



Queensland

Transport and Other Legislation Amendment Regulation (No. 1) 2017

Subordinate Legislation 2017 No. 170

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. 1) 2017*.

Part 2 Amendment of State Penalties Enforcement Regulation 2014

2 Regulation amended

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

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

Schedule 1, entry for *Transport Operations (Road Use Management—Vehicle Standards and Safety) Regulation 2010*, entry for section 23(1)—
omit, insert—

- | | | |
|---------|---|---|
| s 23(1) | if the owner is not a dealer and the contravention is because of a failure to comply with paragraph (b) of the penalty only | 3 |
| s 23(1) | in any other circumstances | 5 |

4 Amendment of sch 2 (Dictionary)

Schedule 2—
insert—

dealer see the *Transport Operations (Road Use Management—Vehicle Standards and Safety)*

[s 5]

Regulation 2010, schedule 4.

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 13 (Safety equipment for ship, other than a personal watercraft, operating in smooth waters)

Section 13, ‘watercraft’—

omit, insert—

watercraft or tender

7 Amendment of s 14 (Safety equipment for ship, other than a personal watercraft, operating in partially smooth waters or beyond)

Section 14, ‘watercraft’—

omit, insert—

watercraft or tender

8 Amendment of s 22 (What is the *required lifejacket* for a ship)

Section 22(d) and (e)—

omit.

Part 4 **Amendment of Transport Operations (Road Use Management—Accreditation and Other Provisions) Regulation 2015**

9 **Regulation amended**

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

10 **Insertion of new s 126A**

After section 126—

insert—

126A Traffic control for special events

- (1) Section 54 does not apply to the holder of a special event permit in relation to a person employed, or otherwise engaged, to perform the function of a traffic controller, if the person—
 - (a) has successfully completed the special event traffic control assessment approved and conducted by the chief executive; and
 - (b) is performing a function stated in the special event traffic control procedure made by the chief executive; and
 - (c) performs the function—
 - (i) in relation to the special event conducted under the special event permit; and
 - (ii) in accordance with the procedure stated in paragraph (b); and
 - (d) either—

- (i) performs the function within 3 months of completing the assessment stated in paragraph (a); or
 - (ii) has, within the last 12 months, performed the function of a traffic controller in relation to another special event.
- (2) Section 55 does not apply to a person performing the function of a traffic controller if the person—
 - (a) has successfully completed the special event traffic control assessment approved and conducted by the chief executive; and
 - (b) is performing a function stated in the special event traffic control procedure made by the chief executive; and
 - (c) performs the function—
 - (i) in relation to a special event conducted under a special event permit; and
 - (ii) in accordance with the procedure stated in paragraph (b); and
 - (d) either—
 - (i) performs the function within 3 months of completing the assessment stated in paragraph (a); or
 - (ii) has, within the last 12 months, performed the function of a traffic controller in relation to another special event.

fee if the young driver lives in a community visited by a service, provided by the department, that assists persons in obtaining a driver licence.

Example of a service—

the Indigenous Driver Licensing Unit

Part 6

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

14 Regulation amended

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

15 Amendment of s 304 (Direction by police officer or traffic controller)

(1) Section 304, heading, ‘police officer or traffic controller’—
omit, insert—

particular persons

(2) Section 304(1)(b)—
omit, insert—

(b) by a traffic controller carrying out the functions of a traffic controller under the *Transport Operations (Road Use Management—Accreditation and Other Provisions) Regulation 2015*, section 51; or

(c) by a person—

(i) carrying out the functions of a traffic controller under the *Transport Operations (Road Use*

Management—Accreditation and Other Provisions) Regulation 2015, section 51, in relation to a special event conducted under a special event permit; and

- (ii) to whom the *Transport Operations (Road Use Management—Accreditation and Other Provisions) Regulation 2015*, section 126A(2) applies in relation to the carrying out of the function.

- (3) Section 304(2)—

insert—

special event see the *Transport Operations (Road Use Management—Accreditation and Other Provisions) Regulation 2015*, section 124.

special event permit see the *Transport Operations (Road Use Management—Accreditation and Other Provisions) Regulation 2015*, section 124.

Part 7

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

16 Regulation amended

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

17 Insertion of new s 3C

Part 1—

insert—

3C When a motor vehicle is primarily designed for the carriage of goods

For this Regulation, a motor vehicle is primarily designed for the carriage of goods if the amount that is equal to the number of seating positions in the vehicle, multiplied by 68kg, is less than the amount that is 50% of the difference between the GVM of the vehicle and the unladen mass of the vehicle.

