



Queensland

Transport and Other Legislation Amendment Regulation (No.1) 2016

Subordinate Legislation 2016 No. 150

made under the

State Penalties Enforcement Act 1999

Transport Operations (Road Use Management) Act 1995

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[s 1]

Part 1 Preliminary

1 Short title

This regulation may be cited as the *Transport and Other Legislation Amendment Regulation (No.1) 2016*.

2 Commencement

- (1) This regulation, other than part 4, commences on 1 October 2016.
- (2) Part 4 commences on 17 December 2016.

Part 2 Amendment of Transport Operations (Road Use Management—Accreditation and Other Provisions) Regulation 2015

3 Regulation amended

This part amends the *Transport Operations (Road Use Management—Accreditation and Other Provisions) Regulation 2015*.

4 Amendment of s 34 (Necessary expertise—Act, s 21(1))

Section 34(b), from ‘in assessment’—
omit, insert—

in each of the following—

- (i) assessment and workplace training;
- (ii) delivering training under the Q-Ride training curriculum.

5 Amendment of s 38 (Competency recommendation notices)

- (1) Section 38(1)(b), from ‘in accordance’—

omit, insert—

required under the Q-Ride training curriculum.

- (2) Section 38(2), ‘give the competent rider a competency declaration’—

omit, insert—

complete a competency declaration for the competent rider

- (3) Section 38(2), note, ‘giving of a competency declaration to’—

omit, insert—

completion of a competency declaration for

- (4) Section 38(4)—

omit.

- (5) Section 38(5)—

renumber as section 38(4).

6 Amendment of s 40 (Making Q-Ride training records)

Section 40(f), after ‘competencies’—

insert—

required under the Q-Ride training curriculum

7 Amendment of s 64 (Change of name, address or postal address)

- (1) Section 64(2), ‘executive prescribed notice of the change.’—

omit, insert—

executive—

- (a) for a change of name—written notice of the change; or
 - (b) for any other change—notice of the change.
- (2) Section 64(6)—
omit.

8 Amendment of s 73 (Suitability for part 3 approvals)

Section 73(1)(a), ‘registered service provider standards’—
omit, insert—
business rules for providing Q-Ride training

9 Amendment of s 84 (Making eligible person record)

Section 84(b)(vi)—
omit, insert—
(vi) if the provider completes a competency declaration for the eligible person—the serial number of the competency declaration and the date on which the competency declaration was completed.

10 Amendment of s 85 (Keeping of training records)

- (1) Section 85(1)(a)(i)—
omit, insert—
(i) if the provider has completed a competency declaration for the eligible person—the date on which the competency declaration was completed; or
- (2) Section 85(2), definition *training records*, paragraph (d)—
omit, insert—
(d) for a competency declaration completed for, and given to, an eligible person using a

competency declaration form issued by the chief executive—a copy of the competency declaration.

11 Amendment of s 86 (Requirement to give competency declaration)

- (1) Section 86, heading, ‘give’—

omit, insert—

complete

- (2) Section 86(1)(b), ‘any of the following apply’—

omit, insert—

either of the following applies

- (3) Section 86(1)(b)(i)—

omit.

- (4) Section 86(1)(b)(iii), from ‘in accordance’ to ‘standards’—

omit, insert—

required under the Q-Ride training curriculum

- (5) Section 86(1)(b)(ii) and (iii)—

renumber as section 86(1)(b)(i) and (ii).

- (6) Section 86(2), from ‘and give’ to ‘declaration’—

omit, insert—

a competency declaration for the eligible person

- (7) Section 86(3) and (4)—

omit, insert—

- (3) A competency declaration is **completed** for an eligible person—

- (a) using a competency declaration form issued by the chief executive if—

- (i) the form is properly completed; and

[s 12]

- (ii) the form is signed by the provider, if the provider is an individual, or a nominated person for the provider; and
 - (iii) the form is given to the eligible person; or
- (b) using a form that is part of an online system provided by the chief executive if—
- (a) the form is properly completed by the provider, if the provider is an individual, or a nominated person for the provider; and
 - (b) the online system records the competency declaration as completed.

Note—

See the *Acts Interpretation Act 1954*, section 48A(2) for provisions about when an approved form is properly completed, which include that a requirement to complete the form in a specified way or include specified information has been complied with.

