

Queensland

Transport Operations (Road Use Management) Act 1995

Transport Operations (Road Use Management—Accreditation and Other Provisions) Regulation 2015

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Queensland

Transport Operations (Road Use Management—Accreditation and Other Provisions) Regulation 2015

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Transport Operations (Road Use Management—Accreditation and Other Provisions) Regulation 2015

Part 1 Preliminary

1 Short title

This regulation may be cited as the *Transport Operations (Road Use Management—Accreditation and Other Provisions) Regulation 2015*.

2 Commencement

This regulation commences on 1 September 2015.

3 Definitions

The dictionary in schedule 7 defines particular terms used in this regulation.

Part 2 Accredited persons

Division 1 Appointment as accredited person—Act, s 21

4 Application for appointment or renewal

(1) A person may apply to the chief executive—

(a) to be appointed as an accredited person for a type of accreditation; or

(b) if the person is an accredited person—for renewal of the person's accreditation.

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Note—

See part 7A for requirements about the application.

(2) For subsection (1), each of the following is a type of accreditation—

(a) approved examiner;

(b) approved person;

(c) driver trainer for a class of motor vehicle;

(d) rider trainer;

(e) pilot vehicle driver;

(f) escort vehicle driver;

(g) traffic controller.

(3) An application must be accompanied by the prescribed fee.

(4) A fee payable under schedule 6, item 2(b)(ii), (c)(ii) or (d)(ii) or (3)(b) that relates to the renewal of an accreditation for a term is the fee in force on 1 July in the financial year in which the term starts.

5 Decision on application

(1) The chief executive must consider the application after receiving all necessary information relevant to the application and, subject to section 147D(4) and (5)—

(a) grant the application, with or without conditions the chief executive considers reasonable and relevant; or

(b) refuse to grant the application.

(2) Despite subsection (1), the chief executive may refuse to consider an application if the applicant holds an accreditation of the same type, whether under the name stated in the application or under another name.

Note—

See also the *Transport Planning and Coordination Act 1994*, section 28EA(5) (which deals with taking digital photos and digitised

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signatures) for when the chief executive must refuse to consider an application.

6 Only 1 accreditation of the same type to be held

A person must not hold more than 1 accreditation of the same type at the same time.

Maximum penalty—40 penalty units.

7 Granting application

(1) If the chief executive grants an application for appointment as an accredited person—

(a) the applicant is appointed as an accredited person for the type of accreditation applied for; and

(b) the chief executive must give the applicant an accreditation document.

(2) If the chief executive grants an application for renewal of an accreditation, the applicant's accreditation is renewed.

(3) Also, if the chief executive decides to impose a condition on the accreditation, the chief executive must give the applicant an information notice for the decision within 14 days after making the decision.

7A Suitability for accreditation as approved examiner

(1) This section applies in relation to an accreditation for performing the function of an approved examiner for a type of vehicle.

(2) The chief executive may grant an application for appointment as an accredited person for the accreditation only if satisfied the applicant has the necessary expertise to perform the function under section 24(1).

(3) The chief executive may refuse to grant an application for renewal of the accreditation if satisfied the applicant has failed to successfully complete a relevant AE training course

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for the type of vehicle within the completion period for the training course.

8 Refusing application

(1) The chief executive may refuse to grant the application if—

(a) the applicant has been—

(i) convicted of a disqualifying offence; or

(ii) charged with a disqualifying offence and the charge has not been finally disposed of; or

(iii) convicted of a road transport offence, within 5 years immediately before the application was made; or

Note—

See also section 17B(2) of the Act.

(b) the applicant holds, or has held, an appointment as an accredited person or a part 3 approval that has been—

(i) suspended within 5 years immediately before the application was made; or

(ii) cancelled; or

(c) the chief executive is satisfied public safety is likely to be endangered if the application is granted; or

(d) the chief executive considers it necessary in the public interest.

(2) If the application is for renewal of an accreditation, the chief executive may also refuse to grant the application if the accreditation was issued—

(a) in error; or

(b) because of a document or representation that is—

(i) false or misleading; or

(ii) obtained or made in another improper way.

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(3) Subsections (1) and (2) do not limit the grounds on which the chief executive may refuse to grant the application.

Note—

See section 21(1) of the Act and sections 24, 27, 34, 43, 47 and 52 of this regulation.

(4) If the chief executive decides to refuse to grant the application, the chief executive must give the applicant an information notice for the decision within 14 days after making the decision.

9 Statutory conditions on accreditation

(1) This section applies if either of the following applications is granted—

(a) an application to be appointed as an accredited person for a type of accreditation;

(b) an application for renewal of an accreditation.

(2) From the grant of the application, the accreditation is subject to the conditions stated for the accreditation in schedule 1 that were in force when the application was granted.

(3) This section does not limit section 5(1)(a).

9A Training requirement for holder of non-renewable AE accreditation—Act, s 18

(1) This section applies in relation to a non-renewable AE accreditation, in effect immediately before the commencement, for performing the function of an approved examiner for a type of vehicle.

(2) The holder of the non-renewable AE accreditation must successfully complete each relevant AE training course for the type of vehicle within the completion period for the training course.

(3) For section 18(1)(s) of the Act, the holder of the non-renewable AE accreditation contravening subsection (2)

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is prescribed as a ground for suspending or cancelling the accreditation.

(4) In this section—

non-renewable AE accreditation means an accreditation mentioned in section 174.

10 Duration of accreditation

(1) An accreditation, other than an accreditation as a rider trainer or escort vehicle driver, is granted for the term, of not longer than 5 years, stated in the accreditation document for the accreditation.

(2) An accreditation as a rider trainer is granted for the term of the applicant's unexpired accreditation as a driver trainer.

(3) If a pilot vehicle driver is appointed as an escort vehicle driver, the term of the person's accreditation as an escort vehicle driver is the term of the person's unexpired accreditation as a pilot vehicle driver.

(4) Despite subsections (1) to (3), any accreditation may be renewed for successive terms of not longer than 5 years.

Division 2 General provisions for accreditations

11 Production of accreditation document etc.

(1) While performing a relevant task, an accredited person must produce the person's accreditation document for inspection if asked by—

(a) the accredited person's employer; or

(b) a person for whom the accredited person is performing the relevant task; or

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(c) if the accredited person is a driver trainer or a rider trainer and the person mentioned in paragraph (b) is a child—the parent or guardian of the child.

Maximum penalty—20 penalty units.

(2) Subsection (3) applies if the chief executive has given an accredited person a notice under section 7(3) about the imposition of a condition on the person's accreditation.

(3) While performing a relevant task, the accredited person must produce the document evidencing the imposed condition for inspection if asked by the accredited person's employer.

Maximum penalty—20 penalty units.

Note for subsections (1) to (3)—

In addition to the obligations to produce documents under this section, an accredited person may be required by an authorised officer, under section 49 of the Act, to produce for inspection a document issued, or required to be kept by the accredited person, under a transport Act or corresponding law.

(4) In this section—

relevant task, of an accredited person, means a task carried out by the accredited person in performing the person's functions.

12 Accreditation dependent on driver licence

(1) This section applies if—

(a) an accredited person holds a relevant accreditation; and

(b) the driver licence held by the person is—

(i) suspended; or

(ii) cancelled or surrendered.

(2) All relevant accreditations held by the person are—

(a) if subsection (1)(b)(i) applies—

(i) automatically suspended on the day the suspension of the licence takes effect; and

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(ii) of no effect while the licence is suspended; or

(b) if subsection (1)(b)(ii) applies—automatically cancelled on the day the cancellation or surrender of the licence takes effect.

(3) In this section—

relevant accreditation means an accreditation as any of the following—

(a) a driver trainer;

(b) a rider trainer;

(c) a pilot vehicle driver;

(d) an escort vehicle driver.

13 Voluntary surrender of accreditation

(1) An accredited person may surrender the person's accreditation by giving the chief executive a written notice of surrender.

(2) The surrender takes effect—

(a) on the day the notice is given; or

(b) if a later day is stated in the notice, on the later day.

14 Return of accreditation document

(1) This section applies if a person's accreditation is cancelled.

Notes—

1 A person's accreditation may be cancelled under chapter 3, part 1A of the Act.

2 See also section 15 of this regulation.

(2) The person must return the person's accreditation document to the chief executive within the time stated by the chief executive in the notice of cancellation of the accreditation, unless the person has a reasonable excuse.

Maximum penalty—40 penalty units.

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15 Accreditation is prescribed approval—Act, s 18(1)(c)(ii)

An accreditation is prescribed for section 18(1)(c)(ii) of the Act.

16 Accreditation not transferable

An accreditation can not be assigned or transferred.

17 Employer's duty

(1) The employer of an accredited person must ensure the accredited person complies with all conditions to which the accreditation is subject.

Maximum penalty—80 penalty units.

(2) The employer does not commit an offence against subsection (1) if the employer exercised reasonable diligence and took reasonable steps to ensure the accredited person complied with the conditions mentioned in subsection (1).

18 Powers of accredited persons

An accredited person has the power to do all things necessary or convenient to be done for, or in connection with, the performance of the accredited person's functions.

19 Chief executive may make rules, codes and procedures for functions of accredited persons

(1) The chief executive may make the following—

(a) a code (the ***code of conduct***) for the conduct of—

(i) driver trainers when giving learners pre-licence driver training; or

(ii) rider trainers when giving eligible persons Q-Ride training;

(b) rules (the ***Business Rules for an Approved Person (Vehicle Modifications***)) for operational requirements

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applying to approved persons when performing the function of an approved person;

(c) the Traffic Controller Accreditation Scheme Approved Procedure (the ***TCASAP***) for the conduct requirements, and operational procedures, for the directing of traffic by traffic controllers when performing the function of a traffic controller.

(2) A document mentioned in subsection (1) may provide for any matter the chief executive considers appropriate.

Examples of appropriate matters for the code of conduct—

- what is inappropriate behaviour or misconduct by driver trainers and rider trainers when performing the trainer's functions
- non-disclosure or inappropriate use by a driver trainer or rider trainer of the personal particulars of a learner or eligible person

Examples of appropriate matters for the Business Rules for an Approved Person (Vehicle Modifications)—

- requirements for inspection and certification of vehicle modifications
- requirements for attachment and removal of modification plates

Example of an appropriate matter for the TCASAP—

when and how a stop/slow bat must be used by a traffic controller

(3) The chief executive must publish each document mentioned in subsection (1) on the department's website.

20 Chief executive may approve assessments, experience and training courses

(1) The chief executive may, for section 24, 27, 34, 43, 47 or 52 (each a necessary expertise provision), approve the following—

(a) assessments;

(b) experience;

(c) training courses.

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Note—

Sections 24, 27, 34, 43, 47 and 52 state the necessary expertise for appointment as an accredited person. See also section 21(1) of the Act.

(2) The chief executive may approve an assessment, experience or a training course for a necessary expertise provision only if satisfied a person who passes the assessment, acquires the experience or successfully completes the course will have the skills and knowledge to perform the functions of the type of accreditation to which the necessary expertise provision applies.

(3) Subsection (2) does not prevent the chief executive approving, for section 24(1) or (2), a combination of experience and a training course if satisfied a person who acquires the experience and successfully completes the training course will have skills and knowledge mentioned in subsection (2).

(4) Also, subsection (2) does not prevent the chief executive approving, for section 24(1), a training course for completion by an approved examiner if satisfied a person who successfully completes the training course will have the skills and knowledge to continue to perform the functions of an approved examiner.

(5) The chief executive must notify the following on the department's website—

(a) the approved assessment, approved experience or approved training course for a necessary expertise provision;

(b) information about where approved assessments or approved training courses may be undertaken;

(c) for a training course approved for completion by an approved examiner—the period (the ***completion period***), of at least 3 months after the day the training course is notified, in which an approved examiner is required to successfully complete the training course.

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21 Recognition of alternative assessment etc.

(1) This section applies if a person does not meet 1 or more expertise requirements for a necessary expertise provision, other than section 24(1)(b).

(2) The person meets the expertise requirements if the person has passed another assessment, acquired other experience, or successfully completed another training course, the chief executive is satisfied is at least equivalent to the approved assessment, approved experience or approved training course that is the subject of the expertise requirements.

(3) In this section—

expertise requirement, for a necessary expertise provision, means a requirement under the provision to do any of the following—

(a) pass an approved assessment mentioned in the provision;

(b) acquire approved experience mentioned in the provision;

(c) successfully complete an approved training course mentioned in the provision.

22 Chief executive may approve registered training organisations

(1) The chief executive may approve a registered training organisation (an ***approved registered training organisation***) to conduct an approved assessment or approved training course.

(2) The chief executive must notify the following on the department's website—

(a) the approval of an approved registered training organisation;

(b) the approved assessment or approved training course the approved registered training organisation may conduct under the approval.

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Division 3 Provisions for particular types of accredited persons

Subdivision 1 Approved examiners and approved persons

23 Function

(1) The function of an approved examiner is to inspect a vehicle under the *Transport Operations (Road Use Management—Vehicle Standards and Safety) Regulation 2021* to decide whether or not the vehicle is defective.

(2) The function of an approved person is to inspect a vehicle that is a modified vehicle under the *Transport Operations (Road Use Management—Vehicle Standards and Safety) Regulation 2021* to decide whether or not to certify the modification.

(3) Subsection (4) applies if the Heavy Vehicle National Law (Queensland), Part 3.3 provides for the approval of a modification by an approved vehicle examiner under the Law.

(4) It is also the function of an approved person to decide whether or not to approve the modification mentioned in subsection (3).

24 Necessary expertise—Act, s 21(1)

(1) A person has the necessary expertise to be accredited to perform the function of an approved examiner, for a type of vehicle, if the person has—

(a) successfully completed any approved training course for the performance of vehicle safety inspections for the type of vehicle; and

(b) acquired any approved experience for the performance of vehicle safety inspections for the type of vehicle.

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(2) A person has the necessary expertise to be accredited to perform the function of an approved person, for a type of vehicle modification, if the person has—

(a) successfully completed any approved training course for the type of modification; and

(b) acquired any approved experience for the type of modification.

25 Destroyed, lost or stolen unused certificates, plates and labels

(1) An approved person must immediately notify the chief executive if an unused certificate, plate or label issued to the person is destroyed, lost or stolen.

Maximum penalty—30 penalty units.

(2) If the approved person makes an oral notification under subsection (1), the person must confirm the notification by written notice within 14 days after the event happens.

Maximum penalty—30 penalty units.

(3) In this section—

certificate means a document in a form intended for use as a certificate of modification for a vehicle.

plate or label means a plate or label intended for use as a modification plate for a vehicle.

Subdivision 2 Driver trainers

26 Function

The function of a driver trainer is to give pre-licence driver training, for reward, whether as a self-employed person or as an employee of someone else.

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27 Necessary expertise—Act, s 21(1)

(1) A person has the necessary expertise to be accredited to perform the function of a driver trainer, for a class of motor vehicle, if the person—

(a) holds, on the day the application is made, a valid qualifying licence for the class of motor vehicle; and

(b) held, for a continuous period of 1 year ending on the day the application is made (the ***relevant period***), a qualifying licence for the class of motor vehicle that was—

(i) valid for the entire relevant period; or

(ii) if the licence was not valid for the entire relevant period—debtor-suspended during the periods the licence was not valid; and

(c) has successfully completed an approved training course, conducted by an approved registered training organisation, for the giving of pre-licence driver training.

(2) In this section—

debtor-suspended means—

(a) in relation to a Queensland driver licence—suspended under the *State Penalties Enforcement Act 1999*, part 5, division 7; or

(b) in relation to an interstate driver licence—suspended under a corresponding law to the *State Penalties Enforcement Act 1999*, part 5, division 7; or

(c) for a driver licence granted in New Zealand—suspended under a law of New Zealand that provides for the same matter as the *State Penalties Enforcement Act 1999*, part 5, division 7.

qualifying licence, for a class of motor vehicle, means—

(a) an open licence authorising the holder of the licence to drive the class of motor vehicle; or

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(b) an interstate driver licence, or a driver licence granted in New Zealand, that corresponds to a licence mentioned in paragraph (a).

28 Offence to perform driver trainer's function

(1) A person must not perform the function of a driver trainer unless the person is a driver trainer.

Maximum penalty—40 penalty units.

(2) However, a person does not contravene subsection (1) to the extent the person, while engaged or employed in a business or calling, gives pre-licence driver training to another person—

(a) so the other person may be engaged or employed in the business or calling; and

(b) without receiving any reward from, or on behalf of, the other person.

29 Cars used for giving pre-licence driver training

(1) A driver trainer may give a learner pre-licence driver training in—

(a) a car provided by the trainer (a ***supplied car***); or

(b) a car provided by the learner.

(2) The driver trainer must ensure a supplied car is fitted with the following equipment when the car is used to give the training on a road—

(a) training controls that are easily accessible for immediate use by a driver trainer sitting in the front passenger seat of the car;

(b) an internal rear-view mirror for the trainer as well as the driver's rear-view mirror;

(c) an external driving mirror on each side of the car.

