



Queensland

Transport Legislation Amendment Regulation (No. 1) 2011

Subordinate Legislation 2011 No. 8

made under the

Transport Operations (Road Use Management) Act 1995

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Part 1 Preliminary

1 Short title

This regulation may be cited as the *Transport Legislation Amendment Regulation (No. 1) 2011*.

2 Commencement

Parts 2 and 5 commence on 31 March 2011.

Part 2 Amendment of Traffic Regulation 1962

3 Regulation amended

This part amends the *Traffic Regulation 1962*.

4 Amendment of s 4 (Definitions)

Section 4—

insert—

‘disability parking permit means a permit under section 111 of the Act.’.

5 Insertion of new pt 12A

After section 59—

insert—

‘Part 12A Disability parking

‘60 Eligibility for disability parking permit

- ‘(1) The following are eligible to apply to the chief executive for the grant of a disability parking permit—
- (a) an individual who resides in Queensland, if—
 - (i) the individual is unable to walk and always requires the use of a wheelchair; or
 - (ii) the individual’s ability to walk is severely restricted by a permanent medical condition or disability affecting the functioning of the individual’s legs; or
 - (iii) the individual’s ability to walk is severely restricted by a temporary medical condition or disability affecting the functioning of the individual’s legs of at least 6 months’ duration, as certified by a doctor or occupational therapist;
 - (b) an organisation for a specified vehicle with a GVM of not more than 4.5t, if the organisation transports persons mentioned in paragraph (a) in the vehicle.
- ‘(2) In this section—

occupational therapist means a person registered under the *Occupational Therapists Registration Act 2001*, part 3 or a corresponding law to that Act.

‘61 Application for permit

- ‘(1) An application for a disability parking permit must—
- (a) be in the approved form; and
 - (b) be supported by enough information to enable the chief executive to decide the application; and
 - (c) be accompanied by the appropriate fee.

-
- ‘(2) Subsection (1)(c) does not apply if the application is made by a person mentioned in section 60(a)(i) or (ii) or an organisation, and the applicant—
- (a) holds a disability parking permit and makes the application before the permit expires; or
 - (b) held a disability parking permit that has expired and makes the application within 3 months after the expiry.
- ‘(3) 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 applicant requiring the applicant, within a stated period of at least 28 days, to give the chief executive further information or documents relevant to the application.
- ‘(4) If the applicant does not comply with a notice given under subsection (3), the chief executive may declare, by further written notice given to the applicant, that the application is taken to be withdrawn on the day stated in the notice.

‘62 Deciding the application

- ‘(1) The chief executive must, as soon as practicable, consider the application after receiving all necessary information relevant to the application, and—
- (a) grant the application; or
 - (b) refuse to grant the application.
- ‘(2) If the applicant is an individual, the chief executive may grant the application only if the chief executive is satisfied the applicant is a person mentioned in section 60(a)(i), (ii) or (iii).

Note—

In addition to the standard conditions mentioned in section 65, the permit may be issued subject to conditions—see section 111(2) of the Act.

- ‘(3) If the applicant is an organisation and the application is for a specified vehicle, the chief executive may grant the application only if the chief executive is satisfied the

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organisation transports persons mentioned in section 60(a) in the vehicle.

Note—

In addition to the standard conditions mentioned in section 65, the permit may be issued subject to conditions—see section 111(2) of the Act.

- ‘(4) Despite subsection (2) or (3), the chief executive may refuse to grant the application if, within 1 year immediately before the application was made, a disability parking permit held by the applicant was cancelled under chapter 3, part 1A of the Act on any of the following grounds—
- (a) the applicant was convicted of an offence against section 126(1) of the Act;
 - (b) a breach of the condition mentioned in section 65(1)(d) or (2)(d).