- (8) Section 86(5)—
renumber as section 86(4).

12 **Amendment of s 87 (Restriction on giving competency declaration)**

- (1) Section 87, heading, ‘giving’—
omit, insert—
completing
- (2) Section 87, ‘give the eligible person a competency declaration’—
omit, insert—
complete a competency declaration for the eligible person in a way

- (3) Section 87, example, ‘gives the eligible person a competency declaration’—

omit, insert—

completes a competency declaration for the eligible person

- (4) Section 87, example, paragraphs (a), (b) and (c), after ‘to ride’—

insert—

, or learn to ride,

- (5) Section 87, example, paragraph (c), from ‘consistent assessment’ to ‘standards’—

omit, insert—

Q-Ride training curriculum

13 Omission of ss 88 and 89

Sections 88 and 89—

omit.

14 Amendment of s 91 (False statements)

Section 91(c)—

omit, insert—

- (c) may complete a competency declaration for a person.

15 Amendment of s 92 (False advertising)

Section 92(c)—

omit, insert—

- (c) may complete a competency declaration for a person.

16 Replacement of s 93 (Registered service provider standards)

Section 93—

omit, insert—

93 Chief executive may make rules for providing Q-Ride training

- (1) The chief executive may make rules (*business rules for providing Q-Ride training*) for the provision of Q-Ride training by a registered service provider.
- (2) The business rules for providing Q-Ride training must provide for the content, quality and assessment processes of a curriculum for Q-Ride training (the *Q-Ride training curriculum*) that must be given by a registered service provider.
- (3) The business rules for providing Q-Ride training may also provide for any other matter the chief executive considers appropriate, including, for example, the following—
 - (a) particular matters relating to the operation of a registered service provider’s business;
 - (b) the procedures and practices a registered service provider must comply with in giving the training.
- (4) The chief executive must publish the business rules for providing Q-Ride training on the department’s website.

17 Omission of ss 94–96

Sections 94 to 96—

omit.

18 Amendment of s 98 (Reasonable excuse)

(1) Section 98(1), ‘5(3) or (4), (6)(2)(b) or (3) or’—

omit.

(2) Section 98(2)(a) to (c)—

omit, insert—

(a) a notice mentioned in schedule 2, section 8(4); or

(b) information directly or indirectly derived from the notice.

19 Amendment of sch 1, s 5 (Allowing chief executive to observe rider trainer giving Q-Ride training)

Schedule 1, section 5, from ‘delivery of’ to ‘Q-Ride training’—

omit, insert—

registered service provider’s delivery of the Q-Ride training curriculum

20 Insertion of new sch 1, s 6A

Schedule 1—

insert—

6A Vehicles must comply with standards and be serviced

A driver trainer who provides a vehicle for providing pre-licence driver training to a learner or a rider trainer who provides a motorbike for providing Q-Ride training to an eligible person must ensure the vehicle—

(a) complies with the requirements stated in the Vehicle Standards and Safety Regulation, section 5(1)(a)(i) to (vi) and is not defective; and

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(b) is serviced in accordance with the manufacturer's recommendations.

Note—

See section 29 of this regulation for other requirements for a car provided by a driver trainer for providing pre-licence driver training to a learner.

21 Replacement of sch 2, s 2 (Compliance with registered service provider standards)

Schedule 2, section 2—

omit, insert—

2 Compliance with business rules for providing Q-Ride training

A registered service provider must not contravene the business rules for providing Q-Ride training.

22 Replacement of sch 2, ss 5–7

Schedule 2, sections 5 to 7—

omit, insert—

5 Authorisation to use particular areas for Q-Ride training

- (1) If a registered service provider provides Q-Ride training in an area not owned or leased by the provider, the provider must have a written authorisation from the owner of the area that complies with subsection (2).
- (2) For subsection (1), the written authorisation—
 - (a) must state the following—
 - (i) that the registered service provider is authorised to use the area for Q-Ride training;

- (ii) the days and times when the area may be used by the provider for Q-Ride training;
 - (iii) that, on the days and at the times stated under subparagraph (ii), the provider has exclusive use of the area and may prevent access to the area; and
- (b) must not have been withdrawn by written notice given by the owner to the provider.
- (3) The registered service provider must not provide Q-Ride training in the area other than on the days and at the times stated in the written authorisation.

