



Queensland

Transport Legislation Amendment Regulation (No. 2) 2015

Subordinate Legislation 2015 No. 162

made under the

Adult Proof of Age Card Act 2008

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 Amendment Regulation (No. 2) 2015*.

2 Commencement

This regulation commences on 1 January 2016.

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 Amendment of s 6 (Notifiable events under other Acts)

Section 6(3)—

insert—

prescribed smartcard Act means any of the following Acts—

- (a) the *Tow Truck Act 1973*;
- (b) the *Transport Operations (Marine Safety) Act 1994*;
- (c) the *Transport Operations (Passenger Transport) Act 1994*;
- (d) the *Transport Operations (Road Use Management) Act 1995*.

Part 3 Amendment of Tow Truck Regulation 2009

5 Regulation amended

This part amends the *Tow Truck Regulation 2009*.

6 Amendment of s 15B (Notifiable events under other Acts)

Section 15B(3)—

insert—

prescribed smartcard Act means any of the following Acts—

- (a) the *Adult Proof of Age Card Act 2008*;
- (b) the *Transport Operations (Marine Safety) Act 1994*;
- (c) the *Transport Operations (Passenger Transport) Act 1994*;
- (d) the *Transport Operations (Road Use Management) Act 1995*.

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

7 Regulation amended

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

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8 Amendment of sch 4A, s 150 (Administering agency to decide application within 30 days)

Schedule 4A, section 150(2), note—

omit, insert—

Note—

See the Transport Planning and Coordination Act 1994, section 28EA(5) (which deals with taking 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.

9 Amendment of sch 4A, s 158 (Amendment of marine licence at holder's request)

Schedule 4A, section 158(2), note—

omit, insert—

Note—

See the Transport Planning and Coordination Act 1994, section 28EA(5) (which deals with taking 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.

10 Amendment of sch 4A, s 171 (Replacement of marine licence indicator)

Schedule 4A, section 171(4), note—

omit, insert—

Note—

See the Transport Planning and Coordination Act 1994, section 28EA(5) (which deals with taking 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.

11 Amendment of sch 4A, s 172E (Renewal of smartcard marine licence indicator by electronic communication)

(1) Schedule 4A, section 172E(1)(b)—

omit, insert—

(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 the Transport Planning and Coordination Act 1994, section 28EB of the holder's most recent digital photo and most recent digitised signature; and

(2) Schedule 4A, section 172E—

insert—

(3) In this section—

most recent digital photo, of a person, see the Transport Planning and Coordination Act 1994, section 28E.

most recent digitised signature, of a person, see the Transport Planning and Coordination Act 1994, section 28E.

shelf life, of a person's digital photo or digitised signature, see the Transport Planning and Coordination Act 1994, section 28E.

12 Amendment of sch 4A, s 172F (Notifiable events under other Acts)

Schedule 4A, section 172F(3)—

insert—

prescribed smartcard Act means any of the following Acts—

(a) the Adult Proof of Age Card Act 2008;

(b) the Tow Truck Act 1973;

(c) the *Transport Operations (Marine Safety) Act 1994*;

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

Part 6 **Amendment of Transport Operations (Road Use Management—Accreditation and Other Provisions) Regulation 2015**

16 Regulation amended

This part amends the *Transport Operations (Road Use Management—Accreditation and Other Provisions) Regulation 2015*.

17 Amendment of s 5 (Decision on application)

Section 5(2), note—

omit, insert—

Note—

See also the *Transport Planning and Coordination Act 1994*, section 28EA(5) (which deals with taking digital photos and digitised signatures) for when the chief executive must refuse to consider an application.

18 Amendment of s 65 (Notifiable events under other Acts)

Section 65(3)—

insert—

prescribed smartcard Act means any of the following Acts—

- (a) the *Adult Proof of Age Card Act 2008*;
- (b) the *Tow Truck Act 1973*;
- (c) the *Transport Operations (Marine Safety) Act 1994*;
- (d) the *Transport Operations (Passenger Transport) Act 1994*.