‘63 Granting of, or refusing to grant, application

- ‘(1) If the chief executive decides to grant the application, the chief executive must issue a disability parking permit to the applicant.
- ‘(2) Subsection (3) applies if the chief executive decides—
- (a) to refuse to grant the application; or
 - (b) to issue a disability parking permit to the applicant subject to a condition, other than a condition mentioned in section 65.
- ‘(3) The chief executive must, as soon as practicable, give the applicant a written notice stating the following—
- (a) the decision;
 - (b) the reasons for the decision;
 - (c) that the applicant may either—
 - (i) apply for a review of the decision under section 65 of the Act; or

- (ii) apply to QCAT for a review of the decision under section 131(1AA) of the Act;
- (d) that, if the applicant applies for a review of the decision under section 65 of the Act (the *first review*), the applicant is also able, under section 65A of the Act, to apply to QCAT for a review of the chief executive's decision on the first review.

'64 Duration of permit

- '(1) For a person mentioned in section 60(a)(i) or (ii) or an organisation, the disability parking permit is issued for a period of 5 years.
- '(2) For a person mentioned in section 60(a)(iii), the disability parking permit is issued for the shorter of—
 - (a) a period equal to the duration of the medical condition or disability; or
 - (b) a period of 1 year.

'65 Standard conditions

- '(1) A disability parking permit issued to an individual is subject to the following conditions—
 - (a) a vehicle in which the individual is travelling must not be parked in a parking area for people with disabilities unless the vehicle displays the permit;
 - (b) at some time while a vehicle in which the individual is travelling is parked in a parking area for people with disabilities, the individual must alight from, or enter, the vehicle;
 - (c) if a vehicle in which the individual is travelling is parked at a place under the Queensland Road Rules, section 206—at some time while the vehicle is parked at the place, the individual must alight from, or enter, the vehicle;

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- (d) the individual must not allow the permit to be used by another person for a purpose for which the permit was issued, unless the use is in connection with a vehicle in which the individual is travelling at the time;
 - (e) the individual may only use the permit for a vehicle with a GVM of not more than 4.5t.
- ‘(2) A disability parking permit issued to an organisation for a specified vehicle is subject to the following conditions—
- (a) if the vehicle is being used by the organisation to transport persons mentioned in section 60(a)—it must not be parked in a parking area for people with disabilities unless it displays the permit;
 - (b) if the vehicle is being used by the organisation to transport persons mentioned in section 60(a) and is parked in a parking area for people with disabilities—at some time while the vehicle is parked in the parking area, 1 or more of the persons must alight from, or enter, the vehicle;
 - (c) if the vehicle is being used by the organisation to transport persons mentioned in section 60(a) and is parked at a place under the Queensland Road Rules, section 206—at some time while the vehicle is parked at the place, 1 or more of the persons must alight from, or enter, the vehicle;
 - (d) the organisation must not allow the permit to be used by another person for a purpose for which the permit was issued, unless the other person is at the time using the vehicle to transport persons mentioned in section 60(a).
- ‘(3) In this section—
- parking area for people with disabilities* has the meaning given by the Queensland Road Rules, section 203(2).

‘66 Review of decisions

- ‘(1) Sections 65 and 65A of the Act apply to a permit decision as if a reference to an original decision in section 65 of the Act were a reference to the permit decision.
- ‘(2) In this section—
- permit decision* means a decision of the chief executive—
- (a) to refuse to grant an application for a disability parking permit; or
 - (b) to issue a disability parking permit subject to a condition, other than a condition mentioned in section 65.

‘67 Return of suspended or cancelled permit

- ‘(1) This section applies if the chief executive suspends or cancels a person’s disability parking permit under chapter 3, part 1A of the Act.
- ‘(2) The chief executive may give the person a written notice requiring the person to return the permit in a way and within a period that is at least 14 days stated in the notice.
- ‘(3) The person must comply with the notice, unless the person has a reasonable excuse.
- Maximum penalty—20 penalty units.
- ‘(4) The chief executive must return a suspended permit to the person at the end of the suspension period.

‘68 Replacement permits

- ‘(1) This section applies if the holder of a disability parking permit (the *original permit*) becomes aware, or reasonably suspects, the permit has been damaged, lost or stolen.
- ‘(2) The holder must promptly apply to the chief executive for a replacement permit.
- ‘(3) The application must be made in the approved form.

