



Queensland

# Transport Operations (Road Use Management—Vehicle Registration) (Heavy Vehicles) Amendment Regulation 2018

## Subordinate Legislation 2018 No. 76

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 Operations (Road Use Management—Vehicle Registration) (Heavy Vehicles) Amendment Regulation 2018*.

### **2 Commencement**

- (1) This regulation, other than sections 23 and 32, commences on 1 July 2018.
- (2) Section 33(2) and (3) commences immediately after the commencement of the *Transport Legislation (Fees) Amendment Regulation 2018*, section 62.

## **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)**

- (1) Schedule 1, entry for *Transport Operations (Road Use Management—Vehicle Registration) Regulation 2010*, entries for sections 40(1), 41A, 41(1), 127(2)(h), 127(2)(i) and 127(2)(j)—  
*omit.*
- (2) Schedule 1, entry for *Transport Operations (Road Use Management—Vehicle Registration) Regulation 2010*—  
*insert—*

s 127(2)(h)	<sup>4</sup> / <sub>5</sub>	-
s 127(2)(i)	<sup>4</sup> / <sub>5</sub>	<sup>4</sup> / <sub>5</sub>

## **Part 3                      Amendment of Transport Operations (Road Use Management—Vehicle Registration) Regulation 2010**

### **5            Regulation amended**

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

### **6            Amendment of s 21 (Recording change in vehicle particulars and reassessment of registration fee)**

Section 21(1)(c)—  
*omit.*

### **7            Amendment of s 29 (Chief executive to assign registration number and issue number plates)**

Section 29—  
*insert—*

- (2) However, subsection (1) does not apply if—
  - (a) the vehicle is a category 2 vehicle; and
  - (b) on receipt of the application for registration of the vehicle—
    - (i) the vehicle is registered in another State under a corresponding law to this regulation; and

- (ii) the person making the application is the person in whose name the vehicle is registered under the corresponding law to this regulation; and
- (iii) the current number plate for the vehicle is a national heavy vehicle number plate.

## **8 Amendment of s 32A (Special edition number plates)**

Section 32A, after ‘vehicle’—

*insert—*

, other than a category 2 vehicle,

## **9 Amendment of s 32B (Application to replace number plate with special edition number plate)**

(1) Section 32B(1), after ‘a vehicle’—

*insert—*

, other than a category 2 vehicle,

(2) Section 32B(3)(c)—

*omit.*

(3) Section 32B(4)—

*omit, insert—*

- (4) If the chief executive issues a special edition number plate, on the issue of the plate—
  - (a) the number plate previously issued for the vehicle stops being effective; and
  - (b) the special edition number plate becomes the current number plate for the vehicle.

## **10 Insertion of new s 32C**

After section 32B—

*insert—*

**32C Application to replace number plate with national heavy vehicle number plate**

- (1) The registered operator of a category 2 vehicle may apply to the chief executive to replace the number plate for the vehicle with a national heavy vehicle number plate.

*Note—*

See part 10, division 3A, subdivision 2 for requirements about the application.

- (2) The application must be accompanied by—
  - (a) any plate fee under schedule 3, part 1AA for the vehicle; and
  - (b) the number plate previously issued for the vehicle, unless the plate is a personalised number plate or customised number plate.
- (3) On receipt of the application, the chief executive may—
  - (a) issue a national heavy vehicle number plate to replace the number plate previously issued for the vehicle; and
  - (b) issue an updated registration certificate.
- (4) If the chief executive issues a national heavy vehicle number plate, on the issue of the plate—
  - (a) the number plate previously issued for the vehicle stops being effective; and
  - (b) the national heavy vehicle number plate becomes the current number plate for the vehicle.