Maximum penalty—20 penalty units.

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(3) The driver trainer must also ensure a supplied car has on it a conspicuously displayed sign or plate showing the contact name and contact information when the car is used to give the training on a road.

Maximum penalty—20 penalty units.

(4) In this section—

contact information means the business telephone number or business website address of either of the following—

(a) the driver trainer;

(b) if the driver trainer gives pre-licence driver training as an employee of another person who carries on the business of giving pre-licence driver training under the other person's own name or under a registered business name—the other person.

contact name means—

(a) if the driver trainer carries on the business of giving pre-licence driver training under a registered business name—the registered business name; or

(b) if the driver trainer is an employee of another person who carries on the business of giving pre-licence driver training under the other person's own name—the other person's name; or

(c) if the driver trainer is an employee of another person who carries on the business of giving pre-licence driver training under a registered business name—the registered business name; or

(d) if paragraphs (a) to (c) do not apply—the driver trainer's name.

training controls, for a supplied car, means—

(a) if the car has automatic transmission—dual footbrake and accelerator controls; or

(b) if the car has manual transmission—dual footbrake and clutch controls.

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Note—

See the *Transport Operations (Road Use Management—Driver Licensing) Regulation 2021*, section 222 for the requirement to display L plates when a person is directing a learner who is driving or riding a motor vehicle.

30 Ratio of learners to driver trainers giving pre-licence driver training for class RE or R motorbike

A driver trainer giving pre-licence driver training for a class RE or R motorbike must ensure the ratio of learners to driver trainers is no more than 5:1.

Maximum penalty—40 penalty units.

31 Making pre-licence driver training records

Within 1 day of giving pre-licence driver training, a driver trainer must make a written record (a ***pre-licence driver training record***) of the training that includes the following particulars—

(a) the name and address of the learner to whom the training was given;

(b) the date, time and duration of the training;

(c) the registration number of the motor vehicle in which the training was given.

Maximum penalty—20 penalty units.

32 Keeping pre-licence driver training records

A person who is, or has been, a driver trainer must keep a pre-licence driver training record made by the person for at least 2 years from the date the record was made.

Maximum penalty—20 penalty units.

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Subdivision 3 Rider trainers

33 Function

The function of a rider trainer is to give Q-Ride training, either as a registered service provider or as an employee of a registered service provider.

34 Necessary expertise—Act, s 21(1)

A person has the necessary expertise to be accredited to perform the function of a rider trainer if the person—

(a) is a driver trainer who is accredited to give pre-licence driver training for a class R motorbike; and

(b) has successfully completed an approved training course in delivering training under the Q-Ride training curriculum.

35 Offence to perform rider trainer's function

A person must not perform the function of a rider trainer unless the person is a rider trainer.

Maximum penalty—40 penalty units.

36 Failure to comply with particular statutory condition

A rider trainer commits an offence if the rider trainer contravenes the condition mentioned in schedule 1, section 6(2).

Maximum penalty—40 penalty units.

37 Accreditation as rider trainer dependent on accreditation as driver trainer

(1) This section applies if—

(a) a person is a rider trainer; and

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(b) the person's accreditation as a driver trainer (the ***driver trainer accreditation***) is—

(i) amended so the person is no longer accredited to give pre-licence driver training for a class R motorbike; or

(ii) suspended; or

(iii) cancelled or surrendered.

(2) The person's rider trainer accreditation is—

(a) if subsection (1)(b)(i) applies—automatically cancelled on the day the driver trainer accreditation is amended; or

(b) if subsection (1)(b)(ii) applies—

(i) automatically suspended on the day the driver trainer accreditation is suspended; and

(ii) of no effect while the driver trainer accreditation is suspended; or

(c) if subsection (1)(b)(iii) applies—automatically cancelled or surrendered on the day the cancellation or surrender of the driver trainer accreditation takes effect.

38 Competency recommendation notices

(1) Subsections (2) and (3) apply if an eligible person (a ***competent rider***)—

(a) completes Q-Ride training with a registered service provider; and

(b) is assessed, by a rider trainer employed by the provider, as having attained the competencies required under the Q-Ride training curriculum.

(2) The rider trainer must give the provider a written recommendation (a ***competency recommendation notice***) that the provider complete a competency declaration for the competent rider for the class of motorbike for which the training is given.

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Note—

Section 86 provides for the completion of a competency declaration for the competent rider by the registered service provider.

(3) The competency recommendation notice must be given to the provider no later than 1 day after the rider trainer assesses the competent rider as having attained the competencies.

Maximum penalty—40 penalty units.

(4) A rider trainer, who is an employee of a registered service provider, must not give the provider a competency recommendation notice for an eligible person who is not a competent rider.

Maximum penalty—40 penalty units.

39 Ratio of eligible persons to rider trainers giving Q-Ride training

A rider trainer giving Q-Ride training must ensure the ratio of eligible persons to rider trainers is no more than 5:1.

Maximum penalty—40 penalty units.

Note—

See section 90 for a related offence committed by a registered service provider.

40 Making Q-Ride training records

Within 1 day of giving Q-Ride training, a rider trainer must make a written record (a ***Q-Ride training record***) of the training that includes the following particulars—

(a) the name and address of the eligible person to whom the training was given;

(b) the name of the registered service provider providing the training;

(c) the date, time and duration of the training;

(d) the class of motorbike for which the training was given;

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(e) the registration number of the motorbike on which the eligible person was given the training;

(f) the results of assessments of the eligible person's achievements towards attaining the competencies required under the Q-Ride training curriculum.

Maximum penalty—20 penalty units.

41 Records for registered service provider

(1) This section applies if a rider trainer, as an employee of a registered service provider, gives Q-Ride training.

(2) The rider trainer must, within 1 day of making a Q-Ride training record, give the provider the record.

Maximum penalty—20 penalty units.

Subdivision 4 Pilot vehicle drivers

42 Functions

The function of a pilot vehicle driver is to drive a pilot vehicle to warn other road users of the presence of an oversize vehicle.

Note—

The function of a pilot vehicle driver must be performed as required under—

(a) if the oversize vehicle is an oversize heavy vehicle—a mass or dimension exemption applying to the oversize vehicle; or

(b) if the oversize vehicle is an oversize light vehicle—a safe movement approval applying to the oversize vehicle (see also section 45).

43 Necessary expertise—Act, s 21(1)

A person has the necessary expertise to be accredited to perform the function of a pilot vehicle driver if—

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(a) the person—

(i) holds a valid open licence for a car; or

(ii) holds a valid interstate licence, or a valid driver licence granted in New Zealand, that corresponds to an open licence for a car; or

(iii) previously held a licence mentioned in subparagraph (i) or (ii) and currently holds a relevant probationary or restricted licence; and

(b) the person—

(i) has successfully completed an approved training course, conducted by an approved registered training organisation, for pilot vehicle drivers; or

(ii) has passed the approved assessment for pilot vehicle drivers conducted by the chief executive.

44 Requirement for pilot vehicle driver or escort vehicle driver to drive pilot vehicle

(1) This section applies if—

(a) either—

(i) a condition of a mass or dimension exemption requires a pilot vehicle, under the Heavy Vehicle National Law (Queensland), to accompany an oversize vehicle; or

(ii) a condition of a safe movement approval requires a pilot vehicle, under the Act, to travel with an oversize vehicle; and

(b) a vehicle (the ***accompanying vehicle***) travels with the oversize vehicle to warn other road users of the oversize vehicle's presence.

(2) A person must not drive the accompanying vehicle for the purposes of subsection (1)(b) unless the person is a pilot vehicle driver or an escort vehicle driver.

Maximum penalty—

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(a) if subsection (1)(a)(i) applies—the penalty for the contravention of the Heavy Vehicle National Law (Queensland), section 130(2) by an individual; or

(b) if subsection (1)(a)(ii) applies—the penalty for the contravention of section 45 by an individual.

(3) Subsection (2) is a requirement for the purposes of the Act, schedule 4, definition *pilot vehicle*, paragraph (b).

45 Offence to drive pilot vehicle for oversize light vehicle other than as required under safe movement approval

A person must not drive a pilot vehicle for an oversize light vehicle other than as required under a safe movement approval applying to the oversize light vehicle.

Maximum penalty—40 penalty units.

Subdivision 5 Escort vehicle drivers

46 Functions

The functions of an escort vehicle driver are—

(a) to drive an escort vehicle to warn other road users of the presence of an oversize vehicle; and

(b) to direct traffic in relation to the movement of an oversize vehicle.

Note—

The functions of an escort vehicle driver must be performed as required under—

(a) if the oversize vehicle is an oversize heavy vehicle—a mass or dimension exemption; or

(b) if the oversize vehicle is an oversize light vehicle—a safe movement approval (see also section 50).

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47 Necessary expertise—Act, s 21(1)

(1) A person has the necessary expertise to be accredited to perform the functions of an escort vehicle driver if—

(a) the person—

(i) holds a valid open licence for a car; or

(ii) holds a valid interstate licence, or a valid driver licence granted in New Zealand, that corresponds to an open licence for a car; or

(iii) previously held a licence mentioned in subparagraph (i) or (ii) and currently holds a relevant probationary or restricted licence; and

(b) the person has passed an approved assessment, conducted by an approved registered training organisation, for escort vehicle drivers; and

(c) the person—

(i) is a pilot vehicle driver; or

(ii) holds other qualifications the chief executive is satisfied are at least equivalent to holding an appointment as a pilot vehicle driver.

(2) Subsection (1)(c) does not apply to the renewal of an accreditation as an escort vehicle driver.

48 Application made by pilot vehicle driver

(1) This section applies to an application for appointment as an escort vehicle driver made by a person who is a pilot vehicle driver.

(2) No application fee is payable for the application.

49 Requirement for escort vehicle driver to drive escort vehicle

(1) This section applies if—

(a) either—

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(i) a condition of a mass or dimension exemption requires an escort vehicle, under the Heavy Vehicle National Law (Queensland), to accompany an oversize vehicle; or

(ii) a condition of a safe movement approval requires an escort vehicle, under the Act, to travel with an oversize vehicle; and

(b) a vehicle (the ***accompanying vehicle***) travels with the oversize vehicle to warn other road users of the oversize vehicle's presence.

(2) A person must not drive the accompanying vehicle for the purposes of subsection (1)(b) unless the person is an escort vehicle driver.

Maximum penalty—

(a) if subsection (1)(a)(i) applies—the penalty for the contravention of the Heavy Vehicle National Law (Queensland), section 130(2) by an individual; or

(b) if subsection (1)(a)(ii) applies—the penalty for the contravention of section 50 by an individual.

(3) Subsection (2) is a requirement for the purposes of the Act, schedule 4, definition *escort vehicle*, paragraph (b).

50 Offence to drive escort vehicle for oversize light vehicle other than as required under safe movement approval

A person must not drive an escort vehicle for an oversize light vehicle other than as required under a safe movement approval applying to the oversize light vehicle.

Maximum penalty—40 penalty units.

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Subdivision 6 Traffic controllers

51 Function

The function of a traffic controller is to direct traffic as required under—

(a) part 3 of the MUTCD; and

(b) the TCASAP.

52 Necessary expertise—Act, s 21(1)

(1) A person has the necessary expertise to be accredited as a traffic controller if the person has—

(a) successfully completed an approved training course for appointment as a traffic controller; and

(b) within the last 5 years, held a qualifying driver licence.

(2) Subsection (1)(b) does not apply to the renewal of an accreditation as a traffic controller.

(3) In this section—

qualifying driver licence means a driver licence other than—

(a) a learner licence; or

(b) a non-Queensland driver licence that corresponds to a learner licence.

53 Traffic controller to comply with condition of accreditation

A traffic controller must not contravene a condition of the traffic controller's accreditation.

Maximum penalty—20 penalty units.

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54 Only particular persons to be employed or engaged as traffic controller

A person must not employ, or otherwise engage, another person to perform the function of a traffic controller unless the other person—

(a) is a traffic controller; or

(b) performs the function—

(i) for the purpose of completing an approved training course mentioned in section 52(1)(a) in which the other person is enrolled; and

(ii) under the supervision of a traffic controller.

Maximum penalty—20 penalty units.

55 Only particular persons to perform traffic controller's function

A person must not perform the function of a traffic controller unless the person—

(a) is a traffic controller; or

(b) performs the function—

(i) for the purpose of completing an approved training course mentioned in section 52(1)(a) in which the person is enrolled; and

(ii) under the supervision of a traffic controller.

Maximum penalty—20 penalty units.

Division 4 Accreditation documents for accredited persons

56 Form of accreditation document

(1) An accreditation document for an accredited person may be in the form of—

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(a) a smartcard accreditation document that includes information about 1 or more other transport authorities held by the person; or

(b) an interim transport authority.

(2) Subsection (1) does not limit the form of an accreditation document.

(3) In this section—

transport authority see the *Transport Planning and Coordination Act 1994*, section 36G(3).

57 Content of accreditation document

(1) An accredited person's accreditation document may—

(a) indicate, by way of a code, expression or otherwise—

(i) the person is an accredited person; and

(ii) whether the accreditation is subject to an imposed condition; and

(b) contain information about—

(i) the accreditation; and

(ii) the person's personal particulars.

(2) A code or expression mentioned in subsection (1) may be—

(a) stated on an accreditation document; or

(b) stored electronically on a smartcard accreditation document.

(3) Subsection (1) does not limit the information that an accreditation document may contain.

58 Expressions on smartcard accreditation documents

(1) The expression 'driver trainer' on a smartcard accreditation document indicates the accredited person is a driver trainer.

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(2) The expression ‘driver and rider trainer’ on a smartcard accreditation document indicates the accredited person is both a driver trainer and a rider trainer.

(3) The expression ‘pilot vehicle driver’ on a smartcard accreditation document indicates the accredited person is a pilot vehicle driver.

(4) The expression ‘escort vehicle driver’ on a smartcard accreditation document indicates the accredited person is an escort vehicle driver.

(5) The expression ‘traffic controller’ on a smartcard accreditation document indicates the accredited person is a traffic controller.

(6) The expression ‘authority no.’, followed by a number, on a smartcard accreditation document indicates the accreditation number given to the accredited person.

Note—

A smartcard accreditation document indicates only 1 authority number regardless of the number of types of accreditation held by the accredited person.

59 Codes on accreditation documents

(1) The following codes may be used on an accreditation document—

(a) ‘N’ stated on an accreditation document to indicate that—

(i) the accreditation is not subject to an imposed condition; or

(ii) the accreditation is subject to an imposed condition, but the accredited person need not carry a document evidencing the condition while performing the person’s function;

(b) ‘Y’ stated on an accreditation document to indicate the accreditation is subject to an imposed condition and the accredited person must carry a document evidencing the condition while performing the person’s function;

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(c) 'TEXT' stored on a smartcard accreditation document to indicate the accreditation is subject to an imposed condition.

(2) A code mentioned in the *Transport Operations (Road Use Management—Driver Licensing) Regulation 2021*, schedule 1, column 1 may also be used on a smartcard accreditation document for a driver trainer to indicate the class of motor vehicle for which the driver trainer is authorised to give pre-licence driver training.

60 Application by accredited person for replacement accreditation document

(1) This section applies if—

(a) information stated on an accreditation document is incorrect; or

(b) an accredited person becomes aware, or reasonably suspects, an accreditation document has been damaged, lost or stolen; or

(c) an accredited person is at risk from a data breach relating to an accreditation document for the person.

Note—

See also section 63 for the requirement to notify the chief executive if an accreditation document has been damaged, lost or stolen.

(2) The accredited person may apply to the chief executive for a replacement accreditation document.

Note—

See part 7A for requirements about the application.

(3) An application under this section, other than an exempt application, must be accompanied by the prescribed fee.

(4) After receiving an application for which subsection (1)(a) or (b) applies, the chief executive must, subject to section 147D(4) and (5), give the accredited person a replacement accreditation document if the chief executive is satisfied—

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(a) the information on the accreditation document is incorrect; or

(b) the accreditation document has been damaged, lost or stolen.

(5) After receiving an application for which subsection (1)(c) applies, the chief executive must give the accredited person a replacement accreditation document.

(6) The chief executive may waive payment of the fee mentioned in subsection (3) if—

(a) the application is for the replacement of an accreditation document; and

(b) the chief executive is satisfied the accreditation document was lost or damaged because of a natural disaster.

(7) Also, the chief executive may waive payment of the fee mentioned in subsection (3) if the application is for the replacement of a smartcard accreditation document that was—

(a) damaged or lost as a result of a person, other than the accredited person, committing an indictable offence that is a crime or misdemeanour; or

(b) stolen.

(8) In this section—

at risk see the *Privacy Act 1988* (Cwlth), section 6(1).

data breach means an eligible data breach under the *Privacy Act 1988* (Cwlth) that is notified as required under that Act.

exempt application means an application for the replacement of a smartcard accreditation document that was not received by the accredited person because it has been lost or stolen.

