



Queensland

Heavy Vehicle National Law Act 2012
Heavy Vehicle National Law (Queensland)
Photo Identification Card Act 2008
Tow Truck Act 1973
Transport Infrastructure Act 1994
Transport Operations (Marine Safety) Act 1994
Transport Operations (Passenger Transport) Act 1994
Transport Operations (Road Use Management) Act 1995
Transport Planning and Coordination Act 1994

Transport Planning and Coordination Regulation 2017

Current as at 10 February 2023

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Transport Planning and Coordination Regulation 2017

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Transport Planning and Coordination Regulation 2017

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*.

[s 5]

5 Transport authority—Act, s 36G

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

- (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 2018*.

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;

[s 9]

- (c) a period of suspension of a transport authority held by the person ends;
 - (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 2A **Access to transport information databases**

Division 1 **Access relating to performing SPER functions**

9 **Definitions for division**

In this division—

authorised person means an individual, or a member of a class of individuals, who—

- (a) is—
 - (i) a SPER official; or
 - (ii) a service contractor; or
 - (iii) employed or otherwise engaged by a service contractor that is not an individual; or
 - (iv) a service subcontractor; or
 - (v) employed or otherwise engaged by a service subcontractor that is not an individual; and
- (b) is authorised in writing by the chief executive to directly access a transport information database.

service contractor see the *State Penalties Enforcement Act 1999*, section 10A(1).

service subcontractor see the *State Penalties Enforcement Act 1999*, section 10B(1).

SPER means the State Penalties Enforcement Registry established under the *State Penalties Enforcement Act 1999*, part 2.

SPER official means—

- (a) the registrar of SPER under the *State Penalties Enforcement Act 1999*, section 10(1); or
- (b) another member of the staff of SPER; or
- (c) an enforcement officer under the *State Penalties Enforcement Act 1999*.

10 Operation and application of division

- (1) This division authorises the disclosure and use of particular information for each of the following provisions—
 - (a) the Heavy Vehicle National Law (Queensland), section 727(1), definition *authorised use*, paragraph (k);
 - (b) the *Photo Identification Card Act 2008*, section 46(2)(b)(i);
 - (c) the *Tow Truck Act 1973*, section 36C(2)(b)(i);
 - (d) the *Transport Infrastructure Act 1994*, section 104(2)(b)(i) or section 105ZN(2)(b)(i);
 - (e) the *Transport Operations (Marine Safety) Act 1994*, section 205AC(2)(b)(i);
 - (f) the *Transport Operations (Passenger Transport) Act 1994*, section 148C(2)(b)(i);
 - (g) the *Transport Operations (Road Use Management) Act 1995*, section 143(2)(b)(i);
 - (h) the *Transport Planning and Coordination Act 1994*, section 36GA(2)(b)(i).

[s 10A]

- (2) This division applies to the extent the disclosure or use of the information is not already required or permitted under a transport Act or another law.
- (3) This division is specified for the Heavy Vehicle National Law (Queensland), section 727(1), definition *relevant law*.

10A Disclosure and use of particular information

- (1) The chief executive may disclose information in a transport information database to an authorised person to enable the person to use the information to perform a function under the *State Penalties Enforcement Act 1999*.
- (2) The authorised person may use the information to perform a function under the *State Penalties Enforcement Act 1999*.
- (3) Without limiting subsection (1), the chief executive may disclose the information to the authorised person by allowing the person to directly access the transport information database.
- (4) The chief executive may disclose the information to the authorised person on the conditions the chief executive considers appropriate.

10B Restriction on use of information

- (1) This section applies to an authorised person to whom information is disclosed by the chief executive under section 10A.
- (2) The authorised person must not use the information—
 - (a) other than for performing a function under the *State Penalties Enforcement Act 1999*; or
 - (b) in contravention of a condition imposed by the chief executive under section 10A(4).

Maximum penalty—20 penalty units.

Division 2 Access to marine transport information databases

10C Definitions for division

In this division—

authorised person, of a prescribed agency—

- (a) means an individual, or a member of a class of individuals, employed or otherwise engaged by the prescribed agency; and
- (b) for the Queensland Police Service—includes a police officer of the Queensland Police Service; and
- (c) for the NSW Police Force—includes a police officer of the NSW Police Force.

marine transport information database means—

- (a) a transport information database kept for the *Transport Operations (Marine Safety) Act 1994*; or
- (b) a transport information database kept for the *Transport Infrastructure Act 1994* relating to—
 - (i) the management of public marine facilities under chapter 15, part 1 of that Act; or
 - (ii) the management of waterways under chapter 15, part 2 of that Act.

prescribed agency means any of the following—

- (a) the Australian Maritime Safety Authority established under the *Australian Maritime Safety Authority Act 1990* (Cwlth);
- (b) the department in which the *Environmental Protection Act 1994* is administered;
- (c) the department in which the *Fisheries Act 1994* is administered;
- (d) the Gold Coast Waterways Authority established under the *Gold Coast Waterways Authority Act 2012*;

[s 10D]

- (e) the Great Barrier Reef Marine Park Authority established under the *Great Barrier Reef Marine Park Act 1975* (Cwlth);
- (f) Transport for New South Wales constituted under the *Transport Administration Act 1988* (NSW);
- (g) the NSW Police Force;
- (h) the Queensland Police Service.

