

Queensland



Transport Operations (Road Use Management) Act 1995

TRANSPORT OPERATIONS (ROAD USE MANAGEMENT) REGULATION 1995

**Reprinted as in force on 20 November 1998
(includes amendments up to SL No. 254 of 1998)**

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This page is specific to this reprint. See previous reprints for information about earlier changes made under the Reprints Act 1992. A table of earlier reprints is included in the endnotes.

Also see endnotes for information about—

- **when provisions commenced**
- **editorial changes made in earlier reprints.**



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TRANSPORT OPERATIONS (ROAD USE MANAGEMENT) REGULATION 1995

[as amended by all amendments that commenced on or before 20 November 1998]

PART 1—PRELIMINARY

Short title

1. This regulation may be cited as the *Transport Operations (Road Use Management) Regulation 1995*.

Commencement

2. This regulation commences on 1 July 1995.

Definitions—the dictionary

3.(1) The dictionary¹ in schedule 13 defines particular words used in this regulation.

(2) Definitions found elsewhere in this regulation are signposted² in the dictionary.

Acts that are transport Acts

4.(1) Each of the following is a transport Act—

- *Carriage of Dangerous Goods by Road Act 1984*

¹ In some regulations, definitions are contained in a dictionary that appears as the last schedule and forms part of the Act—*Acts Interpretation Act 1954*, section 14.

² The signpost definitions in the dictionary alert the reader to the terms defined elsewhere in the Act and tell the reader where these definitions can be found. For example, the definition ‘“pensioner” see section 7’, tells the reader there is a definition of the term “pensioner” in section 7.

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- *Motor Vehicles Control Act 1975*
- *Motor Vehicles Safety Act 1980*
- *State Transport Act 1960*
- *Traffic Regulation 1962*, section 68(1)(c)(i) and part 21
- *Transport Infrastructure (Roads) Act 1991*.

(2) Subsection (1) ceases to apply to an Act mentioned in it when the Act is repealed.

Approval of random inspection program

4A.(1) The chief executive may only approve a program for stopping private vehicles for the Act, section 47, 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.

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

(3) The exercise of a power under the Act, section 31(2)(a) is not invalid only because the authorised officer did not tell the driver the particular objective criterion used to select the driver's vehicle for stopping the vehicle at a checkpoint.

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(4) A training course 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.

Regulation and control of powers of certain authorised officers

4B.(1) This section applies to an authorised officer, who is not a police officer, when exercising powers to stop a private vehicle.

(2) An authorised officer may only require the driver of a private vehicle to stop the vehicle during daylight.

(3) In addition, an authorised officer who is not wearing a uniform approved by the chief executive may only exercise the powers of an authorised officer in relation to a private vehicle that the authorised officer reasonably believes is so dangerous as to be likely to cause loss of life or bodily injury to a person.

Requirement to remain at a place

4C.(1) This section applies if the person in control of a vehicle is required to—

- (a) stop the vehicle under section 31 or 32 of the Act; or
- (b) move the vehicle to a place under section 33 of the Act.

(2) The person must ensure it remains at the place where the vehicle is stopped or moved to, for the time reasonably necessary to enable the authorised officer to perform a function or exercise a power under those sections.

Maximum penalty—

- (a) for a private vehicle—60 penalty units; or
- (b) for a heavy vehicle—80 penalty units.

Way to require vehicles to stop

4CA. For section 31(3) or 32(2) of the Act, an authorised officer may require the person in control of a motor vehicle to stop the vehicle—

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- (a) by signalling in a way prescribed under the *Traffic Regulation 1962*, section 21(2); or
- (b) by a sign displayed—
 - (i) by the authorised officer; or
 - (ii) on or in the vicinity of the road.

Example of paragraph (b)(ii)—

A sign that indicates that heavy vehicles must stop at a weighbridge when it is open.

Moving loads before weighing

4CB.(1) This section applies if the person in control of a heavy vehicle is required to—

- (a) stop the vehicle under section 32 of the Act; or
- (b) move the vehicle to a place, under section 33 of the Act, to enable the vehicle to be weighed.

(2) The person must not unload or alter the position of any part of the load on the vehicle, for the time reasonably necessary to enable the authorised officer to perform a function or exercise a power under those sections.

Maximum penalty—80 penalty units.

Function of traffic controllers

4D. The function of an accredited person who is a traffic controller is to direct traffic when there is a danger or obstruction to traffic.

Examples of danger or obstruction—

1. Roadworks.
2. Sporting events on roads.

PART 2—FEES

Vehicles part applies to

4E. This part applies to a vehicle with an MRC of more than 4.5 t.

Fees

5.(1) Schedule 1 sets out the registration fees for vehicles with an MRC of more than 4.5 t.

(2) If a vehicle falls within 2 or more categories in the schedule, the registration fee for the vehicle is the higher or highest of the fees that could apply to the vehicle.

(3) In addition to the registration fee, an administration fee of \$41.00 is payable for a vehicle that is not a trailer.

(4) For registration for a period of less than 1 year—

- (a)** the registration fee and administration fee are adjusted according to the number of months (including part of a month) in the period; and
- (b)** other than for registration up to a common expiry date—a registration adjustment fee of \$29.00 is payable in addition to the registration fee.