61 Upgrading to smartcard accreditation document

(1) This section applies if—

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(a) an accredited person's accreditation document is not a smartcard accreditation document; and

(b) the chief executive issues, for the type of accreditation held by the accredited person, accreditation documents in the form of smartcard accreditation documents.

(2) The accredited person may apply to the chief executive to replace the person's accreditation document with a smartcard accreditation document.

Note—

See part 7A for requirements about the application.

(3) The application must be accompanied by the prescribed fee.

(4) Subject to section 147D(4) and (5), the chief executive may replace the accreditation document with a smartcard accreditation document for the unexpired period of the accreditation.

62 Chief executive may require smartcard accreditation document to be replaced

(1) This section applies if—

(a) information stated on a smartcard accreditation document is incorrect and the chief executive reasonably believes the error was caused by the chief executive; or

(b) the chief executive has amended the person's accreditation under section 19 of the Act and the person's smartcard accreditation document requires amendment or replacement.

(2) The chief executive may, by written notice, require the accredited person to return the person's smartcard accreditation document to the chief executive within a stated period and in a stated way.

(3) If subsection (1)(a) applies, the notice must state the information that is incorrect and the correct information.

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(4) The accredited person must comply with the notice, unless the person has a reasonable excuse.

Maximum penalty—20 penalty units.

(5) After receiving the smartcard accreditation document, the chief executive must give the accredited person a replacement smartcard accreditation document.

63 Notifying chief executive if accreditation document damaged, lost or stolen

(1) This section applies if an accredited person becomes aware, or reasonably suspects, the person's accreditation document has been damaged, lost or stolen.

(2) The accredited person must give the chief executive written notice of the damage, loss or theft as soon as practicable after becoming aware of, or suspecting, the damage, loss or theft.

Maximum penalty—20 penalty units.

(3) For subsection (2), the notice is sufficiently given if an application for a replacement accreditation document is made under section 60.

64 Change of name, address or postal address

(1) This section applies if an accredited person changes—

(a) the person's name or address; or

(b) if there is a current postal address for the person—the postal address.

(2) The accredited person must, within 14 days after the change, give the chief executive—

(a) for a change of name—written notice of the change; or

(b) for any other change—notice of the change.

Maximum penalty—20 penalty units.

(3) If the chief executive is satisfied the information given by the accredited person is correct, the chief executive must—

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(a) for a change of name—give the person a replacement accreditation document that records the change of name; or

(b) for a change of address—

(i) give the person a replacement accreditation document that records the change of address; or

(ii) give the person a change of address label.

(4) If a change of address label is damaged, lost or stolen, the accredited person must promptly ask the chief executive for a replacement label.

Maximum penalty—20 penalty units.

(5) On receipt of a change of address label or a replacement label, the accredited person must promptly attach the label to the back of the accreditation document in the space provided for a change of address label.

Maximum penalty—20 penalty units.

65 Notifiable events under other Acts

(1) This section applies if an accredited person, other than an approved examiner or an approved person—

(a) has an obligation under the Act to notify the chief executive of a notifiable event; and

(b) has an obligation under a prescribed smartcard Act to notify the chief executive, or the general manager under the *Maritime Safety Queensland Act 2002*, of the same notifiable event; and

(c) complies with the obligation under the prescribed smartcard Act.

(2) The obligation under the Act to notify the chief executive of the notifiable event is taken to have been satisfied if any time allowed to make the notification under the Act has not expired.

(3) In this section—

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notifiable event, for an accredited person, means any of the following—

(a) a change of the person's name;

(b) a change of the person's address;

(c) if there is a current postal address for the person—a change of the postal address;

(d) the damage, loss or theft of an accreditation document.

prescribed smartcard Act means any of the following Acts—

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

(b) the *Tow Truck Act 2023*;

(c) the *Transport Operations (Marine Safety) Act 1994*;

(d) the *Transport Operations (Passenger Transport) Act 1994*.

66 Possessing another person's accreditation document

(1) A person must not possess another person's accreditation document unless the person has a reasonable excuse.

Maximum penalty—40 penalty units.

(2) A person must not give the person's accreditation document to another person if the person knows, or ought reasonably to know, the other person intends to use the document to deceive someone.

Maximum penalty—40 penalty units.

(3) For subsection (2), it is irrelevant whether the person intended to be deceived is known or unknown, or exists or does not exist.

67 Document purporting to be accreditation document

(1) A person must not possess a document that resembles an accreditation document and is calculated to deceive someone.

Maximum penalty—40 penalty units.

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(2) A person must not give another person a document that resembles an accreditation document and is calculated to deceive someone.

Maximum penalty—40 penalty units.

(3) For subsections (1) and (2), it is irrelevant whether the person intended to be deceived is known or unknown, or exists or does not exist.

68 Damaging accreditation document

A person must not wilfully damage an accreditation document.

Maximum penalty—20 penalty units.

69 Chief executive may direct superseded accreditation document to be destroyed

(1) The chief executive may direct a person to destroy the person's superseded accreditation document.

(2) The person must comply with the direction.

Maximum penalty—20 penalty units.

(3) In this section—

smartcard transport authority see the *Transport Planning and Coordination Act 1994*, section 36G(1).

superseded accreditation document includes a superseded smartcard transport authority.

Note—

See the *Transport Planning and Coordination Regulation 2017*, section 7(5) for when an interim transport authority has effect as a smartcard transport authority.

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Part 3 Registered service providers and approved inspection stations

Division 1 General provisions for part 3 approvals

70 Application of div 1

This division applies to both of the following (each a ***part 3 approval***)—

(a) registration as a registered service provider;

(b) an AIS approval.

71 Application for grant or renewal of part 3 approvals

(1) A person may apply to the chief executive for—

(a) the grant of a part 3 approval; or

(b) if the person is the holder of a part 3 approval—renewal of the approval.

Note—

See part 7A for requirements about the application.

(2) The application must be accompanied by the prescribed fee.

72 Decision on application

The chief executive must consider the application within 28 days after receiving all information relevant to the application and, subject to section 147D(4) and (5)—

(a) grant the application, with or without conditions the chief executive considers reasonable and relevant; or

(b) refuse to grant the application.

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73 Suitability for part 3 approvals generally

(1) The chief executive may refuse to grant the application if—

(a) the applicant, or a relevant person for the applicant, has been—

(i) convicted of a disqualifying offence; or

(ii) convicted of a road transport offence within 5 years immediately before the application was made; or

Note—

See also section 17B(2) of the Act.

(b) the applicant, or if the applicant is a corporation, an executive officer of the applicant, has been charged with a disqualifying offence and the charge has not been finally disposed of; or

(c) the applicant, or a relevant person for the applicant, holds, or has held, an appointment as an accredited person or a part 3 approval that has been—

(i) suspended within 5 years immediately before the application was made; or

(ii) cancelled; or

(d) the chief executive is satisfied public safety is likely to be endangered if the application is granted; or

(e) the chief executive considers it necessary in the public interest.

(2) Also, if the application is for renewal of a part 3 approval, the chief executive may refuse to grant the application if the approval was granted—

(a) in error; or

(b) because of a document or representation—

(i) that is false or misleading; or

(ii) obtained or made in another improper way.

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(3) Subsections (1) and (2) do not limit the grounds on which the chief executive may refuse to grant the application.

73A Suitability for registration as registered service provider

(1) This section applies if the application is for the grant or renewal of a registration as a registered service provider.

(2) The chief executive may grant the application only if satisfied the applicant is able to comply with the business rules for providing Q-Ride training.

73B Suitability for AIS approval—applicant requiring nominee

(1) Subsection (2) applies if—

(a) the application is for the grant of an AIS approval; and

(b) section 99 would apply to the holder of the approval if the application were granted.

(2) The chief executive may grant the application only if satisfied the applicant will have a nominee when the application is granted.

(3) Subsection (4) applies if—

(a) the application is for the renewal of an AIS approval; and

(b) section 99 applies to the holder of the approval.

(4) The chief executive may refuse to grant the application if satisfied—

(a) the applicant no longer has a nominee; or

(b) the nominee for the applicant has failed to successfully complete a training course approved for a nominee under section 106A within the completion period for the training course.

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73C Suitability for AIS approval—other individual applicants

(1) This section applies if—

(a) the application is made by an individual for the grant or renewal of an AIS approval; and

(b) section 73B does not apply in relation to the application.

(2) The chief executive may grant an application for the grant of an AIS approval only if satisfied the applicant has successfully completed each training course approved for an applicant for the grant of an AIS approval under section 106A.

(3) The chief executive may refuse to grant an application for renewal of an AIS approval if satisfied the applicant has failed to successfully complete a training course approved for a holder of an AIS approval under section 106A within the completion period for the training course.

74 Notice of granting application

(1) If the chief executive decides to grant the application, the chief executive must give the applicant written notice of the decision (an approval notice) within 14 days after making the decision.

(2) If the chief executive decides to impose a condition on the part 3 approval, the chief executive must give the applicant an information notice for the decision with the approval notice.

(3) If the application is for grant or renewal of a registration as a registered service provider, the approval notice must state, for section 26(1)(c) of the Act, that the registered service provider's place of business is required to be open to inspection by an authorised officer when the place is open for the conduct of business or otherwise open for entry.

Note—

See also section 97.

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75 Notice of refusal to grant application

If the chief executive decides to refuse to grant the application, the chief executive must give the applicant an information notice for the decision within 14 days after making the decision.

76 Statutory conditions for part 3 approval

(1) From the grant of an application for the grant or renewal of a part 3 approval, the approval is subject to the conditions, in force when the application was granted, mentioned in—

(a) schedule 2, part 1; and

(b) for registration as a registered service provider—schedule 2, part 2; and

(c) for an AIS approval—schedule 2, part 3.

(2) A registered service provider must not contravene the condition mentioned in schedule 2, section 2.

Maximum penalty—40 penalty units.

(3) Subsection (1) does not limit section 72(a).

77 Duration of part 3 approval

A part 3 approval is granted or renewed for the term, not longer than 5 years, stated in the approval notice given to the applicant under section 74(1).

78 Producing approval notice

The holder of a part 3 approval must produce the approval notice, or a copy of the approval notice, for the approval for inspection at the request of a person seeking—

(a) if the part 3 approval is an AIS approval—to obtain an inspection certificate; or

(b) if the part 3 approval is registration as a registered service provider—Q-Ride training.

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Maximum penalty—30 penalty units.

Note—

The holder of a part 3 approval may also be required by an authorised officer, under section 49 of the Act, to produce for inspection a document issued, or required to be kept by the holder, under a transport Act or corresponding law.

79 Immediate cancellation

A part 3 approval is immediately cancelled on the happening of either of the following events—

(a) if the holder of the approval is an individual—the individual dies or becomes an insolvent under administration;

(b) if the holder is a body corporate—the corporation is wound up.

80 Voluntary surrender of pt 3 approval

(1) A holder of a part 3 approval may surrender the approval by written notice given to the chief executive.

(2) The surrender takes effect—

(a) on the day the notice is given; or

(b) if a later day is stated in the notice, on the later day.

81 Return of documents and things

(1) A responsible person for a part 3 approval must return to the chief executive all relevant items in the person's possession within 14 days after—

(a) the approval is surrendered under section 80; or

(b) a business carried on under the approval ceases to operate.

Maximum penalty—30 penalty units.

(2) Subsections (3) and (4) apply if—

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(a) a part 3 approval is cancelled; or

(b) the chief executive refuses to renew a part 3 approval; or

(c) a part 3 approval expires and the holder has not applied for the approval to be renewed.

(3) The chief executive may, by written notice to a responsible person for the approval, require the person to, within a stated period of at least 14 days, return to the chief executive all relevant items in the person's possession.

(4) The responsible person must not contravene the requirement unless the person has a reasonable excuse.

Maximum penalty—30 penalty units.

(5) In this section—

inspection report see the *Transport Operations (Road Use Management—Vehicle Standards and Safety) Regulation 2021*, section 86(2)(a).

relevant item means—

(a) in relation to a part 3 approval that is an AIS approval—

(i) a document that is, under the Business Rules for Approved Inspection Stations, required to kept by the proprietor of the AIS; and

(ii) unused inspection certificates and safety labels; and

(iii) unused inspection reports; or

(b) in relation to a part 3 approval that is registration as a registered service provider—unused competency declaration forms issued by the chief executive to the registered service provider.

responsible person means—

(a) in relation to a part 3 approval that is an AIS approval—the person who is, or on the cancellation or expiry of the approval ceases to be, the proprietor of the AIS; or

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(b) in relation to a part 3 approval that is registration as a registered service provider—the person who is, or on the cancellation or expiry of the approval ceases to be, the registered service provider; or

(c) if a person mentioned in paragraph (a) or (b) is a deceased individual—the person's personal representative; or

(d) if a person mentioned in paragraph (a) or (b) is a corporation that is being wound up—the liquidator of the corporation appointed under the Corporations Act.

82 Part 3 approval not transferable

A part 3 approval can not be assigned or transferred.

83 Part 3 approval is prescribed approval—Act, s 18(1)(c)(ii)

A part 3 approval is prescribed for section 18(1)(c)(ii) of the Act.

Division 2 Particular provisions for registered service providers

Subdivision 1 Records

84 Making eligible person record

A registered service provider must—

(a) when starting to provide Q-Ride training to an eligible person, make a written record (an eligible person record) of the eligible person; and

(b) include in the record the following information as soon as possible after the information becomes available to the provider—

(i) the eligible person's name and address;

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(ii) the eligible person's driver licence number, licence type, class and expiry date;

(iii) the documents or information the eligible person produced to the provider to verify that the eligible person is an eligible person to receive the Q-Ride training;

(iv) the date the provider started to provide the training;

(v) the date a competency recommendation notice for the eligible person was received;

(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.

Maximum penalty—40 penalty units.

85 Keeping of training records

(1) A person who is, or has been, a registered service provider must—

(a) keep training records, for an eligible person to whom the provider has provided Q-Ride training, for at least 2 years from—

(i) if the provider has completed a competency declaration for the eligible person—the date on which the competency declaration was completed; or

(ii) otherwise—the date the record was made or given to the provider; and

(b) keep the training records at—

(i) a secure storage place at the provider's place of business; or

(ii) for a person who is no longer a registered service provider—a secure storage place stated by the

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person in a signed notice to the chief executive; and

(c) if asked, make the training records available for inspection by the chief executive.

Maximum penalty—40 penalty units.

(2) In this section—

training records, for an eligible person, means the following—

(a) the eligible person record for the eligible person;

(b) the eligible person's Q-Ride training record given to the provider;

(c) the competency recommendation notice for the eligible person given to the provider;

(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.

Subdivision 2 Competency declarations

86 Requirement to complete competency declaration

(1) This section applies if—

(a) an eligible person has completed Q-Ride training provided to the eligible person by a registered service provider; and

(b) either of the following applies—

(i) a rider trainer who is an employee of the provider gives the provider a competency recommendation notice for the eligible person;

(ii) the provider is also a rider trainer and assesses the eligible person as having attained the competencies required under the Q-Ride training curriculum.

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(2) The provider must promptly complete a competency declaration for the eligible person.

Maximum penalty—40 penalty units.

(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

(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.

(4) The competency declaration is valid for 1 year from the day the provider completes it.

87 Restriction on completing competency declaration

A registered service provider who provides Q-Ride training to an eligible person must not complete a competency declaration for the eligible person in a way the provider knows is false or misleading in a material particular.

Maximum penalty—80 penalty units.

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Example of how a competency declaration may be false or misleading in a material particular—

The registered service provider completes a competency declaration for the eligible person for a class of motorbike knowing that—

(a) the eligible person has not attained the competencies to ride, or learn to ride, the class of motorbike; or

(b) no assessment of the eligible person's competence to ride, or learn to ride, the class of motorbike has been made; or

(c) the assessment of the eligible person's competence to ride, or learn to ride, the class of motorbike did not comply with the Q-Ride training curriculum; or

(d) the declaration is for a class of motorbike other than that for which the training has been given.

Subdivision 3 Provision of Q-Ride training

90 Ratio of eligible persons to rider trainers giving Q-Ride training

A registered service provider must not allow an employee of the provider who is a rider trainer to give Q-Ride training if the provider knows, or reasonably ought to know, that by giving the training the trainer would commit an offence against section 39.

Maximum penalty—40 penalty units.

91 False statements

A person (the first person) who is not a registered service provider must not state, either orally or in writing, anything to another person that is likely to induce the other person to believe the first person—

(a) is a registered service provider; or

(b) may provide Q-Ride training; or

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

Maximum penalty—80 penalty units.

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92 False advertising

A person who is not a registered service provider must not publish, or cause to be published, an advertisement stating or implying the person—

(a) is a registered service provider; or

(b) may provide Q-Ride training; or

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

Maximum penalty—80 penalty units.