10D Operation and application of division

- (1) This division authorises the disclosure and use of particular information for—
 - (a) the *Transport Operations (Marine Safety) Act 1994*, section 205AC(2)(b)(i); and
 - (b) the *Transport Infrastructure Act 1994*, sections 104(2)(b)(i) and 105ZN(2)(b)(i).
- (2) This division applies to the extent the disclosure or use of the information is not already required or permitted under the Acts mentioned in subsection (1) or another law.

10E Disclosure and use of marine transport information database

- (1) The chief executive may disclose information in a marine transport information database to an authorised person of a prescribed agency to enable the person to use the information for a purpose—
 - (a) for which the agency is authorised to use the information under a law of the Commonwealth or a State; or
 - (b) consistent with the agency's functions under a law of the Commonwealth or a State.
- (2) Without limiting subsection (1), the chief executive may disclose the information to the authorised person by allowing

the person to directly access the marine transport information database.

- (3) The chief executive may disclose the information to the person on the conditions the chief executive considers appropriate.

10F Restriction on use of information

- (1) This section applies to an authorised person to whom information is disclosed by the chief executive under section 10E.
- (2) The authorised person must not use the information—
 - (a) other than for a purpose mentioned in section 10E(1); or
 - (b) in contravention of a condition imposed by the chief executive under section 10E(3).

Maximum penalty—20 penalty units.

Part 3 General

11 Authorised officers—Act, s 28EG

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

- (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;

[s 11A]

- (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.

11A Prescribed matters—Act, s 28EHA

- (1) For section 28EHA(1)(b) of the Act, a prescribed matter is an application made under the *Transport Operations (Road Use Management—Driver Licensing) Regulation 2021* for a relevant Queensland driver licence if—
 - (a) the applicant is a person to whom the following provisions of that regulation apply—
 - (i) section 54(2)(a);
 - (ii) section 62(2)(a);
 - (iii) section 116(2)(a);
 - (iv) section 120(4);
 - (v) section 124(2)(a);
 - (vi) section 166(2);
 - (vii) section 170(3);
 - (viii) section 172(2); and
 - (b) the application is made before the applicant completes an online road rules test under that regulation.
- (2) In this section—

relevant Queensland driver licence means an open licence, provisional licence or probationary licence under the *Transport Operations (Road Use Management) Act 1995*.

11B Relevant Act—Act, s 29AB

For section 29AB of the Act, definition *relevant Act*, each of the following Acts is prescribed to be a relevant Act—

- (a) the *Photo Identification Card Act 2008*;

- (b) the *Transport Operations (Marine Safety) Act 1994*;
- (c) the *Transport Operations (Road Use Management) Act 1995*.

11C Relevant authority—Act, s 29AB

For section 29AB of the Act, definition *relevant authority*, paragraph (a), each of the following authorities is prescribed as a relevant authority—

- (a) a photo identification card under the *Photo Identification Card Act 2008*;
- (b) a personal watercraft licence granted under the *Transport Operations (Marine Safety) Regulation 2016*, section 61;
- (c) a recreational marine driver licence granted under the *Transport Operations (Marine Safety) Regulation 2016*, section 61;
- (d) a Queensland driver licence under the *Transport Operations (Road Use Management) Act 1995*.

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).

12A Prescribed authorisation Acts—Act, sch 1

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

- (a) the *Disability Services Act 2006*;
- (b) the *Photo Identification Card Act 2008*;

[s 12B]

- (c) the *Tow Truck Act 1973*;
- (d) the *Transport Operations (Marine Safety) Act 1994*;
- (e) the *Transport Operations (Passenger Transport) Act 1994*;
- (f) the *Transport Operations (Road Use Management) Act 1995*;
- (g) the *Work Health and Safety Act 2011*;
- (h) the *Working with Children (Risk Management and Screening) Act 2000*.

12B Prescribed authorities—Act, sch 1

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

- (a) an NDIS clearance or State clearance, or a clearance card for an NDIS clearance or State clearance, under the *Disability Services Act 2006*;
- (b) a photo identification card under the *Photo Identification Card Act 2008*;
- (c) 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*;
- (d) a marine licence, marine licence indicator or smartcard marine licence indicator under the *Transport Operations (Marine Safety) Act 1994*;
- (e) a driver authorisation or authorising document under the *Transport Operations (Passenger Transport) Act 1994*;
- (f) a Queensland driver licence under the *Transport Operations (Road Use Management) Act 1995*;
- (g) 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 that 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.

- (h) a dangerous goods driver licence or driver authorising document under the *Transport Operations (Road Use Management—Dangerous Goods) Regulation 2018*;
- (i) a high risk work licence, or a licence document for a high risk work licence, under the *Work Health and Safety Regulation 2011*;
- (j) a working with children authority, or a working with children card for a working with children authority, under the *Working with Children (Risk Management and Screening) Act 2000*.

13 Transport Acts—Act, sch 1

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

- (a) the *Photo Identification 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.

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.

Schedule 1 Dictionary

section 3

authorised person—

- (a) for part 2A, division 1, see section 9; or
- (b) for part 2A, division 2, see section 10C.

marine transport information database, for part 2A, division 2, see section 10C.

NSW Police Force means the NSW Police Force established under the *Police Act 1990* (NSW).

prescribed agency, for part 2A, division 2, see section 10C.

public marine facility see the *Transport Infrastructure Act 1994*, schedule 6.

service contractor, for part 2A, division 1, see section 9.

service subcontractor, for part 2A, division 1, see section 9.

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

SPER, for part 2A, division 1, see section 9.

SPER official, for part 2A, division 1, see section 9.

transport authority see section 5.

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