**11 Amendment of s 35 (Converting number plate to personalised number plate)**

Section 35, after ‘a number plate’—

*insert—*

, other than a national heavy vehicle number plate,

**12 Omission of pt 3, div 6 (Registration labels)**

Part 3, division 6—

*omit.*

**13 Amendment of s 44 (When surcharge is payable for renewal)**

(1) Section 44, ‘section 43(1)(e)’—

*omit, insert—*

section 43(1A)(e)

(2) Section 44(2)(b)(i), ‘section 43(1)(a)’—

*omit, insert—*

section 43(1A)(a)

**14 Amendment of s 45 (Registration term if overpayment or underpayment of registration-related amount and any surcharge)**

Section 45(1)(a) and (3), ‘section 43(1)(e)’—

*omit, insert—*

section 43(1A)(e)

**15 Amendment of s 47 (Issue of receipt and updating of records)**

Section 47(2)—

*omit, insert—*

(2) The chief executive must record in the register the details of the renewal.



**16 Amendment of s 54 (Cancellation of registration at registered operator's request)**

(1) Section 54(7)—

*omit, insert—*

(7) A person applying under subsection (1) or (3) must include with the application—

(a) if a number plate for the vehicle has been lost, stolen or destroyed—

(i) a statement advising of the loss, theft or destruction; and

(ii) any number plate for the vehicle, other than a special plate, that is not lost, stolen or destroyed; or

(b) otherwise—the number plates, other than special plates, for the vehicle.

(2) Section 54(9)(a), 'subsection (5), (6), (7) or (8)'—

*omit, insert—*

subsection (4), (5), (6) or (7)

(3) Section 54—

*insert—*

(10) Subsection (6) does not apply to a registered operator of a category 2 vehicle if—

(a) the number plate for the vehicle is a national heavy vehicle number plate; and

(b) the registered operator has registered the vehicle in another State under a corresponding law to this regulation.

(4) Section 54(3) to (10)—

*renumber* as section 54(2) to (9).

**17 Amendment of s 57 (Cancellation for noncompliance with notice about defective or unsafe vehicle)**

- (1) Section 57(2), from ‘must return’—

*omit, insert—*

must return the number plates for the vehicle to the chief executive within 14 days after the giving of the notice (the *return period*).

- (2) Section 57(4)—

*omit, insert—*

- (4) However, if a number plate has been lost, stolen or destroyed, the relevant person does not contravene subsection (3) if the relevant person, within the return period, gives the chief executive notice of the details of the loss, theft or destruction.

*Note—*

See part 10, division 3A, subdivision 3 for requirements about the notice.

**18 Amendment of s 58 (Cancellation of registration of vehicle or dealer plate)**

- (1) Section 58(1)(b), ‘section 48(9)(d)’—

*omit, insert—*

section 48(9A)

- (2) Section 58(3), from ‘must return’—

*omit, insert—*

must return the number plates for the vehicle to the chief executive within 14 days after the giving of the notice (the *return period*).

- (3) Section 58(5)—

*omit, insert—*

- (5) However, if a number plate has been lost, stolen

or destroyed, the relevant person does not contravene subsection (4) if the relevant person, within the return period, gives the chief executive notice of the details of the loss, theft or destruction.

*Note—*

See part 10, division 3A, subdivision 3 for requirements about the notice.

**19 Amendment of s 59A (Cancellation of heavy vehicle registration by court)**

Section 59A(2)(b)(ii), ‘registration label and’—  
*omit.*

**20 Amendment of s 100E (Required evidence or notice must be given)**

Section 100E(3), ‘43(1)’—  
*omit, insert—*  
43(1A)

**21 Amendment of pt 10, div 1, hdg (Other provisions about number plates and other items)**

Part 10, division 1, heading, ‘and other items’—  
*omit.*

**22 Amendment of s 101 (Replacement registration items)**

(1) Section 101, heading—  
*omit, insert—*

**101 Replacing damaged, destroyed, lost or stolen number plates**

(2) Section 101(1) and (4)(b), ‘registration item’—

*omit, insert—*

number plate

- (3) Section 101(2), ‘item’—

*omit, insert—*

number plate

- (4) Section 101(3), ‘An application for a replacement number plate’—

*omit, insert—*

The application

- (5) Section 101(4)(a)(ii), ‘item’—

*omit, insert—*

number plate

- (6) Section 101(5)—

*omit, insert—*

- (5) If a number plate is replaced by a number plate with a new number, the chief executive may issue an updated registration certificate that contains the new number.