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.

97 Particular approval notices prescribed—Act, s 26(1)(c)

An approval notice given to a registered service provider is prescribed for section 26(1)(c) of the Act.

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Note—

See section 74(3) for the requirement for an approval notice given to a registered service provider to state that the provider's place of business is required to be open to inspection by an authorised officer when the place is open for the conduct of business or otherwise open for entry.

98 Reasonable excuse

(1) It is not a reasonable excuse for a registered service provider not to comply with a condition mentioned in schedule 2, section 8(4) that complying with the condition might tend to incriminate the registered service provider.

(2) However, if the registered service provider is an individual, the following is not admissible in evidence against the person in a civil or criminal proceeding, apart from a proceeding for an offence against section 52 or 53 of the Act—

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

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

Division 3 Particular provisions for approved inspection stations

Subdivision 1 Nominees

99 Requirement for nominee

The holder of an AIS approval must have a nominee if the holder—

(a) is a corporation; or

(b) is a partnership; or

(c) holds an AIS approval for other premises and has not appointed a nominee for the other premises; or

(d) is a nominee for the holder of another AIS approval; or

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(e) will not be present at the fixed AIS to supervise work on a daily basis.

100 Application for approval as nominee

(1) An individual may apply to the chief executive for approval of the individual as the nominee for the holder of an AIS approval.

Note—

See part 7A for requirements about the application.

(2) The application must be—

(a) endorsed by the holder of the AIS approval; and

(b) accompanied by the prescribed fee.

101 Decision on application

(1) The chief executive must consider the application within 28 days after receiving all necessary information relevant to the application and, subject to section 147D(4) and (5)—

(a) grant the application, with or without conditions the chief executive considers reasonable and relevant; or

(b) refuse to grant the application.

(2) An approval as a nominee is prescribed for the Act, section 18(1)(c)(ii).

102 Suitability for approval as nominee

(1) The chief executive may grant the application only if satisfied the applicant—

(a) is an adult; and

(b) is an appropriate person to be a nominee; and

(c) holds a position in which the person is charged with responsibility for the conduct of the holder's business at

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the fixed AIS for which the holder has an AIS approval; and

(d) has successfully completed each training course approved for an applicant for approval as a nominee under section 106A.

(2) Without limiting subsection (1), the chief executive may refuse to grant the application if the applicant has been—

(a) convicted of a road transport offence within 5 years immediately before the application was made; or

(b) convicted of a disqualifying offence.

Note—

See also section 17B(2) of the Act.

103 Notice of decision

(1) If the chief executive decides to grant the application, the chief executive must give the applicant written notice of the decision within 14 days after making the decision.

(2) If the chief executive decides to impose a condition on the approval, the chief executive must give the applicant an information notice for the decision within 14 days after making the decision.

(3) If the chief executive decides to refuse to grant the application, the chief executive must give the applicant an information notice for the decision within 14 days after making the decision.

104 Ending of approval as nominee

(1) A person's approval as a nominee ends if the person stops holding the position mentioned in section 102(1)(c).

(2) Subsection (3) applies if—

(a) the holder of an AIS approval is required to have a nominee; and

(b) the approval of the nominee for the holder ends.

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(3) The AIS approval is suspended until another person is approved as the nominee for the holder of the approval.

105 Meaning of *nominee*—Act, s 17C(6), definition *nominee*

For section 17C(6) of the Act, definition *nominee*, ***nominee***, for an AIS approval, means a person approved as a nominee under section 101.

105A Training requirement for nominee—Act, s 18

(1) This section applies to a nominee whether the person's application for approval as a nominee was granted before the commencement or is granted after the commencement.

(2) The nominee must successfully complete each training course approved for a nominee under section 106A within the completion period for the training course.

(3) For section 18(1)(s) of the Act, the nominee contravening subsection (2) is prescribed as a ground for suspending or cancelling the person's approval as a nominee.

106 Nominee required to notify chief executive of particular events

A nominee must give the chief executive signed notice of either of the following events within 14 days after the event happens—

(a) the nominee is convicted of a disqualifying offence;

(b) the nominee is convicted of a road transport offence.

Maximum penalty—30 penalty units.

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Subdivision 2 Other provisions

106A Approved training course for AIS activities

(1) This section applies in relation to the following activities (***AIS activities***) for an AIS approval or an approval as a nominee—

(a) operating an AIS;

(b) inspecting particular types of vehicles at an AIS.

(2) The chief executive may approve a training course for carrying out the AIS activities if the chief executive considers a person who successfully completes the training course will have, or continue to have, the skills and knowledge necessary to carry out the activities.

(3) The chief executive may approve a training course under subsection (2) for completion by any 1 or more of the following—

(a) an applicant for the grant of an AIS approval;

(b) an applicant for the grant of an approval as a nominee;

(c) the holder of an AIS approval;

(d) a nominee.

(4) The chief executive may approve a registered training organisation to conduct a training course approved under subsection (2).

(5) The chief executive must notify the following on the department's website—

(a) each training course approved under subsection (2);

(b) the class of person for which the training course is approved under subsection (3);

(c) for a training course approved for completion by the holder of an AIS approval or a nominee—the period (the ***completion period***), of at least 3 months after the day the training course is notified, in which an AIS

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approval holder or nominee is required to successfully complete the training course;

(d) if a registered training organisation is approved to conduct a training course under subsection (4)—

(i) the name of the training organisation; and

(ii) each training course the training organisation is approved to conduct;

(e) if paragraph (d) does not apply in relation to a training course—information about where the training course may be undertaken.

107 Chief executive may make rules for operation of AIS

(1) The chief executive may make rules (the ***Business Rules for Approved Inspection Stations***) for the operation of an AIS.

(2) The Business Rules for Approved Inspection Stations may provide for any matter the chief executive considers appropriate.

(3) The chief executive must publish the Business Rules for Approved Inspection Stations on the department's website.

108 Keeping and maintaining equipment at AIS

(1) The proprietor of an AIS must—

(a) keep at the AIS the required equipment for the AIS approval; and

(b) ensure the equipment is maintained so it efficiently performs the function for which it is designed.

Maximum penalty—30 penalty units.

(2) If the proprietor is not the holder of the AIS approval, the holder must give the proprietor a copy of the Business Rules for Approved Inspection Stations before vehicles are inspected at the AIS.

(3) In this section—

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required equipment, for an AIS approval, means equipment stated in the Business Rules for Approved Inspection Stations as being necessary for inspecting vehicles of the type that may be inspected under the AIS approval.

109 Inspections permitted at an AIS

(1) The proprietor of an AIS must ensure—

(a) an approved examiner is available to inspect vehicles at the AIS during its ordinary business hours, unless the proprietor has a reasonable excuse; and

(b) the approved examiner is accredited to inspect vehicles of the type for which the AIS is approved.

Maximum penalty—30 penalty units.

(2) An approved examiner must not—

(a) inspect a vehicle at an AIS unless the vehicle is of a type for which the AIS is approved; or

(b) inspect a vehicle unless the examiner is accredited to inspect that type of vehicle; or

(c) inspect a vehicle at a place that is not an AIS, other than in accordance with an AIS approval that includes approval to operate a mobile AIS.

Maximum penalty—30 penalty units.

(3) The proprietor must—

(a) ensure each approved examiner employed at the AIS has a sound knowledge of an approved examiner's function under the Act; and

(b) supervise each approved examiner employed at the AIS; and

(c) ensure the approved examiner discharges the examiner's function under the Act.

Maximum penalty—30 penalty units.

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(4) The proprietor must not charge an amount for an inspection for the issue of an inspection certificate more than the prescribed fee for the inspection.

Maximum penalty—30 penalty units.

110 Notification of change

If any of the following events happen, the proprietor of an AIS must give the chief executive written notice of the event within 14 days after the event happens—

(a) an approved examiner starts or finishes working at the proprietor's business;

(b) there is a change of the name or location of the business;

(c) there is a change of ownership of the business;

(d) the proprietor stops carrying on the business.

Maximum penalty—30 penalty units.

111 Notification if certificate destroyed, lost or stolen

(1) A person must immediately notify the chief executive if an unused inspection certificate issued to the person is destroyed, lost or stolen.

Maximum penalty—30 penalty units.

(2) If a person makes an oral notification under subsection (1), the person must confirm the notification in writing within 14 days after the event happens.

Maximum penalty—30 penalty units.

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Part 4 Approval of interlock providers

112 Applicant for approval

(1) A person is taken to be an applicant for an approval under this part to provide approved interlocks (an interlock approval) if—

(a) the person enters into a written agreement with the chief executive to act as a provider of approved interlocks; or

(b) the person is—

(i) an approved interlock provider; and

(ii) the person's interlock approval will expire within 6 weeks; and

(iii) the person has entered into a written agreement with the chief executive to act as a provider of approved interlocks after the expiry of the person's interlock approval.

(2) In this section—

approved interlock means an interlock that is approved under the *Transport Operations (Road Use Management—Driver Licensing) Regulation 2021*, section 334.

interlock see the *Transport Operations (Road Use Management) Act 1995*, section 91I.

113 Refusing interlock approval—Act, s 17B(2)

The chief executive may refuse to grant an interlock approval if the applicant for the approval, or a relevant person for the applicant, has been convicted of a dishonesty offence.

114 Decision on application

After considering a report from the commissioner about the criminal history of an applicant for an interlock approval, or

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of a relevant person for the applicant, the chief executive must decide to—

(a) grant the approval, with or without conditions the chief executive considers reasonable and relevant; or

(b) refuse to grant the approval.

115 Granting interlock approval

(1) If the chief executive decides to grant an interlock approval, the chief executive must give the applicant for the approval a signed notice of the decision (an approval notice) within 14 days after making the decision.

(2) The approval notice must state the following—

(a) the applicant's name and place of business;

(b) the commencement and expiry dates for the approval;

(c) any imposed conditions for the approval.

(3) The approval notice may also include any other information the chief executive considers appropriate.

(4) If the chief executive decides to impose a condition on the interlock approval, the chief executive must give the applicant an information notice for the decision with the approval notice.

116 Notice of refusal to grant interlock approval

If the chief executive decides to refuse to grant an interlock approval, the chief executive must give the applicant for the approval an information notice for the decision within 14 days after making the decision.

117 Statutory conditions for interlock approval

(1) An interlock approval is subject to the conditions stated in schedule 3.

(2) Subsection (1) does not limit section 114(a).

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118 Duration of interlock approval

An interlock approval is for the term, not longer than 5 years, stated in the approval notice.

119 Interlock approval not transferable

An interlock approval can not be assigned or transferred.

120 Immediate cancellation

An interlock approval is immediately cancelled on the happening of either of the following events—

(a) if the approved interlock provider is an individual—the individual dies or becomes an insolvent under administration;

(b) if the approved interlock provider is a corporation—the corporation is wound up.

121 False statements

A person (the ***first person***) who is not an approved interlock provider must not state, either orally or in writing, anything to another person that is likely to induce the other person to believe the first person—

(a) is an approved interlock provider; or

(b) may provide prescribed interlocks.

Maximum penalty—80 penalty units.

122 False advertising

A person who is not an approved interlock provider must not publish, or cause to be published, an advertisement stating or implying the person—

(a) is an approved interlock provider; or

(b) may provide prescribed interlocks.

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Maximum penalty—80 penalty units.

123 Interlock approval is prescribed approval—Act, s 18(1)(c)(ii)

An interlock approval is prescribed for section 18(1)(c)(ii) of the Act.

Part 5 Special event permits and special circumstances permits

Division 1 Definitions

124 Definitions for pt 5

In this part—

authorised person, for a special circumstances permit, means a person who is authorised to use roads in a particular way under the permit, whether or not the person is the holder of the permit.

authorising officer means the chief executive or the commissioner.

event includes a happening or activity.

special circumstances permit means a permit issued under division 3 under which the permit holder, or an authorised person—

(a) is allowed to use roads in a particular way; or

(b) for a permit issued for section 85A of the Act—is allowed to drive a motor vehicle on a road or in a public place in a way that would otherwise contravene section 85A(1) of the Act.

special event means an event—

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(a) the conduct of which requires the use of roads and involves, or may reasonably be expected to involve, some inconsistency with the requirements of—

(i) the *Transport Operations (Road Use Management—Vehicle Standards and Safety) Regulation 2021*; or

(ii) the Queensland Road Rules; and

(b) the nature of which is—

(i) wholly, or generally, public; and

(ii) ordinarily, though not necessarily, unique or occasional.

Examples of special events—

charity collections at traffic lights, fun runs, group bicycle rides for charity, walkathons

special event permit means a permit issued under division 2 to conduct a special event described in the permit.

take part in, a special event, includes help with the running of the special event.

Division 2 Special event permits

125 Issuing special event permit

(1) A person proposing to conduct a special event may apply to an authorising officer for a special event permit for the event.

Note—

See part 7A for requirements about the application.

(2) Subject to section 147D(4) and (5), the authorising officer may issue the special event permit only if the authorising officer is satisfied, on reasonable grounds—

(a) the issue of the permit will not compromise the safety of the public generally; and

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(b) without limiting paragraph (a)—the person conducting the event will ensure that appropriate arrangements will be put in place—

(i) to minimise danger for persons taking part in the special event; and

(ii) to manage the impact of the special event on road users not taking part in the event.

(3) A special event permit must include the following—

(a) a description of the special event to be conducted under the permit;

(b) requirements about how the special event is to be conducted.

(4) The requirements about how the special event is to be conducted may include conditions that must be complied with in the conduct of the special event.

Examples of matters that may be the subject of conditions

- advising persons about the special event, such as emergency service organisations, local governments, passenger transport providers and members of the public likely to be affected by the event
- liaising with relevant police officers before the event takes place
- having the permit available for inspection at the event
- managing and using vehicles providing support for the event
- displaying warning signs and warning lights
- limiting which parts of roads may be used
- limiting where fundraising may be conducted
- erecting and dismantling appropriate signs and barricading
- ensuring routes are available for emergency vehicles
- minimising or avoiding obstruction of exits from, and access to, places in the vicinity of the site of the event
- providing and positioning of adequate marshals to safely supervise the event
- engaging police officers to monitor safety
- advising persons taking part in the event of the conditions included in the permit

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126 Authority of special event permit

(1) This section applies if a special event permit has been issued for the conduct of a special event.

(2) A person taking part in the special event is not required to comply with a provision of the *Transport Operations (Road Use Management—Vehicle Standards and Safety) Regulation 2021* or the Queensland Road Rules to the extent that compliance with the provision—

(a) is excused under the special event permit; or

(b) is inconsistent with the conduct of the special event described in the permit in the way permitted or required under the permit.

(3) However, subsection (2) applies to a person taking part in the special event only if the person is taking part in the special event in the way permitted or required under the permit, including under the conditions stated in the permit.

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—

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(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.

127 Responsibility of permit holder

The holder of a special event permit must ensure the conditions of the permit are complied with.

Maximum penalty—20 penalty units.

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Division 3 Special circumstances permits

128 Application for, and issue of, special circumstances permit

(1) A person may apply to an authorising officer for a special circumstances permit.

Note—

See part 7A for requirements about the application.

(2) Without limiting subsection (1), an application may relate to—

(a) use of a motor vehicle in a way that would otherwise contravene section 85A(1) of the Act; or

(b) use of a vehicle (a ***special EPAC***) that would otherwise be an electrically power-assisted cycle if not for a lack of compliance with the EPAC standard or lack of a label indicating compliance with the standard.

(3) Subject to section 147D(4) and (5), the authorising officer may issue the special circumstances permit only if the authorising officer is satisfied on reasonable grounds—

(a) special circumstances apply to the applicant; and

Example of special circumstances applying to the applicant—

A local government officer authorised to serve infringement notices for minor traffic offences may need to breach a provision of the Queensland Road Rules to serve an infringement notice.

(b) it is reasonable the authorised persons for the permit be permitted to use roads in a way (the particular way) allowing for the applicant's special circumstances; and

(c) it would be unreasonable if, because of the special circumstances—

(i) the applicant were to be excluded from using roads; or

(ii) the authorised persons for the permit were to be prohibited from using roads in the particular way; and

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(d) the issue of the permit is not likely to compromise the safety of the public generally; and

(e) without limiting paragraph (d)—appropriate arrangements will be in place—

(i) to minimise danger for the authorised persons for the permit; and

(ii) to manage the impact on other road users of the use of the roads by the authorised persons in the particular way.

(4) The permit must—

(a) include a description of—

(i) the particular way in which the authorised persons for the permit are to be permitted to use roads; or

(ii) if the permit relates to a special EPAC—the special EPAC; and

(b) state the period for which the permit applies.

(5) The permit must not be issued for a period lasting more than 5 years.

(6) The permit may include conditions that must be complied with by the permit holder.

