



Queensland

Transport Legislation Amendment Regulation (No. 2) 2016

Subordinate Legislation 2016 No. 241

made under the

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 Legislation Amendment Regulation (No. 2) 2016*.

2 Commencement

Part 5, other than section 24(1) and (3), commences on 17 December 2016.

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

3 Regulation amended

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

4 Amendment of sch 1 (Coastal bars)

Schedule 1, entry for Gold Coast Seaway Bar, from ‘on’ to ‘Point’—

omit, insert—

and Porpoise Point on South Stradbroke Island

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 70 (High-powered vehicles)

(1) Section 70(2)(b)—

renumber as section 70(2)(c).

(2) Section 70(2)—

insert—

(b) the person is—

(i) a person to whom a current certificate of exemption issued under section 71A applies; and

(ii) driving the vehicle in accordance with the certificate; or

(3) Section 70(4), from ‘a current’ to ‘request.’—

omit, insert—

1 of the following documents, unless the person has a reasonable excuse for not complying with the request—

(a) a current certificate of exemption issued to the person under section 71;

(b) a current certificate of exemption issued under section 71A that applies to the person;

- (c) a copy of a current certificate of exemption issued under section 71A that applies to the person.

7 Amendment of s 71 (Certificate of exemption—high-powered vehicles)

Section 71, heading—

omit, insert—

71 Certificate of exemption for high-powered vehicles—individual

8 Insertion of new s 71A

After section 71—

insert—

71A Certificate of exemption for high-powered vehicles—business

- (1) A person may apply to the chief executive for a certificate of exemption about the person or the person's employees driving high-powered vehicles on a road for the operation of the person's business.
- (2) The application must be in the approved form.
- (3) The chief executive must deal with the application in a timely way and must decide to either grant or refuse to grant the application.
- (4) The chief executive may grant the application only if satisfied that—
 - (a) driving high-powered vehicles on a road is necessary for the operation of the person's business; and
 - (b) the person is, or employs, a person mentioned in section 70(1) who performs a duty for the business; and

- (c) it is likely, because of the nature of the duty, the person mentioned in section 70(1) will be required to drive high-powered vehicles on a road to perform the duty.

Example for paragraph (c)—

A duty to service vehicles performed by an apprentice mechanic is likely to require the mechanic to drive high-powered vehicles on a road to test vehicles being serviced.

- (5) If the chief executive decides to grant the application, the chief executive must issue a certificate of exemption to the person about the person, or the person's employees, driving high-powered vehicles on a road.
- (6) The certificate is subject to the condition that the person, or an employee of the person, who is a person mentioned in section 70(1) may drive a high-powered vehicle on a road only—
 - (a) to perform a duty for the business; and
 - (b) if the nature of the duty requires the person to drive the high-powered vehicle on a road to perform the duty.
- (7) The chief executive may issue the certificate on any other condition the chief executive considers is reasonable in the circumstances.
- (8) The certificate—
 - (a) must be in the approved form; and
 - (b) must state the condition mentioned in subsection (6) and any conditions imposed by the chief executive on the certificate; and
 - (c) must state any matters in relation to which the person must notify the chief executive, under section 74D, of any change.
- (9) If the chief executive decides not to grant the application, the chief executive must give the

person a written notice stating—

- (a) the decision; and
- (b) the reasons for the decision; and
- (c) that the person may apply for a reconsideration of the decision under section 132; and
- (d) that the person is also able, under section 65A of the Act, to apply to QCAT for a review of the decision on the reconsideration.

9 Amendment of s 74A (Definition for div 3)

- (1) Section 74A, heading, ‘Definition’—

omit, insert—

Definitions

- (2) Section 74A, definition *certificate of exemption*, after ‘71’—

insert—

, 71A

10 Amendment of s 74B (Grounds for amending, suspending or cancelling certificates of exemption)

- (1) Section 74B(b), after ‘holder’—

insert—

or another person to whom the certificate applies

- (2) Section 74B(c)(ii)—

renumber as section 74B(c)(iii).

- (3) Section 74B(c)—

insert—

- (ii) for a certificate of exemption issued under section 71A—section 71A(4); or

[s 11]

11 Amendment of s 74D (Holder of certificate of exemption must give notice of change in circumstances)

Section 74D(2), definition *relevant change of circumstances*,
after ‘71(10)(d)’—

insert—

, 71A(8)(c)

12 Amendment of s 128 (Non-Queensland driver licence)

(1) Section 128—

insert—

(1A) Also, a valid foreign driver licence, other than a limited vehicle licence, authorises the holder to drive a class C vehicle on a Queensland road.

