



Queensland

Transport Legislation Amendment Regulation (No. 2) 2012

Subordinate Legislation 2012 No. 159

made under the

Transport Infrastructure Act 1994

Transport Operations (Road Use Management) Act 1995

Contents

		Page
Part 1	Preliminary	
1	Short title	3
Part 2	Amendment of Transport Infrastructure (State-controlled Roads) Regulation 2006	
2	Regulation amended	3
3	Amendment of sch 2 (Dictionary)	3
Part 3	Amendment of Transport Operations (Road Use Management—Accreditation and Other Provisions) Regulation 2005	
4	Regulation amended	4
5	Amendment of s 59 (Requirements for car used to give training)	4
6	Amendment of sch 2 (Necessary expertise for vehicle safety inspections)	4
7	Insertion of new sch 4A	5
	Schedule 4A Information to be displayed by accredited driver trainer	
Part 4	Amendment of Transport Operations (Road Use Management—Driver Licensing) Regulation 2010	
8	Regulation amended	7
9	Insertion of new s 107A	7

Contents

	107A	Court may transfer application	7
10		Insertion of new s 116A	8
	116A	Court may transfer application	8
11		Amendment of s 128 (Non-Queensland driver licence)	8
12		Amendment of sch 9 (Dictionary)	9
Part 5		Amendment of Transport Operations (Road Use Management—Vehicle Registration) Regulation 2010	
13		Regulation amended	9
14		Amendment of s 4 (Meaning of exempt vehicle)	9
15		Amendment of s 11 (Vehicles used on roads must be registered)	10
16		Amendment of s 60 (Unregistered vehicle permits)	10
17		Amendment of s 63 (Attaching dealer plate)	10
18		Amendment of s 64 (Use of dealer plates)	10
19		Insertion of new s 105A	11
	105A	Vehicle registered in another State in name of defence force member or eligible family member.	11
20		Amendment of pt 10, div 6, hdg (Use of information from register for particular purpose)	12
21		Amendment of s 119 (Use of information for contacting registered operator about moving or removing vehicle)	12
22		Insertion of new s 119A	12
	119A	Use of information for contacting registered operator about recovery of cost of damage	12
23		Amendment of s 122 (Exemption from payment of fee)	13
24		Amendment of s 125 (Concessional registration fee for motorised caravan for card holders)	13
25		Amendment of sch 1 (Category 1 vehicle registration fees)	14
26		Amendment of sch 2 (Category 2 vehicle registration fees)	14
27		Amendment of sch 4 (Provisions that particular items of schedule 1, part 2 and schedule 2, part 3 are subject to)	14
28		Amendment of sch 8 (Dictionary)	15

Part 1 Preliminary

1 Short title

This regulation may be cited as the *Transport Legislation Amendment Regulation (No. 2) 2012*.

Part 2 Amendment of Transport Infrastructure (State-controlled Roads) Regulation 2006

2 Regulation amended

This part amends the *Transport Infrastructure (State-controlled Roads) Regulation 2006*.

3 Amendment of sch 2 (Dictionary)

Schedule 2—

insert—

‘*camp*, on part of a State-controlled road, includes each of the following—

- (a) to stay overnight on the part of the road, using a motor vehicle, trailer, tent or other structure, or bedding ordinarily used for camping;
- (b) to leave in position overnight on the part of the road, either attended or unattended, a motor vehicle, trailer, tent or other structure, or bedding ordinarily used for camping.

motor vehicle means a vehicle propelled by a motor that forms part of the vehicle, and includes a motorised caravan.

motorised caravan means a motor vehicle designed mainly for people to live in.

trailer means a vehicle that is built to be towed by a motor vehicle, and includes a caravan and a camper trailer.’

Part 3

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

4 Regulation amended

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

5 Amendment of s 59 (Requirements for car used to give training)

Section 59(2)—

omit, insert—

‘(2) The driver trainer must ensure the car has on it L plates that are fitted to the front and rear of the car in the required way.

Maximum penalty—20 penalty units.

‘(2A) The driver trainer must also ensure the car has on it a conspicuously displayed sign or plate showing the information mentioned in schedule 4A.

Maximum penalty—20 penalty units.’

6 Amendment of sch 2 (Necessary expertise for vehicle safety inspections)

Schedule 2, sections 1(a)(ii), 2(a)(ii), 2(c)(i)(B), 3(a)(ii), 4(1)(a)(ii) and 5(1)(a)(i)(B), ‘*Tradesmen’s*’—

omit, insert—
‘Tradespersons’.

7 Insertion of new sch 4A

After schedule 4—

insert—

‘Schedule 4A Information to be displayed by accredited driver trainer

Section 59(2A)

‘1 Driver trainer carrying on business under own name

‘If an accredited driver trainer carries on the business of driver training under the driver trainer’s own name, the information for section 59(2A) is—

- (a) the driver trainer’s name; and
- (b) at least 1 of the following—
 - (i) the driver trainer’s accreditation number as a driver trainer;
 - (ii) the driver trainer’s business telephone number;
 - (iii) the driver trainer’s business website address.