Examples of matters that may be the subject of conditions—

- having the permit available for inspection when using roads under the authority of the permit
- displaying warning signs and warning lights
- limiting which roads, or parts of roads, may be used
- minimising or avoiding interference with other road users
- ensuring the vehicle complies with a standard or stated specifications

(7) For an application mentioned in subsection (2), a reference in this section to a road is taken to include a public place.

(8) In this section—

minor traffic offence see section 108(4) of the Act.

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129 Authority of special circumstances permit

(1) This section applies if a special circumstances permit has been issued to a person.

(2) An authorised person for the permit, when using a road, is not required to comply with a mass, load or dimension provision of the *Transport Operations (Road Use Management—Vehicle Standards and Safety) Regulation 2021* or a provision of the Queensland Road Rules to the extent compliance with the provision—

(a) is excused under the special circumstances permit; or

(b) is inconsistent with the person's use of the road in the way permitted or required under the permit.

Note—

See also section 85A(2) of the Act for the authority of a special circumstances permit that relates to using a motor vehicle on a road or in public place in a way that would otherwise contravene section 85A(1) of the Act.

(3) However, subsection (2) applies to the authorised person only if the person is using the road in the way permitted or required under the permit, including under the conditions stated in the permit.

(3A) To the extent the special circumstances permit applies in relation to a special EPAC, the permit only applies while the special EPAC complies with the conditions of the permit.

(4) In this section—

mass, load or dimension provision, of the *Transport Operations (Road Use Management—Vehicle Standards and Safety) Regulation 2021*, means a provision of part 4 or schedule 1, part 6, division 2 of that regulation.

special EPAC see section 128(2)(b).

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Part 5A E-mobility use

Division 1 Exemptions for riding electrically power-assisted cycle or personal mobility device without valid licence

129A Exemption for child riding while under adult supervision—Act, s 78B

(1) For section 78B(1A)(a) and (1B) of the Act, a child who is at least 12 years is exempt from complying with section 78B(1) of the Act while the child is under adult supervision if, at all times during the supervision, the adult is within sufficient physical proximity to the child to—

(a) easily observe and communicate with the child; and

(b) provide immediate instruction to the child.

Example of adult who is within sufficient physical proximity to the child—

the adult is walking or riding beside or directly behind the child who is riding the electrically power-assisted cycle or personal mobility device

(2) For section 78B(2) of the Act, definition *adult supervision*, paragraph (c), each of the following persons is prescribed for a child—

(a) an approved kinship carer, approved foster carer or provisionally approved carer in whose care the child is placed under the *Child Protection Act 1999*, section 82(1)(a), (b) or (e);

(b) another person who has responsibility for the child because the child is placed in the care of an entity under the *Child Protection Act 1999*, section 82(1)(c), (d) or (f).

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129B Exemption for person with medical condition or physical or mental incapacity

(1) For section 78B(1A)(b) and (1B) of the Act, a person is exempt from complying with section 78B(1) of the Act if—

(a) the person is at least 16 years; and

(b) the person is unable to hold or obtain a driver licence only because the person has a medical condition or a physical or mental incapacity; and

(c) a medical exemption certificate is in effect for the person; and

(d) while riding the electrically power-assisted cycle or personal mobility device, the person—

(i) carries the medical exemption certificate; and

(ii) complies with any conditions stated in the medical exemption certificate.

(2) Subsection (3) applies if the person—

(a) is required by an authorised officer to produce the medical exemption certificate; and

(b) is not able to comply with the requirement immediately.

(3) The person is taken to have complied with subsection (1)(d)(i) if the person produces the medical exemption certificate to a person or at a place nominated by the authorised officer within 48 hours after the requirement is made.

(4) In this section—

health practitioner, for a medical exemption certificate, means—

(a) a registered health practitioner under the Health Practitioner Regulation National Law; or

(b) another appropriately qualified health practitioner stated in the approved form for the certificate.

medical exemption certificate, for a person, means a certificate in the approved form signed by a health practitioner stating—

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(a) that the person is able to safely operate a stated electrically power-assisted cycle or personal mobility device; and

(b) the day the certificate expires, being not more than 5 years after the day the certificate is signed; and

(c) any conditions applying to the person in relation to the matters stated in the certificate.

129C Exemption for person riding at particular places

(1) For section 78B(1A)(c) and (1B) of the Act, a person is exempt from complying with section 78B(1) of the Act if the person is riding the electrically power-assisted cycle or personal mobility device at any of the following places—

(a) a mountain bike trail;

(b) a private recreational cycling facility;

(c) a rail trail.

(2) The chief executive may publish a place, or a map showing the location of a place, mentioned in subsection (1) on the department's website.

(3) A place published under subsection (2) does not limit the places to which subsection (1) applies.

(4) In this section—

mountain bike trail means a trail or network of trails open to the public—

(a) that is for, or has as 1 of its main uses, use by riders for the recreational riding of bicycles; and

(b) that is located on 1 or more types of relevant government managed land; and

(c) that is identified as a mountain bike trail by signage on, or at an entrance to, the trail or at least 1 trail in the network of trails.

private recreational cycling facility means private land that is made available by the person who owns or controls the land

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for use by the public, whether or not on payment of a fee, for the recreational riding of bicycles.

rail trail means a route—

(a) that follows, or substantially follows—

(i) rail corridor land or non-rail corridor land under the *Transport Infrastructure Act 1994*; or

(ii) other land on which infrastructure for a railway is or was built; and

(b) that is used for recreational purposes, including, for example, cycling or walking; and

(c) that is identified as a rail trail by signage on, or at the entrance to, the route.

relevant government managed land means—

(a) a protected area under the *Nature Conservation Act 1992*; or

(b) a State forest or timber reserve under the *Forestry Act 1959*; or

(c) other land owned or controlled by the State acting through the department in which the *Nature Conservation Act 1992* is administered; or

(d) land owned or controlled by a local government.

Division 2 Legacy EPACs and special purpose EPACs

129D Prescribed characteristics and limitations for legacy EPACs

(1) For section 122Q of the Act, definition *legacy EPAC*, paragraph (e), this section prescribes the characteristics and limitations for legacy EPACs.

(2) A legacy EPAC must have pedals.

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(3) The total maximum continuous rated power of all auxiliary electric motors for a legacy EPAC must not be more than 250 watts.

(4) When propelled only by auxiliary electric motor, a legacy EPAC must not be capable of exceeding a speed of 6km/h.

(5) The propulsion assistance provided by an auxiliary electric motor must cut off once the legacy EPAC reaches a speed of 25km/h.

(6) A legacy EPAC must not have a feature that allows a power or speed limitation mentioned in subsection (3), (4) or (5) to be bypassed, disengaged or overridden, unless the feature is for the purpose of setting a lower power or speed limitation.

129E Prescribed characteristics and limitations for special purpose EPACs

(1) For section 122Q of the Act, definition *special purpose EPAC*, paragraph (e), this section prescribes the characteristics and limitations for special purpose EPACs.

(2) A special purpose EPAC must have pedals.

(3) When propelled only by auxiliary electric motor, a special purpose EPAC must not be capable of exceeding a speed of 12km/h.

(4) The propulsion assistance provided by an auxiliary electric motor must cut off once the special purpose EPAC reaches a speed of 25km/h.

(5) A special purpose EPAC must not have a feature that allows a speed limitation mentioned in subsection (3) or (4) to be bypassed, disengaged or overridden, unless the feature is for the purpose of setting a lower speed limitation.

129F Maximum fees payable for verifying vehicle is legacy EPAC or special purpose EPAC

(1) For section 122U(1)(a) of the Act, the following maximum fees are prescribed—

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(a) for assessing or testing whether a vehicle is a legacy EPAC or special purpose EPAC—$50;

(b) for issuing or affixing a compliance label, including recording details of the verification for a legacy EPAC or special purpose EPAC—$20.

Note—

The maximum total of fees a customer could pay for the verification of a legacy EPAC or special purpose EPAC, resulting in a compliance label being attached to the EPAC, is $70.

(2) A person must not charge a customer more than the maximum fees stated in subsection (1) for—

(a) assessing or testing whether a vehicle is a legacy EPAC or special purpose EPAC; or

(b) issuing or affixing a compliance label, including recording details of the verification of a legacy EPAC or special purpose EPAC.

Maximum penalty—30 penalty units.

129G Limitations and conditions applying to use of legacy EPACs or special purpose EPACs

(1) For section 122U(1)(b) of the Act, a person must not ride a legacy EPAC or special purpose EPAC on a road, road-related area or in a public place if—

(a) the EPAC does not display a compliance label attached to the EPAC in accordance with the EPAC verification rules; or

(b) the EPAC has been modified or tampered with after verification in a way that bypasses, disengages or overrides the power or speed limitations.

(2) A person riding a legacy EPAC or special purpose EPAC must not contravene the condition stated in subsection (1).

Maximum penalty—30 penalty units.

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Part 6 Protection of roads and structures

130 Definition for pt 6

In this part—

State-controlled road means a road or land, or part of a road or land, declared to be a State-controlled road under the *Transport Infrastructure Act 1994*, section 24.

131 Damage to road transport infrastructure

(1) A person must not use, or permit to be used, on a State-controlled road, whether with a gravel formation or sealed surface, any vehicle or equipment that may damage the road, other than under a permit issued under section 132.

Maximum penalty—80 penalty units.

(2) A person must not use, or permit to be used, on a State-controlled road, any vehicle or equipment that is not fitted with pneumatic or rubber tyres, other than—

(a) under a permit issued under section 132; or

(b) for the construction of works for, or the maintenance of, road transport infrastructure.

Maximum penalty—80 penalty units.

132 Application for, and issue of, permit

(1) A person may apply to the chief executive for a permit under this section.

Note—

See part 7A for requirements about the application.

(2) The application must be made to the chief executive at least 10 business days before the vehicle or equipment is to be used on the State-controlled road.

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(3) Subject to section 147D(4) and (5), the chief executive may issue the permit, with or without conditions, or refuse to issue the permit.

(4) A permit may include conditions about any matters the chief executive considers necessary or appropriate.

Examples of matters that may be the subject of conditions—

- the State-controlled roads on which the vehicle or equipment may be used
- the period for which the vehicle or equipment may be used on State-controlled roads
- the maximum mass and dimensions for the vehicle or equipment
- preparing or strengthening road transport infrastructure
- the repair, replacement or reconstruction of road transport infrastructure

(5) Before granting the permit, or as a condition of the permit, the chief executive may require the applicant to pay the chief executive's costs or estimated costs of any of the following—

(a) assessing the vehicle's route and preparing the relevant plans and estimates;

(b) preparing and strengthening road transport infrastructure on the route;

(c) repairing, replacing or reconstructing road transport infrastructure on the route;

(d) ensuring compliance with a condition or a proposed condition of the permit.

(6) A permit issued under this section is immediately cancelled if a condition of the permit is contravened.

133 Restriction of loads on structures

(1) The chief executive may—

(a) decide the maximum loaded mass for a vehicle that may use a bridge or culvert forming part of a State-controlled road; and

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(b) erect on or in the vicinity of the bridge or culvert a conspicuous notice stating—

(i) the maximum loaded mass for a vehicle that may use the bridge or culvert; and

(ii) reasonable and relevant conditions the chief executive considers should apply for the safe use of the bridge or culvert by a vehicle.

(2) A person must not drive a vehicle over a bridge or culvert if—

(a) a notice has been erected under subsection (1)(b) for the bridge or culvert; and

(b) either or both of the following apply—

(i) the loaded mass of the vehicle is greater than the mass stated on the notice as the maximum loaded mass for a vehicle that may use the bridge or culvert;

(ii) the vehicle is driven in a way that contravenes a condition stated in the notice for the safe use of the bridge or culvert by a vehicle.

Maximum penalty—80 penalty units.

(3) A person does not contravene subsection (2) if the person—

(a) before driving the vehicle over the bridge or culvert, obtains the written consent of the chief executive to drive the vehicle over the bridge or culvert; and

(b) in driving the vehicle over the bridge or culvert, complies with all conditions to which the chief executive's written consent is subject.

134 Part does not affect Heavy Vehicle National Law (Queensland), Ch 4

This part does not authorise a person to drive a heavy vehicle on a road other than in compliance with the requirements of the Heavy Vehicle National Law (Queensland), Chapter 4.

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Part 7 Miscellaneous

135 Transport Acts—Act, sch 4

For schedule 4 of the Act, definition *transport Act*, paragraph (b), the *Transport Infrastructure Act 1994*, section 46 is prescribed.

136 Approval of random inspection program

(1) The chief executive may approve a program for stopping private vehicles for section 47 of the Act, only if the program—

(a) states that only an authorised officer who has successfully finished a particular course of training may exercise the powers of an authorised officer at a checkpoint; and

(b) requires an authorised officer to wear a uniform approved by the chief executive when the authorised officer is on duty at the checkpoint; and

(c) requires a police officer in uniform to be present at the checkpoint at night; and

(d) establishes particular objective criteria for the random selection of motor vehicles for stopping at checkpoints.

Examples of objective criteria for random selection of motor vehicles—

1 Every fifth motor vehicle passing the checkpoint is to be checked.

2 Every second motor vehicle passing the checkpoint that appears to the authorised officer to be older than 5 years is to be checked.

(2) The program may include other matters the chief executive considers appropriate.

(3) The exercise of a power under section 31(1)(a) of the Act is not invalid only because the authorised officer did not tell the

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driver the particular objective criterion used to select the driver's vehicle for stopping the vehicle at a checkpoint.

(4) A course of training mentioned in subsection (1) must educate authorised officers about the powers and duties of authorised officers under the Act and the appropriate way of exercising the powers and duties.

137 Meaning of oversize vehicle—Act, sch 4, definition *oversize vehicle*

(1) This section applies for the purposes of schedule 4 of the Act, definition *oversize vehicle*.

(2) An ***oversize vehicle*** is—

(a) an oversize heavy vehicle; or

(b) an oversize light vehicle.

138 Way to require vehicles to stop or move in preparation for stopping—Act, ss 31(3) and 32(3) and (4)

(1) For section 31(3) or 32(3) of the Act, an authorised officer may require the person in control of a motor vehicle to stop the vehicle or, for section 32(4) of the Act, to move the vehicle in preparation for stopping it—

(a) by signalling in a way stated in schedule 4; or

(b) by a sign displayed—

(i) by the authorised officer; or

(ii) on or in the vicinity of the road.

Examples for paragraph (b)(ii)—

- a sign indicating that trucks must stop at a weighbridge when it is open
- a sign indicating that trucks must use left lane
- a sign indicating that trucks must exit

(2) To help in attracting the attention of the person in control of the motor vehicle to the authorised officer's signal or sign, an

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authorised officer who is not a police officer may, on the officer's vehicle—

(a) display flashing magenta coloured lights; or

(b) operate a horn.

138A Motor vehicle used to provide public passenger service must not have passenger accessible controls

(1) The driver of a motor vehicle fitted with passenger accessible controls must not use the vehicle to provide a public passenger service.

Maximum penalty—20 penalty units.

(2) In this section—

passenger accessible controls, for a motor vehicle, means accelerator, clutch or footbrake controls accessible for immediate use by a person other than the driver of the vehicle.

public passenger service see the *Transport Operations (Passenger Transport) Act 1994*, schedule 3.

139 Light or sign creating danger to traffic

(1) This section applies if the chief executive or commissioner considers a light or sign in, on, or near a road, or attached to a building or other structure in the vicinity of a road, may create a danger to traffic.

(2) The chief executive or commissioner may give the owner of the light or sign a written notice requiring the owner, within the time stated in the notice, to—

(a) remove the light or sign; or

(b) modify the light or sign, in the way stated in the notice, so it does not create a danger to traffic.

(3) The owner must comply with the notice unless the owner has a reasonable excuse.

Maximum penalty—40 penalty units.

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(4) If the owner does not comply with the notice, the chief executive or commissioner may—

(a) remove the light or sign; and

(b) recover the removal costs from the owner as a debt.

140 Review of decisions

(1) Sections 65 and 65A of the Act apply to a schedule 5 decision as if a reference to an original decision in section 65 of the Act were a reference to the schedule 5 decision.

(2) In this section—

schedule 5 decision means a decision mentioned in schedule 5.

141 Completing training course for another person

(1) This section applies if a person (the ***responsible person***) is required under this regulation to—

(a) successfully complete a training course, approved under section 20, relating to an existing or prospective accreditation as an approved examiner; or

(b) successfully complete a training course approved under section 106A relating to an existing or prospective AIS approval or approval as a nominee.

(2) A person, other than the responsible person, must not complete all or part of the training course for the responsible person.

Maximum penalty—40 penalty units.

141A Disclosure of information to registered training organisation

(1) This section authorises the disclosure of information for section 143(2)(b)(i) of the Act.

(2) Subsection (3) applies if—

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(a) a person is required under this regulation to—

(i) successfully complete a training course, approved under section 20, relating to an existing or prospective accreditation as an approved examiner; or

(ii) successfully complete a training course, approved under section 106A, relating to an existing or prospective AIS approval or approval as a nominee; and

(b) the chief executive has approved a registered training organisation to conduct the training course under section 22 or 106A(4).