(5) If a person registers a vehicle in 1 type in schedule 1, the person must not use the vehicle, or permit the vehicle to be used as a vehicle of another type to which a higher registration fee applies, unless it is registered under the other type.

Maximum penalty—80 penalty units.

Example of subsection (5)—

If a vehicle is not registered to haul a trailer, the vehicle cannot be used to haul a trailer unless its registration is changed and the appropriate registration fee is paid.

Concessional registration fees—primary producers

6.(1) The chief executive may partially exempt a primary producer from

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payment of the registration fee on a primary production vehicle.

(2) A primary producer must apply to the chief executive for the exemption in the approved form.

(3) The chief executive may give—

- (a) an exemption conditional on the vehicle's use being limited by—
 - (i) the distance the vehicle may travel; and
 - (ii) the roads the vehicle may use; or
- (b) an unlimited exemption.

(4) If an exemption is given, the primary producer must pay—

- (a) for a limited exemption—a registration fee of—
 - (i) for a motor vehicle—\$29.00; or
 - (ii) for a trailer—\$70.00; or
- (b) for an unlimited exemption—the following percentage of the registration fee—
 - (i) for a truck with 2 or 3 axles—50%;
 - (ii) for a truck with 4 or more axles—25%;
 - (iii) for a prime mover, or a short, medium or long combination truck, with 2 axles—50%;
 - (iv) for a prime mover, or a short, medium or long combination truck, with 3 or more axles—25%;
 - (v) for a trailer with 1 axle—50%;
 - (vi) for a trailer with 2 axles—35%;
 - (vii) for a trailer with 3 or more axles—30%.

(5) A primary producer to whom an exemption is given for a primary production vehicle must give the chief executive written notice—

- (a) of ceasing to use the vehicle to carry on the producer's business as a primary producer, before the cessation; or
- (b) of the sale or other transfer of the vehicle under the *Transport Infrastructure (Roads) Regulation 1991*, within 14 days of the

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sale or other transfer.

Maximum penalty—60 penalty units.

(6) The chief executive may then reassess the registration fee payable for the vehicle's registration, without the exemption, for the period (the **“unexpired period”**)—

- from when the primary producer ceased to be eligible for the exemption
- to the end of the vehicle's current registration.

(7) The chief executive may, by written notice, require any amount by which the reassessed fee is more than the fee already paid for the unexpired period to be paid by—

- (a) if the primary producer's notice is given under subsection (5)(a)—the primary producer; or
- (b) if the primary producer's notice is given under subsection (5)(b)—the person to whom the vehicle is sold or otherwise transferred.

(8) The amount assessed must be paid within 28 days after the chief executive gives the notice.

Maximum penalty—60 penalty units.

(9) In this section—

“primary production vehicle” means either of the following vehicles owned by a primary producer and used only for carrying on the producer's business as a primary producer—

- (a) a prime mover or truck with a carrying capacity over 4 t;
- (b) a trailer.

Concessional registration fees—pensioners

7.(1) The chief executive may partially exempt from payment of the registration fee a motorised caravan owned by a pensioner.

(2) A pensioner must apply to the chief executive for the exemption in the approved form.

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(3) If an exemption is given, the pensioner must pay the following percentage of the registration fee—

- (a) if the pensioner was issued the pensioner concession card before 1 July 1994—25%;
- (b) if the pensioner was issued the pensioner concession card after 30 June 1994—50%.

(4) A pensioner to whom an exemption is given for a motorised caravan must give the chief executive written notice—

- (a) of ceasing to be a pensioner, within 14 days of the cessation; or
- (b) of the sale or other transfer of the caravan under the *Transport Infrastructure (Roads) Regulation 1991*, within 14 days of the sale or other transfer.

Maximum penalty—20 penalty units.

(5) The chief executive may then reassess the registration fee payable for the vehicle's registration, without the exemption, for the period (the **“unexpired period”**)—

- from when the pensioner ceased to be eligible for the exemption
- to the end of the vehicle's current registration.

(6) The chief executive may, by written notice, require any amount by which the reassessed fee is more than the fee already paid for the unexpired period to be paid by—

- (a) if the pensioner's notice is given under subsection (4)(a)—the pensioner; or
- (b) if the pensioner's notice is given under subsection (4)(b)—the person to whom the caravan is sold or otherwise transferred.

(7) The amount assessed must be paid within 28 days after the chief executive gives the notice.

Maximum penalty—20 penalty units.

(8) In this section—

“pensioner” means a person who holds a pensioner concession card.

“pensioner concession card” means a pensioner concession card issued

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by the Department of Social Security or Department of Veterans' Affairs.

Concessional registration fees—others

8.(1) The chief executive may partially exempt from payment of the registration fee an exempted vehicle.

(2) A person must apply to the chief executive for the exemption in the approved form.

(3) If an exemption is given, the person must pay the following percentage of the registration fee—

- (a) for a truck with 2 or 3 axles—50%;
- (b) for a truck with 4 or more axles—25%;
- (c) for a prime mover, or a short, medium or long combination truck, with 2 axles—50%;
- (d) for a prime mover, or a short, medium or long combination truck, with 3 or more axles—25%;
- (e) for a trailer with 1 axle—50%;
- (f) for a trailer with 2 axles—35%;
- (g) for a trailer with 3 or more axles—30%;
- (h) for a special purpose vehicle—25%.