(1B) Subsection (1A) applies even if the holder of the foreign driver licence would not be authorised to drive a vehicle with the same GVM, or a vehicle built or fitted to carry the same number of passengers, under the licence.

(2) Section 128(4), after ‘(1)’—

insert—

or (1A)

(3) Section 128(13)—

insert—

limited vehicle licence means a foreign driver licence that authorises the holder to drive a motorbike or specially constructed vehicle only.

13 Amendment of s 132 (Reconsideration of decision by chief executive)

(1) Section 132(1)(h) to (l)—

renumber as section 132(1)(i) to (n).

(2) Section 132(1)—

insert—

(h) has, under section 71A, decided not to grant a certificate of exemption about a person, or the person's employees, driving high-powered vehicles; or

(3) Section 132(3)(a), '(k)'—

omit, insert—

(m)

(4) Section 132(3)(b), '(1)(l)'—

omit, insert—

(1)(n)

(5) Section 132(5)(b)(i) and (7), '(i) or (j)'—

omit, insert—

(k) or (l)

(6) Section 132(5)(b)(ii) and (6), '(ha), (k) or (l)'—

omit, insert—

(j), (m) or (n)

(7) Section 132(8), definition *original decision*, '(l)'—

omit, insert—

(n)

14 Amendment of sch 1 (Fees)

Schedule 1, item 8, from 'for' to 'vehicle'—

omit, insert—

or 71A for a certificate of exemption for driving a high-powered vehicle

Part 4

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

15 Regulation amended

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

16 Replacement of s 15 (Driving or towing unregistered vehicle to place for inspection or for testing as part of inspection)

Section 15—

omit, insert—

15 Driving or towing unregistered vehicle

- (1) A person may drive or tow an unregistered vehicle on a road to any of the places mentioned in subsection (2), or for the testing mentioned in subsection (3), if—
 - (a) it is necessary for, or reasonably connected with, registering the vehicle under this regulation; and
 - (b) an application to register the vehicle (*registration form*) has been completed; and
 - (c) if the vehicle is required to be insured under the *Motor Accident Insurance Act 1994*, a current insurance certificate has been issued for the vehicle; and
 - (d) the documents mentioned in paragraphs (b) and (c) are—
 - (i) for a trailer—carried in the motor vehicle towing the trailer; or

-
- (ii) for another vehicle—carried in the vehicle.

Note—

See also section 64(1A).

- (2) For subsection (1), the places are as follows—
- (a) an AIS, if the vehicle is driven or towed to the AIS for inspection for the purpose of obtaining an inspection certificate under the Vehicle Standards and Safety Regulation;
 - (b) a written-off vehicle inspection site, if the vehicle is recorded in the register as a repairable write-off and it is driven or towed to the site for the purpose of obtaining a written-off vehicle inspection report;
 - (c) the vehicle's garage address stated in the registration form;
 - (d) an office of the chief executive, if the vehicle is driven or towed to the office to register the vehicle;
 - (e) another place, if the chief executive requires the vehicle to be taken to the place.

Examples for paragraph (e)—

- a place for inspecting by the Queensland Police Service
 - a place for having an identifying number stamped
 - a place for obtaining a gas certificate
 - a weighbridge for obtaining a measurement ticket
- (3) For subsection (1), the person may drive or tow the vehicle for testing to confirm the safe operation of the vehicle as part of an inspection mentioned in subsection (2)(a).

17 Amendment of s 64 (Use of dealer plates)

Section 64(1A)(b), ‘15(2)’—

omit, insert—

15(1)

18 Amendment of s 80 (Written-off vehicles must not be used on road)

(1) Section 80(1) and (2)(b), from ‘the’ to ‘regulation,’—

omit, insert—

a relevant register

(2) Section 80(3)(a)—

omit, insert—

(a) the person drives or tows the vehicle to any of the places mentioned in subsection (4), or for the testing mentioned in subsection (5), if it is necessary for, or reasonably connected with, changing a relevant register to no longer record the vehicle as a repairable write-off; or

(3) Section 80—

insert—

(4) For subsection (3)(a), the places are as follows—

(a) an AIS, if the vehicle is driven or towed to the AIS for inspection for the purpose of obtaining an inspection certificate under the Vehicle Standards and Safety Regulation;

(b) a written-off vehicle inspection site, if there is a current inspection certificate for the vehicle under the Vehicle Standards and Safety Regulation and it is driven or towed to the site for the purpose of obtaining a written-off vehicle inspection report;

-
- (c) the vehicle's garage address, if there is a current inspection certificate for the vehicle under the Vehicle Standards and Safety Regulation;
- (d) another place, if the chief executive requires the vehicle to be taken to the place.