(3) The chief executive may disclose information about the person to the registered training organisation to the extent the disclosure of the information is necessary to enable the chief executive to monitor compliance with the requirement in the administration of the Act.

142 Return of unused certificates, plates and labels by proprietor of modification business

(1) If the proprietor of a modification business stops carrying on the business, the proprietor must return to the chief executive all unused certificates, plates or labels in the proprietor's possession within 14 days after the proprietor stops carrying on the business.

Maximum penalty—30 penalty units.

(2) In this section—

certificate means a document in a form intended for use as a certificate of modification for a vehicle.

plate or label means a plate or label intended for use as a modification plate for a vehicle.

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143 Document keeping by proprietor of modification business

(1) The proprietor of a modification business must keep a copy of a certificate of modification for a vehicle for 7 years after it is given to an owner.

Maximum penalty—30 penalty units.

(2) The proprietor of a modification business must keep a cancelled certificate of modification for a vehicle for 2 years after the certificate is cancelled.

Maximum penalty—30 penalty units.

(3) The proprietor of a modification business must keep a document mentioned in subsection (1) or (2) at the proprietor's business premises during its ordinary business hours.

(4) However, if the proprietor of a modification business stops carrying on the business, the proprietor must, within 14 days after the proprietor stops carrying on the business, return to the chief executive a document the proprietor is keeping under subsection (1) or (2) immediately before the proprietor stops carrying on the business.

Maximum penalty—30 penalty units.

144 Fees

Schedule 6 states fees payable for this regulation.

144A Rounding of amounts expressed as numbers of fee units

(1) This section applies for working out the amount of a fee expressed in this regulation as a number of fee units.

(2) For the purpose of the *Acts Interpretation Act 1954*, section 48C(3), the amount is to be rounded to the nearest multiple of 5 cents (rounding one-half upwards).

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Example—

If a fee were 35 fee units and the value of a fee unit were $1.015, the number of dollars obtained by multiplying 35 by $1.015 would be $35.525. Because $35.525 is halfway between $35.50 and $35.55, it is rounded upwards, so the amount of the fee would be $35.55.

145 Waiver of particular fees

The chief executive may waive any of the following—

(a) an application fee payable under schedule 6, item 1, 6 or 9;

(b) an additional application fee payable under schedule 6;

(c) a fee payable under schedule 6, item 10 if the AIS approval being replaced was lost or damaged because of a natural disaster.

146 Refund of particular fees—accredited persons and nominees

(1) This section applies if—

(a) a person applies for—

(i) appointment as an accredited person, other than as a rider trainer; or

(ii) approval as a nominee; and

(b) the chief executive does not ask the commissioner, under section 17C of the Act, for a written report about the person's criminal history for the application.

(2) For an application for appointment as an approved person, the application fee paid under schedule 6, item 1 must be refunded to the applicant.

(3) For an application for approval as a nominee, the application fee paid under schedule 6, item 9 must be refunded to the applicant.

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(4) For all other applications to which this section applies, the additional application fee paid under schedule 6, item 2 or 3 must be refunded to the applicant.

146A Refund of particular fees—part 3 approvals

(1) This section applies if—

(a) a person applies for—

(i) the grant or renewal of a registration as a registered service provider; or

(ii) the grant of an AIS approval; and

(b) the chief executive does not ask the commissioner, under section 17C of the Act, for a written report about the criminal history of 1 of the following persons for the application (each a ***prescribed person***)—

(i) if the applicant is 1 or more individuals—an applicant;

(ii) if the applicant is a corporation—an executive officer of the corporation.

(2) For an application for the grant or renewal of a registration as a registered service provider, the part of the application fee paid under schedule 6, item 6 for the prescribed person must be refunded to the applicant.

(3) For an application for the grant of an AIS approval, the part of the additional application fee paid under schedule 6, item 7 for the prescribed person must be refunded to the applicant.

147 Refund of fees in relation to smartcard accreditation documents

(1) This section applies if—

(a) the chief executive refuses to grant an application in relation to a smartcard accreditation document; or

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(b) an applicant withdraws an application in relation to a smartcard accreditation document before the chief executive grants the application.

(2) The chief executive may refund the whole or part of a fee paid by the applicant in relation to the application.

(3) This section does not affect section 146.

Part 7A Requirements for particular applications

147A Definitions for part

In this part—

application means an application required or permitted to be made under this regulation.

decision-maker, for an application, means the office holder (however described) whose function it is, under this regulation, to decide the application.

information includes a document.

147B Chief executive may publish a notice about applications

(1) The chief executive may, by publishing a notice on the department's website—

(a) approve a way in which a stated type of application may be made; or

Examples of ways—

orally, by electronic communication or by another form of communication

(b) require stated information to be given in or with a stated type of application.

(2) A notice under subsection (1)(a) may include requirements for making an application in the approved way.

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(3) A notice under subsection (1)(b) may only require information that is reasonably necessary for—

(a) the purpose of enabling the decision-maker to decide the application; or

(b) another purpose related to the application or the thing being applied for.

Example—

Required information may not include—

(a) irrelevant personal information; or

(b) relevant personal information if the provision of the information would be excessively intrusive to personal privacy.

(4) Subsection (1) applies whether or not there is an approved form for making the application.

147C How applications must be made

(1) An application must be made in any of the following ways—

(a) in the approved form for the application;

(b) in the way approved under section 147B(1)(a) for making the application;

(c) if there is no approved form and no approved way for making the application—in writing.

(2) An application must include any information required under section 147B(1)(b).

(3) Subsection (2) does not limit another provision of this regulation that requires an application to include, or be accompanied by, particular information.

147D Decision-maker may request further information

(1) The decision-maker for an application may give the applicant a written notice asking for further information that the decision-maker reasonably needs to decide the application.

(2) The notice—

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(a) must state—

(i) the information required; and

(ii) the time, no earlier than 28 days after the notice is given, by which the information is required to be given; and

(iii) that, if the applicant does not comply with the notice, the decision-maker may cancel the application; and

(b) may state a way in which the information is required to be given.

(3) If the notice does not state a way in which the information is required to be given, the applicant must give the information in writing.

(4) If the applicant does not comply with the notice, the decision-maker may give the applicant a further notice cancelling the application.

(5) A notice cancelling the application has effect on the day it is given to the applicant or any later day stated in it.

Part 8 Repeal and transitional provisions

Division 1 Repeal

148 Repeal

The *Transport Operations (Road Use Management—Accreditation and Other Provisions) Regulation 2005*, SL No. 187 is repealed.

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Division 2 Transitional provisions for Transport Operations (Road Use Management—Accreditation and Other Provisions) Regulation 2015

Subdivision 1 Preliminary

149 Definitions for div 2

In this division—

corresponding provision, for a previous provision, means a provision of this regulation that is substantially the same as the previous provision.

O type licence see the *Transport Operations (Road Use Management—Driver Licensing) Regulation 2010*, schedule 9.

previous provision means a provision of the repealed regulation.

relevant condition, for an accreditation, approval or registration mentioned in section 154(1), 161(1), 165(1) or 167(1), means a condition that—

(a) was imposed by the chief executive on the accreditation, approval or registration under the repealed regulation; and

(b) on the commencement is not substantially the same as a statutory condition for the accreditation, approval or registration.

repealed regulation means the repealed *Transport Operations (Road Use Management—Accreditation and Other Provisions) Regulation 2005*, as in force from time to time before the commencement.

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Subdivision 2 Particular existing applications

150 Existing applications for relevant approvals

(1) This section applies if—

(a) before the commencement—

(i) the chief executive received a relevant application; or

(ii) a person was taken to be an applicant for an approval under part 4B of the repealed regulation; and

(b) immediately before the commencement, the chief executive had not decided the application.

(2) The application is taken to have been made under this regulation.

(3) In this section—

relevant application means an application for—

(a) an appointment, or renewal of an appointment, as an accredited person under part 2 or 3 of the repealed regulation, other than as a driver trainer, pilot vehicle driver or an escort vehicle driver;

(b) registration, or renewal of registration, as a registered service provider under part 4 of the repealed regulation;

(c) an AIS approval, or renewal of an AIS approval, under part 4A of the repealed regulation;

(d) approval as a nominee under section 100B of the repealed regulation;

(e) a special event permit under part 5, division 2 of the repealed regulation;

(f) a special circumstances permit under part 5, division 3 of the repealed regulation;

(g) a permit under section 107C of the repealed regulation.

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151 Existing application for appointment as driver trainer

(1) This section applies if—

(a) the chief executive received an application for appointment, or renewal of an appointment, as a driver trainer under the repealed regulation; and

(b) immediately before the commencement, the chief executive had not decided the application.

(2) The application is taken to have been made under this regulation.

(3) Without limiting section 27, for section 21 of the Act the applicant has the necessary expertise to be appointed as a driver trainer if the applicant—

(a) holds, and has held for at least 1 year, an O type licence authorising the applicant to drive the class of motor vehicle stated in the application as the class of motor vehicle for which the applicant proposes to give training; and

(b) satisfies section 27(c).

152 Existing application for appointment as pilot vehicle driver

(1) This section applies if—

(a) the chief executive received an application for appointment, or renewal of an appointment, as a pilot vehicle driver under the repealed regulation; and

(b) immediately before the commencement, the chief executive had not decided the application.

(2) The application is taken to have been made under this regulation.

(3) Without limiting section 43, for section 21 of the Act the applicant has the necessary expertise to be appointed as a pilot vehicle driver if the applicant—

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(a) holds, and has held for a total period of at least 3 years during the 5 years before the day of the application—

(i) a valid provisional licence for a car; or

(ii) a valid interstate driver licence, or a valid driver licence granted in New Zealand, that is of the same kind as the licence mentioned in subparagraph (i); and

(b) satisfies section 43(b).

153 Existing application for appointment as escort vehicle driver

(1) This section applies if—

(a) the chief executive received an application for appointment, or renewal of an appointment, as an escort vehicle driver under the repealed regulation; and

(b) immediately before the commencement, the chief executive had not decided the application.

(2) The application is taken to have been made under this regulation.

(3) Without limiting section 47(1), for section 21 of the Act the applicant has the necessary expertise to be appointed as an escort vehicle driver if the applicant satisfies section 22(1) of the repealed regulation.

Subdivision 3 Accreditations

154 Existing accreditations

(1) This section applies to an accreditation—

(a) either—

(i) granted under part 2 or 3 of the repealed regulation; or

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(ii) continued under section 117 of the repealed regulation; and

(b) in force immediately before the commencement.

(2) The accreditation—

(a) is taken to be an accreditation granted under part 2; and

(b) if the accreditation was subject to a relevant condition immediately before the commencement—continues in force subject to the relevant condition.

Note—

See, however, section 174 for the application of this subsection to an accreditation to which subsection (1)(a)(ii) applies.

(3) Subsection (2)(b) does not limit section 9.

155 Necessary expertise for renewal of appointment as driver trainer

(1) This section applies to a person—

(a) whose appointment as a driver trainer continues under section 154; and

(b) who, within 1 year after the commencement, makes the person's first application for renewal of the person's appointment.

(2) Without limiting section 27, for section 21 of the Act the person has the necessary expertise to be appointed as a driver trainer if—

(a) the person—

(i) holds an O type licence granted other than in Australia or New Zealand authorising the person to drive the class of motor vehicle stated in the application as the class of motor vehicle for which the person proposes to give training; and

(ii) on the day the application is made, has held the licence mentioned in paragraph (a) for a continuous period of at least 1 year; and

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(b) satisfies section 27(c).

(3) In this section—

first application, for renewal of a person's accreditation as a driver trainer, means the first application for renewal of the accreditation received by the chief executive from the person after the commencement.

156 Necessary expertise for renewal of appointment as pilot vehicle driver

(1) This section applies to a person—

(a) whose appointment as a pilot vehicle driver continues under section 154; and

(b) who, within 3 years after the commencement, applies for renewal of the person's appointment.

(2) Without limiting section 43, for section 21 of the Act the person has the necessary expertise to be appointed as a pilot vehicle driver if the person—

(a) holds, and has held for a total period of at least 3 years during the 5 years before the day of the application—

(i) a valid provisional licence for a car; or

(ii) a valid interstate driver licence, or a valid driver licence granted in New Zealand, that is of the same kind as the licence mentioned in subparagraph (i); and

(b) satisfies section 43(b).

157 Necessary expertise for renewal of appointment as escort vehicle driver

(1) This section applies to a person—

(a) whose appointment as an escort vehicle driver continues under section 154; and

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(b) who, within 3 years after the commencement, applies for renewal of the person's appointment.

(2) Without limiting section 47(1), for section 21 of the Act the person has the necessary expertise to be appointed as an escort vehicle driver if the person—

(a) holds, and has held for a total period of at least 3 years during the 5 years before the day of the application—

(i) a valid provisional licence for a car; or

(ii) a valid interstate driver licence, or a valid driver licence granted in New Zealand, that is of the same kind as the licence mentioned in subparagraph (i); and

(b) satisfies section 47(1)(b).

158 Approved competency test or training course

(1) This section applies if—

(a) the chief executive approved—

(i) a competency test under section 19(1)(b)(i) of the repealed regulation; or

(ii) a training course under section 19(1)(b)(ii), 25(2) or 27(1)(a) of the repealed regulation; and

(b) the approval (the ***original approval***) is in force under the repealed regulation immediately before the commencement.

(2) A competency test mentioned in subsection (1)(a)(i) is taken to be approved under section 20(1)(a) as an approved assessment for section 43(b)(ii).

(3) A training course mentioned in subsection (1)(a)(ii) is taken to be approved under section 20(1)(c) as an approved training course for the following provisions—

(a) if the training course was approved under section 19(1)(b)(ii) of the repealed regulation—section 43(b)(i); or

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(b) if the training course was approved under 25(2) of the repealed regulation—section 24(2)(a); or

(c) if the training course was approved under 27(1)(a) of the repealed regulation—section 52(1)(a).

(4) A competency test or a training course taken to be approved under subsection (2) or (3) is subject to the same conditions as applied to the original approval immediately before the commencement.

159 Return of accreditation documents

(1) This section applies if a person returned the person's accreditation document to the chief executive under section 13(2) or 52(2) of the repealed regulation—

(a) before the commencement; and

(b) because the accreditation had been suspended.

(2) The chief executive must return the accreditation document to the person at the end of the suspension term.

160 Codes of conduct

(1) This section applies to a code of conduct—

(a) made under section 58 of the repealed regulation; and

(b) in force immediately before the commencement.

(2) The code of conduct continues in force as a code of conduct made under section 19(1)(a).

Subdivision 4 Registration as registered service provider

161 Existing registration as registered service provider

(1) Subsection (2) applies to a registration as a registered service provider—

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(a) granted under part 4 of the repealed regulation; and

(b) in force immediately before the commencement.

(2) The registration—

(a) is taken to have been granted under part 3; and

(b) if the registration was subject to a relevant condition immediately before the commencement—continues in force subject to the condition.

(3) Subsection (2)(b) does not limit section 76.

162 Nominated persons for registered service providers

(1) This section applies to a person who, immediately before the commencement, was—

(a) a nominated person for a registered service provider under section 86 of the repealed regulation; or

(b) authorised, under section 124 of the repealed regulation, to sign a competency declaration for a registered service provider as if the person were a nominated person.

(2) The person is taken to be a nominated person for section 86 until the nomination is discontinued by the registered service provider or the nominated person.

163 Registered service provider standards

(1) This section applies to registered service provider standards—

(a) made under section 95 of the repealed regulation; and

(b) in force immediately before the commencement.

(2) The standards are taken to be registered service provider standards made under this regulation.

164 Competency standards

(1) This section applies to competency standards—

(a) made under section 96 the repealed regulation; and

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(b) in force immediately before the commencement.

(2) The standards are taken to be competency standards made under this regulation.

Subdivision 5 AIS approvals

165 Existing AIS approvals

(1) This section applies to an AIS approval—

(a) granted under part 4A of the repealed regulation; and

(b) in force immediately before the commencement.

(2) The approval—

(a) is taken to have been granted under part 3; and

(b) if the approval was subject to a relevant condition immediately before the commencement—continues in force subject to the relevant condition.

(3) Subsection (2)(b) does not limit section 76.

166 Nominees

(1) This section applies to a person who, immediately before the commencement—

(a) was approved as a nominee for the holder of an AIS approval under section 100B of the repealed regulation; or

(b) was taken, under section 128 of the repealed regulation, to be an approved nominee for the holder of an AIS approval.

(2) The person is taken to be a nominee for the holder of the AIS approval under this regulation.

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Subdivision 6 Approved interlock providers

167 Approved interlock providers

(1) This section applies to an approval of a person as an approved interlock provider—

(a) granted under part 4B of the repealed regulation; and

(b) in force immediately before the commencement.