(3A) If an exemption is given for a historic vehicle, the person must pay \$45.00.

(4) A person to whom an exemption is given for a vehicle must give the chief executive written notice—

- (a) of ceasing to be eligible for the concession, within 14 days of the cessation; or
- (b) of the sale or other transfer of the vehicle under the *Transport Infrastructure (Roads) Regulation 1991*, within 14 days of the sale or other transfer.

Maximum penalty—60 penalty units.

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(5) The chief executive may then reassess the registration fee payable for the vehicle's registration, without the exemption, for the period (the **"unexpired period"**)—

- from when the person ceased to be eligible for the exemption
- to the end of the vehicle's current registration.

(6) The chief executive may, by written notice, require any amount by which the reassessed fee is more than the fee already paid for the unexpired period to be paid by—

- (a) if the person's notice is given under subsection (4)(a)—the person; or
- (b) if the person's notice is given under subsection (4)(b)—the person to whom the vehicle is sold or otherwise transferred.

(7) The amount assessed must be paid within 28 days after the chief executive gives the notice.

Maximum penalty—60 penalty units.

(8) In this section—

"exempted vehicle" means a vehicle—

- (a) of a kind mentioned in the vehicle coding manual; or
- (b) owned by a person mentioned in the vehicle coding manual; or
- (c) used in a way mentioned in the vehicle coding manual.

"vehicle coding manual" means the vehicle coding manual issued by the chief executive.³

Indivisible load permit fees

9.(1) This section applies to a motor vehicle with at least 1 trailer (a **"vehicle combination"**) that—

- (a) is loaded with an indivisible load; and
- (b) has a loaded mass of more than 125 t.

³ This manual is available for inspection at the Department of Transport.

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(2) The fee for the grant of a permit to operate the vehicle combination⁴ is worked out using the formula—

$$\text{journey length} \times \text{total esa} \times \$0.04$$

(3) In this section—

“average load per row” means the mass (in tonnes) of the loaded trailer that is transmitted to the ground through its tyres, divided by the number of rows of tyres on the trailer.

“equivalent standard axles” means the number shown in schedule 2 opposite the number for the average load per row.

“journey length” means the number of kilometres involved in the journey for which the permit is granted.

“total esa” means the equivalent standard axles multiplied by the number of rows of tyres on the trailer.

Example—

For a trailer with a loaded mass of 129.5 t and 7 rows of tyres, the average load per row is 18.5 t (ie $129.5 \text{ t} \div 7$).

According to schedule 2, the equivalent standard axles of a trailer that has an average load per row of 18.5 t is 4.6.

The total esa for a trailer with equivalent standard axles of 4.6 and having 7 rows of tyres is 32.2 (ie 4.6×7).

So the fee for a journey of 100 km for a vehicle with a total esa of 32.2 is \$128.80 (ie $100 \times 32.2 \times \$0.04$).

Axles

10.(1) Schedule 3 sets out the axle load limits for each type of axle or axle group.

(2) Two axles not more than 1 m apart are to be regarded as 1 axle.

(3) Three axles not more than 2 m apart are to be regarded as 2 axles.

(4) Four axles not more than 3.2 m apart are to be regarded as 3 axles.

⁴ The permit is issued under the *Transport Infrastructure (Roads) Regulation 1991*, section 3.06 (Heavy indivisible vehicles and loads).

Trailers

11. To decide the number of trailers that a prime mover or truck may tow, a dolly and semi trailer when used together are to be regarded as 1 trailer.

PART 3—MASS

Application of part

12. This part applies to the following when on a road—

- (a) a vehicle with a GVM of more than 4.5 t;
- (b) a combination including a vehicle with a GVM of more than 4.5 t.

Performance standards for mass

13. The performance standard for mass is the mass (not more than the GVM or GCM) a vehicle and its load may achieve if the appropriate fees are paid.

Compliance with requirements—vehicles

14. The person in control of a vehicle must ensure the vehicle complies with a mass requirement applying to it.

Maximum penalty—50 penalty units.

Compliance with requirements—trailers

15. The person in control of a vehicle towing a trailer must ensure the trailer complies with a mass requirement applying to it.

Maximum penalty—50 penalty units.

Compliance with requirements—combinations

16. The person in control of a combination must ensure it complies with a mass requirement applying to it.

Maximum penalty—50 penalty units.

Vehicle tare

17. The tare of a vehicle may be determined—

- (a) by weighing the vehicle on a weighing device; or
- (b) from the certificate of registration in force for the vehicle under State or Commonwealth law.

Tyre mass

18. The tyre mass of a vehicle tyre may be determined by weighing on a weighing device.

Axle mass

19.(1) An axle mass of a vehicle may be determined—

- (a) for a single axle that is not part of a group of axles—by weighing with the tyres of the axle simultaneously on a weighing device; and
- (b) for a group of axles—by weighing with the tyres of the group of axles simultaneously on a weighing device.

(2) However, the axle mass of an axle fitted with dual tyres may be determined by placing only the outside tyres on the weighing device.

Vehicle mass

20. The mass of a vehicle or vehicle combination may be determined—

- (a) by weighing all axles simultaneously on a weighing device; or
- (b) by totalling the axle mass of each axle of the vehicle or vehicle combination.