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- ‘(4) If the chief executive is satisfied the original permit has been damaged, lost or stolen, the chief executive must issue a replacement permit to the person.

‘69 Damaging permits

‘A person must not wilfully damage a disability parking permit, unless the person has a reasonable excuse.

Maximum penalty—20 penalty units.

‘70 Change of name or address

‘If the holder of a disability parking permit changes the holder’s name or address, the holder must notify the chief executive of the change within 14 days of the change.

Maximum penalty—20 penalty units.’.

6 Insertion of new s 102

Part 16, before section 103—

insert—

‘102 Application of pt 16

‘This part does not apply to a disability parking permit.

Note—

See part 12A for disability parking permits.’.

7 Omission of s 118 (Parking permit for people with disabilities)

Section 118—

omit.

8 Insertion of new pt 23

After section 212—

insert—

‘Part 23 **Transitional provisions for
Transport Legislation
Amendment Regulation (No. 1)
2011**

‘213 **Definitions for pt 23**

‘In this part—

amending regulation means the *Transport Legislation Amendment Regulation (No. 1) 2011*.

commencement means commencement of this section.

permit decision means a decision of the chief executive—

- (a) to refuse to grant an application for a disability parking permit; or
- (b) to grant an application for a disability parking permit subject to a condition.

red permit means a disability parking permit issued to a person before the commencement that shows a people with disabilities symbol marked on a red background.

‘214 **Existing applications for disability parking permits—no decision made**

- ‘(1) This section applies if, before the commencement, a person had applied to the chief executive for a disability parking permit but the chief executive had not made a decision about the application.
- ‘(2) The chief executive must consider the application as if the amending regulation had not been made.
- ‘(3) Section 134C continues to apply to the chief executive’s decision on the application.

[s 8]

‘215 Refusing to grant application for disability parking permit or granting application subject to a condition

- ‘(1) This section applies if, on the commencement—
- (a) a person—
 - (i) has not applied to the chief executive under section 134C for a reconsideration of a permit decision; or
 - (ii) the time for applying for a reconsideration of the permit decision has not yet expired.
- ‘(2) Section 134C continues to apply to the permit decision, as if the amending regulation had not been made.

‘216 Existing applications for reconsideration of decision about disability parking permit

- ‘(1) This section applies if—
- (a) before the commencement, a person applied to the chief executive under section 134C for a reconsideration of a permit decision; and
 - (b) on the commencement, a decision on the reconsideration of the permit decision has not been made.
- ‘(2) The application for reconsideration must be dealt with as if the amending regulation had not been made.

‘217 Existing holders of temporary red permits

- ‘(1) This section applies if, on the commencement, a person is the holder of a temporary red permit.
- ‘(2) The permit remains valid until it expires.
- ‘(3) In this section—
- temporary*, in relation to a red permit, means a red permit issued for a period of 12 months or less.

‘218 Existing holders of permanent red permits

- ‘(1) This section applies if, on the commencement, a person is the holder of a permanent red permit.
- ‘(2) The permit remains valid until it expires.
- ‘(3) The person may, after the commencement, apply for the grant of a further permanent red permit.
- ‘(4) The application for the further permit is to be dealt with as if the amending regulation had not been made.
- ‘(5) The person may apply for the grant of a further permanent red permit on more than 1 occasion.
- ‘(6) In this section—
permanent, in relation to a red permit, means a red permit issued for a period of 5 years.’.

9 Amendment of sch 4 (Fees)

Schedule 4, item 3—

omit, insert—

- ‘3 Disability parking permit (Act, s 111). 13.65’.

**Part 3 Amendment of Transport
Legislation Amendment
Regulation (No. 2) 2010**

10 Regulation amended

This part amends the *Transport Legislation Amendment Regulation (No. 2) 2010*.