6 Motorbikes must comply with standards and be serviced

If a registered service provider provides a motorbike for providing Q-Ride training to an eligible person, the provider must ensure the motorbike—

- (a) complies with the requirements stated in the Vehicle Standards and Safety Regulation, section 5(1)(a)(i) to (vi) and is not defective; and
- (b) is serviced in accordance with the manufacturer's recommendations.

23 Amendment of sch 2, s 8 (Chief executive's audit of delivery of program of Q-Ride training)

- (1) Schedule 2, section 8, heading, from 'of delivery'—
omit, insert—

for compliance with business rules

- (2) Schedule 2, section 8(1), from 'delivery of'—
omit, insert—

provider's compliance with the business rules for providing Q-Ride training.

- (3) Schedule 2, section 8(4), 'registered service provider standards'—

omit, insert—

business rules for providing Q-Ride training

- (4) Schedule 2, section 8(7)—

omit.

24 Amendment of sch 2, s 10 (Giving competency declarations)

- (1) Schedule 2, section 10, after 'competency declaration'—

insert—

completed using a competency declaration form issued by the chief executive

- (2) Schedule 2, section 10—

insert—

- (2) A registered service provider must ensure a competency declaration completed using a form that is part of an online system provided by the chief executive is only completed by—

(a) if the provider is an individual—the provider or a nominated person for the provider; or

(b) otherwise—a nominated person for the provider.

25 Amendment of sch 7 (Dictionary)

- (1) Schedule 7, definitions *auditor, competencies, competency declaration, competency standards, eligible person, mandatory particulars* and *registered service provider standards*—

omit.

(2) Schedule 7—

insert—

business rules for providing Q-Ride training see section 93(1).

competency declaration means a declaration, in the approved form, by a registered service provider declaring the eligible person named in the declaration has attained the competencies required under the Q-Ride training curriculum—

- (a) to learn to ride a class RE motorbike; or
- (b) to ride the class of motorbike stated in the declaration.

completed, for a competency declaration, see section 86(3).

eligible person means a person who is—

- (a) to receive Q-Ride training for a class RE motorbike—
 - (i) eligible for a class RE learner licence under the *Transport Operations (Road Use Management—Driver Licensing) Regulation 2010*, section 11; or
 - (ii) authorised to learn to ride, or receive Q-Ride training for, a class RE motorbike under the *Transport Operations (Road Use Management—Driver Licensing) Regulation 2010*, section 4 or 128; or
- (b) to receive Q-Ride training for a class R motorbike—authorised to learn to ride, or receive Q-Ride training for, a class R motorbike under the *Transport Operations (Road Use Management—Driver Licensing) Regulation 2010*, section 4 or 128.

Q-Ride training curriculum see section 93(2).

- (3) Schedule 7, definition *Q-Ride training*, paragraph (a), from ‘for riding’—

omit, insert—

required under the Q-Ride training curriculum for learning to ride a class RE motorbike or riding a class RE or R motorbike;

Part 3

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

26 Regulation amended

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

27 Amendment of s 4 (Motorbike licences)

Section 4(3), ‘1 year’—

omit, insert—

2 years

28 Insertion of new s 10CA

After section 10C—

insert—

10CA Competency declaration (learner) for class RE learner licence applicant

- (1) This section applies to an applicant for a class RE learner licence if the applicant’s principal place of residence is within a 100km radius of a Q-Ride training area.

-
- (2) However, this section does not apply to an applicant for a class RE learner licence if—
- (a) the applicant held, within 5 years before applying for the licence, any of the following licences which correspond to a class RE learner licence—
 - (i) an Australian driver licence;
 - (ii) a driver licence granted under the law of New Zealand or a recognised country;
 - (iii) if the applicant is at least 25 years old—a driver licence granted under the law of an experienced driver recognition country; or
 - (b) the applicant is applying as a returning driver; or
 - (c) the applicant has, within 1 year before applying for the licence, successfully completed a practical training course in riding a motorbike to obtain an Australian driver licence that corresponds to a class RE learner licence.
- (3) The applicant must hold a competency declaration (learner).

