



Queensland

Transport and Other Legislation Amendment and Repeal Regulation 2018

Subordinate Legislation 2018 No. 206

made under the

State Penalties Enforcement Act 1999

*Transport Operations (Marine Safety—Domestic Commercial Vessel
National Law Application) Act 2016*

Transport Operations (Road Use Management) Act 1995

Transport Planning and Coordination Act 1994

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Part 1 Preliminary

1 Short title

This regulation may be cited as the *Transport and Other Legislation Amendment and Repeal Regulation 2018*.

Part 2 Amendment of State Penalties Enforcement Regulation 2014

2 Regulation amended

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

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

- (1) Schedule 1, entry for *Transport Operations (Road Use Management—Vehicle Registration) Regulation 2010*, entries for section 127(2)(h) and (i)—

omit, insert—

s 127(2)(h)	⁴ / ₅	⁴ / ₅
s 127(2)(i)	⁴ / ₅	-
s 127(2)(j)	⁴ / ₅	⁴ / ₅
s 127(2)(k)	⁴ / ₅	⁴ / ₅

- (2) Schedule 1, entry for *Transport Operations (Road Use Management—Vehicle Registration) Regulation 2010*, column 1, entry for section 128(2)—

omit, insert—

128(3)

7 Replacement of s 187 (Prescribed collection unit)

Section 187—

omit, insert—

187 Prescribed collection unit—Act, s 80

For section 80(8FA)(a) of the Act, a prescribed collection unit is either, or a combination, of the following—

- (a) a Dräger DCH 5000 (also known as a Draeger DCH 5000);
- (b) a Dräger DrugTest 5000 STK (also known as a Draeger DrugTest 5000 STK).

8 Amendment of s 208A (Definitions for div 2)

Section 208A, definition *toll officer*—

omit.

9 Amendment of s 211 (Markings or writings on particular photographic detection device images)

Section 211(1)(i) and (j)—

omit, insert—

- (i) for an image of a vehicle taken by an ANPR camera system mentioned in section 210AB—the ANPR Camera System Coding Manual; and
- (j) for an image of a vehicle taken by a dangerous goods vehicle detection camera system—the Dangerous Goods Vehicle Detection Camera System Coding Manual.

10 Amendment of s 212A (ANPR Camera System Coding Manual)

Section 212A(2)—

[s 11]

omit, insert—

- (2) In a proceeding, a certificate purporting to be signed by the chief executive, stating a document is a copy of a part of the ANPR Camera System Coding Manual is evidence that the document is a copy of that part of the Manual.

11 Amendment of s 212B (Dangerous Goods Vehicle Detection Camera System Coding Manual)

Section 212B(2)—

omit, insert—

- (2) In a proceeding, a certificate purporting to be signed by the chief executive, stating a document is a copy of a part of the Dangerous Goods Vehicle Detection Camera System Coding Manual is evidence that the document is a copy of that part of the Manual.

12 Omission of sch 17 (Data blocks for ANPR camera systems used to provide evidence of placard load offences)

Schedule 17—

omit.

13 Omission of sch 18 (Data blocks for dangerous goods vehicle detection camera systems used to provide evidence of placard load offences)

Schedule 18—

omit.

Part 4 **Amendment of Transport Operations (Road Use Management—Driver Licensing) Regulation 2010**

14 **Regulation amended**

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

15 **Amendment of s 63B (Approved interlocks)**

Section 63B—

insert—

- Guardian 2030

Part 5 **Amendment of Transport Operations (Road Use Management—Vehicle Registration) Regulation 2010**

16 **Regulation amended**

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

17 **Amendment of s 30 (Position, visibility and legibility of number plate)**

(1) Section 30(1), from ‘issued’ to ‘ground—’—

omit, insert—

issued for the vehicle, or a special plate attached to a vehicle, is securely attached to the vehicle so that, if the vehicle is on level ground—

[s 18]

