewal of licence label to the applicant.’.

96 Amendment of s 18B (Definition for pt 4AA)

- (1) Section 18B, heading, ‘Definition’—

omit, insert—

‘Definitions’.

- (2) Section 18B—

insert—

‘open licence includes a recently expired smartcard driver licence.

recently expired smartcard driver licence means a smartcard driver licence that—

- (a) is an open licence; and

(b) has been expired for no more than 28 days.

renew, an open licence, includes, for an open licence that is a recently expired smartcard driver licence, issue a further smartcard driver licence.’.

97 Amendment of s 18E (When chief executive may renew licence)

Section 18E(2)—

insert—

‘(e) for a smartcard driver licence, the shelf life of the person’s most recent digital photo and digitised signature, or the most recent extension of the shelf life under section 91AA of the Act has not ended, and will not end before the period of the licence applied for ends.’.

98 Replacement of s 18F (Renewal of licence label)

Section 18F—

omit, insert—

‘18F Renewal of open licence

‘(1) This section applies if the chief executive renews a person’s open licence under section 18E.

‘(2) The chief executive must—

(a) for a smartcard driver licence—electronically issue a current driver licence receipt to the person; or

(b) for a driver licence that is not a smartcard driver licence—issue a renewal of licence label to the person.

‘(3) On receipt of a renewal of licence label, the person must promptly attach the label to the back of the licence, in the space provided for change of details labels.

Maximum penalty—20 penalty units.’.

99 Amendment of s 32 (Grounds for amending, suspending or cancelling licences)

(1) Section 32(b)—

omit, insert—

‘(b) the licence was obtained on the basis of information that the licensee knew was false or misleading in a material particular;’.

(2) Section 32(f) and (g), ‘person’—

omit, insert—

‘licensee’.

(3) Section 32(h)—

omit, insert—

‘(h) for an open licence renewed under part 4AA—the licensee was not eligible for the renewal of the licence under that part;

(i) the person was not eligible for the class or type of licence.’.

100 Replacement of s 34 (Return of licence for amendment)

Section 34—

omit, insert—

‘34 Return of licence for amendment

‘(1) The chief executive may give the holder of a Queensland driver licence a written notice requiring the holder to return the licence, in a stated way and within a stated time of at least 14 days, to enable—

(a) the conditions stated on the licence to be amended; or

(b) information stated on the licence that is incorrect to be amended, if the chief executive reasonably believes the error was caused by the chief executive.

‘(2) A notice given under subsection (1)(b) must include a statement identifying the information that is incorrect and the correct information.

‘(3) The holder must comply with a notice given under this section, unless the holder has a reasonable excuse.

Example of a reasonable excuse—

The licence has been, or the holder reasonably suspects it has been, destroyed, lost or stolen.

Maximum penalty—20 penalty units.

‘(4) If the notice is given under subsection (1)(a)—

(a) the chief executive must, after receiving the licence, issue to the holder—

(i) for a smartcard driver licence—a current driver licence receipt stating the conditions as amended; or

(ii) for a driver licence that is not a smartcard driver licence—a replacement licence stating the conditions as amended; and

(b) the conditions, as amended, take effect from the appropriate day under section 33(7), even if the holder does not return the licence for amendment.

‘(5) If the notice is given under subsection (1)(b), the chief executive must, after receiving the licence, issue to the holder—

(a) for a smartcard driver licence—a current driver licence receipt stating the correct information; or

(b) for a driver licence that is not a smartcard driver licence—a replacement licence stating the correct information.’.

101 Amendment of s 39 (Change of name or address)

(1) Section 39(2)(a) and (b)—

omit, insert—

- ‘(a) for a change of name on a smartcard driver licence—a current driver licence receipt stating the holder’s new name; or
 - (b) for a change of name on a driver licence that is not a smartcard driver licence—a replacement licence stating the holder’s new name; or
 - (c) for a change of address—a change of address label.’.
- (2) Section 39(3), after ‘address label’—
insert—
‘under subsection (2)(c)’.

102 Replacement of ss 40–41

Sections 40 to 41—

omit, insert—

‘39A Holder may apply for replacement licence if incorrect information on licence

- ‘(1) This section applies if the holder of a valid Queensland driver licence becomes aware or reasonably suspects the information stated on the licence is incorrect.
- ‘(2) The holder may apply to the chief executive for the issue of a replacement licence.
- ‘(3) The application must be made in the approved form.
- ‘(4) If the chief executive is satisfied the information given by the holder is correct, the chief executive must issue to the applicant—
 - (a) for a smartcard driver licence—a current driver licence receipt stating the correct information; or
 - (b) for a driver licence that is not a smartcard driver licence—a replacement licence stating the correct information.

