



Queensland

Transport Legislation Amendment Regulation (No. 2) 2018

Subordinate Legislation 2018 No. 144

made under the

Transport Operations (Marine Safety) Act 1994

Transport Operations (Road Use Management) Act 1995

Contents

	Page
Part 1	Preliminary
1	Short title 3
Part 2	Amendment of Transport Operations (Marine Safety) Regulation 2016
2	Regulation amended 3
3	Amendment of s 68 (Qualifying for training program approval) . . 3
Part 3	Amendment of Transport Operations (Road Use Management—Road Rules) Regulation 2009
4	Regulation amended 3
5	Amendment of s 78 (Keeping clear of police and emergency vehicles) 4
6	Amendment of s 79 (Giving way to police and emergency vehicles) 4
7	Amendment of s 151B (Edge filtering past slow or stationary vehicles on a motorbike) 4
8	Amendment of s 267 (Exemptions from wearing seatbelts) 5
9	Amendment of s 268 (How persons must travel in or on a motor vehicle) 5
10	Amendment of s 306 (Exemptions for drivers of emergency vehicles) 5
11	Amendment of s 310 (Exemption for road workers etc.) 5
12	Amendment of sch 5 (Dictionary) 5
Part 4	Amendment of Transport Operations (Road Use Management—Vehicle Registration) Regulation 2010

Contents

13	Regulation amended	6
14	Amendment of s 13 (Application for registration)	6
15	Amendment of s 31 (Time for attaching number plates)	6
16	Amendment of s 33 (Personalised number plates)	6
17	Amendment of s 34 (Transfer of personalised number plate)	7
18	Amendment of s 36 (Customised number plates)	8
19	Amendment of s 109A (Definitions for division)	8
20	Amendment of s 115 (Release of information on payment of fee)	9
21	Insertion of new s 115A	9
	115A Amount payable for release of information to particular entities	9
22	Amendment of s 118 (Fee or amount payable to vehicle-related information provider)	10
23	Insertion of new pt 10, div 7	12
	Division 7 When registration certificate may be made available electronically	
	119B Making particular registration certificates electronically available	12
24	Amendment of s 120 (Fees)	12
25	Amendment of sch 3 (Other fees)	13
26	Amendment of sch 8 (Dictionary)	14

Part 1 Preliminary

1 Short title

This regulation may be cited as the *Transport Legislation Amendment Regulation (No. 2) 2018*.

Part 2 Amendment of Transport Operations (Marine Safety) Regulation 2016

2 Regulation amended

This regulation amends the *Transport Operations (Marine Safety) Regulation 2016*.

3 Amendment of s 68 (Qualifying for training program approval)

Section 68(1)(f), ‘an examining’—
omit, insert—
a training program

Part 3 Amendment of Transport Operations (Road Use Management—Road Rules) Regulation 2009

4 Regulation amended

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

5 Amendment of s 78 (Keeping clear of police and emergency vehicles)

Section 78(1) and (2), after ‘police’—

insert—

vehicle

6 Amendment of s 79 (Giving way to police and emergency vehicles)

Section 79(1) and (2), after ‘police’—

insert—

vehicle

7 Amendment of s 151B (Edge filtering past slow or stationary vehicles on a motorbike)

(1) Section 151B(3)(b)—

omit, insert—

(b) the speed limit for the length of road, other than indicated by a variable illuminated message sign, is less than 90km/h;

Example for paragraph (b)—

The speed limit for a length of road is 100km/h. A variable illuminated message sign indicates a speed limit of 80km/h for the length of road. In the circumstances, it is lawful for the rider to edge filter along the length of road.

(2) Section 151B(3)—

insert—

(ca) the length of road is in a tunnel;

(cb) there are roadworks on the length of road;

(3) Section 151B(3)(ca) to (e)—

renumber as section 151B(3)(d) to (g).