- (2) Section 30(3)(a), after ‘2 number plates’—
insert—
or 2 special plates are to be attached to the vehicle
- (3) Section 30(3)(b), after ‘1 number plate’—
insert—
or only 1 special plate is to be attached to the
vehicle

18 Amendment of s 33 (Personalised number plates)

Section 33(8)—

omit, insert—

- (8) Subsection (3) does not apply if the personalised number plate is—
- (a) surrendered to the chief executive for cancellation under subsection (4)(c); or
 - (b) returned to the chief executive under section 102 or 103; or
 - (c) delivered to an authorised officer under section 128(1)(d); or
 - (d) under section 128A, removed and recovered by an authorised officer on the basis that it is required to be returned to the chief executive under section 102.

19 Amendment of s 36 (Customised number plates)

- (1) Section 36(1), ‘The registered operator of a vehicle’—

omit, insert—

A person

- (2) Section 36(2), ‘the registered operator’—

omit, insert—

a person

(3) Section 36(3)—

omit, insert—

(3) A person must not attach a customised number plate to a vehicle until the person has—

(a) given the chief executive notice of the person's intention to attach the number plate to the vehicle; and

Note—

See part 10, division 3A, subdivision 3 for requirements about the notice.

(b) received a registration certificate for the vehicle showing the number of the number plate as the registration number for the vehicle.

Maximum penalty for subsection (3)—12 penalty units.

20 Insertion of new ss 55A and 55B

After section 55—

insert—

55A Cancellation of registration at request of chief executive officer of a local government

(1) The chief executive officer of a local government may apply to the chief executive to cancel a vehicle's registration if—

(a) under section 100(6) of the Act a person has not obtained possession of the vehicle; or

(b) under a local law the local government may dispose of the vehicle.

(2) An application made under subsection (1) must include—

- (a) a statement that the chief executive officer of the local government has complied with—
 - (i) section 100 (4), (5), and (6)(a) of the Act; or
 - (ii) a local law that provides for the disposal of the vehicle; and
- (b) if attached to the vehicle—the number plates, other than special plates, for the vehicle.

Note—

See part 10, division 3A, subdivision 2 for requirements about the application.

- (3) The chief executive must cancel the vehicle's registration unless—
 - (a) the chief executive officer of the local government has not complied with subsection (2); or
 - (b) the chief executive is already taking action to cancel the registration because of a ground mentioned in section 57 or 58.

55B Cancellation of registration at request of the commissioner

- (1) The commissioner may apply to the chief executive to cancel a vehicle's registration if the vehicle—
 - (a) becomes the property of the State under the *Police Powers and Responsibilities Act 2000*, section 74B(2), 74F(2) or 101(6); or
 - (b) is, or is taken to have been, forfeited to the State under the *Police Powers and Responsibilities Act 2000*, section 118(3), 118A(3) or 766(4)(a).

-
- (2) An application made under subsection (1) must include—
- (a) a statement that the vehicle has become the property of, or been forfeited to, the State under the *Police Powers and Responsibilities Act 2000*; and
 - (b) if attached to the vehicle—the number plates, other than special plates, for the vehicle.

Note—

See part 10, division 3A, subdivision 2 for requirements about the application.

- (3) The chief executive must cancel the vehicle’s registration unless—
- (a) the commissioner has not complied with subsection (2); or
 - (b) the chief executive is already taking action to cancel the registration because of a ground mentioned in section 57 or 58.