Examples for paragraph (d)—

- a place for inspecting by the Queensland Police Service
 - a place for obtaining a gas certificate
 - a place for having an identifying number stamped
- (5) For subsection (3)(a), the person may drive or tow the vehicle for testing to confirm the safe operation of the vehicle as part of an inspection mentioned in subsection (4)(a).
- (6) In this section—
- relevant register*** means—
- (a) the register; or
- (b) a register kept under a corresponding law to this regulation.

19 Insertion of new s 116A

After section 116—

insert—

116A Release of information to entity that maintains NEVDIS

- (1) The chief executive may, for the NEVDIS arrangement, give an extract from the register of information about a vehicle to the entity that maintains NEVDIS.
- (2) The information given under subsection (1) may include personal information about the vehicle's

current or previous registered operator.

(2) In this section—

NEVDIS arrangement means the arrangement mentioned in section 112, definition *NEVDIS*, paragraph (a).

20 Amendment of s 117 (Release of vehicle-related information)

Section 117(3), after ‘116’—

insert—

, 116A

21 Amendment of sch 8 (Dictionary)

(1) Schedule 8, definition *dealer*, paragraph (a), from ‘dealer’s’ to ‘2000’—

omit, insert—

dealer licence under the *Motor Dealers and Chattel Auctioneers Act 2014*

(2) Schedule 8, definition *low-powered motor vehicle*—

omit, insert—

low-powered motor vehicle means a motor vehicle that—

(a) does not have an internal-combustion engine; and

(b) is propelled by—

(i) a motor with a maximum power output of not more than 200W; or

(ii) 2 or more motors with a combined maximum power output of not more than 200W.

- (3) Also, the owner is taken to comply with section 23(1A) if the owner, when asked by a prospective buyer or buyer's agent, produces any of the following for inspection by the prospective buyer or buyer's agent—
 - (a) if the certificate of inspection for the vehicle was issued manually—the certificate;
 - (b) if the certificate of inspection for the vehicle was issued electronically—a copy of the certificate;
 - (c) if there is also a current safety certificate issued manually for the vehicle—either the certificate or the label that comprises the safety certificate.
- (4) A dealer who is acting for the owner of the vehicle in relation to its disposal is taken to comply with section 23(2) if the dealer, when asked by a prospective buyer or buyer's agent, produces any of the following for inspection by the prospective buyer or buyer's agent—
 - (a) if the certificate of inspection for the vehicle was issued manually—the certificate;
 - (b) if the certificate of inspection for the vehicle was issued electronically—a copy of the certificate;
 - (c) if there is also a current safety certificate issued manually for the vehicle—either the certificate or the label that comprises the safety certificate.
- (5) For the purpose of this section, despite schedule 4, definition *certificate of inspection*, it does not matter that after the commencement the vehicle for which the certificate of inspection is issued is no longer a COI vehicle.
- (6) In this section—

buyer's agent see section 23(5).

prospective buyer see section 23(5).

58 Existing certificate of inspection—disposal of vehicle

- (1) This section applies to the owner of a vehicle used for driver training for reward if, after the commencement, the owner—
 - (a) possesses a current certificate of inspection that was issued for the vehicle before the commencement; and
 - (b) disposes of the vehicle to another person.
- (2) The owner of the vehicle is taken to comply with section 24(1)(b) if the owner gives the other person—
 - (a) if the certificate of inspection was issued electronically—a copy of the certificate or the certificate number; or
 - (b) otherwise—the original copy of the certificate.
- (3) For the purpose of this section and section 24, despite schedule 4, definition *certificate of inspection*, it does not matter that after the commencement the vehicle for which the certificate of inspection is issued is no longer a COI vehicle.

24 Amendment of sch 4 (Dictionary)

- (1) Schedule 4, definition *dealer*, paragraph (b)—

omit, insert—

 - (b) otherwise—a motor dealer under the *Motor Dealers and Chattel Auctioneers Act 2014*.
- (2) Schedule 4, definition *SC vehicle*—

insert—

- (d) a vehicle, other than a COI vehicle, used for driver training for reward.

- (3) Schedule 4, definition *vehicle*, paragraph 2(d)—

omit, insert—

- (d) a vehicle propelled by—
 - (i) a motor with a maximum power output of not more than 200W; or
 - (ii) 2 or more motors with a combined maximum power output of not more than 200W; or

ENDNOTES

- 1 Made by the Governor in Council on 15 December 2016.
- 2 Notified on the Queensland legislation website on 16 December 2016.
- 3 The administering agency is the Department of Transport and Main Roads.

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