‘39B Upgrading to smartcard driver licence

- ‘(1) This section applies to the holder of a valid Queensland driver licence that is not a smartcard driver licence.
- ‘(2) The holder may apply to the chief executive to replace the licence with a smartcard driver licence.
- ‘(3) The application must be made in the approved form.
- ‘(4) The chief executive—
 - (a) may replace the licence with a smartcard driver licence for the same period as the unexpired period of the licence; and
 - (b) must issue to the holder a current driver licence receipt.

‘39C Smartcard driver licence not received in post

- ‘(1) This section applies if—
 - (a) the chief executive issues a current driver licence receipt to the holder of a Queensland driver licence; and
 - (b) the holder has not received a smartcard driver licence in the post at the address stated in the holder’s application for the licence within the time stated by the chief executive when the application was made.
- ‘(2) The holder must promptly notify the chief executive that the holder has not received the smartcard driver licence.
- ‘(3) If the chief executive is satisfied that the holder has not received the smartcard driver licence because it has been lost or stolen, the chief executive must—
 - (a) advise the holder; and
 - (b) waive payment of the fee for a replacement smartcard driver licence under section 40.

‘40 Replacement licence if licence damaged, lost or stolen

- ‘(1) This section applies if the holder of a valid Queensland driver licence (the *original licence*) becomes aware, or reasonably suspects, the licence has been damaged, lost or stolen.
- ‘(2) The holder must promptly apply to the chief executive for a replacement licence.
Maximum penalty—20 penalty units.
- ‘(3) The application must be made in the approved form.
- ‘(4) If the chief executive is satisfied the original licence has been damaged, lost or stolen, the chief executive must issue to the applicant—
 - (a) for a smartcard driver licence—a current driver licence receipt; or
 - (b) for a driver licence that is not a smartcard driver licence—a replacement licence.

‘40AA Notifiable events under other Acts

- ‘(1) This section applies if the holder of a Queensland driver licence—
 - (a) has an obligation under the Act to notify the chief executive of a notifiable event; and
 - (b) has an obligation under a prescribed smartcard Act to notify the chief executive, or the general manager under the *Maritime Safety Queensland Act 2002*, of the same notifiable event; and
 - (c) complies with the obligation under the prescribed smartcard Act.
- ‘(2) The obligation under the Act to notify the chief executive of the notifiable event is taken to have been satisfied if any time allowed to make the notification under the Act has not expired.
- ‘(3) In this section—

notifiable event means a change of name or a change of address.

‘40A Replacement labels

‘(1) This section applies if the holder of a valid Queensland driver licence becomes aware, or reasonably suspects, a renewal of licence label or a change of address label has been damaged, lost or stolen.

‘(2) The holder must promptly apply to the chief executive for a replacement label.

Maximum penalty—20 penalty units.

‘(3) If the chief executive is satisfied the original label has been damaged, lost or stolen, the chief executive must issue a replacement label to the holder.

‘(4) On receipt of a replacement label, the holder must promptly attach the label to the back of the licence, in the space provided for change of details labels.

Maximum penalty—20 penalty units.

‘(5) In this section—

change of address label means a label mentioned in section 39(2)(c).

renewal of licence label means a label mentioned in section 18F(2)(b).

‘40B Replacement current driver licence receipt

‘(1) This section applies if—

(a) the chief executive issues a current driver licence receipt (the ***original receipt***) to a person; and

(b) while the original receipt is in force, it is damaged, lost or stolen.

Note—

A current driver licence receipt is superseded by the issue of a licence—see the Act, schedule 4 (Dictionary), definition *current driver licence receipt*.

- ‘(2) The person must promptly apply to the chief executive for a replacement current driver licence receipt.

Maximum penalty—20 penalty units.

- ‘(3) The application must be in the approved form.
- ‘(4) If the chief executive is satisfied the original receipt has been damaged, lost or stolen, the chief executive must issue to the person a replacement current driver licence receipt.
- ‘(5) This section does not apply if section 40 applies.

‘41 Damaging licences

‘A person must not wilfully damage a Queensland driver licence.

Maximum penalty—20 penalty units.

‘41A Dealing with superseded Queensland driver licence and current driver licence receipt

- ‘(1) This section applies if—
- (a) a person has in the person’s possession a superseded Queensland driver licence or a superseded receipt; and
 - (b) the chief executive gives the person a notice requiring the person to destroy the licence or receipt in a stated way.

- ‘(2) The person must comply with the notice.

Maximum penalty—20 penalty units.

- ‘(3) In this section—

superseded receipt means a receipt that is no longer a current driver licence receipt because it has been superseded by the issue of an Australian driver licence.’.