21 Amendment of s 56 (Partial refund of registration fee)

Section 56(1), ‘section 54 or 55’—

omit, insert—

any of sections 54 to 55B

22 Amendment of s 102 (Chief executive may require exchange of number plates)

- (1) Section 102(1) and (2)—

omit, insert—

- (1) This section applies if the chief executive—

- (a) considers any writing, word or image displayed on a number plate is any of the following—
 - (i) obscene;
 - (ii) indecent;
 - (iii) contrary to the public interest;
 - (iv) likely to cause offence to a reasonable person; or
 - (b) considers the number of a number plate is identical, or appears to be identical, to the number of another number plate that is currently issued; or
 - (c) considers a number plate was issued in error; or
 - (d) changes the specifications to which a number plate is manufactured.
- (2) The chief executive may, by written notice given to a person who is recorded in the register as the person who was issued or who acquired the number plate, require the person to return the number plate (the *original plate*) to the chief executive within the time stated in the notice to be exchanged for another number plate.
- (2) Section 102(4), ‘registered operator’—
omit, insert—
person
- (3) Section 102(5)—
omit, insert—
- (5) The chief executive must record in the register the exchange of the original plate for a replacement number plate if the original plate is—
 - (a) returned under this section; or

- (b) delivered to an authorised officer under section 128(1)(d); or
- (c) under section 128A, removed and recovered by an authorised officer on the basis that a requirement was made under section 128(1)(d).

23 Amendment of pt 12, hdg (Other offence provisions)

Part 12, heading, after ‘provisions’—

insert—

and power to recover number plates in particular circumstances

24 Amendment of s 127 (Offences involving registration certificates etc.)

(1) Section 127(2)(g)—

omit, insert—

- (g) a number plate required under this regulation to be attached to the vehicle is not attached to the vehicle; or
- (ga) a number plate is attached to the vehicle, but—
 - (i) not in the way required under this regulation; or
 - (ii) the registration for the vehicle has been recorded in the register as cancelled; or

(2) Section 127(2)—

insert—

- (j) a permit required under this regulation to be attached to the vehicle—
 - (i) is not attached to the vehicle; or

(ii) is attached to the vehicle, but not in the way required under this regulation.

(3) Section 127, (ga) to (j)—
renumber as section 127(h) to (k).

25 **Amendment of s 128 (Requirement to remove unlawful registration item)**

(1) Section 128(1)(d), ‘section 102(4)’—
omit, insert—
section 102

(2) Section 128—
insert—

(1A) If a requirement is made under subsection (1)(a), on the basis that section 127(2)(h)(ii) applies, or under subsection (1)(b), (c) or (d), the authorised officer must advise the person that if the person does not comply with the requirement at the time it is made the officer may, under section 128A, remove and recover the number plates attached to the vehicle.

(3) Section 128(1A) to (3)—
renumber as section 128(2) to (4).

26 **Insertion of new s 128A**

After section 128—
insert—

128A Authorised officer may remove and recover number plates in particular circumstances

(1) This section applies if an authorised officer—
(a) makes a requirement under—

- (i) section 128(1)(a), on the basis that section 127(2)(h)(ii) applies; or
 - (ii) section 128(1)(b), (c) or (d); and
- (b) complies with subsection 128(2).
- (2) If the person contravenes the requirement the authorised officer may remove and recover the number plates attached to the vehicle.

Part 6 **Amendment of Transport Planning and Coordination Regulation 2017**

27 **Regulation amended**

This part amends the *Transport Planning and Coordination Regulation 2017*.

28 **Insertion of new s 11A**

After section 11—

insert—

11A Prescribed matters—Act, s 28EI

- (1) For section 28EI(1)(b) of the Act, a prescribed matter is an application made—
 - (a) by an applicant mentioned in the *Transport Operations (Road Use Management—Driver Licensing) Regulation 2010*, section 10B(1)(b) or (d); and
 - (b) before completing an online road rules test under the *Transport Operations (Road Use Management) Act 1995*.
- (2) A reference to section 28EI in subsection (1) is a reference to section 28EI inserted into the Act by

[s 29]

*the Heavy Vehicle National Law and Other
Legislation Amendment Act 2018.*

Part 7 Repeal

29 Repeal

The Transport Operations (Marine Safety—Domestic Commercial Vessel National Law Application) Regulation 2016, SL No.153 is repealed.

ENDNOTES

- 1 Made by the Governor in Council on 29 November 2018.
- 2 Notified on the Queensland legislation website on 30 November 2018.
- 3 The administering agency is the Department of Transport and Main Roads.

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