



Queensland

Transport Operations (Road Use Management) (Road Safety) and Other Legislation Amendment Regulation 2019

Subordinate Legislation 2019 No. 240

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) (Road Safety) and Other Legislation Amendment Regulation 2019*.

2 Commencement

Parts 2 and 3 commence on 1 February 2020.

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—Driver Licensing) Regulation 2010*, entry for section 68(2)—

omit, insert—

s 68(2)

7½

- (2) Schedule 1, entry for *Transport Operations (Road Use Management—Road Rules) Regulation 2009*, entry for section 300(1)—

omit, insert—

s 300(1)

7½

Part 3

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

5 Regulation amended

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

6 Amendment of s 78A (Additional demerit points for mobile phone offences)

Section 78A(2), ‘3’—

omit, insert—

4

7 Amendment of sch 3 (Demerit points)

(1) Schedule 3, after section 3C—

insert—

3D Particular licence holders using mobile phones

The number of points for a contravention of section 68(2) of this regulation is 4.

3E Using mobile phones

The number of points for a contravention of the Queensland Road Rules, section 300(1) is 4.

(2) Schedule 3, sections 29 and 31—

omit.

Part 4 **Amendment of Transport Operations (Road Use Management—Vehicle Registration) Regulation 2010**

8 **Regulation amended**

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

9 **Amendment of s 17 (Deciding applications)**

(1) Section 17—

insert—

- (1B) The chief executive may refuse an application for the registration of a vehicle if all of the following apply—
 - (a) the vehicle, or a part of the vehicle, is subject to the *Consumer Goods (Motor Vehicles With Affected Takata Airbag Inflators and Specified Spare Parts) Recall Notice 2018* (Cwlth) (the **recall notice**);
 - (b) the ACCC gives the chief executive written advice that—
 - (i) the supplier of the vehicle is considered to have complied with its obligations to replace affected airbag inflators under the recall notice; and
 - (ii) an affected airbag inflator fitted within the vehicle has not been replaced in compliance with the recall notice;
 - (c) the chief executive reasonably believes that each affected airbag inflator fitted within the vehicle has not been replaced in compliance with the recall notice.

- (2) Section 17(2), ‘Subsections (1) and (1A)’—
omit, insert—
Subsections (1), (1A) and (1B)

10 Amendment of sch 7 (Grounds for cancellation of registration of registered vehicle)

Schedule 7—

insert—

- 7 A ground exists to cancel the registration of a registered vehicle if—
- (a) the vehicle, or a part of the vehicle, is subject to the *Consumer Goods (Motor Vehicles With Affected Takata Airbag Inflators and Specified Spare Parts) Recall Notice 2018* (Cwlth) (the **recall notice**); and
 - (b) the ACCC gives the chief executive written advice that—
 - (i) the supplier of the vehicle is considered to have complied with its obligations to replace affected airbag inflators under the recall notice; and
 - (ii) an affected airbag inflator fitted within the vehicle has not been replaced in compliance with the recall notice; and
 - (c) the chief executive reasonably believes that each affected airbag inflator fitted within the vehicle has not been replaced in compliance with the recall notice.

11 Amendment of sch 8 (Dictionary)

Schedule 8—

insert—

ACCC means the Australian Competition and Consumer Commission established by the *Competition and Consumer Act 2010* (Cwlth).

affected airbag inflator means an Affected Takata Airbag Inflator under the *Consumer Goods (Motor Vehicles With Affected Takata Airbag Inflators and Specified Spare Parts) Recall Notice 2018* (Cwlth), section 4.

supplier, of a vehicle, means a Supplier under the *Consumer Goods (Motor Vehicles With Affected Takata Airbag Inflators and Specified Spare Parts) Recall Notice 2018* (Cwlth), section 4.

ENDNOTES

- 1 Made by the Governor in Council on 28 November 2019.
- 2 Notified on the Queensland legislation website on 29 November 2019.
- 3 The administering agency is the Department of Transport and Main Roads.

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