(2) The approval—

(a) is taken to have been granted under part 4 of this regulation; and

(b) if the approval was subject to a relevant condition immediately before the commencement—continues in force subject to the condition.

(3) Subsection (2)(b) does not limit section 117.

Subdivision 7 Special event permits and special circumstances permits

168 Special event permits

(1) This section applies to a special event permit—

(a) issued under part 5, division 2 of the repealed regulation; and

(b) in force immediately before the commencement.

(2) The permit—

(a) is taken to have been issued under part 5, division 2 of this regulation; and

(b) continues according to its terms.

169 Special circumstances permits

(1) This section applies to a special circumstances permit—

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(a) issued under part 5, division 3 of the repealed regulation; and

(b) in force immediately before the commencement.

(2) The permit—

(a) is taken to have been issued under part 5, division 3 of this regulation; and

(b) continues according to its terms.

Subdivision 8 Permits for protection of roads and structures

170 Permits for protection of roads and structures

(1) This section applies to a permit—

(a) either—

(i) issued under part 5A of the repealed regulation; or

(ii) continued in force under section 132 of the repealed regulation; and

(b) in force immediately before the commencement.

(2) The permit—

(a) is taken to have been issued under part 6 of this regulation; and

(b) continues according to its terms.

Subdivision 9 Other provisions

171 Competency recommendation notice and competency declaration

(1) A competency recommendation notice given to a registered service provider under section 55 of the repealed regulation—

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(a) is taken to be a competency recommendation notice given to the provider under section 38; and

(b) continues according to its terms.

(2) A competency declaration given to a person under section 86 of the repealed regulation—

(a) is taken to be a competency declaration given to the person under section 86; and

(b) continues according to its terms.

172 Obligation to do thing indefinitely or within or for stated period

(1) This section applies if—

(a) before the commencement, a person was, under a previous provision, required to do something—

(i) within, or for, a stated period that, immediately before the commencement, had not expired; or

(ii) for an indefinite period; and

(b) if the requirement was to do the thing within a stated period—immediately before the commencement, the thing had not been done; and

(c) the context permits.

(2) A corresponding provision for the previous provision applies to the doing of the thing as if the corresponding provision had been in force when the stated period or indefinite period started.

173 References to repealed regulation

In an instrument, if the context permits—

(a) a reference to the repealed regulation may be taken to be a reference to this regulation; and

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(b) a reference to a previous provision may be taken to be a reference to the corresponding provision for the previous provision.

Division 3 Transitional provisions for Transport Operations (Road Use Management— Accreditation and Other Provisions) (AIS approvals) Amendment Regulation 2024

174 Continuation of non-renewable AE accreditation

(1) This section applies to an accreditation as an approved examiner under the repealed *Transport Operations (Road Use Management) Regulation 1995*, part 4A that—

(a) was continued under the repealed *Transport Operations (Road Use Management—Accreditation and Other Provisions) Regulation 2005*, section 117; and

(b) under section 154(2), was taken to be an accreditation granted under part 2.

(2) Despite section 154(2), section 10 does not apply, and is taken never to have applied, to the accreditation.

175 Training requirement for holder of existing accreditation—Act, s 18

(1) This section applies to the holder of an accreditation, in effect immediately before the commencement, for performing the function of an approved examiner for a type of vehicle.

(2) However, this section does not apply in relation to an accreditation mentioned in section 174.

(3) The holder of the accreditation must successfully complete any relevant AE training course for the type of vehicle within the completion period for the training course.

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(4) For section 18(1)(s) of the Act, the holder of the accreditation contravening subsection (3) is prescribed as a ground for suspending or cancelling the accreditation.

(5) This section applies to the holder of the accreditation in relation to a requirement under subsection (3) until—

(a) if the chief executive gives the holder a notice under section 19(1) of the Act to suspend or cancel the accreditation on the ground the requirement has been contravened—

(i) if the holder applies for an internal or external review of the suspension or cancellation—the end of the day the review proceedings are finally dealt with;

(ii) otherwise—the end of the day the procedure under section 19 of the Act is finished; or

(b) if paragraph (a) does not apply—the first of the following happens—

(i) the accreditation is renewed;

(ii) the accreditation stops having effect.

176 Training requirement for holder of existing AIS approval—Act, s 18

(1) This section applies to the holder of an AIS approval that was in effect immediately before the commencement.

(2) If the holder of the AIS approval is required to have a nominee under section 99, the holder must ensure the nominee successfully completes any training course approved for a nominee under section 106A within the completion period for the training course.

(3) If the holder of the AIS approval is an individual who is not required to have a nominee under section 99, the holder must successfully complete any training course approved for a holder of an AIS approval under section 106A within the completion period for the training course.

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(4) For section 18(1)(s) of the Act, the holder of the AIS approval contravening subsection (2) or (3) is prescribed as a ground for suspending or cancelling the approval.

(5) This section applies to the holder of the AIS approval in relation to a requirement under subsection (2) or (3) until—

(a) if the chief executive gives the holder a notice under section 19(1) of the Act to suspend or cancel the approval on the ground the requirement has been contravened—

(i) if the holder applies for an internal or external review of the suspension or cancellation—the end of the day the review proceedings are finally dealt with;

(ii) otherwise—the end of the day the procedure under section 19 of the Act is finished; or

(b) if paragraph (a) does not apply—the first of the following happens—

(i) the approval is renewed;

(ii) the approval stops having effect.

Division 4 Transitional provision for Transport and Other Legislation (Managing E-mobility Use and Protecting Our Communities) Amendment Act 2026

177 End of transitional period for formerly compliant power-assisted bicycles and personal mobility devices

For the Act, section 245(3), definition *transitional period*, the day prescribed for the end of the transitional period is 28 February 2027.

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Division 5 Transitional provisions for Transport Legislation Amendment Regulation (No. 2) 2026

178 Definitions for division

In this division—

amendment regulation means the *Transport Legislation Amendment Regulation (No. 2) 2026*.

former, in relation to a provision of this regulation, means the provision as in force immediately before the commencement.

179 Existing application for accreditation or renewal of accreditation

(1) This section applies to an application for appointment as an accredited person, or for renewal of an accreditation, made but not decided before the commencement.

(2) Former section 8 applies to the chief executive for deciding whether to refuse to grant the application as if the amendment regulation had not been made.

180 Existing application for grant or renewal of part 3 approval

(1) This section applies to an application for the grant or renewal of a part 3 approval made but not decided before the commencement.

(2) Former section 73 applies to the chief executive for deciding whether to refuse to grant the application as if the amendment regulation had not been made.

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Schedule 1 Statutory conditions for appointment as accredited person

section 9

Part 1 Driver trainers and rider trainers

1 Compliance with code of conduct

A driver trainer or a rider trainer must not contravene the code of conduct.

2 Maintaining competency

(1) A driver trainer must maintain at least the level of competence, to give pre-licence driver training, equivalent to the level of competence required to successfully complete the approved training course mentioned in section 27(c).

(2) A rider trainer must maintain at least the level of competence, to give Q-Ride training, equivalent to the level of competence required to successfully complete the approved training course mentioned in section 34(b).

3 Review of driver trainer by chief executive

(1) This section applies if the chief executive—

(a) reasonably believes a driver trainer is not competent to give pre-licence driver training; and

(b) gives the trainer at least 7 days written notice requiring the trainer to demonstrate the trainer's competence to give the training.

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(2) The trainer must demonstrate, to the reasonable satisfaction of the chief executive, the trainer is competent to give the training within the period mentioned in subsection (1)(b).

4 Review of rider trainer by chief executive

(1) This section applies if the chief executive gives a rider trainer a written notice requiring the trainer to demonstrate the trainer's competence to give Q-Ride training on a day within a stated period of up to 1 month, without stating a date.

(2) The trainer must demonstrate, to the reasonable satisfaction of the chief executive, the trainer is competent to give the training on the day or days within the stated period the chief executive selects.

5 Allowing chief executive to observe rider trainer giving Q-Ride training

A rider trainer must allow the chief executive to observe the trainer giving an eligible person Q-Ride training to enable the chief executive to carry out an audit of the registered service provider's delivery of the Q-Ride training curriculum under the condition of the provider's registration mentioned in schedule 2, section 8.

6 Cooperation with chief executive

(1) This section applies for enabling the chief executive to—

(a) review a driver trainer's, or a rider trainer's, competency under section 3 or 4; or

(b) observe a rider trainer under section 5.

(2) The trainer must cooperate with every reasonable requirement of the chief executive in carrying out the review or observation.

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Example of a reasonable requirement in relation to carrying out a review—

The chief executive may require a rider trainer to allow the chief executive to observe the trainer giving an eligible person Q-Ride training.

Note—

Failure of a rider trainer to comply with this subsection is an offence under section 36.

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) is not defective; and

(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.

7 Notifiable events

(1) A driver trainer or a rider trainer must give the chief executive signed notice of either of the following events within 14 days (the ***notification period***) after the event happens—

(a) the trainer is convicted of a disqualifying offence;

(b) the trainer is charged with a disqualifying offence.

(2) However, subsection (1)(b) does not apply if the charge is finally disposed of before the notification period ends.

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Part 2 Approved examiners

7A Completion of relevant AE training course

(1) This section applies to the holder of an accreditation, other than an accreditation mentioned in section 174, for performing the function of an approved examiner for a type of vehicle.

(2) The holder of the accreditation must successfully complete any relevant AE training course for the type of vehicle within the completion period for the training course.

(3) This section applies whether the relevant AE training course was notified under section 20(5) before or after the accreditation was last renewed.

8 Other conditions

(1) An approved examiner must not contravene the Queensland Light Vehicle Inspection Manual or the National Heavy Vehicle Inspection Manual.

Note—

The 'National Heavy Vehicle Inspection Manual' is available on the National Heavy Vehicle Regulator's website.

(2) An approved examiner must give the chief executive signed notice of either of the following events within 14 days (the ***notification period***) after the event happens—

(a) the person is convicted of a disqualifying offence;

(b) the person is charged with a disqualifying offence.

(3) However, subsection (2)(b) does not apply if the charge is finally disposed of before the notification period ends.

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Part 3 Other accredited persons

9 Approved persons

(1) An approved person—

(a) must not contravene the Queensland Road Vehicle Modification Handbook; and

(b) must not contravene the NHVR Code of Practice for the Approval of Heavy Vehicle Modifications (the code); and

Note—

The code is available on the National Heavy Vehicle Regulator's website.

(c) must comply with the Business Rules for an Approved Person (Vehicle Modifications).

(2) An approved person must give the chief executive signed notice of either of the following events within 14 days (the notification period) after the event happens—

(a) the person is convicted of a disqualifying offence;

(b) the person is charged with a disqualifying offence.

(3) However, subsection (2)(b) does not apply if the charge is finally disposed of before the notification period ends.

(4) In this section—

Queensland Road Vehicle Modification Handbook see the *Transport Operations (Road Use Management—Vehicle Standards and Safety) Regulation 2021*, schedule 4.

10 Traffic controllers

A traffic controller must not direct traffic in a way that is inconsistent with—

(a) the TCASAP; or

(b) part 3 of the MUTCD.

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Schedule 2 Statutory conditions for part 3 approval

section 76

Part 1 Part 3 approvals generally

1 Notifiable events

(1) A holder of a part 3 approval must give the chief executive signed notice of any of the following events within 14 days (the notification period) after the event happens—

(a) the holder, or if the holder is a corporation, an executive officer of the holder, has been—

(i) convicted of a disqualifying offence; or

(ii) charged with a disqualifying offence; or

(iii) convicted of a road transport offence;

(b) if the holder is an individual—the holder becomes an insolvent under administration;

(c) if the holder is a corporation—

(i) the corporation becomes insolvent or is being wound up; or

(ii) a new executive officer of the holder is appointed.

(2) However, subsection (1)(a)(ii) does not apply if the charge is finally disposed of before the notification period ends.

(3) Also, a registered service provider must, if the provider changes the provider's name or place of business, give the chief executive written notice of the change within 14 days after the change happens.

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Part 2 Registration as registered service provider

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.

3 Provider's place of business to be open for inspection

A registered service provider's place of business must be open for inspection by an authorised officer when the place is open for the conduct of business or otherwise open for entry.

4 Establishing eligibility of person to be trained

A registered service provider must, before providing or agreeing to provide Q-Ride training to a person, be reasonably satisfied the person is an eligible person for the training.

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

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(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) is not defective; and

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

8 Chief executive's audit for compliance with business rules

(1) A registered service provider must allow the chief executive to audit the provider's compliance with the business rules for providing Q-Ride training.

(2) The chief executive may carry out an audit mentioned in subsection (1)—

(a) once each year; and

(b) otherwise, as frequently as the chief executive reasonably considers necessary for the purpose mentioned in that subsection.

(3) The chief executive must give the provider a copy of the audit report.

(4) If the audit report identifies noncompliance with the business rules for providing Q-Ride training, the provider must, unless the provider has a reasonable excuse, give the chief executive a signed notice stating the action the provider has taken to—

(a) rectify the noncompliance; or

(b) ensure the noncompliance does not continue or recur.

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(5) The provider must give the notice to the chief executive within 14 days after receiving the copy of the audit report.

(6) To enable the chief executive to carry out the audit, the provider must cooperate with every reasonable requirement of the chief executive.

9 Only rider trainers to give Q-Ride training

A registered service provider must, when providing Q-Ride training to an eligible person, ensure the training is given by—

(a) a rider trainer who is an employee of the provider; or

(b) if the provider is an individual who is also a rider trainer—the individual as a rider trainer.

10 Giving competency declarations

(1) A registered service provider must not give a competency declaration completed using a competency declaration form issued by the chief executive unless the declaration is signed 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.

(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.

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Part 3 AIS approvals

11 Queensland Light Vehicle Inspection Manual and National Heavy Vehicle Inspection Manual

(1) A holder of an AIS approval must comply with—

(a) for the inspection of a light vehicle under the holder's AIS approval—the Queensland Light Vehicle Inspection Manual; or

(b) for the inspection of a heavy vehicle under the holder's AIS approval—the National Heavy Vehicle Inspection Manual.

Note—

The 'National Heavy Vehicle Inspection Manual' may be accessed on the National Heavy Vehicle Regulator's website.

(2) If the AIS approval relates to the inspection of light vehicles, the proprietor of the AIS must ensure a copy of the Queensland Light Vehicle Inspection Manual—

(a) can be accessed at each AIS to which the approval relates; and

(b) is available for—

(i) use by an approved examiner for inspecting a vehicle; and

(ii) inspection by any other person at the AIS.

(3) If the AIS approval relates to the inspection of heavy vehicles, the proprietor of the AIS must ensure a copy of the National Heavy Vehicle Inspection Manual—

(a) can be accessed at each AIS to which the approval relates; and

(b) is available for—

(i) use by an approved examiner for inspecting a vehicle; and

(ii) inspection by any other person at the AIS.

(4) The proprietor of the AIS must ensure—

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(a) the proprietor or an approved examiner operating from the AIS is—

(i) before undertaking an inspection for issuing an inspection certificate for a light vehicle, familiar with the contents of the Queensland Light Vehicle Inspection Manual; or

(ii) before undertaking an inspection for issuing a certificate of inspection for a heavy vehicle, familiar with the contents of the National Heavy Vehicle Inspection Manual; and

(b) in deciding whether or not a vehicle is defective, the proprietor or approved examiner has appropriate regard to the requirements of—

(i) if the vehicle is a light vehicle—the Queensland Light Vehicle Inspection Manual; or

(ii) if the vehicle is a heavy vehicle—the National Heavy Vehicle Inspection Manual.

(5) In this section—

certificate of inspection see the *Transport Operations (Road Use Management—Vehicle Standards and Safety) Regulation 2021*, section 66(1).

12 Compliance with Business Rules for Approved Inspection Stations

The holder of an AIS must not—

(a) contravene the Business Rules for Approved Inspection Stations; or

(b) allow an approved examiner or other agent or employee of the holder to contravene the Business Rules for Approved Inspection Stations.

13 Compliance with Act and Heavy Vehicle National Law (Queensland) etc.

The proprietor of an AIS must not—

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(a) contravene the Act or the Heavy Vehicle National Law (Queensland); or

(b) allow an approved examiner or other agent or employee of the proprietor to contravene the Act or the Heavy Vehicle National Law (Queensland).

14 AIS trading name and approval number

The proprietor of a mobile AIS must ensure the AIS trading name and approval number are clearly and legibly displayed on the sides of the AIS.

15 Inspection certificates

The proprietor of an AIS must ensure a partly complete inspection certificate is kept in a secure place except when the certificate is to be issued or is required by an authorised officer to be produced for inspection.

16 Particular conditions for AIS approval holder requiring nominee

(1) This section applies to a holder of an AIS approval that is required to have a nominee under section 99.

(2) The holder of the AIS approval must—

(a) continue to have a nominee; and

(b) ensure the nominee continues to hold a position in which the person is charged with responsibility for the conduct of the holder's business at the fixed AIS to which the AIS approval relates.