Other ways of determining mass may be used

21. This part does not limit the way a vehicle's tare or mass or a vehicle's tyre or axle mass may be determined.

Way of stating GVM

21A. For the definition "GVM" in schedule 3 of the Act, the maximum loaded mass of a vehicle may be—

- (a) if the GVM is not stated on the vehicle's compliance plate, the compliance plate is illegible, or the vehicle has no compliance plate—stated in writing by the vehicle's manufacturer; or
- (b) for a vehicle registered—
 - (i) in Queensland—stated in the vehicle's registration certificate issued under a transport Act; or
 - (ii) in another State—stated in writing by the State's registration authority; or
- (c) stated in a certificate of modification for the vehicle, or in a modification plate attached to the vehicle, issued under—
 - (i) a transport Act; or
 - (ii) a corresponding law.

Proof of GCM or GVM

21B. A certificate purporting to be signed by the chief executive or commissioner and stating the following matters for a vehicle is evidence of the matters—

- (a) a vehicle's GCM and the way it has been stated for the definition "GCM" in schedule 13;
- (b) a vehicle's GVM and the way it has been stated under the Act.

Proof of mass

21C. In a proceeding under this regulation, a certificate of an inspector

within the meaning of the *Trade Measurement Act 1990*, stating that a weighing device was tested on a stated date, is (within 1 year after that date) evidence that the mass indicated by the weighing device is accurate to the extent stated in the certificate.

Livestock vehicles—use on roads

22. If a vehicle carrying livestock has a mass of more than a mass requirement applying to the vehicle, a person must not drive the vehicle on a road unless, when driving the vehicle, the person—

- (a) complies with the current guidelines; and
- (b) carries the guidelines in the vehicle.

Maximum penalty—80 penalty units.

Guidelines

23.(1) The chief executive may issue, in an approved form, guidelines about the movement of vehicles carrying livestock.

(2) The guidelines may be about—

- (a) roads on which the vehicle may or may not be driven; and
- (b) the maximum possible mass of the vehicle and its load; and
- (c) the type of vehicle that may be driven; and
- (d) rating requirements for vehicles under the Code of Practice—Commercial Motor Vehicle Modifications;⁵ and
- (e) modifications that may need to be made to the vehicle; and
- (f) dimensions of the vehicle and stock crates; and
- (g) anything else relevant to the safe movement of the vehicle.

⁵ The Code is published by the Australian Government Publishing Service and may be purchased from the Commonwealth Government Bookshop, Brisbane.

Transport of livestock

24.(1) This section applies to livestock vehicles registered in Queensland immediately before 1 July 1996.

(2) However, this section applies to a vehicle only if—

- (a) a permit under the *Transport Infrastructure (Roads) Regulation 1991*, section 3.05 applying to the vehicle was in force immediately before 1 July 1996; and
- (b) the vehicle does not comply with guidelines under this part.

(3) The owner of a vehicle to which this section applies may continue to use the vehicle to carry livestock.

(4) However, to continue to use a semitrailer to which this section applies, the owner of the vehicle must, before 1 July 1996, give to the chief executive a weighbridge certificate obtained after the commencement of this section and stating the vehicle's tare.

(5) The owner must comply with permit conditions applying to the use of the vehicle immediately before the commencement of this section.

Maximum penalty—80 penalty units.

(6) For this section, the *Transport Infrastructure (Roads) Regulation 1991*, section 3.05 continues to apply to a vehicle to which this section applies as if it had not been repealed.⁶

(7) This section expires on 30 June 2003.

Phasing out of semitrailers used as livestock vehicles

25.(1) This section applies to a semitrailer with a tare of more than 15 t (a “**prescribed livestock vehicle**”).

(2) Section 24 ceases to apply to a prescribed livestock vehicle on the day specified for the vehicle in subsection (3) (the “**phase-out day**”).

(3) The phase-out day for a prescribed livestock vehicle is—

⁶ To aid readers, the section is included in an attachment to this regulation. The attachment does not form part of the regulation.

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- (a) for a vehicle with a tare of more than 19 t—1 July 2001; or
- (b) for a vehicle with a tare of more than 17 t but not more than 19 t—1 July 2002; or
- (c) for a vehicle with a tare of more than 15 t but not more than 17 t—30 June 2003.

(4) This section expires on 30 June 2003.

Information and liability offences

26. An offence against this part is—

- (a) an information offence for the Act, section 50; and
- (b) a liability offence for the Act, section 57.

PART 4—LOADING

Application of part

27. This part applies to a load on a vehicle or combination.

Performance standards for loading

28. A way of loading a vehicle that ensures the following is a performance standard—

- (a) risks to other road users are minimised;
- (b) the loading does not reduce the vehicle's stability;
- (c) the load is restrained to prevent it falling off the vehicle or dislodging when the vehicle is moving.

Compliance with requirements—vehicles

29. The person in control of a vehicle must ensure a load on it complies

with a loading requirement applying to it.

Maximum penalty for a private vehicle—20 penalty units.

Maximum penalty for a heavy vehicle—35 penalty units.

Compliance with requirements—trailers

30. The person in control of a vehicle towing a trailer must ensure the trailer complies with a loading requirement applying to it.

Maximum penalty for a private vehicle—20 penalty units.

Maximum penalty for a heavy vehicle—35 penalty units.