29 Amendment of s 11 (Learner licence—class RE)

Section 11(1)(a) and (b)—

omit, insert—

- (a) the person holds a P1 type, P2 type, P type or O type licence of another class; and
- (b) the person has held a P1 type, P2 type, P type or O type licence of another class for at least 1 year during the 5 years before applying for the class RE learner licence.

30 Amendment of s 13 (Provisional or probationary licence—class RE)

- (1) Section 13(1)(a)(ii) and (iii)—

omit, insert—

- (ii) holds a class RE learner licence; and
- (iii) has held a class RE learner licence for—
 - (A) if the person holds a competency declaration (learner)—at least 3 months during the 5 years before applying for the licence; or
 - (B) otherwise—at least 1 year during the 5 years before applying for the licence; or

- (2) Section 13(2)(a)(iii), after ‘1 year’—

insert—

during the 5 years before applying for the licence

- (3) Section 13(2)(b)(ii) and (iii)—

omit, insert—

- (ii) holds a class RE learner licence; and
- (iii) has held a class RE learner licence for—
 - (A) if the person holds a competency declaration (learner)—at least 3 months during the 5 years before applying for the licence; or
 - (B) otherwise—at least 1 year during the 5 years before applying for the licence; or

- (4) Section 13(2)(c)(iii)—

omit, insert—

- (iii) has held a class RE learner licence for—

-
- (A) if the person holds a competency declaration (learner)—at least 3 months during the 5 years before applying for the licence; or
- (B) otherwise—at least 1 year during the 5 years before applying for the licence; or
- (5) Section 13(2)(d)(ii)—
omit, insert—
- (ii) has held a licence mentioned in subparagraph (i) for at least 3 months during the 5 years before applying for the licence; and
- (6) Section 13(3)(a)(iii)—
omit, insert—
- (iii) has held a class RE learner licence for—
- (A) if the person holds a competency declaration (learner)—at least 3 months during the 5 years before applying for the licence; or
- (B) otherwise—at least 1 year during the 5 years before applying for the licence; or
- (7) Section 13(3)(b)(iii) and (iv)—
omit, insert—
- (iii) has held a licence mentioned in subparagraph (i) for at least 3 months during the 5 years before applying for the licence; and
- (iv) has held a P1 type, P2 type, P type or O type licence of another class for at least 1 year during the 5 years before applying for the licence; or

31 Amendment of s 15 (Open licence—class RE)

(1) Section 15(1)(a)(ii)—

omit, insert—

(ii) has held a class RE learner licence for—

(A) if the person holds a competency declaration (learner)—at least 3 months during the 5 years before applying for the licence; or

(B) if the licence was granted outside Queensland—at least 3 months during the 5 years before applying for the licence; or

(C) otherwise—at least 1 year during the 5 years before applying for the licence; and

(2) Section 15(1)(a)(iv), ‘O type licence mentioned in subparagraph (iii)’—

omit, insert—

licence mentioned in subparagraph (i)

32 Amendment of s 16B (Meaning of *returning driver*)

Section 16B, note, after ‘sections’—

insert—

10CA(2)(b),

33 Amendment of s 18 (Upgrading class RE licence to class R licence)

Section 18(1)(b), ‘1 year’—

omit, insert—

2 years

34 Amendment of s 41 (P1 provisional or P1 probationary licence—class RE)

Section 41(a), from ‘for at least’—

omit, insert—

for—

- (i) if the person holds a competency declaration (learner)—at least 3 months during the 5 years before applying for the licence; or
- (ii) otherwise—at least 1 year during the 5 years before applying for the licence; and

35 Amendment of s 42 (P2 provisional or P2 probationary licence—class RE)

Section 42(1)(a), from ‘for at least’—

omit, insert—

for—

- (i) if the person holds a competency declaration (learner)—at least 3 months during the 5 years before applying for the licence; or
- (ii) otherwise—at least 1 year during the 5 years before applying for the licence; and

36 Amendment of s 43 (P provisional or P probationary licence—class RE)

Section 43(1)(a), from ‘for at least’—

omit, insert—

for—

- (i) if the person holds a competency declaration (learner)—at least 3 months during the 5 years before applying for the licence; or
- (ii) otherwise—at least 1 year during the 5 years before applying for the licence; and