Part 7

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

19 Regulation amended

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

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

Section 192(1), notes, item 1—

omit, insert—

- 1 See also the *Transport Planning and Coordination Act 1994*, section 28EA(5) (which deals with taking digital photos and digitised signatures) for when the chief executive must refuse to consider an application.

21 Amendment of s 216C (Notifiable events under other Acts)

Section 216C(3)—

insert—

prescribed smartcard Act means any of the following Acts—

- (a) the *Adult Proof of Age Card Act 2008*;
- (b) the *Tow Truck Act 1973*;
- (c) the *Transport Operations (Marine Safety) Act 1994*;
- (d) the *Transport Operations (Passenger Transport) Act 1994*.

Part 8

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

22 Regulation amended

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

23 Amendment of s 23 (Deciding application for licence)

Section 23(1), note—

omit, insert—

Note—

See also the *Transport Planning and Coordination Act 1994*, section 28EA(5) (which deals with taking digital photos and digitised signatures) for when the chief executive must refuse to consider an application.

24 Amendment of s 55 (When chief executive may renew licence)

(1) Section 55(2)(e)—

omit, insert—

- (e) the shelf life of the person's most recent digital photo and most recent digitised signature, or the most recent extension of the shelf life of the photo or signature under the *Transport Planning and Coordination Act 1994*, section 28EB, has not ended and will not end before the period of the licence applied for ends.

(2) Section 55—

insert—

(3) In this section—

most recent digital photo, of a person, see the *Transport Planning and Coordination Act 1994*, section 28E.

most recent digitised signature, of a person, see the *Transport Planning and Coordination Act 1994*, section 28E.

shelf life, of a digital photo and digitised signature, see the *Transport Planning and Coordination Act 1994*, section 28E.

25 **Amendment of s 138 (Notifiable events under other Acts)**

Section 138(3)—

insert—

prescribed smartcard Act means any of the following Acts—

- (a) the *Adult Proof of Age Card Act 2008*;
- (b) the *Tow Truck Act 1973*;
- (c) the *Transport Operations (Marine Safety) Act 1994*;
- (d) the *Transport Operations (Passenger Transport) Act 1994*.

Part 9 Amendment of Transport Planning and Coordination Regulation 2005

26 Regulation amended

This part amends the *Transport Planning and Coordination Regulation 2005*.

27 Amendment of s 5 (Definitions for pt 4)

Section 5, definitions *digital photo*, *digitised signature*, *most recent digital photo* and *transport authority*—
omit.

28 Insertion of new s 5A

After section 5—
insert—

5A Transport authority—Act, s 36G

For the Act, section 36G, definition *transport authority*, each of the following is a transport authority—

- (a) a driver's certificate or an assistant's certificate under the *Tow Truck Act 1973*;
- (b) a driver authorisation under the *Transport Operations (Passenger Transport) Act 1994*;
- (c) an appointment as a pilot vehicle driver, escort vehicle driver, driver trainer, rider trainer or traffic controller under the *Transport Operations (Road Use Management) Act 1995*;

Note—

The appointments mentioned in this paragraph are made under the *Transport Operations (Road*

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Use Management—Accreditation and Other Provisions) Regulation 2015, part 2.

- (d) a dangerous goods driver licence under the *Transport Operations (Road Use Management—Dangerous Goods) Regulation 2008*.

29 Omission of s 8 (Verification of a person’s connection to the person’s most recent digital photo)

Section 8—

omit.

30 Replacement of pt 5, hdg (Prescribed approved agencies)

Part 5, heading—

omit, insert—

Part 5 General

31 Insertion of new ss 11–14

After section 10—

insert—

11 Prescribed authorisation Acts—Act, s 28E

For the Act, section 28E, definition *prescribed authorisation Act*, each of the following Acts is a prescribed authorisation Act—

- (a) the *Adult Proof of Age Card Act 2008*;
- (b) the *Tow Truck Act 1973*;
- (c) the *Transport Operations (Marine Safety) Act 1994*;
- (d) the *Transport Operations (Passenger Transport) Act 1994*;

- (e) the *Transport Operations (Road Use Management) Act 1995*;
- (f) the *Work Health and Safety Act 2011*.

