



Queensland

Transport and Other Legislation Amendment Regulation (No. 3) 2014

Subordinate Legislation 2014 No. 279

made under the

State Penalties Enforcement Act 1999

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 and Other Legislation Amendment Regulation (No. 3) 2014*.

2 Commencement

This regulation commences on 1 January 2015.

Part 2 Amendment of State Penalties Enforcement Regulation 2014

3 Regulation amended

This part amends the *State Penalties Enforcement Regulation 2014*.

4 Amendment of sch 1 (Infringement notice offences and fines for nominated laws)

Schedule 1, entry for *Transport Operations (Road Use Management—Road Rules) Regulation 2009*, entries for sections 247(1), 247A and 248(1)—

omit.

Part 3

Amendment of Transport Operations (Road Use Management—Driver Licensing) Regulation 2010

5 Regulation amended

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

6 Amendment of s 32 (Approval of completed logbook by chief executive)

Section 32(2)(b) and (c)—

omit, insert—

- (b) for a logbook other than a logbook in which details have been wholly recorded and verified, as required under section 31(1), by using an electronic system—all of the pages of the logbook are in hard copy and attached together.

Part 4

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

7 Regulation amended

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

8 Amendment of s 70 (Giving way at a give way sign at a bridge or length of narrow road)

Section 70, after ‘on’—

insert—

, or approaching,

9 Amendment of s 80 (Stopping at a children’s crossing)

(1) Section 80(2)(b), after ‘pedestrian’—

insert—

or rider of a bicycle

(2) Section 80(3) and (4)—

omit, insert—

(3) If a driver stops at a children’s crossing for a hand-held stop sign, the driver must not proceed until—

(a) there is no pedestrian, or rider of a bicycle, on or entering the crossing; and

(b) the holder of the sign—

(i) no longer displays the sign towards the driver; or

(ii) otherwise indicates that the driver may proceed.

Maximum penalty—20 penalty units.

(4) If a driver stops at a children’s crossing for a pedestrian or rider of a bicycle, the driver must not proceed until there is no pedestrian, or rider of a bicycle, on or entering the crossing.

Maximum penalty—20 penalty units.

[s 10]

10 Amendment of s 81 (Giving way at a pedestrian crossing)

Section 81(2), after ‘any pedestrian’—

insert—

or rider of a bicycle

11 Amendment of s 82 (Overtaking or passing a vehicle at a children’s crossing or pedestrian crossing)

Section 82, ‘pedestrian at’—

omit, insert—

pedestrian or rider of a bicycle at

12 Amendment of s 111 (Entering a roundabout from a multi-lane road or a road with 2 or more lines of traffic travelling in the same direction)

Section 111—

insert—

(5A) Subsection (2)(b) does not apply to the rider of a bicycle.

13 Amendment of s 120 (What is a level crossing)

Section 120(1)—

omit, insert—

(1) A *level crossing*—

(a) is an area (the *primary area*) where—

(ii) a road and a railway meet at substantially the same level, whether or not there is a level crossing sign on the road at all or any of the entrances to the area; or

(ii) a road and tram tracks meet at substantially the same level and that

has a level crossing sign on the road at each entrance to the area; and

- (b) includes any other area adjacent to the primary area that has cross-hatched road markings painted on it.

14 Amendment of s 129 (Keeping to the far left side of a road)

Section 129(2)—

omit, insert—

- (2) This section does not apply to—
 - (a) the rider of a motorbike; or
 - (b) the rider of a bicycle when entering or riding in a roundabout.

15 Amendment of s 134 (Exceptions to keeping to the left of a dividing line)

- (1) Section 134(2), ‘only, or a broken dividing line to the left of a single continuous dividing line,’ —

omit, insert—

only, a broken dividing line to the left of a single continuous dividing line or 2 parallel broken dividing lines,

- (2) Section 134(3), ‘or a broken dividing line to the left or right of a single continuous dividing line,’ —

omit, insert—

a broken dividing line to the left or right of a single continuous dividing line or 2 parallel broken dividing lines,

(3) Section 134(3)—

insert—

- (c) to park in angle parking on the opposite side of the road.

16 Amendment of s 138 (Keeping off a painted island)

Section 138(2)—

insert—

- (c) to enter a part of the road of one kind from a part of the road of another kind (for example, moving to or from a service road or emergency stopping lane); or
- (d) to park in angle parking on the opposite side of the road.

17 Amendment of s 144A (Keeping a safe lateral distance when passing bicycle rider)

Section 144A(1), note, from ‘requires’ to ‘drive’—

omit, insert—

generally requires the rider of a bicycle on a road, other than a multi-lane road, to ride

18 Amendment of s 147 (Moving from 1 marked lane to another marked lane across a continuous line separating the lanes)

Section 147(1)—

insert—

- (e) either of the marked lanes is a special purpose lane during specified times only and the driver—
 - (i) is moving to or from the lane when it is not a special purpose lane; and

- (ii) is permitted to drive in the lane when it is not a special purpose lane under this regulation.

