



Queensland

# Transport and Other Legislation Amendment Regulation (No. 2) 2019

## Subordinate Legislation 2019 No. 121

made under the

*State Penalties Enforcement Act 1999*

*Transport Operations (Marine Safety) Act 1994*

*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. 2) 2019*.

### 2 Commencement

Part 4 commences on 1 July 2019.

## 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—Vehicle Registration) Regulation 2010*, entry for section 127(2)(h)—

*omit, insert—*

s 127(2)(h)(i) 4/5 4/5

s 127(2)(h)(ii) 4/5 4/5

[s 5]

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## **Part 3**                      **Amendment of Transport Operations (Marine Safety) Regulation 2016**

### **5**            **Regulation amended**

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

### **6**            **Amendment of s 210 (Liability for pilotage fees and conservancy dues)**

(1) Section 210(1)—

*omit, insert—*

(1) The owner of a ship is liable for the pilotage fees and conservancy dues payable for the ship under the Act.

(2) Section 210(3)—

*omit.*

(3) Section 210(4), from ‘, and’ to ‘(3),’—

*omit.*

(4) Section 210(4)—

*renumber* as section 210(3).



## **Division 8            Transitional provisions for Transport and Other Legislation Amendment Regulation (No. 2) 2019**

### **180 Application of s 120 to particular persons allocated demerit points before, on or after commencement**

- (1) This section applies if—
  - (a) the requirements of section 120(1)(a) to (d), as in force immediately before the commencement, are satisfied for a person before the commencement; and
  - (b) either—
    - (i) before the commencement, demerit points were recorded on the person's traffic history; or
    - (ii) on or after the commencement, demerit points are recorded on the person's traffic history.
- (2) Section 120, as in force immediately before the commencement, continues to apply in relation to the person.

### **181 Application of s 121 to particular persons allocated demerit points before, on or after commencement**

- (1) This section applies if—
  - (a) the requirements of section 121(1)(a) and (b), as in force immediately before the commencement, are satisfied for a person before the commencement; and
  - (b) either—

- 
- (i) before the commencement, demerit points were recorded on the person's traffic history; or
  - (ii) on or after the commencement, demerit points are recorded on the person's traffic history.
- (2) Section 121, as in force immediately before the commencement, continues to apply in relation to the person.

**182 Application of ss 120 and 121 as amended by Transport and Other Legislation Amendment Regulation (No. 2) 2019**

Sections 120 and 121 as amended by the *Transport and Other Legislation Amendment Regulation (No. 2) 2019* apply in relation to a person to whom a special hardship order, made on or after 1 July 2019, applies.

**Part 5**

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

**11 Regulation amended**

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

**12 Amendment of s 353 (Prescribed offences for ch 5, pt 7 of the Act)**

Section 353(e), 'and 127(2)(f)'—

*omit, insert—*

, 127(2)(f) and (h)(ii);

**13 Amendment of s 353B (Power-assisted bicycles—Act, sch 4, definition *power-assisted bicycle*)**

- (1) Section 353B(2)(b), after ‘electric’—

*insert—*

auxiliary

- (2) Section 353B(3)—

*omit, insert—*

- (3) A vehicle mentioned in the Act, schedule 4, definition *power-assisted bicycle*, paragraph (a)(i) is not a power-assisted bicycle if—

(a) the vehicle has an internal-combustion engine; or

(b) either or both of the following apply to the vehicle—

(i) when propelled only by the motor or motors, the vehicle is capable of going faster than 6km/h;

(ii) the motor or motors of the vehicle are capable of operating when the vehicle is going faster than 25km/h.

**Part 6 Amendment of Transport Operations (Road Use Management—Vehicle Registration) Regulation 2010**

**14 Regulation amended**

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



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**15 Insertion of new s 39**

After section 38—

*insert—*

**39 When number plate must not be attached to a vehicle**

A number plate, other than a dealer plate, must not be attached to a vehicle if—

- (a) the registration of the vehicle has been cancelled and not renewed; or
- (b) it has been more than 3 months since the vehicle's registration expired and the registration has not been renewed.

*Note—*

See section 127(2)(h)(ii).

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

Section 127(2)(h)(ii)—

*omit, insert—*

- (ii) under section 39, the number plate must not be attached to the vehicle; or

ENDNOTES

- 1 Made by the Governor in Council on 27 June 2019.
- 2 Notified on the Queensland legislation website on 28 June 2019.
- 3 The administering agency is the Department of Transport and Main Roads.

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