103 Amendment of s 43A (Queensland driver licence may include information identifying holder of marine licence—Act, s 150A)

(1) Section 43A(1) and (2), before ‘code’—

insert—

‘marine licence indicator’.

(2) Section 43A—

insert—

‘(3) A marine licence indicator condition code in schedule 2, part 3 stated on a person’s Queensland driver licence indicates whether the person’s marine licence is subject to a condition.’.

104 Amendment of s 43B (Applying to include information on Queensland driver licence identifying holder of marine licence)

(1) Section 43B(1)(b), before ‘code’—

insert—

‘marine licence indicator’.

(2) Section 43B—

insert—

‘(4) In this section—

Queensland driver licence does not include a smartcard driver licence.’.

105 Replacement of s 43C

Section 43C—

omit, insert—

‘43BA Change of information on Queensland driver licence identifying holder of marine licence—change in conditions

‘(1) This section applies if—

- (a) a person's Queensland driver licence has a marine licence indicator code mentioned in section 43A(2) stated on it; and
 - (b) the person's marine licence is amended under the *Transport Operations (Marine Safety) Act 1994* to impose or remove a condition on the marine licence; and
 - (c) the person was required under the *Transport Operations (Marine Safety) Regulation 2004*, section 162 to return the person's marine licence indicator to the administering agency.
- '(2) After receiving the person's Queensland driver licence, the chief executive must—
 - (a) amend the code on the driver licence; and
 - (b) give the person—
 - (i) for a smartcard driver licence—a current driver licence receipt stating the conditions as amended; or
 - (ii) for a driver licence that is not a smartcard driver licence—a replacement driver licence stating the conditions as amended.

'43C Removal of information on Queensland driver licence identifying holder of marine licence—marine licence cancelled

- '(1) This section applies if—
 - (a) a person's Queensland driver licence has a marine licence indicator code mentioned in section 43A(2) stated on it; and
 - (b) the person's marine licence is cancelled under the *Transport Operations (Marine Safety) Act 1994*; and
 - (c) the person was required under a Marine Safety Act requirement to return the person's marine licence indicator to the chief executive.

- ‘(2) After receiving the person’s Queensland driver licence, the chief executive must—
- (a) remove the code from the driver licence; and
 - (b) give the person—
 - (i) for a smartcard driver licence—a current driver licence receipt without the code on it; or
 - (ii) for a driver licence that is not a smartcard driver licence—a replacement driver licence without the code on it.

- ‘(3) In this section—

Marine Safety Act requirement means a requirement under—

- (a) the *Transport Operations (Marine Safety) Act 1994*, section 202C; or
- (b) the *Transport Operations (Marine Safety) Regulation 2004*, section 168.

‘43D Removal of information on Queensland driver licence identifying holder of marine licence—marine licence surrendered

- ‘(1) This section applies if—
- (a) a person’s Queensland driver licence has a code mentioned in section 43A(2) stated on it; and
 - (b) the person’s marine licence is surrendered under the *Transport Operations (Marine Safety) Act 1994*.
- ‘(2) The person must return the person’s Queensland driver licence to the chief executive for the removal of the code from the driver licence.

Maximum penalty—20 penalty units.

- ‘(3) After receiving the person’s Queensland driver licence, the chief executive must—
- (a) remove the code from the driver licence; and

- (b) give the person—
 - (i) for a smartcard driver licence—a current driver licence receipt without the code on it; or
 - (ii) for a driver licence that is not a smartcard driver licence—a replacement driver licence without the code on it.’.

106 Amendment of sch 1 (Fees)

- (1) Schedule 1, item 12, ‘40(1)’—
omit, insert—
‘40(2)’.
- (2) Schedule 1, item 13, ‘40(1)’—
omit, insert—
‘39B(2), 40(2)’.
- (3) Schedule 1, item 15—
omit, insert—

‘15 Release of information under section 77 about a person’s
traffic history 18.65’.

107 Amendment of sch 2 (Licence codes)

Schedule 2, part 3—
omit, insert—

‘Part 3 Marine licence indicator codes

Code	Marine licence
RMDL . . .	recreational marine driver licence
PWCL . . .	personal watercraft licence

Code Condition

N marine licence is not subject to a condition

Y marine licence is subject to a condition’.

108 Amendment of sch 7 (Dictionary)

(1) Schedule 7, definition *destroy*—

omit.

(2) Schedule 7—

insert—

‘damaged—

1 *Damaged*, in relation to a document other than a smartcard driver licence, includes—

- (a) destroyed; or
- (b) defaced; or
- (c) damaged to the extent that any information, including a photo, on the licence is unrecognisable.