19 Amendment of s 153 (Bicycle lanes)

- (1) Section 153(4)(a), after ‘the lane’—

insert—

, or a road marking consisting of a white bicycle symbol and the word ‘lane’ painted in white

- (2) Section 153(4)(b)(i), after ‘the lane’—

insert—

, or a road marking consisting of a white bicycle symbol and the words ‘end lane’ painted in white

20 Amendment of s 197 (Stopping on a path, dividing strip, nature strip or painted island)

- (1) Section 197, heading, ‘strip or painted island’—

omit, insert—

strip, painted island or traffic island

- (2) Section 197—

insert—

(1B) A driver must not stop on a traffic island.

Maximum penalty—20 penalty units.

- (3) Section 197(2), ‘Subsection (1) does’—

omit, insert—

Subsections (1) and (1B) do

[s 21]

21 Amendment of s 227 (Using portable warning triangles)

Section 227(6), definition *divided road*, ‘strip’—

omit, insert—

strip that is a structure

22 Amendment of s 238 (Pedestrians travelling along a road (except if using a wheeled recreational device, wheeled toy or personal mobility device))

Section 238(3), definition *road*—

omit, insert—

road—

- (a) includes any shoulder of the road; but
- (b) does not include a road-related area or a road in a shared zone.

23 Omission of ss 247 and 247A

Sections 247 and 247A—

omit.

24 Replacement of s 248 (No riding across a road on particular crossings)

Section 248—

omit, insert—

248 Riding across a road on particular crossings

- (1) This section applies to the rider of a bicycle who is at—
 - (a) a children’s crossing; or
 - (b) a marked foot crossing; or
 - (c) a pedestrian crossing.

-
- (2) The rider may ride across the crossing only in accordance with this section.
Maximum penalty—20 penalty units.
- (3) The rider may ride across a children’s crossing or pedestrian crossing only if the rider stops as near as practicable to the crossing before riding across the crossing.
- (4) The rider may ride across a marked foot crossing only if—
- (a) for a crossing with bicycle crossing lights—the rider is allowed, under this regulation, to ride across the crossing; or
 - (b) for a crossing without bicycle crossing lights—a pedestrian is allowed, under this regulation, to cross the crossing.

Note—

See sections 260 to 262 for circumstances in which a rider of a bicycle is allowed to cross a road at bicycle crossing lights.

See section 231 for circumstances in which a pedestrian is allowed to cross a road at pedestrian lights.

- (5) The rider may ride across the crossing only if the rider—
- (a) proceeds slowly and safely; and
 - (b) gives way to a pedestrian on the crossing; and
 - (b) keeps to the left of an oncoming rider of a bicycle or a person who is using a personal mobility device.
- (6) In this section—
pedestrian does not include a person using a personal mobility device.

[s 25]

25 Replacement of ss 260 and 261

Sections 260 and 261—

omit, insert—

260 Stopping for a red bicycle crossing light

- (1) The rider of a bicycle approaching or at an intersection, or another place on a road or road-related area, with bicycle crossing lights must comply with this section.

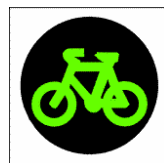
Maximum penalty—20 penalty units.

- (2) If the bicycle crossing lights show a red bicycle crossing light and the rider has not already started crossing the intersection or place, the rider must not start to cross until—
 - (a) the bicycle crossing lights change to green;
or
 - (b) there is no red or yellow bicycle crossing light showing.

Example—



Red bicycle crossing light



Green bicycle crossing light

- (3) In this section—
road includes any shoulder of the road.

261 Stopping for a yellow bicycle crossing light

- (1) The rider of a bicycle approaching or at an intersection, or another place on a road or

road-related area, with bicycle crossing lights must comply with this section.

Maximum penalty—20 penalty units.

- (2) If the bicycle crossing lights show a yellow bicycle crossing light and the rider has not already started crossing the intersection or place, the rider must not start to cross until—
 - (a) the bicycle crossing lights change to green; or
 - (b) there is no red or yellow bicycle crossing light showing.

Example—



Yellow bicycle crossing light

- (3) In this section—
road includes any shoulder of the road.

26 Amendment of s 265 (Wearing of seatbelts by passengers 16 years old or older)

Section 265—

insert—

- (4) Subsection (2)(b) does not apply to a passenger in a bus, taxi or tow truck who has a child who is less than 1 year old seated in the passenger's lap if—
 - (a) no suitable approved child restraint is fitted and available for use; and

[s 27]

- (b) the bus, taxi or tow truck has 2 or more rows of seats—the passenger is not in the front row of seats.
- (5) A relevant detention officer who is the driver of a detention vehicle in relation to a passenger who is a detained person need not comply with subsection (3)—
 - (a) if—
 - (i) the vehicle has 2 or more rows of seats; and
 - (ii) the passenger is not in the front row of seats unless there is no seating position in which the passenger can sit because all other seating positions are occupied by other passengers; or
 - (b) if—
 - (i) the vehicle has a caged or other secured area designed for the carriage of passengers; and
 - (ii) the passenger occupies a seating position in the caged or secured area.