‘2 Driver trainer carrying on business under registered business name

‘If an accredited driver trainer carries on the business of driver training under a registered business name, the information for section 59(2A) is—

- (a) the registered business name; and
- (b) at least 1 of the following—

- (i) the address of the driver trainer’s principal place of business;
- (ii) the driver trainer’s business telephone number;
- (iii) the driver trainer’s business website address.

‘3 Driver trainer employed by another person carrying on business under own name

‘If an accredited driver trainer gives pre-licence driver training as an employee of another person (the *employer*) who carries on the business of driver training under the employer’s own name, the information for section 59(2A) is—

- (a) the employer’s name; and
- (b) at least 1 of the following—
 - (i) the address of the employer’s principal place of business;
 - (ii) the employer’s business telephone number;
 - (iii) the employer’s business website address.

‘4 Driver trainer employed by another person carrying on business under registered business name

‘If an accredited driver trainer gives pre-licence driver training as an employee of another person (the *employer*) who carries on the business of driver training under a registered business name, the information for section 59(2A) is—

- (a) the employer’s registered business name; and
- (b) at least 1 of the following—
 - (i) the address of the employer’s principal place of business;
 - (ii) the employer’s business telephone number;
 - (iii) the employer’s business website address.’.

- ‘(5) In this section—
relevant court see section 107(5).’.

10 Insertion of new s 116A

After section 116—

insert—

‘116A Court may transfer application

- ‘(1) This section applies if—
- (a) a person applies to a court for a special hardship variation order; and
 - (b) the court to which the application is made (the *transferring court*) decides it is not a relevant court for the applicant.
- ‘(2) The transferring court may order that the application for a special hardship variation order be transferred to a relevant court for the person if the transferring court is satisfied that—
- (a) the application complies with section 116(2); and
 - (b) the applicant has complied with section 116(3) and (5).
- ‘(3) As soon as reasonably practicable after the transferring court makes the order under subsection (2), the clerk of the transferring court must notify the applicant and the chief executive of the terms of the order, including the name of the court to which the application is transferred.
- ‘(4) An application transferred under this section is taken to have been made under section 116(1).
- ‘(5) In this section—
relevant court see section 116(6).’.

11 Amendment of s 128 (Non-Queensland driver licence)

Section 128(6)—

omit, insert—

- ‘(6) Subsection (5)(a) does not apply to a defence force member, or an eligible family member of a defence force member, who carries, while driving, a current Australian Defence Force Identification Card issued by the Australian Defence Force.’.

12 Amendment of sch 9 (Dictionary)

Schedule 9, definition *defence force identification*—
omit.

Part 5 Amendment of Transport Operations (Road Use Management—Vehicle Registration) Regulation 2010

13 Regulation amended

This part amends the *Transport Operations (Road Use Management—Vehicle Registration) Regulation 2010*.

14 Amendment of s 4 (Meaning of *exempt vehicle*)

Section 4—

insert—

- ‘(m) a motorised wheelchair being used by a person who—
- (i) does not usually reside in Queensland; or
 - (ii) has resided in Queensland for not more than 14 days; or
- (n) an unregistered motor vehicle that is dealer’s stock being used on the dealer’s premises.’.

15 Amendment of s 11 (Vehicles used on roads must be registered)

- (1) Section 11, paragraphs (f) to (h)—
renumber as paragraphs (g) to (i).
- (2) Section 11—
insert—
'(f) the vehicle is being used under section 105A; or'.

16 Amendment of s 60 (Unregistered vehicle permits)

- Section 60(2)(b), after 'permit'—
insert—
'or the insurance premium payable under that Act for the certificate'.

17 Amendment of s 63 (Attaching dealer plate)

- (1) Section 63—
insert—
'(2A) However, the dealer plate need not be permanently attached to the vehicle but must be attached to the vehicle in a manner that prevents substantial movement of the dealer plate.'
- (2) Section 63(2A) and(3)—
renumber as section 63(3) and (4).

18 Amendment of s 64 (Use of dealer plates)

- Section 64(1)(m)—
omit, insert—
'(m) is being driven or towed between a dealer's premises and other premises of the same or a different dealer, whether or not a sale has taken place.'

19 Insertion of new s 105A

Part 10, division 3—

insert—

‘105A Vehicle registered in another State in name of defence force member or eligible family member

- ‘(1) This section applies to a vehicle if—
- (a) the vehicle is registered in another State, under a law corresponding to this regulation (the *corresponding law*), in the name of a defence force member or an eligible family member of a defence force member; and
 - (b) the defence force member starts residing in Queensland because of a transfer arranged by the Australian Defence Force.
- ‘(2) The vehicle may be used on a road if—
- (a) the vehicle carries and displays, in the way required by the corresponding law, all number plates and registration labels it is required to carry and display under the corresponding law; and
 - (b) the vehicle is insured under a contract of insurance made under a law of the other State similar to the *Motor Accident Insurance Act 1994*.
- ‘(3) Subsection (2) stops applying on the expiry of the registration of the vehicle, under the corresponding law, in effect at the time of the transfer mentioned in subsection (1)(b).
- ‘(4) In this section—
- eligible family member*, of a defence force member, means a person who—
- (a) usually resides with the defence force member; and
 - (b) is entitled to be transferred with the defence force member at the expense of the Australian Defence Force.’.