- (7) Section 101(6), from ‘If’ to ‘until’—

*omit, insert—*

Until

- (8) Section 101(7) to (9)—

*omit, insert—*

- (7) The number plate being replaced stops being effective on the issue of the replacement number plate, and the replacement number plate becomes the current number plate for the vehicle.
- (8) The registered operator of the vehicle must immediately return to the chief executive a number plate that was lost or stolen if the registered operator recovers the number plate

after the chief executive has issued a replacement number plate for it.

Maximum penalty—20 penalty units.

## **23 Insertion of new s 101A**

After section 101—

*insert—*

### **101A Replacing unlawfully copied number plates**

- (1) This section applies if a number plate lawfully issued for a registered vehicle has been unlawfully copied.
- (2) The registered operator of the vehicle may apply to the chief executive for a replacement number plate.

*Note—*

See part 10, division 3A, subdivision 2 for requirements about the application.

- (3) The application must be accompanied by—
  - (a) the number plate lawfully issued for the registered vehicle; and
  - (b) a statement about the unlawful copying.

*Note—*

See part 10, division 3A, subdivision 3 for requirements about the statement.

- (4) On receipt of the application, the chief executive may, subject to section 109D(4) and (5)—
  - (a) record in the register—
    - (i) the day the application was received; and
    - (ii) details of the unlawful copying; and
  - (b) issue a replacement number plate and an updated registration certificate.

- (5) The number plate being replaced stops being effective on the issue of the replacement number plate, and the replacement number plate becomes the current number plate for the vehicle.
- (6) No fee is payable for an application under subsection (2).
- (7) In this section—  
*replacement number plate* does not include a personalised number plate.

## **24 Amendment of s 104 (Property in number plates)**

- (1) Section 104(1), ‘A’—

*omit, insert—*

Subject to subsections (2) and (3), a

- (2) Section 104—

*insert—*

- (1A) A national heavy vehicle number plate issued by the State remains the property of the State unless the vehicle to which the plate relates is registered in another State under a corresponding law to this regulation.
  - (1B) A national heavy vehicle number plate issued by another State under a corresponding law to this regulation becomes the property of the State when the vehicle to which the plate relates is registered under this regulation.
- (3) Section 104(1A) to (2)—  
*renumber* as section 104(2) to (4).

## **25 Amendment of s 105 (Vehicles temporarily in Queensland)**

Section 105(2)(a), ‘and registration labels’—

*omit.*

**26 Amendment of s 105A (Vehicle registered in another State in name of defence force member or eligible family member)**

Section 105A(2)(a), ‘and registration labels’—

*omit.*

**27 Amendment of s 109A (Definitions for division)**

Section 109A, definition *customer communication*, paragraph (a)(iii), ‘or 101(3)(b)(ii)’—

*omit, insert—*

, 101(3)(b)(ii) or 101A(3)(b)

**28 Amendment of pt 11, div 2, hdg (Vehicles exempted from registration fees)**

Part 11, division 2, heading, ‘registration’—

*omit.*

**29 Insertion of new s 122A**

Part 11, division 2—

*insert—*

**122A Exemption from payment of national heavy vehicle number plate fees**

(1) This section applies if—

(a) a person applies to register a category 2 vehicle in the period starting on 1 July 2018 and ending on 30 June 2019; and

(b) the chief executive issues a national heavy vehicle number plate for the vehicle.

(2) The person is exempt from paying the plate fee

that would otherwise be payable for the issue of the number plate if—

- (a) immediately before the application is made, the vehicle is registered under the *Interstate Road Transport Act 1985* (Cwlth); and
- (b) the application is made by the person in whose name the vehicle is registered under the *Interstate Road Transport Act 1985* (Cwlth).

