

Queensland

Transport Legislation (Disability Parking and Other Matters) Amendment Bill 2019



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2019

A Bill

for

An Act to amend the *Rail Safety National Law (Queensland) Act 2017*, the *State Penalties Enforcement Regulation 2014*, the *Traffic Regulation 1962* and the *Transport Operations (Road Use Management) Act 1995* for particular purposes

The Parliament of Queensland enacts—

Part 1 Preliminary

Clause 1 Short title

This Act may be cited as the *Transport Legislation (Disability Parking and Other Matters) Amendment Act 2019*.

Clause 2 Commencement

(1) Part 2 commences on 1 July 2020.

(2) The following provisions commence on a day to be fixed by proclamation—

(a) parts 3 and 4;

(b) sections 15(1), 16 and 17.

Part 2 Amendment of Rail Safety National Law (Queensland) Act 2017

Clause 3 Act amended

This part amends the *Rail Safety National Law (Queensland) Act 2017*.

Clause 4 Amendment of s 8 (Modification of particular terms in Rail Safety National Law for this jurisdiction)

Section 8(2) and (4)—

omit.

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Part 3 Amendment of State Penalties Enforcement Regulation 2014

Clause 5 Regulation amended

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

Clause 6 Amendment of sch 1 (Infringement notice offences and fines for nominated laws)

Schedule 1, entry for *Transport Operations (Road Use Management—Road Rules) Regulation 2009*, entry for section 203(1), column 2, '2'—

omit, insert—

4

Part 4 Amendment of Traffic Regulation 1962

Clause 7 Regulation amended

This part amends the *Traffic Regulation 1962*.

Clause 8 Amendment of s 60 (Eligibility for disability parking permit)

(1) Section 60, heading, 'Eligibility'—

omit, insert—

Criteria

(2) Section 60(1) and (2)—

omit, insert—

(1) For section 111(1)(b)(ii) of the Act, the criterion for a specified vehicle is that it has a GVM of not

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more than 4.5t.

(2) For section 111(4) of the Act, definition *person with a disability*, the following eligibility criteria are prescribed—

(a) the person resides in Queensland;

(b) the person has a mobility impairment or is blind.

(3) Section 60(3)—

insert—

blind, in relation to a person, means having a visual defect, or a combination of visual defects, that result in permanent or temporary visual loss for the person that is, or is equivalent to—

(a) visual acuity of less than 6/60 in both eyes, assessed using the Snellen scale after correction by suitable lenses; or

(b) the constriction of the person's field of vision to 10 degrees or less of the arc around central fixation in the person's better eye, regardless of corrected visual acuity.

mobility impairment, in relation to a person, means—

(a) an inability to walk resulting in the need to always use a wheelchair; or

(b) a severe restriction in the ability to walk because of a permanent medical condition or disability; or

(c) a severe restriction in the ability to walk because of a temporary medical condition or disability.

ophthalmologist means a person who holds specialist registration under the Health Practitioner Regulation National Law in the specialty of ophthalmology.

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optometrist means a person registered under the Health Practitioner Regulation National Law to practise, other than as a student, in the optometry profession.

temporary—

(a) in relation to visual loss—means of at least 6 months duration as certified by a doctor, ophthalmologist or optometrist; or

(b) in relation to a medical condition or disability—means of at least 6 months duration as certified by a doctor or occupational therapist.

Clause 9 Amendment of s 61 (Application for permit)

Section 61(2), 'person mentioned in section 60(1)(a)(i) or (ii)'—

omit, insert—

person with permanent visual loss of a kind mentioned in section 60(3), definition *blind*, a person with a mobility impairment of a kind mentioned in section 60(3), definition *mobility impairment*, paragraph (a) or (b)

Clause 10 Amendment of s 62 (Deciding the application)

(1) Section 62(2) and (3)—

omit.

(2) Section 62(4), 'Despite subsection (2) or (3), the'—

omit, insert—

The

(3) Section 62(4)—

renumber as section 62(2).

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Clause 11 Amendment of s 64 (Duration of permit)

(1) Section 64(1), 'person mentioned in section 60(1)(a)(i) or (ii)'—

omit, insert—

person with permanent visual loss of a kind mentioned in section 60(3), definition *blind*, a person with a mobility impairment of a kind mentioned in section 60(3), definition *mobility impairment*, paragraph (a) or (b)

(2) Section 64(2), 'person mentioned in section 60(1)(a)(iii)'—

omit, insert—

person with temporary visual loss of a kind mentioned in section 60(3), definition *blind* or a person with a mobility impairment of a kind mentioned in section 60(3), definition *mobility impairment*, paragraph (c)

Clause 12 Amendment of s 65 (Standard conditions)

(1) Section 65(2), 'persons mentioned in section 60(1)(a)'—

omit, insert—

persons with a disability

(2) Section 65(3)—

insert—

persons with a disability means persons who meet the eligibility criteria stated in section 60(2).

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Part 5 Amendment of Transport Operations (Road Use Management) Act 1995

Clause 13 Act amended

This part amends the *Transport Operations (Road Use Management) Act 1995*.

Clause 14 Amendment of s 17B (Granting, renewing or refusing approval)

Section 17B(3), definition *grant*, after 'issue'—

insert—

or give

Clause 15 Amendment of s 18 (Grounds for amending, suspending or cancelling approvals)

(1) Section 18(1)(f)—

omit, insert—

(f) for a permit under section 111(1)(a)—the holder is no longer a person with a disability within the meaning of that section;

(2) Section 18(1)—

insert—

(s) any other ground prescribed by regulation.

Clause 16 Replacement of s 111 (Parking permits for people with disabilities)

Section 111—

omit, insert—

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111 Parking permits for people with disabilities

(1) The chief executive may give a parking permit to—

(a) a person with a disability; or

(b) an organisation for a specified vehicle if the chief executive is satisfied—

(i) the organisation transports in the vehicle persons with a disability; and

(ii) the vehicle meets the criteria prescribed by regulation.

(2) The chief executive may give the parking permit subject to conditions stated in the permit.

(3) A regulation may prescribe standard conditions for parking permits given under this section.

(4) In this section—

person with a disability means a person who meets the eligibility criteria prescribed by regulation.

Clause 17 Insertion of new ch 7, pt 24

Chapter 7—

insert—

Part 24 Transitional provision for Transport Legislation (Disability Parking and Other Matters) Amendment Act 2019

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(1) A permit issued under former section 111 that is in effect immediately before the commencement is taken to be a permit given under new section 111.

(2) In this section—

former section 111 means section 111 as in force from time to time before the commencement.

new section 111 means section 111 as in force from the commencement.

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