20 Amendment of pt 10, div 6, hdg (Use of information from register for particular purpose)

Part 10, division 6, heading, ‘purpose’—

omit, insert—

‘purposes’.

21 Amendment of s 119 (Use of information for contacting registered operator about moving or removing vehicle)

(1) Section 119(3), definition *contact*, after ‘includes contact by’—

insert—

‘mail or’.

(2) Section 119(3), definition *prescribed information*—

omit, insert—

‘prescribed information, about a vehicle, means—

(a) the name and address of the registered operator of the vehicle; and

(b) if a telephone number for the registered operator is contained in the register—the telephone number.

Note—

See section 18(7) about other information the chief executive may record in the register.’

22 Insertion of new s 119A

Part 10, division 6—

insert—

‘119A Use of information for contacting registered operator about recovery of cost of damage

‘(1) This section applies if a person—

(a) is the registered operator of a vehicle; and

- (b) may be liable under the *Transport Infrastructure Act 1994*, section 48(2) to pay an amount to the chief executive.
- ‘(2) The chief executive may use prescribed information about the vehicle from the register to contact the person in relation to the liability mentioned in subsection (1)(b).
- ‘(3) In this section—
- contact** means contact by mail or phone, in person or in another way.
- prescribed information**, about a vehicle, means—
- (a) the name and address of the registered operator of the vehicle; and
- (b) if a telephone number for the registered operator is contained in the register—the telephone number.

Note—

See section 18(7) about other information the chief executive may record in the register.’.

23 Amendment of s 122 (Exemption from payment of fee)

Section 122(1)(e)(i), ‘a person who holds a gold card and’—
omit, insert—
‘a prescribed service person’.

24 Amendment of s 125 (Concessional registration fee for motorised caravan for card holders)

- (1) Section 125, heading, after ‘card holders’—
insert—
‘**and prescribed service persons**’.
- (2) Section 125(1), after ‘a card holder’—
insert—
‘or prescribed service person’.

- (3) Section 125(1), after ‘the card holder’—
insert—
‘or prescribed service person’.
- (4) Section 125(4), after ‘as a card holder’—
insert—
‘or prescribed service person’.
- (5) Section 125(4)(a), after ‘ceasing to be a card holder’—
insert—
‘or prescribed service person’.

25 Amendment of sch 1 (Category 1 vehicle registration fees)

Schedule 1, part 2, item 8, ‘a person who holds a gold card’—
omit, insert—
‘a prescribed service person’.

26 Amendment of sch 2 (Category 2 vehicle registration fees)

Schedule 2, part 3, item 6, ‘a person who holds a gold card’—
omit, insert—
‘a prescribed service person’.

27 Amendment of sch 4 (Provisions that particular items of schedule 1, part 2 and schedule 2, part 3 are subject to)

Schedule 4, item 3(a), after ‘card holder’—
insert—
‘or prescribed service person’.

28 Amendment of sch 8 (Dictionary)

(1) Schedule 8, definitions *card holder* and *gold card*—
omit.

(2) Schedule 8—
insert—

‘card holder means a person who holds—

- (a) a pensioner concession card; or
- (b) a seniors card.

dealer’s premises means the premises where a dealer carries on business—

- (a) including any part of the premises used for car parking or for inspecting, repairing, servicing or cleaning motor vehicles; and
- (b) excluding any road-related area adjacent to the premises.

dealer’s stock means any motor vehicle, whether registered or unregistered, kept at a dealer’s premises for the purpose of sale or display for sale, and includes each of the following—

- (a) a motor vehicle that is being inspected, repaired, serviced or cleaned before being sold or displayed for sale;
- (b) a motor vehicle that has been sold by the dealer and is ready for delivery to the purchaser.

defence force member means—

- (a) a person on full-time permanent service with the Australian Defence Force; or
- (b) a person on full-time duty with the Australian Defence Force Reserve.

prescribed service person means a person who—

- (a) resides in Queensland; and
- (b) is, or has previously been, a defence force member; and

- (c) has either—
- (i) been assessed under the *Veterans' Entitlements Act 1986* (Cwlth) as having at least a 70% degree of incapacity; or
 - (ii) been assessed under the *Military Rehabilitation and Compensation Act 2004* (Cwlth) as having at least 50 impairment points.’.

ENDNOTES

- 1 Made by the Governor in Council on 20 September 2012.
- 2 Notified in the gazette on 21 September 2012.
- 3 Laid before the Legislative Assembly on . . .
- 4 The administering agency is the Department of Transport and Main Roads.

© State of Queensland 2012