12 Prescribed authority—Act, s 28E

For the Act, section 28E, definition *prescribed authority*, each of the following authorities or documents is a prescribed authority—

- (a) an adult proof of age card under the *Adult Proof of Age Card Act 2008*;
- (b) a driver's certificate or assistant's certificate, or a document evidencing a driver's certificate or assistant's certificate, under the *Tow Truck Act 1973*;
- (c) a marine licence, marine licence indicator or smartcard marine licence indicator under the *Transport Operations (Marine Safety) Act 1994*;
- (d) a driver authorisation or authorising document under the *Transport Operations (Passenger Transport) Act 1994*;
- (e) a Queensland driver licence under the *Transport Operations (Road Use Management) Act 1995*;
- (f) a dangerous goods driver licence or driver authorising document under the *Transport Operations (Road Use Management—Dangerous Goods) Regulation 2008*;
- (g) an appointment as a pilot vehicle driver, escort vehicle driver, driver trainer, rider trainer or traffic controller (each an *appointee*) under the *Transport Operations (Road Use Management) Act 1995* or an accreditation document mentioned in

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section 21(2) of that Act given to an appointee;

Note—

The appointments mentioned in this paragraph are made under the *Transport Operations (Road Use Management—Accreditation and Other Provisions) Regulation 2015*, part 2.

- (h) a high risk work licence, or a licence document for a high risk work licence, under the *Work Health and Safety Regulation 2011*.

13 Authorised officers—Act, s 28EG

For the Act, section 28EG(2), definition *authorised officer*, each of the following persons is an authorised officer—

- (a) if the smartcard identification authority is a smartcard certificate under the *Tow Truck Act 1973*—an authorised officer under that Act;
- (b) if the smartcard identification authority is a smartcard marine licence indicator under the *Transport Operations (Marine Safety) Act 1994*—a shipping inspector under that Act;
- (c) if the smartcard identification authority is a smartcard driver authorisation under the *Transport Operations (Passenger Transport) Act 1994*—an authorised person under that Act;
- (d) if the smartcard identification authority is a smartcard authority under the *Transport Operations (Road Use Management) Act 1995*—an authorised officer under that Act.

14 Transport Acts—Act, sch 1

For the Act, schedule 1, definition *transport Act*, each of the following Acts is a transport Act—

- (a) the *Adult Proof of Age Card Act 2008*;
- (b) the *Air Navigation Act 1937*;
- (c) the *Central Queensland Coal Associates Agreement Act 1968*, schedule, parts IV-IVC;
- (d) the *Century Zinc Project Act 1997*, sections 5(2)-(7), 11, 12, 13 and 21;
- (e) the *Civil Aviation (Carriers' Liability) Act 1964*;
- (f) the *Gold Coast Waterways Authority Act 2012*;
- (g) the *Heavy Vehicle National Law Act 2012*;
- (h) the *Maritime Safety Queensland Act 2002*;
- (i) the *Queensland Nickel Agreement Act 1970*, schedule, parts IV-V;
- (j) the *Queensland Rail Transit Authority Act 2013*;
- (k) the *State Transport Act 1938*;
- (l) the *State Transport (People Movers) Act 1989*;
- (m) the *Thiess Peabody Mitsui Coal Pty. Ltd. Agreements Act 1965* (to the extent administered by the Minister administering the *Transport Infrastructure Act 1994*);
- (n) the *Tow Truck Act 1973*;
- (o) the *Transport Infrastructure Act 1994*;
- (p) the *Transport Operations (Marine Pollution) Act 1995*;

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- (q) the *Transport Operations (Marine Safety) Act 1994*;
- (r) the *Transport Operations (Passenger Transport) Act 1994*;
- (s) the *Transport Operations (Road Use Management) Act 1995*;
- (t) the *Transport Planning and Coordination Act 1994*;
- (u) the *Transport (Rail Safety) Act 2010*;
- (v) the *Transport Security (Counter-Terrorism) Act 2008*;
- (w) the *Transport (South Bank Corporation Area Land) Act 1999*.

ENDNOTES

- 1 Made by the Governor in Council on 26 November 2015.
- 2 Notified on the Queensland legislation website on 27 November 2015.
- 3 The administering agency is the Department of Transport and Main Roads.

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