



Queensland

Transport Planning and Coordination Regulation 2017

Subordinate Legislation 2017 No. 160

made under the

Statutory Instruments Act 1992

Tow Truck Act 1973

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 Planning and Coordination Regulation 2017*.

2 Commencement

This regulation commences on 1 September 2017.

3 Dictionary

The dictionary in schedule 1 defines particular words used in this regulation.

Part 2 Smartcard transport authorities

4 Definitions for part

In this part—

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

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*.

5 Transport authority—Act, s 36G

For section 36G(3) of the Act, definition *transport authority*, each of the following is prescribed—

[s 6]

- (a) a driver's certificate or assistant's certificate under the *Tow Truck Act 1973*;
- (b) a driver authorisation under the *Transport Operations (Passenger Transport) Act 1994*;
- (c) an appointment under the *Transport Operations (Road Use Management) Act 1995* as an accredited person for accreditation of any of the following types—
 - (i) driver trainer;
 - (ii) rider trainer;
 - (iii) pilot vehicle driver;
 - (iv) escort vehicle driver;
 - (v) traffic controller;

Note—

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

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 under which the particular transport authority is issued or granted.

- (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 under which the particular authority is issued or granted.

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 include the following information—
 - (a) its date of issue;
 - (b) any information that may be included 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 included 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 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;

[s 9]

- (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.

Part 3 General

9 Prescribed authorisation Acts—Act, s 28E

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

- (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*.

10 Prescribed authorities—Act, s 28E

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

- (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*;

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- (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) an appointment under the *Transport Operations (Road Use Management) Act 1995* as an accredited person, or an accreditation document mentioned in section 21(2) of the Act, for accreditation of any of the following types—
 - (i) driver trainer;
 - (ii) rider trainer;
 - (iii) pilot vehicle driver;
 - (iv) escort vehicle driver;
 - (v) traffic controller;

Note—

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

- (g) a dangerous goods driver licence or driver authorising document under the *Transport Operations (Road Use Management—Dangerous Goods) Regulation 2008*;
- (h) a high risk work licence, or a licence document for a high risk work licence, under the *Work Health and Safety Regulation 2011*.

11 Authorised officers—Act, s 28EG

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

[s 12]

- (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.

12 Approved agency—Act, sch 1

- (1) For schedule 1 of the Act, definition *approved agency*, paragraph (b), ASIO is prescribed as an approved agency.
- (2) In this section—

ASIO means the Australian Security Intelligence Organisation established under the *Australian Security Intelligence Organisation Act 1979* (Cwlth).

13 Transport Acts—Act, sch 1

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

- (a) the *Adult Proof of Age Card Act 2008*;
- (b) the *Air Navigation Act 1937*;
- (c) the *Century Zinc Project Act 1997*, sections 5(2) to (7), 11, 12, 13 and 21;
- (d) the *Civil Aviation (Carriers' Liability) Act 1964*;
- (e) the *Gold Coast Waterways Authority Act 2012*;

- (f) the *Heavy Vehicle National Law Act 2012*;
- (g) the *Maritime Safety Queensland Act 2002*;
- (h) the *Queensland Rail Transit Authority Act 2013*;
- (i) the *Rail Safety National Law (Queensland) Act 2017*;
- (j) the *State Transport Act 1938*;
- (k) the *State Transport (People Movers) Act 1989*;
- (l) the *Thiess Peabody Mitsui Coal Pty. Ltd. Agreements Act 1965* (to the extent administered by a Minister administering the *Transport Infrastructure Act 1994*);
- (m) the *Tow Truck Act 1973*;
- (n) the *Transport Infrastructure Act 1994*;
- (o) the *Transport Operations (Marine Pollution) Act 1995*;
- (p) the *Transport Operations (Marine Safety) Act 1994*;
- (q) the *Transport Operations (Passenger Transport) Act 1994*;
- (r) the *Transport Operations (Road Use Management) Act 1995*;
- (s) the *Transport Planning and Coordination Act 1994*;
- (t) the *Transport Security (Counter-Terrorism) Act 2008*;
- (u) the *Transport (South Bank Corporation Area Land) Act 1999*.

Part 4 Transitional provisions

14 Definition for part

In this part—

repealed regulation means the repealed *Transport Planning and Coordination Regulation 2005*, as in force from time to time before the commencement.

[s 15]

15 References to repealed regulation

In an instrument, if the context permits, a reference to the repealed regulation may be taken to be a reference to this regulation.

16 Existing interim transport authorities

An interim transport authority issued under section 7 of the repealed regulation is taken to be an interim transport authority issued under section 7 of this regulation.

Part 5 Amendment of other regulations

17 Regulations amended

Schedule 2 amends the regulations it mentions.

Schedule 1 Dictionary

section 3

smartcard transport authority, for part 2, see section 4.

transport authority see section 5.

transport authority Act, for part 2, see section 4.

Schedule 2 Consequential amendments

section 17

Statutory Instruments Regulation 2012

- 1 Schedule 2, part 2, entry for *Transport Planning and Coordination Regulation 2005*—**

omit.

Tow Truck Regulation 2009

- 1 Section 24(3), definition *superseded document*, note, ‘*Transport Planning and Coordination Regulation 2005*’—**

omit, insert—

*Transport Planning and Coordination Regulation
2017*

Transport Operations (Passenger Transport) Regulation 2005

- 1 Section 43B(3), definition *superseded authorising document*, note, ‘*Transport Planning and Coordination Regulation 2005*’—**

omit, insert—

*Transport Planning and Coordination Regulation
2017*

Transport Operations (Road Use Management—Accreditation and Other Provisions) Regulation 2015

- 1 Section 69(3), definition *superseded accreditation document*, note, ‘*Transport Planning and Coordination Regulation 2005*’—**

omit, insert—

*Transport Planning and Coordination Regulation
2017*

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

- 1 Section 209B(3), definition *superseded driver authorising document*, note, ‘*Transport Planning and Coordination Regulation 2005*’—**

omit, insert—

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2017*

ENDNOTES

- 1 Made by the Governor in Council on 24 August 2017.
- 2 Notified on the Queensland legislation website on 25 August 2017.
- 3 The administering agency is the Department of Transport and Main Roads.

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