Compliance with requirements—combinations

31. The person in control of a combination must ensure it complies with a loading requirement applying to it.

Maximum penalty for a private vehicle—20 penalty units.

Maximum penalty for a heavy vehicle—35 penalty units.

Proof of loading offences

32. In a proceeding for an offence against a loading requirement—

- (a) evidence that a load on a vehicle was not placed, secured or restrained in a way that met a performance standard under the Load Restraint Guide is evidence of a contravention of a loading requirement;⁷ and
- (b) evidence that a load, or part of a load, has fallen off a vehicle is evidence that the load was not properly secured, unless the contrary is proved; and
- (c) a court must presume a document purporting to be the Load

⁷ The Load Restraint Guide is published by the Australian Government Publishing Service and may be purchased from the Commonwealth Government Bookshop, Brisbane.

Restraint Guide is the Load Restraint Guide, until the contrary is proved.

Information and liability offences

33. An offence against this part involving a heavy vehicle is—

- (a) an information offence for the Act, section 50; and
- (b) a liability offence for the Act, section 57.

PART 5—ACCREDITING DRIVER TRAINERS

Division 1—General

Definitions

34. In this part—

“accredited” means accredited under this part.

“commission” means the Vocational Education, Training and Employment Commission under the *Vocational Education, Training and Employment Act 1991*.

“convicted” includes being found guilty, and the acceptance of a plea of guilty, by a court, whether or not a conviction is recorded.

“driver trainer” see section 35.

“driver training” see section 35.

“driver’s licence” see *Traffic Act 1949*, section 9.⁸

“learner’s permit” see *Traffic Act 1949*, section 9.⁹

“open licence” see *Traffic Act 1949*, section 9.¹⁰

“pre-licence driver training” means driver training for a person who holds a learner’s permit for the type of vehicle for which the training is being given.

“qualifications” includes experience.

“reward” includes commission, fee, salary and wage.

“training controls” means the following motor vehicle controls—

- (a) for a motor vehicle with automatic transmission—dual footbrake and accelerator controls;
- (b) for a motor vehicle with manual transmission—dual foot brake and clutch controls.

Meaning of driver trainer and driver training

35. A **“driver trainer”** is a person who, for reward (whether as a self-employed person or as an agent or employee for somebody else), gives

⁸ Section 9 (Definitions) states—

‘**“driver’s licence”** means a licence, including a learner’s permit, and any renewal of that licence under part 3 authorising the licensee to drive on any road any motor vehicle to which that driver’s licence is applicable and in force at any material time, and also includes any driving licence or driving permit issued under the law of any other State or Territory or any other country which, under the regulations made under this Act, is at any time deemed to be equivalent in Queensland to and accepted in lieu of a driver’s licence for the purpose of authorising the holder thereof to drive in Queensland any vehicle of the class or description to the driving of which the said driving licence or driving permit is applicable.

⁹ Section 9 (Definitions) states—

‘**“learner’s permit”** means a learner’s permit issued under section 14 or a corresponding document.’.

¹⁰ Section 9 (Definitions) states—

‘**“open licence”** means an open licence issued under section 14 or a corresponding document.’.

anyone advice, training or demonstration for driving a motor vehicle (“**driver training**”).

Division 2—Driver trainer accreditation

Accrediting driver trainers

36.(1) A person may apply to the chief executive for the grant of an accreditation as a driver trainer.

(2) The chief executive may grant the accreditation only if the applicant—

- (a) holds an open licence authorising the applicant to drive the type or types of motor vehicles stated in the application as being the type or types of motor vehicles for which the applicant proposes to give training; and
- (b) has successfully completed at least 1 of the following—
 - (i) a driver trainer course—
 - (A) accredited by the commission; and
 - (B) conducted by a provider registered with the commission;
 - (ii) a driver trainer competency assessment conducted by a provider registered with the commission;
 - (iii) a driver trainer course accredited by a training authority under the law of the Commonwealth or another State.

(3) Despite subsection (2)(b), the chief executive may grant an accreditation if the applicant has other qualifications as a driver trainer that the chief executive is satisfied are equivalent to, or better than, those mentioned in paragraph (b).

(4) Without limiting subsections (2) and (3), the chief executive may refuse to grant the accreditation if the applicant has been convicted of a disqualifying offence.

(5) The chief executive may—

- (a) grant the accreditation applied for or another accreditation; or
- (b) refuse the accreditation.

Applying for accreditation

37. An application for an accreditation must be—

- (a) made to the chief executive in the approved form; and
- (b) supported by enough information to enable the chief executive to decide the application; and
- (c) accompanied by the appropriate fee.

Deciding application for accreditation

38. The chief executive must consider an application for accreditation within 28 days after it is made and either—

- (a) grant the accreditation; or
- (b) refuse to grant the accreditation.

Granting of accreditation

39.(1) If the chief executive decides to grant the accreditation applied for, the chief executive must give the accreditation in the approved form to the applicant within 14 days after making the decision.

(2) The accreditation must include a condition the chief executive imposes under section 42.

Refusing to grant accreditation

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

(2) The notice must state—

- (a) the reasons for the refusal; and

- (b) the person may ask for the decision to be reviewed under section 52.