18 Amendment of sch 1, s 33 (Window tinting)

(1) Schedule 1, section 33(5)—

omit, insert—

(5) Glazing used in a window or interior partition of a motor vehicle may be coated to achieve a luminous transmittance of at least—

- (a) for rear glazing used in a motor vehicle that is fitted with at least 1 rear vision mirror to each side of the vehicle—20%; or
- (b) otherwise—35%.

(5A) However, rear glazing used in a motor vehicle may be coated to achieve a luminous transmittance of 0% or more if—

- (a) the vehicle is fitted with at least 1 rear vision mirror to each side of the vehicle; and
- (b) the vehicle is primarily designed for the carriage of goods; and
- (c) the vehicle has—
 - (i) at least 4 wheels; or

-
- (ii) at least 3 wheels and a GVM of more than 1t.
- (2) Schedule 1, section 33(7), ‘subsection (5)’—
omit, insert—
subsection (5) or (6)
- (3) Schedule 1, section 33(8), definition *luminous transmittance*—
omit.
- (4) Schedule 1, section 33(8)—
insert—
luminous transmittance, for glazing or a coating on glazing, means the amount of light that can pass through the glazing as a percentage of the amount of light that would be transmitted if the glazing or coating were absent.
rear glazing, for a motor vehicle, means glazing used in a window or interior partition of the vehicle located behind the driver in the normal driving position.
- (5) Schedule 1, section 33(5A) to (8)—
renumber as section 33(6) to (9).

19 Amendment of sch 1, s 59 (Headlights to be fitted to vehicles)

Schedule 1, section 59(4) and (5)—
omit, insert—

- (4) Up to 4 additional headlights may be fitted to a motor vehicle with 4 or more wheels, a motor bike or a motortrike.

[s 20]

20 Replacement of sch 1, s 62 (How additional headlights are to be fitted)

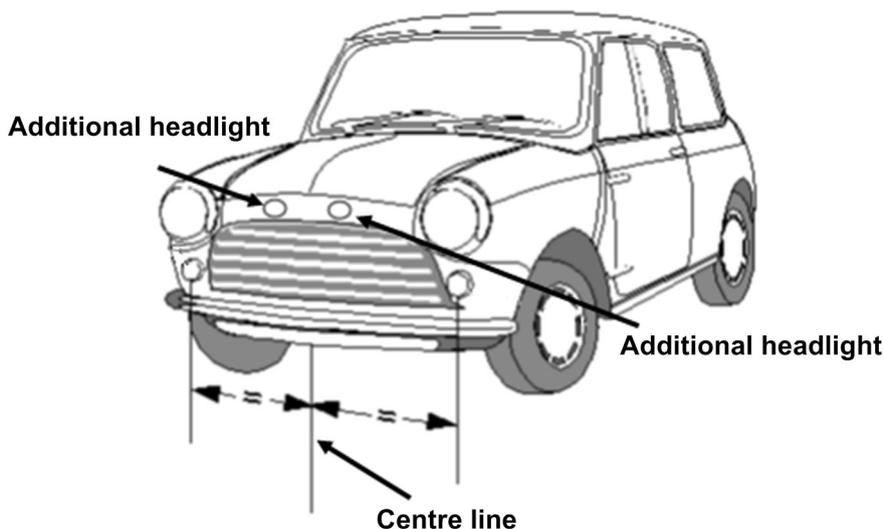
Schedule 1, section 62—

omit, insert—

62 How additional headlights are to be fitted

Any additional headlights fitted to a vehicle must face forwards and be symmetrical in relation to the centre line of the vehicle.

Example—



21 Amendment of sch 1, s 81 (Fitting brake lights)

Schedule 1, section 81—

insert—

- (8) If a vehicle was built before 1 January 1973, a light fitted to the vehicle that functions as both a brake light and a direction indicator light is taken to be a brake light for this section.

22 Amendment of sch 1, s 130 (Exhaust systems)

Schedule 1, section 130(3)(b), ‘12t’—

omit, insert—

4.5t

23 Amendment of sch 4 (Dictionary)

Schedule 4—

insert—

unladen mass, of a vehicle, means the mass of the vehicle—

- (a) when unoccupied and unladen; and
- (b) with all fluid reservoirs, including fuel reservoirs, filled to nominal capacity; and
- (c) with all standard equipment attached.

ENDNOTES

- 1 Made by the Governor in Council on 24 August 2017.
- 2 Notified on the Queensland legislation website on 25 August 2017.
- 3 The administering agency is the Department of Transport and Main Roads.

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