8 Amendment of s 267 (Exemptions from wearing seatbelts)

Section 267(5)(a), after ‘police’—

insert—

vehicle

9 Amendment of s 268 (How persons must travel in or on a motor vehicle)

Section 268(5)(a), after ‘police’—

insert—

vehicle

10 Amendment of s 306 (Exemptions for drivers of emergency vehicles)

Section 306(b), from ‘if the vehicle’ to ‘displaying a’—

omit, insert—

the vehicle is moving—the vehicle is displaying a
blue or

11 Amendment of s 310 (Exemption for road workers etc.)

Section 310(4), definition *roadworks*—

relocate to schedule 5.

12 Amendment of sch 5 (Dictionary)

Schedule 5, definition *emergency vehicle*, ‘motor’—

omit.

issue of

- (2) Section 33(2)(c), after ‘registration certificate’—

insert—

for the plate

- (3) Section 33(5)(b), after ‘registration certificate’—

insert—

for the vehicle

17 **Amendment of s 34 (Transfer of personalised number plate)**

Section 34—

insert—

- (2A) A person who transfers a personalised number plate to another person may give the chief executive notice of the transfer.

Note—

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

- (2B) A person’s obligation to act under subsection (2) for a personalised number plate is not affected if another person acts under subsection (2A) for the personalised number plate.

- (2C) Subsection (2D) applies if the chief executive—

(a) receives—

(i) a notice and the fee under subsection (2); or

(ii) a notice under subsection (2A); and

- (b) the chief executive is satisfied that the information stated in the notice in relation to the transfer of the personalised number plate is correct.

- (2D) The chief executive must—
- (a) record in the register the day of the transfer stated in the notice; and
 - (b) substitute the name and address of the person transferring the personalised number plate with the name and address of the person acquiring the personalised number plate; and
 - (c) amend the register to record the postal address, or lack of a postal address, for the person acquiring the personalised number plates.

18 Amendment of s 36 (Customised number plates)

Section 36(3)(b), after ‘registration certificate’—

insert—

for the vehicle

19 Amendment of s 109A (Definitions for division)

- (1) Section 109A, definition *customer communication*, paragraph (a)(i), after ‘required to’—

insert—

be

- (2) Section 109A, definition *customer communication*—

insert—

(ia) a notice given to the chief executive under section 34(2A) or 48(6)(b);

- (3) Section 109A, definition *customer communication*, paragraph (a)(ia) to (v)—

renumber as section 109A, definition *customer communication*, paragraph (a)(ii) to (vi).

20 Amendment of s 115 (Release of information on payment of fee)

- (1) Section 115, heading, before ‘fee’—

insert—

amount or

- (2) Section 115(1)(b)—

omit, insert—

(b) pays—

- (i) if the eligible person is a statutory entity or safety recall agency—the amount, if any, provided for under section 115A for giving the extract; or
- (ii) otherwise—the fee stated in schedule 3, part 3 for giving the extract.

- (3) Section 115(3)(a)—

omit, insert—

(a) pays the public access provider—

- (i) if the client user is a statutory entity—the amount, if any, provided for under section 115A for obtaining the extract; or
- (ii) otherwise—the fee stated in schedule 3, part 3 for obtaining the extract; and

21 Insertion of new s 115A

After section 115—

insert—

115A Amount payable for release of information to particular entities

- (1) This section provides for the amount to be paid to—

- (a) the chief executive under section 115(1)(b)(i) for an eligible person who is—
 - (i) a statutory entity; or
 - (ii) a safety recall agency; or
 - (b) a public access provider under section 115(3)(a)(i) for a client user who is a statutory entity.
- (2) The amount is—
- (a) for an extract given under section 115(1) to an eligible person who is—
 - (i) a statutory entity—the amount, if any, the chief executive decides is reasonable having regard to the relevant circumstances for giving the extract but no more than the amount of the fee stated in schedule 3, part 3 for giving the extract; or
 - (ii) a safety recall agency—nil; or
 - (b) for an extract obtained by a statutory entity under section 115(3)—the amount, if any, the chief executive decides is reasonable having regard to the relevant circumstances for obtaining the extract but no more than the amount of the fee stated in schedule 3, part 3 for obtaining the extract.
- (3) In this section—
- relevant circumstances*, for giving or obtaining an extract, means how and why the extract is given or obtained.