Statutory conditions in accreditation

41.(1) Every accreditation is issued on the following conditions, that throughout the accreditation—

- (a) irrespective of when it is granted, the holder of the accreditation must maintain at least the same level of driver trainer competence as is required before the chief executive may accredit an applicant for accreditation as a driver trainer under section 36(2)(b);
- (b) the chief executive may—
 - (i) by random selection of the holder and on giving the holder reasonable written notice, not less than 14 days—conduct an audit to assess the holder’s competence as an accredited driver trainer; or
 - (ii) if the chief executive has received a written complaint from a person who has received driver training from the holder about the holder’s competence as an accredited driver trainer—on giving the holder not less than 7 days written notice, conduct an audit to assess the holder’s competence as an accredited driver trainer;
- (c) if given a notice under paragraph (b), the holder must—
 - (i) cooperate fully with the chief executive; and
 - (ii) give the chief executive every reasonable help requested by the chief executive;

in arranging and carrying out the audit.

(2) However unless subsection (1)(b)(ii) applies, the chief executive may not audit the same holders’s competence as an accredited driver trainer more than once every 2 years.

(3) This section does not limit section 42.

Grant of accreditation on conditions

42. The chief executive may grant an accreditation on conditions the chief executive considers reasonable and relevant.

Duration of accreditation

43. An accreditation is issued for 1 year.

Renewal of accreditation

44.(1) The holder of an accreditation may apply to the chief executive for its renewal.

(2) The application must be—

- (a) made in the approved form; and
- (b) supported by enough information to enable the chief executive to decide the application; and
- (c) accompanied by the appropriate fee; and
- (d) made at least 14 days before the accreditation ends.

Application of ss 37 to 42 for renewal of accreditation

45.(1) Sections 37 to 42 apply to the renewal of an accreditation in the same way they apply to an accreditation.

(2) Also, the chief executive may refuse an application for renewal of an accreditation if the accreditation was—

- (a) issued in error or because of a document or representation that is false, misleading or omits a material particular; or
- (b) obtained or made in another improper way.

Duration of renewal of accreditation

46. The duration of a renewal of an accreditation is 1 year.

Replacement of accreditation etc.

47.(1) The holder of a lost, damaged or destroyed accreditation or identity card may apply to the chief executive for its replacement.

(2) The application must—

- (a) be made in the approved form; and
- (b) be accompanied by the appropriate fee for the application.

(3) If the chief executive is satisfied the accreditation or identity card has been lost, damaged or destroyed, the chief executive must replace it.

Surrender of accreditation

48.(1) The holder of an accreditation may surrender it by written notice given to the chief executive.

(2) The notice must be accompanied by the accreditation.

(3) The surrender of the accreditation takes effect—

- (a) on the day on which the notice is given; or
- (b) if a later day is stated in the notice—the later day.

Accreditation dependent on driver's licence

49.(1) This section applies if—

- (a) an accredited driver trainer's driver's licence is suspended or cancelled; or
- (b) the driver trainer surrenders the licence.

(2) The driver trainer's accreditation under this part is—

- (a) if the licence is suspended—automatically suspended and of no effect while the licence is suspended; or
- (b) if the licence is cancelled or surrendered—automatically cancelled or surrendered.

(3) A person whose accreditation as a driver trainer is cancelled, suspended or surrendered under subsection (2) must immediately—

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- (a) notify the chief executive of the cancellation, suspension or surrender in writing; and
- (b) return the person's accreditation to the chief executive.

Maximum penalty—40 penalty units.

(4) The chief executive must not return a suspended accreditation to the person before the suspension ends.

Division 3—Giving pre-licence driver training

Driver trainer giving pre-licence driver training to be accredited

50.(1) A driver trainer must not give pre-licence driver training unless the driver trainer is an accredited driver trainer.

Maximum penalty—40 penalty units.

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

- (a) so that the person may be engaged or employed in the business or calling; and
- (b) without receiving any reward from, or on behalf of, the person.

Division 4—Driver training vehicle standards

Requirements for driver training vehicle

51.(1) An accredited driver trainer must ensure that every vehicle the driver trainer provides to give pre-licence driver training is equipped with the following equipment when the vehicle is being used to give the training—

- (a) training controls that are easily accessible for immediate use by a driver trainer sitting in the front passenger seat of the vehicle;
- (b) signs or plates, not less than 146 mm square, displayed

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conspicuously at the front and rear of the vehicle clearly depicting the letter 'L' in black on a yellow background;

- (c) a sign or plate displayed conspicuously on the vehicle showing—
 - (i) the driver trainer's name and accreditation number as a driver trainer; or
 - (ii) if the driver trainer—
 - (A) carries on the business of driver training under a registered business name—the registered business name and the address of its principal place of business; or
 - (B) gives the training as an agent or employee of another person carrying on the business of driver training—the person's name and address or if the person carries on business under a registered business name, the registered business name and the address of its principal place of business;
- (d) an internal rear view mirror for the trainer as well as the driver's rear view mirror;
- (e) an external driving mirror on each side of the vehicle.

Maximum penalty—20 penalty units.

(2) However, subsection (1) does not apply to the following motor vehicles—

- (a) a motorcycle;
- (b) a motor vehicle for which an LR class or higher class licence is required to drive the vehicle.

Division 5—Review of decisions

Review of decisions

52.(1) A person whose interests are affected by a decision stated in

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schedule 11 may apply, under chapter 4¹¹ of the Act, for a review of the decision as if the decision were stated in schedule 2A¹² of the Act.