2 *Damaged*, in relation to a smartcard driver licence—

- (a) means—
 - (i) the licence is damaged to an extent that—
 - (A) any information on the licence is impossible or difficult to read with or without the use of technology; or
 - (B) a digital photo or a digitised signature on the licence is impossible or difficult to recognise with or without the use of technology; or
 - (ii) any information stored electronically on the licence is no longer accessible by using the holder’s PIN; and
- (b) includes destroyed.

113 Insertion of new pt 3, hdg

After section 3—

insert—

‘Part 3 Prescribed transit nodes’.

114 Insertion of new pt 4

After section 4—

insert—

‘Part 4 Smartcard transport authorities

‘5 Definitions for pt 4

‘In this part—

digital photo see the Act, section 36F(5).

digitised signature see the Act, section 36F(5).

most recent digital photo—

- (a) for a transport authority under the *Tow Truck Act 1973*—see schedule 2 of that Act; or
- (b) for a transport authority under the *Transport Operations (Passenger Transport) Act 1994*—see schedule 3 of that Act; or
- (c) for a transport authority under the *Transport Operations (Road Use Management) Act 1995*—see schedule 4 of that Act.

smartcard transport authority see the Act, section 36G(1).

transport authority see the Act, section 36G(3).

transport authority Act means any of the following Acts—

- (a) the *Tow Truck Act 1973*;
- (b) the *Transport Operations (Passenger Transport) Act 1994*;

- (c) the *Transport Operations (Road Use Management) Act 1995*.

‘6 Smartcard transport authorities

- ‘(1) A smartcard transport authority issued to a person by the chief executive may—
 - (a) indicate by way of a code, expression or otherwise that the person holds 1 or more transport authorities; and
 - (b) include information about the person’s personal particulars.
- ‘(2) A smartcard transport authority is, in relation to a particular transport authority, subject to the transport authority Act for the particular transport authority.
- ‘(3) A code or expression used on a smartcard transport authority in relation to a particular transport authority has the meaning given under the transport authority Act for the particular transport authority.

‘7 Interim transport authorities

- ‘(1) This section applies if the chief executive intends to issue a smartcard transport authority to a person.
- ‘(2) The chief executive may issue an interim transport authority to the person.
- ‘(3) An interim transport authority may contain the following information—
 - (a) its date of issue;
 - (b) any information that may be contained on a smartcard transport authority under section 6;
 - (c) information about anything authorised or required to be stated on it under a transport authority Act.
- ‘(4) Subsection (3) does not limit the information that may be contained on an interim transport authority.

- ‘(5) An interim transport authority has effect as if it were a smartcard transport authority until the person receives the smartcard transport authority from the chief executive.

‘8 Verification of a person’s connection to the person’s most recent digital photo

- ‘(1) This section applies if—
- (a) a person makes an application in relation to 1 or more transport authorities; and
 - (b) the person has been issued with a smartcard transport authority; and
 - (c) the chief executive considers it reasonably necessary to verify the person’s connection to the person’s most recent digital photo relating to the smartcard transport authority.
- ‘(2) The person must allow the chief executive to take and keep a digital photo and digitised signature of the person under—
- (a) for a transport authority under the *Tow Truck Act 1973*—section 19A of that Act; or
 - (b) for a transport authority under the *Transport Operations (Passenger Transport) Act 1994*—section 35A of that Act; or
 - (c) for a transport authority under the *Transport Operations (Road Use Management) Act 1995*—section 91A of that Act.

‘9 Replacement of smartcard transport authority

- ‘(1) This section applies if a person has been issued with a smartcard transport authority and, under a transport authority Act, any of the following happens—
- (a) the person is granted a transport authority;
 - (b) a transport authority held by the person is amended, suspended or cancelled;

- (c) a period of suspension of a transport authority held by the person ends;
 - (d) the person is to be given a replacement document evidencing a transport authority held by the person.
- ‘(2) The chief executive may issue a replacement smartcard transport authority to the person.
- ‘(3) The replacement smartcard transport authority must evidence each transport authority held by the person.’.

115 Insertion of new sch 3

After schedule 2—

insert—

‘Schedule 3 Dictionary

section 2A

digital photo, for part 4, see section 5.

digitised signature, for part 4, see section 5.

most recent digital photo, for part 4, see section 5.

smartcard transport authority, for part 4, see section 5.

transport authority, for part 4, see section 5.

transport authority Act, for part 4, see section 5.’.

Part 10 Amendment of Liquor Regulation 2002

116 Regulation amended

This part amends the *Liquor Regulation 2002*.

117 Omission of s 38 (Proof of age card)

Section 38—

omit.

ENDNOTES

- 1 Made by the Governor in Council on 22 July 2010.
- 2 Notified in the gazette on 23 July 2010.
- 3 Laid before the Legislative Assembly on . . .
- 4 The administering agency is the Department of Transport and Main Roads.

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