**30 Amendment of s 127 (Offences involving registration certificates etc.)**

- (1) Section 127(1)(a) and (b), ‘registration label,’—  
*omit.*
- (2) Section 127(2)(a), (b), (d), (e) and (g), ‘registration label,’—  
*omit.*
- (3) Section 127(2)(f), ‘registration label or’—  
*omit.*
- (4) Section 127(2)(h)—  
*omit.*
- (5) Section 127(2)(i) and (j)—  
*renumber* as section 127(2)(h) and (i).
- (6) Section 127(3), ‘registration label,’—  
*omit.*

**31 Amendment of s 128 (Requirement to remove unlawful registration item)**

Section 128(3), definition *registration item*, paragraph (a), ‘registration label,’—  
*omit.*



**32 Insertion of new pt 13, div 5**

Part 13—

*insert—*

**Division 5 Transitional provisions for  
Transport Operations  
(Road Use Management—  
Vehicle Registration)  
(Heavy Vehicles)  
Amendment Regulation  
2018**

**138 Definition for division**

In this division—

*former*, for a provision of this regulation, means as in force from time to time before its repeal or amendment by the *Transport Operations (Road Use Management—Vehicle Registration) (Heavy Vehicles) Amendment Regulation 2018*.

**139 No obligation to attach registration labels for category 2 vehicles**

- (1) This section applies to the registered operator of a category 2 vehicle if the registered operator receives a registration label for the vehicle after 16 June 2018.
- (2) Despite former sections 40 and 41, the registered operator is not required to attach the registration label to the vehicle.

**140 No obligation to issue registration certificate or label for category 2 vehicles**

Despite former section 47(2), the chief executive

is not required to issue the following to the registered operator of a category 2 vehicle from 1 July 2018—

- (a) a registration label;
- (b) an updated registration certificate.

#### **141 Cancellation notices under former ss 57 and 58**

- (1) Subsection (2) applies in relation to either of the following notices given by the chief executive for a category 2 vehicle after 16 June 2018—
  - (a) a notice mentioned in section 57(2);
  - (b) a notice mentioned in section 58(3).
- (2) Despite former sections 57 and 58—
  - (a) the chief executive is not required to include in the notice a requirement that the registration label for the vehicle must be returned to the chief executive; and
  - (b) the person to whom the notice is directed is not required to return the registration label for the vehicle to the chief executive.

#### **142 Replacement registration labels for category 2 vehicles under former s 101**

- (1) This section applies if a current registration label for a category 2 vehicle is damaged, destroyed, lost or stolen after 16 June 2018.
- (2) Former section 101 does not apply in relation to the registration label.
- (3) Without limiting subsection (2)—
  - (a) the registered operator of the category 2 vehicle is not required to apply under former

section 101(2) for a replacement of the registration label; and

- (b) the chief executive is not required to issue a replacement registration label.

**33 Amendment of sch 3 (Other fees)**

- (1) Schedule 3, before part 1—

*insert—*

**Part 1AA      Nationally regulated  
plate fees**

	\$
1A National heavy vehicle number plates	25.00
1B Replacement national heavy vehicle number plates, unless item 1D applies	25.00
1C Accessory plate to be attached to category 2 vehicle with national heavy vehicle number plates	25.00
1D Replacement of the following—	
(a) an accessory plate;	25.00 plus manufacturing costs
(b) a national heavy vehicle number plate or pair of plates with the same number and design as the replaced plate or plates	25.00 plus manufacturing costs

- (2) Schedule 3, part 1, heading—

*omit, insert—*

**Part 1      Other plate fees**

- (3) Schedule 3, item 3, after ‘plate’—

*insert—*

, other than an accessory plate to be attached to a category 2 vehicle with national heavy vehicle number plates

### **34 Amendment of sch 8 (Dictionary)**

- (1) Schedule 8, definitions *labelled vehicle* and *registration label*—

*omit.*

- (2) Schedule 8—

*insert—*

***national heavy vehicle number plate*** means a plate designed to be attached to a category 2 vehicle to identify the vehicle.

- (3) Schedule 8, definition *registration-related amount*, ‘section 43(1)’—

*omit, insert—*

section 43(1A)

### ENDNOTES

- 1 Made by the Governor in Council on 14 June 2018.
- 2 Notified on the Queensland legislation website on 15 June 2018.
- 3 The administering agency is the Department of Transport and Main Roads.

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