(3) The holder of the AIS approval must ensure the nominee for the holder successfully completes any training course approved for a nominee under section 106A within the completion period for the training course.

(4) Subsection (3) applies whether the training course was notified under section 106A(5) before or after the AIS approval was last renewed.

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17 Completion of training course for particular individual AIS approval holders

(1) This section applies to a holder of an AIS approval who is an individual unless section 16 of this schedule applies to the holder.

(2) The holder of the AIS approval must successfully complete any training course approved for a holder of an AIS approval under section 106A within the completion period for the training course.

(3) This section applies whether the training course was notified under section 106A(5) before or after the AIS approval was last renewed.

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Schedule 3 Statutory conditions of interlock approvals

section 117

1 Compliance with written agreement

(1) An approved interlock provider or, if the provider is a corporation, an executive officer of the provider, must not materially breach a term of the written agreement between the provider and the chief executive.

(2) For subsection (1), a term of the agreement is materially breached if—

(a) the term is breached; and

(b) the breach is identified in the agreement as a material breach.

2 Notifiable events

An approved interlock provider must give the chief executive signed notice of either of the following events within 14 days after the event happens—

(a) the provider or, if the provider is a corporation, an executive officer of the provider, has been convicted of a dishonesty offence;

(b) if the provider is a corporation—a new executive officer of the provider is appointed.

3 Dishonesty offence

An approved interlock provider or, if the provider is a corporation, an executive officer of the provider, must not commit a dishonesty offence.

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Schedule 4 Stop and move signals by authorised officers other than police officers

section 138

1. 'Stop' signal—for persons facing signal

Figure 1



figure 1(a)
from the front

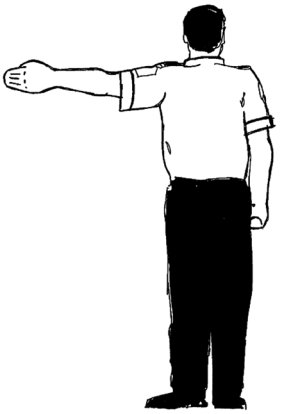


figure 1(b)
from the rear



figure 1(c)
from left side

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figure 1(d)
from right side

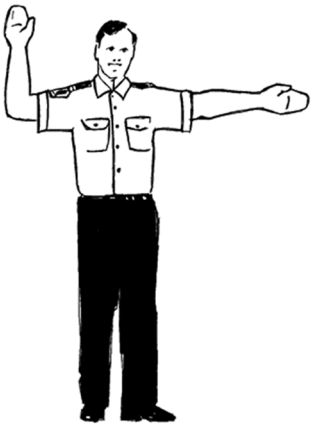


figure 1(e)
combination from front and rear

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2. 'Move vehicle in preparation for stopping' signal—for person facing signal

Figure 2



figure 2(a)
from left side



figure 2(b)
from right side



figure 2(c)
from right side

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3. 'Move vehicle to stop at place indicated' signal—for person facing signal

Figure 3



figure 3(a)
in front



figure 3(b)
behind

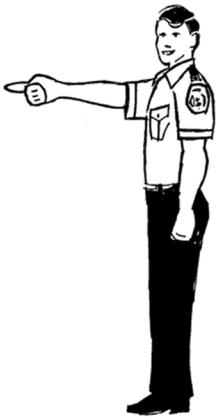


figure 3(c)
at kerb etc.

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Schedule 5 Reviewable decisions

section 140

Section	Description of decision
5	refusing to grant an application for appointment as an accredited person or for renewal of an accreditation, or granting the application on a condition imposed by the chief executive
72	refusing to grant an application for a part 3 approval, or renewal of a part 3 approval, or granting the application on a condition imposed by the chief executive
101	refusing to grant an application for approval as a nominee or granting the approval on a condition imposed by the chief executive
114	refusing to grant an approval as an approved interlock provider or granting the approval on a condition imposed by the chief executive

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Schedule 6 Fees

section 144

		Fee units
1	Application for appointment as an approved person for 3 years (s 4(3))	46.50
2	Application for appointment as an accredited person, or renewal of accreditation, for any of the following types of accreditation for 3 years (s 4(3))—	
	(a) approved examiner—the total of the following—	
	(i) standard application fee	32.30
	(ii) additional application fee	46.50
	(b) pilot vehicle driver—	
	(i) application for appointment—the total of the following—	
	(A) standard application fee	198.10
	(B) additional application fee	46.50
	(ii) application for renewal	198.10
	(c) escort vehicle driver—	
	(i) application for appointment—the total of the following—	
	(A) standard application fee	198.10
	(B) additional application fee	46.50
	(ii) application for renewal	198.10
	(d) traffic controller—	

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		Fee units
	(i) application for appointment—the total of the following—	
	(A) standard application fee	203.40
	(B) additional application fee	46.50
	(ii) application for renewal	203.40
3	Application for appointment, or renewal of accreditation, as a driver trainer for 1 year (s 4(3))—	
	(a) application for appointment—the total of the following—	
	(i) standard application fee	332.70
	(ii) additional application fee	46.50
	(b) application for renewal	332.70
4	Application for a replacement accreditation document (s 60(3))—	
	(a) if the replacement accreditation document is a smartcard accreditation document	33.01
	(b) if the replacement accreditation document is not a smartcard accreditation document	25.50
5	Application to replace an accreditation document with a smartcard accreditation document (s 61(3))	33.01
6	Application for grant or renewal of a registration as a registered service provider (s 71(2))—	
	(a) if the applicant is 1 or more individuals—for each individual	46.50
	(b) if the applicant is a corporation—for each executive officer of the corporation	46.50
7	Application for grant of an AIS approval (s 71(2))—the total of the following—	
	(a) standard application fee	108.20

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		Fee units
	(b) additional application fee—	
	(i) if the applicant is 1 or more individuals—for each individual	46.50
	(ii) if the applicant is a corporation—for each executive officer of the corporation	46.50
8	Application for renewal of an AIS approval (s 71(2))	57.05
9	Application for approval as a nominee (s 100(2)(b))	46.50
10	Issue of a replacement AIS approval	24.65

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Schedule 7 Dictionary

section 3

accreditation document means an accreditation document under part 2, division 4.

Note—

See also section 21(2) of the Act.

advertisement includes a circular, notice, sign and matter that is not in writing but conveys a message because of the form or context in which it appears.

AIS means an approved inspection station that is either a fixed AIS or a mobile AIS.

AIS approval means an approval—

(a) to operate—

(i) particular premises as a fixed AIS; or

(ii) particular premises as a fixed AIS and a particular vehicle as a mobile AIS; and

(b) to inspect particular types of vehicles at the AIS.

approval notice—

(a) for part 3, see section 74(1); or

(b) for part 4, see section 115(1).

approved assessment means assessment approved by the chief executive under section 20(1)(a).

approved examiner means a person who holds an appointment under part 2 as an accredited person with the function of an approved examiner.

Note—

See also section 23(1).

approved experience means experience approved by the chief executive under section 20(1)(b).

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approved interlock provider means a person who is approved under part 4.

approved person means a person who holds an appointment under part 2 as an accredited person with the function of an approved person.

Note—

See also section 23(2) to (4).

approved registered training organisation see section 22(1).

approved training course means a training course approved by the chief executive under section 20(1)(c).

authorised person, for a special circumstances permit, for part 5, see section 124.

authorising officer, for part 5, see section 124.

Business Rules for an Approved Person (Vehicle Modifications) see section 19(1)(b).

Business Rules for Approved Inspection Stations see section 107(1).

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

certificate of modification means—

(a) for a modification of a heavy vehicle mentioned in the *Transport Operations (Road Use Management—Vehicle Standards and Safety) Regulation 2021*, section 25(b)—a certificate of modification for the modification given under section 26(2)(a) of that regulation; or

(b) for a modification of a heavy vehicle approved by an approved vehicle examiner under the Heavy Vehicle (Vehicle Standards) National Regulation, section 20—a certificate approving the modification given under section 21(1)(a) of that regulation; or

(c) for a modification of a light vehicle—a certificate of modification for the modification given under the *Transport Operations (Road Use Management—Vehicle*

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Standards and Safety) Regulation 2021, section 26(2)(a).

class, of a motor vehicle, see the *Transport Operations (Road Use Management—Driver Licensing) Regulation 2021*, section 9(1) and (3).

code of conduct see section 19(1)(a).

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.

competency recommendation notice see section 38(2).

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

completion period—

(a) for a training course approved under section 20 for completion by an approved examiner—see section 20(5)(c); or

(b) for a training course approved under section 106A(3) for completion by the holder of an AIS approval or a nominee—see section 106A(5)(c).

current postal address, for a person, means a postal address—

(a) given by the person to the department for use by the department, whether or not it was given for the purpose of this regulation; and

(b) for which no written notice from the person, requiring the department to discontinue use of the postal address, has been received by the department.

damaged—

1 *Damaged*, in relation to a document other than a smartcard accreditation document, includes destroyed, defaced, mutilated or made illegible.

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2 *Damaged*, in relation to a smartcard accreditation document—

(a) means—

(i) the document is damaged to an extent that—

(A) any information on the document is impossible or difficult to read without the use of technology; or

(B) a digital photo or a digitised signature on the document is impossible or difficult to recognise without the use of technology; or

(ii) any information stored electronically on the document is no longer accessible by using the holder's PIN; and

(b) includes destroyed.

3 However, *damaged*, in relation to a document, does not include the document being destroyed as required under section 69.

defective see the *Transport Operations (Road Use Management—Vehicle Standards and Safety) Regulation 2021*, section 7.

dishonesty offence means a disqualifying offence involving fraud or dishonesty.

driver means the person driving or in control of a motor vehicle.

driver trainer means a person who holds an appointment under part 2 as an accredited person with the function of a driver trainer.

Note—

See also section 26.

driver training means advice, demonstration, instruction or training for driving a motor vehicle.

eligible person means a person who is—

(a) to receive Q-Ride training for a class RE motorbike—

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(i) eligible for a class RE learner licence under the *Transport Operations (Road Use Management—Driver Licensing) Regulation 2021*, section 87(1) or 145(2); 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 2021*, section 14(1), 17, 205(b), 206(1)(b) or 214(2)(b); 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 2021*, section 14, 17, 18(2), 205(b), 206(1)(b) or 214(2)(b).

eligible person record see section 84(a).

employee includes agent or contractor.

event, for part 5, see section 124.

fixed AIS means premises for which an AIS approval is current.

function—

(a) of an approved examiner, see section 23(1); or

(b) of an approved person, see section 23(2) to (4); or

(c) of a driver trainer, see section 26; or

(d) of a rider trainer, see section 33; or

(e) of a pilot vehicle driver, see section 42; or

(f) of an escort vehicle driver, see section 46; or

(g) of a traffic controller, see section 51.

imposed condition, for an appointment or approval under part 2, 3 or 4, means a condition on which the appointment or approval is granted or renewed under section 5(1)(a), 72(a) or 114(a).

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information notice, for a decision of the chief executive, means a signed notice stating the following—

(a) the decision;

(b) the reasons for the decision;

(c) the day the decision has effect;

(d) the prescribed review information for the decision.

inspection certificate see the *Transport Operations (Road Use Management—Vehicle Standards and Safety) Regulation 2021*, section 65.

interim transport authority means an interim transport authority issued under the *Transport Planning and Coordination Act 1994*.

interlock approval see section 112.

learner means a person who—

(a) is undertaking driver training; and

(b) holds a driver licence authorising the person to learn to drive the class of motor vehicle for which the training is given.

light vehicle means a vehicle, including a combination, that is not a heavy vehicle.

loaded mass see the *Transport Operations (Road Use Management—Vehicle Standards and Safety) Regulation 2021*, schedule 4.

mass or dimension exemption means a mass or dimension exemption granted under the Heavy Vehicle National Law (Queensland).

mobile AIS means a vehicle for which an AIS approval is current.

modification business means a business at which inspections are carried out for the issue of certificates of modification for vehicles.

modification plate means—

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(a) for a modification of a heavy vehicle mentioned in the *Transport Operations (Road Use Management—Vehicle Standards and Safety) Regulation 2021*, section 25(b)—a modification plate for the modification attached to the vehicle under section 26(2)(b) of that regulation; or

(b) for a modification of a heavy vehicle approved by an approved vehicle examiner under the Heavy Vehicle (Vehicle Standards) National Regulation, section 20—a plate or label for the modification that is fitted or affixed to the vehicle under section 21(1)(b) of that regulation; or

(c) for a modification of a light vehicle—a modification plate for the modification attached to the vehicle under the *Transport Operations (Road Use Management—Vehicle Standards and Safety) Regulation 2021*, section 26(2)(b).

motorbike, for part 2, division 3, subdivision 3 and part 3, division 2, means—

(a) a 2-wheeled motor vehicle that does not have a sidecar attached to it; or

(b) a 3-wheeled motor vehicle that—

(i) is ridden in the same way as a 2-wheeled motor vehicle; and

(ii) has been specifically designed by the vehicle's manufacturer to have the same handling characteristics as a 2-wheeled motorbike.

necessary expertise provision see section 20(1).

nominated person, for a registered service provider, means an individual who—

(a) generally—

(i) has been nominated by the provider, in writing given to the chief executive, to sign competency declarations for the provider; and

(ii) has agreed to the nomination; and

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(b) if the provider is an individual—is not the provider.

nominee means a person approved as a nominee under section 101.

oversize heavy vehicle means an oversize vehicle under the Heavy Vehicle National Law (Queensland).

oversize light vehicle means a light vehicle that, together with any load, does not comply with the *Transport Operations (Road Use Management—Vehicle Standards and Safety) Regulation 2021*—

(a) part 4, division 3, subdivision 1 or division 4; or

(b) schedule 1, part 6, division 2.

oversize vehicle see section 137(2).

part 3 approval see section 70.

pre-licence driver training means driver training, other than Q-Ride training, given to a learner.

pre-licence driver training record see section 31.

proprietor—

(a) of an AIS, means—

(i) if the holder of the AIS approval to operate the AIS is required to have a nominee—the nominee; or

(ii) otherwise—the holder of the AIS approval to operate the AIS; or

(b) of a modification business, means—

(i) an approved person who carries on the business as a self-employed person; or

(ii) a person who carries on the business and, for the business, employs an approved person to inspect and certify modifications.

Q-Ride training means either of the following given by a registered service provider to an eligible person—

(a) advice, demonstration, instruction or training in the competencies required under the Q-Ride training

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curriculum for learning to ride a class RE motorbike or riding a class RE or R motorbike;

(b) an assessment of the attainment of the competencies.

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

Q-Ride training record see section 40.

Queensland Light Vehicle Inspection Manual see the *Transport Operations (Road Use Management—Vehicle Standards and Safety) Regulation 2021*, schedule 4.

registered service provider means a person who—

(a) under an arrangement for reward between the person and an eligible person, provides a program of Q-Ride training and assessment for the eligible person; and

(b) is registered as a registered service provider under part 3.

registered training organisation see the *National Vocational Education and Training Regulator Act 2011* (Cwlth), section 3.

relevant AE training course, for a type of vehicle, means a training course—

(a) approved for completion by an approved examiner under section 20; and

(b) relating to the performance of safety inspections for the type of vehicle.

relevant person, for an applicant for an approval, has the meaning given by section 17C(3) of the Act.

relevant probationary or restricted licence means—

(a) a valid probationary licence for a car; or

(b) a valid restricted licence for a car; or

(c) a valid interstate licence, or a valid driver licence granted in New Zealand, that corresponds to a licence mentioned in paragraph (a) or (b).

reward includes benefit, commission, fee, salary and wage.

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rider trainer means a person who holds an appointment under part 2 as an accredited person with the function of a rider trainer.

Note—

See also section 33.

road transport infrastructure see the *Transport Infrastructure Act 1994*, schedule 6.

road transport offence means an offence against—

(a) the Act or a corresponding law; or

(b) the Heavy Vehicle National Law or a law of another State that corresponds to a provision of the Heavy Vehicle National Law.

safe movement approval see the *Transport Operations (Road Use Management—Vehicle Standards and Safety) Regulation 2021*, section 49.

smartcard accreditation document means an accreditation document in the form of a card or something similar approved by the chief executive and on which information may be stored electronically.

special circumstances permit, for part 5, see section 124.

special event, for part 5, see section 124.

special event permit, for part 5, see section 124.

State-controlled road, for part 6, see section 130.

statutory condition, for an appointment or approval under part 2, 3 or 4, means a condition to which the appointment or approval is subject under section 9(1), 76(1) or 117(1).

take part in, a special event, for part 5, see section 124.

TCASAP see section 19(1)(c).

traffic controller means a person who holds an appointment under part 2 as an accredited person with the function of a traffic controller.

Note—

See also section 51.

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valid, in relation to a driver licence, see section 91N(4) of the Act.

vehicle includes anything the vehicle carries that is essential for its operation.

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