22 Amendment of s 118 (Fee or amount payable to vehicle-related information provider)

- (1) Section 118, heading, ‘Fee or amount’—
- omit, insert—*

Amount or fee

- (2) Section 118(1) ‘fee or amount to be paid to a vehicle-related information provider as stated in’—

omit, insert—

amount or fee to be paid to a vehicle-related information provider under

- (3) Section 118(2)—

omit, insert—

- (2) The amount or fee is—

(a) if the vehicle-related information provider is the chief executive and a fee is stated in schedule 3, part 3 for giving vehicle-related information about a vehicle—

(i) for vehicle-related information given to a statutory entity—the amount, if any, the chief executive decides is reasonable having regard to the relevant circumstances for giving the information but no more than the stated fee; or

(ii) otherwise—the stated fee; or

(b) if paragraph (a) does not apply—a reasonable amount decided by the vehicle-related information provider for giving vehicle-related information about a vehicle.

- (3) In this section—

relevant circumstances, for giving vehicle-related information about a vehicle, means how and why vehicle-related information is given or obtained.

23 Insertion of new pt 10, div 7

Part 10—

insert—

Division 7 When registration certificate may be made available electronically

119B Making particular registration certificates electronically available

- (1) This section—
 - (a) applies if the chief executive is required to, or may, issue a registration certificate to a person; but
 - (b) does not apply if the chief executive is required to issue a registration certificate for a vehicle mentioned in section 31(2), 33(5)(b) or 36(3)(b) to a person.
- (2) The way the chief executive may issue the registration certificate is by making the registration certificate available for the person to access electronically.
- (3) In this section—

issue includes give.

registration certificate includes updated registration certificate mentioned in section 21(1)(b), 32B(3)(b), 32C(3)(b), 48(8)(d), 50(5)(d), 101(5) and 101A(4)(b).

24 Amendment of s 120 (Fees)

- (1) Section 120(4)—

insert—

Note—

See also part 10, division 5 for particular amounts relating to the release of information.

(2) Section 120(6)—

omit.

25 Amendment of sch 3 (Other fees)

(1) Schedule 3, part 3, item 17, ‘section 34’—

omit, insert—

section 34(2)

(2) Schedule 3, part 3, items 19 to 21—

omit, insert—

- 19 Extract from the register of information given about a vehicle under section 115(1) or vehicle-related information about a vehicle given under section 117(2)—
- (a) if the vehicle’s registration number, VIN, chassis number or engine number is supplied, for each vehicle 17.95
 - (b) if the name and address of the person in whose name a vehicle is registered are supplied but not the vehicle’s registration number, for each list of vehicle registration numbers supplied 10.75
 - (c) for each extract from archival records, for each vehicle 28.65
 - (d) for each extract certified by the chief executive, for each vehicle 28.65
- 20 Extract from the register of information about a vehicle obtained under section 115(3)—
- (a) if the vehicle’s registration number is supplied, for each vehicle 17.95

[s 26]

- (b) if the name and address of the person in whose name a vehicle is registered are supplied, but not the vehicle's registration number, for each list of vehicle registration numbers supplied 10.75
 - (c) if information about the vehicle is supplied by electronic or disk file, for each vehicle 10.75
 - (d) for each extract certified by the chief executive, for each vehicle 28.65
- (3) Schedule 3, part 3, items 22 and 23—
renumber as schedule 3, part 3, items 21 and 22.

26 Amendment of sch 8 (Dictionary)

Schedule 8, definition *registration certificate*—
omit, insert—

registration certificate means—

- (a) for a vehicle—a certificate issued by the chief executive that includes the matters about the vehicle listed in section 19(2); or
- (b) for a personalised number plate—a certificate issued by the chief executive that includes the matters about the plate mentioned in section 33(2)(c); or
- (c) for a dealer plate—a certificate issued by the chief executive that includes the matters about the plate listed in section 62(5).

ENDNOTES

- 1 Made by the Governor in Council on 6 September 2018.
- 2 Notified on the Queensland legislation website on 7 September 2018.
- 3 The administering agency is the Department of Transport and Main Roads.

© State of Queensland 2018