[s 11]

11 Replacement of s 6 (Amendment of s 77 (Carrying capacity of hire vehicle—Fraser Island))

Section 6—

omit, insert—

‘6 Amendment of s 77 (Carrying capacity of hire vehicle—Fraser Island)

‘(1) Section 77(1)—

omit, insert—

‘(1) A person must not drive a hire vehicle on Fraser Island if the vehicle—

- (a) has more than 8 seats; or
- (b) has seats that are not forward or rear facing; or
- (c) has an apparatus, other than an approved apparatus, that is attached to the roof or ceiling of the vehicle and may be used for carrying a load inside the vehicle; or
- (d) is carrying a load—
 - (i) on the vehicle’s roof; or
 - (ii) higher than the maximum internal carry height.

Maximum penalty—40 penalty units.’.

‘(2) Section 77(2)—

insert—

‘approved apparatus means an apparatus that—

- (a) is fixed to both the ceiling and floor of the vehicle; and
- (b) is used to separate passengers in the vehicle from a load being carried in the vehicle.

maximum internal carry height means a height that is equal to the height of a line in the interior of the vehicle running—

- (a) from the front windscreen to the rear windscreen; and
- (b) level with the top of the door frames.’.

Editor's note—

Legislation ultimately amended—

- *Traffic Regulation 1962*

Part 4

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

12 Regulation amended

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

13 Amendment of s 67F (Codes on accreditation documents)

Section 67F(2), '*Transport Operations (Road Use Management—Driver Licensing) Regulation 1999*'—

omit, insert—

'Transport Operations (Road Use Management—Driver Licensing) Regulation 2010'.

14 Amendment of s 100B (Nominees)

Section 100B(6), 'Subsection (6)'—

omit, insert—

'Subsection (7)'.

15 Amendment of s 100N (Refund of particular fees for AIS approval or approval as nominee)

(1) Section 100N(2)(a), ‘item 7(a)(ii)’—

omit, insert—

‘item 12(a)(ii)’.

(2) Section 100N(2)(b), ‘item 7(b)(ii)’—

omit, insert—

‘item 12(b)(ii)’.

(3) Section 100N(2)(c), ‘item 9’—

omit, insert—

‘item 14’.

16 Amendment of s 114 (Waiver of particular fees)

Section 114(a), ‘1(e) or 7’—

omit, insert—

‘1(e), 7 or 14’.

17 Amendment of sch 8 (Fees)

(1) Schedule 8, item 7, second mention—

renumber as schedule 8, item 12.

(2) Schedule 8, item 8, second mention—

renumber as schedule 8, item 13.

(3) Schedule 8, item 9, second mention—

renumber as schedule 8, item 14.

(4) Schedule 8, item 10, second mention—

renumber as schedule 8, item 15.

18 Amendment of sch 9 (Dictionary)

- (1) Schedule 9, definition *approved person*, second occurring—
omit.
- (2) Schedule 9, definition *class*, ‘*Transport Operations (Road Use Management—Driver Licensing) Regulation 1999*, schedule 7’—
omit, insert—
‘Transport Operations (Road Use Management—Driver Licensing) Regulation 2010, schedule 9’.

Part 5

**Amendment of Transport
Operations (Road Use
Management—Road Rules)
Regulation 2009**

19 Regulation amended

This part amends the *Transport Operations (Road Use Management—Road Rules) Regulation 2009*.

20 Amendment of s 206 (Time extension for people with disabilities)

Section 206(2), ‘for the period stated in the permit.’—

omit, insert—

‘—

- (a) if the time limit on the sign is less than 30 minutes—for 30 minutes; or
- (b) if the time limit on the sign is 30 minutes or more—for an unlimited time.’.

[s 21]

21 Insertion of new s 353A

Part 21—

insert—

‘353A People with disabilities symbols—Act, sch 4, definition *people with disabilities symbol*

‘For the Act, schedule 4, definition *people with disabilities symbol*, the following symbols are prescribed—



’.

ENDNOTES

- 1 Made by the Governor in Council on 24 February 2011.
- 2 Notified in the gazette on 25 February 2011.
- 3 Laid before the Legislative Assembly on . . .
- 4 The administering agency is the Department of Transport and Main Roads.

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