(2) A person who may seek a review of a decision is entitled to receive a statement of reasons for the decision.

(3) An appeal may be made against a reviewed decision to the court stated in schedule 11 for the decision.

(4) Chapter 4 of the Act applies to a review and an appeal under this section.

Division 6—Miscellaneous

Accredited driver trainer's identity card

53.(1) The chief executive must give an identity card to a person who is an accredited driver trainer when the accreditation is granted or renewed.

(2) The identity card must—

- (a) contain a recent photograph of the person; and
- (b) identify the person as an accredited driver trainer; and
- (c) state—
 - (i) the accreditation number; and
 - (ii) an expiry date; and
- (d) otherwise be in the approved form; and
- (e) be signed by the driver trainer.

(3) A person who stops being an accredited driver trainer must return the identity card to the chief executive immediately after the person stops being accredited, unless the person has a reasonable excuse.

Maximum penalty—20 penalty units.

¹¹ Chapter 4 (Review of and appeals against decisions) of the Act

¹² Schedule 2A (Reviewable decisions) of the Act

Display of identity card

54. When an accredited driver trainer is giving pre-licence driver training, the driver trainer must display the driver trainer's identity card so as to be clearly visible to the person being trained—

- (a) by wearing the card on the driver trainer's clothing; or
- (b) displaying the card in a vehicle being used to give the training.

Maximum penalty—20 penalty units.

Records for driver training

55.(1) An accredited driver trainer must make a written record of the pre-licence driver training the driver trainer gives.

Maximum penalty—20 penalty units.

(2) The driver trainer must—

- (a) make the record daily; and
- (b) include in it the following particulars about the training—
 - (i) the name and address of each person to whom the training is given;
 - (ii) the date, time and duration of the training;
 - (iii) the registration number of the motor vehicle in which the training is given; and
- (c) keep the record for at least 1 year; and
- (d) produce the record if asked to do so by an authorised officer.

Maximum penalty—20 penalty units.

Fees for this part

56. The fees for this part are stated in schedule 12.

Accreditation prescribed for ss 17B(2) and 18(c)(ii) of Act

57. An accreditation under division 2 is prescribed for sections 17B(2) and 18(c)(ii)¹³ of the Act.

Division 7—Transitional

Definitions

58. In this division—

“licensed driving instructor” means a person who, immediately before the commencement of this division, held a current instructor’s licence issued under the repealed Act.

“repealed Act” means the *Motor Vehicle Driving Instruction School Act 1969*.

Duration of provisional accreditation of licensed driving instructors

59. The term of the provisional accreditation under section 92B of the Act of a licensed driving instructor is the unexpired term of the instructor’s licence under the repealed Act.¹⁴

Renewal of provisional accreditation for licensed driving instructors

60.(1) The holder of a provisional accreditation as a driver trainer under section 92B of the Act may apply to the chief executive for its renewal.

(2) Sections 37 to 40 apply to the renewal of the provisional accreditation in the same way as they apply to an application for the renewal of an accreditation under division 2.

¹³ Section 17B (Granting, renewing or refusing approval) of the Act
Section 18 (Grounds for amending suspending or cancelling approvals) of the Act

¹⁴ Section 92B (Transitional provisions for Motor Vehicle Driving Instruction School Act 1969).

(3) A provisional accreditation is prescribed for section 18(c)(ii) of the Act.

Interim accreditation of new driver trainers

61.(1) Despite the repeal of the repealed Act but subject to this Act, the applied provisions continue to apply for 6 months from the commencement, with all necessary changes, as if they were part of this regulation.

(2) If the chief executive grants an instructor's licence (a **“licence”**) to a person under section 10 of the applied provisions, the licence is taken to be a grant of interim accreditation as a driver trainer under this division (an **“interim accreditation”**).

(3) Division 2, other than sections 36, 41(1)(b)(i) and 43 to 46 apply to the interim accreditation in the same way they apply to an accreditation.

(4) An interim accreditation may not be renewed and ends 1 year after the licence is granted unless the licence is sooner cancelled, suspended or surrendered under this Act.¹⁵

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

(6) In this section—

“applied provisions” means part 3 of the repealed Act (other than sections 12(2), 13 and 14).

Application of ss 47 to 51 and 55 for this division

62. Sections 47 to 51 and 55 apply to a driver trainer with provisional or interim accreditation as if a reference in those sections to—

- (a) an accredited driver trainer included a reference to a driver trainer with provisional or interim accreditation; and
- (b) an accreditation included a reference to a provisional or interim accreditation or driving instructor's licence.

¹⁵ See the Act, section 18 (Grounds for amending suspending or cancelling approvals) and section 48 (Surrender of accreditation).

PART 6—MISCELLANEOUS

Subordinate legislation continuing to have effect—Act, s 93

63. All subordinate legislation made under the following Acts continue to have effect under the Act past the time they would otherwise cease to have effect until 30 June 1999—

- (a) *Carriage of Dangerous Goods by Road Act 1984*;
- (b) *Motor Vehicles Control Act 1975*;
- (c) *Motor Vehicles Safety Act 1980*;
- (d) *State Transport Act 1960*;
- (e) *Transport Infrastructure (Roads) Act 1991*.