27 Amendment of s 266 (Wearing of seatbelts by passengers under 16 years old)

(1) Section 266(2B)(b)—

omit, insert—

- (b) be placed on a properly positioned approved booster seat and be restrained by—
 - (i) a lap and sash type approved seatbelt that is properly adjusted and fastened; or
 - (ii) a suitable approved child safety harness that is properly adjusted and fastened; or

(2) Section 266—

insert—

(5A) Subsection (1) does not apply to a relevant detention officer who is the driver of a detention vehicle—

(a) if—

(i) the vehicle has 2 or more rows of seats; and

(ii) the passenger is not in the front row of seats unless there is no seating position in which the passenger can sit because all other seating positions are occupied by other passengers; or

(b) if—

(i) the vehicle has a caged or other secured area designed for the carriage of passengers; and

(ii) the passenger occupies a seating position in the caged or secured area.

28 Amendment of s 267 (Exemptions from wearing seatbelts)

(1) Section 267(2), after ‘vehicle’—

insert—

who is 7 years of age or older

(2) Section 267—

insert—

(8C) A passenger on a bus, taxi or tow truck is exempt from wearing a seatbelt if—

(a) the passenger is less than 1 year old; and

(b) no suitable approved child restraint is fitted and available for use by the passenger; and

[s 29]

- (c) if the bus, taxi or tow truck has 2 or more rows of seats—the passenger is not in the front row of seats; and
 - (d) the passenger is seated in the lap of another passenger who is 16 years of age or older; and
 - (e) if the vehicle is a tow truck—the person is a passenger in the tow truck because the vehicle in which the person was a passenger is being towed.
- (8D) To remove any doubt, it is declared that subsection (8C) does not limit the exemption given to—
- (a) a bus driver in relation to a passenger under section 266(1); or
 - (b) a taxi driver in relation to a passenger under section 266(5).

29 Amendment of s 299 (Television receivers and visual display units in motor vehicles)

Section 299(2)(b) and examples—

omit, insert—

- (b) the visual display unit—
 - (i) is, or is part of, a driver's aid; and
 - (ii) is not being held by the driver in the driver's hand; or

Examples of driver's aids—

- closed-circuit television security cameras
- dispatch system
- mobile phones or tablet computers equipped with GPS receivers, or paired with GPS receivers by bluetooth, being used as navigational aids

- navigational or intelligent highway and vehicle system equipment
- rearview screens
- ticket-issuing machines
- vehicle monitoring devices

30 Amendment of s 316 (When do traffic control devices comply substantially with this regulation)

Section 316(3)—

insert—

Example—

A red and white post temporarily missing from a children's crossing complies substantially with the description of a children's crossing under section 80(6).

31 Amendment of sch 5 (Dictionary)

(1) Schedule 5, definition *postal worker*—

omit.

(2) Schedule 5—

insert—

angle parking see section 210.

bailiff means a bailiff appointed under the *Supreme Court of Queensland Act 1991*, the *District Court of Queensland Act 1967* or the *Magistrates Courts Act 1921*.

deputy sheriff means a deputy sheriff appointed under the *Supreme Court of Queensland Act 1991*, section 73.

detained person means a person who is in the custody or care of a relevant detention officer.

detention vehicle means a vehicle being used to transport a detained person.

postal worker means a person who delivers letter mail and parcels within Australia as an employee or contractor of Australia Post.

relevant detention officer means any of the following—

- (a) a corrective services officer under the *Corrective Services Act 2006*;
- (b) the sheriff or a deputy sheriff;
- (c) a bailiff;
- (d) a staff member under the *Police Service Administration Act 1990* who, in the course of the staff member's duties, transports detained persons.

sheriff means the Sheriff of Queensland appointed under the *Supreme Court of Queensland Act 1991*, section 73.

U-turn traffic lane arrows means traffic lane arrows applying to a marked lane that indicate only a U-turn direction.

- (3) Schedule 5, definition *slip lane*, 'island.'—

omit, insert—

island, but not by a median strip.

- (4) Schedule 5, definition *turning lane*—

insert—

- (c) a U-turn permitted sign or U-turn traffic lane arrows apply.

ENDNOTES

- 1 Made by the Governor in Council on 27 November 2014.
- 2 Notified on the Queensland legislation website on 28 November 2014.
- 3 The administering agency is the Department of Transport and Main Roads.

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Authorised by the Parliamentary Counsel