37 Amendment of s 44 (Open licence—class RE)

Section 44(a), from ‘for at least’—

omit, insert—

for—

- (i) if the person holds a competency declaration (learner)—at least 3 months during the 5 years before applying for the licence; or
- (ii) otherwise—at least 1 year during the 5 years before applying for the licence; and

38 Amendment of s 46 (P1 provisional or P1 probationary licence—class R)

Section 46(1)(a)(ii), from ‘for at least’—

omit, insert—

for—

- (A) if the person holds a competency declaration (learner)—at least 3 months during the 5 years before applying for the licence; or
- (B) otherwise—at least 1 year during the 5 years before applying for the licence; or

39 Amendment of s 47 (P2 provisional or P2 probationary licence—class R)

Section 47(1)(a)(ii), from ‘for at least’—

omit, insert—

for—

- (A) if the person holds a competency declaration (learner)—at least 3 months during the 5 years before applying for the licence; or
- (B) otherwise—at least 1 year during the 5 years before applying for the licence; or

40 Amendment of s 48 (P provisional or P probationary licence—class R)

Section 48(1)(a)(ii), from ‘for at least’—

omit, insert—

for—

- (A) if the person holds a competency declaration (learner)—at least 3 months during the 5 years before applying for the licence; or
- (B) otherwise—at least 1 year during the 5 years before applying for the licence; or

41 Amendment of s 49 (Open licence—class R)

Section 49(a)(ii), from ‘for at least’—

omit, insert—

for—

- (A) if the person holds a competency declaration (learner)—at least 3 months during the 5 years before applying for the licence; or
- (B) otherwise—at least 1 year during the 5 years before applying for the licence; or

42 Amendment of s 64 (Passengers on motorbikes)

(1) Section 64(1), from ‘unless the person’—

omit, insert—

unless—

- (a) the person—
 - (i) holds a class RE P1 type, P2 type, P type or open licence; and
 - (ii) has held the licence for at least 1 year; or

(b) the person holds a class R P1 type, P2 type, P type or open licence.

Maximum penalty—20 penalty units.

(2) Section 64(2), from ‘the person’—

omit, insert—

the person holds a class R P1 type, P2 type, P type or open licence.

Maximum penalty—20 penalty units.

43 Amendment of s 133 (Change of name, address or postal address)

Section 133(3), ‘(2)(c)’—

omit, insert—

(2)(b)

44 Insertion of new pt 19, div 6

After section 177—

insert—

**Division 6 Transitional provision for
Transport and Other
Legislation Amendment
Regulation (No.1) 2016**

178 Existing class RE licence holders

- (1) This section applies to a person who, immediately before the commencement, held a class RE learner, provisional, probationary or open licence.
- (2) The following sections, as in force before the commencement, continue to apply to the person—

- section 4(3);
- section 13;
- section 15;
- section 18;
- sections 41 to 44;
- sections 46 to 49.

45 Amendment of sch 9 (Dictionary)

(1) Schedule 9—

insert—

competency declaration (learner) means a valid competency declaration under the *Transport Operations (Road Use Management—Accreditation and Other Provisions) Regulation 2015* that declares the person named in the declaration has attained the competencies required under the Q-Ride training curriculum to learn to ride a class RE motorbike.

(2) Schedule 9, definition *competency declaration*, after ‘*Regulation 2015*’—

insert—

, other than a competency declaration (learner)

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

46 **Regulation amended**

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

47 **Amendment of sch 4 (Dictionary)**

- (1) Schedule 4, definition *COI vehicle*, paragraph (d)—
omit.
- (2) Schedule 4, definition *COI vehicle*, paragraphs (e) to (g)—
renumber as schedule 4, definition *COI vehicle*, paragraphs (d) to (f).

Part 5 **Amendment of State Penalties Enforcement Regulation 2014**

48 **Regulation amended**

This part amends the *State Penalties Enforcement Regulation 2014*.

49 **Amendment of sch 1 (Infringement notice offences and fines for nominated laws)**

Schedule 1, entry for *Transport Operations (Road Use Management—Accreditation and Other Provisions)*

Regulation 2015, column 1 and 2 entries for sections 88(1), 88(2), 89(1) and 89(3)—

omit.

ENDNOTES

- 1 Made by the Governor in Council on 25 August 2016.
- 2 Notified on the Queensland legislation website on 26 August 2016.
- 3 The administering agency is the Department of Transport and Main Roads.

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