SCHEDULE 1

REGISTRATION FEES FOR 12 MONTHS

section 5

PART 1—VEHICLES

Vehicle type	2 axle	3 axle	4 axle	5 axle
Trucks—				
Truck (type 1)	\$300	\$600	\$900	\$900
Truck (type 2)	\$500	\$800	\$2 000	\$2 000
Short combination truck	\$600	\$2 100	\$2 100	\$2 100
Medium combination truck	\$4 000	\$4 000	\$4 250	\$4 250
Long combination truck	\$5 250	\$5 250	\$5 250	\$5 250
Prime Movers—				
Short combination prime mover	\$800	\$3 250	\$4 250	\$4 250
Medium combination prime mover (B-Double)	\$3 250	\$4 250	\$4 500	\$4 500
Long combination prime mover (type 1)	\$4 750	\$4 750	\$4 750	\$4 750
Long combination prime mover (type 2)	\$5 250	\$5 250	\$5 500	\$5 500

PART 2—TRAILERS

Trailers \$250 x number of axles

PART 3—BUSES

Bus type	2 axle	3 axle
Bus (type 1)	\$300	—
Bus (type 2)	\$500	\$1 250
Articulated bus	—	\$500

PART 4—SPECIAL PURPOSE VEHICLES

Special purpose vehicle (type 1)—	
Caravan	\$55.00
Equipment trailer	\$55.00
Mobile machinery	\$220.00
Motorised caravan	\$391.00
Tractor	\$9.00
Special purpose vehicle (type 2)	\$250 + (\$250 x number of axles in excess of 2)

SCHEDULE 2**EQUIVALENT STANDARD AXLES**

section 9

PART 1—TRAILERS WITH ROWS OF 8 TYRES

Average load per row (tonnes)	Equivalent standard axles per row
10 or more but less than 11	0.4
11 or more but less than 12	0.6
12 or more but less than 13	0.9
13 or more but less than 14	1.2
14 or more but less than 15	1.7
15 or more but less than 16	2.2
16 or more but less than 17	2.8
17 or more but less than 18	3.6
18 or more but less than 19	4.6
19 or more but less than 20	5.7
20 or more but less than 21	6.9
21 or more but less than 22	8.4
22 or more but less than 23	10.2
23 or more but less than 24	12.1
24 or more	14.4

SCHEDULE 2 (continued)

PART 2—TRAILERS WITH ROWS OF 4 TYRES

Average load per row (tonnes)	Equivalent standard axles per row
5 or more but less than 6	0.1
6 or more but less than 7	0.3
7 or more but less than 8	0.5
8 or more but less than 9	0.9
9 or more but less than 10	1.5
10 or more but less than 11	2.2
11 or more but less than 12	3.2
12 or more	4.6

SCHEDULE 3

AXLE LOAD LIMITS

section 10

Type of axle or axle group	Axle load limit (tonnes)
Single axles—	
(a) 2 tyres	6.0
(b) 2 wide profile tyres—	
(i) 375 mm to 450 mm	6.7
(ii) over 450 mm	7.0
(c) 4 or more tyres—	
(i) on pig trailers	8.5
(ii) on other vehicles	9.0
Twin steer axle groups (2 consecutive axles connected to the same steering mechanism)—	
(a) non-load sharing suspensions	10.0
(b) load sharing suspensions	11.0
Tandem axle groups (2 consecutive axles connected by a load sharing suspension)—	
(a) 4 tyres	11.0
(b) 4 wide profile tyres—	
(i) 375 mm to 450 mm	13.3
(ii) over 450 mm	14.0
(c) 6 tyres	13.0
(d) 8 or more tyres—	
(i) on pig trailers	15.0
(ii) on other vehicles	16.5
Tri-axle groups (3 consecutive axles connected by a load sharing suspension)—	
(a) 6, 8 or 10 tyres	15.0
(b) 6 wide profile tyres (375 mm or over)—	
(i) on pig trailers	18.0

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SCHEDULE 3 (continued)

(ii)	on other vehicles	20.0
(c)	12 or more tyres—	
(i)	on pig trailers	18.0
(ii)	on other vehicles	20.0

SCHEDULE 4

MASS REQUIREMENTS

schedule 13, definition “mass requirement”

Mass limits for tyres, wheels and axles

1.(1) The mass on a wheel or axle must not be more than the limit set by its manufacturer.

(2) The mass on a tyre must not be more than the highest load capacity determined for the tyre by the manufacturer at a cold inflation pressure of not more than—

- (a) for a radial ply tyre—825 kPa; or
- (b) for an other type of tyre—700 kPa.

(3) The mass on an axle group or single axle must not be more than the limit for the axle group or axle in schedule 5.

(4) For subsection (3), the mass limit for an axle group that includes a retractable axle must be determined as if the axle did not exist.

(5) However, a retractable axle is part of an axle group for schedule 5 if—

- (a) the mass on the group is more than—
 - (i) for a tandem axle group—6 t; or
 - (ii) for a triaxle group—11 t; and
- (b) the tyres on the axle are in contact with the ground and the load-sharing suspension system is operating on each axle, including the retractable axle, and each tyre in the group.

(6) The sum of the mass on the axle groups and single axles on a single vehicle or combination must not be more than the sum of the mass limits in schedule 5 for the axle groups and single axles.

SCHEDULE 4 (continued)

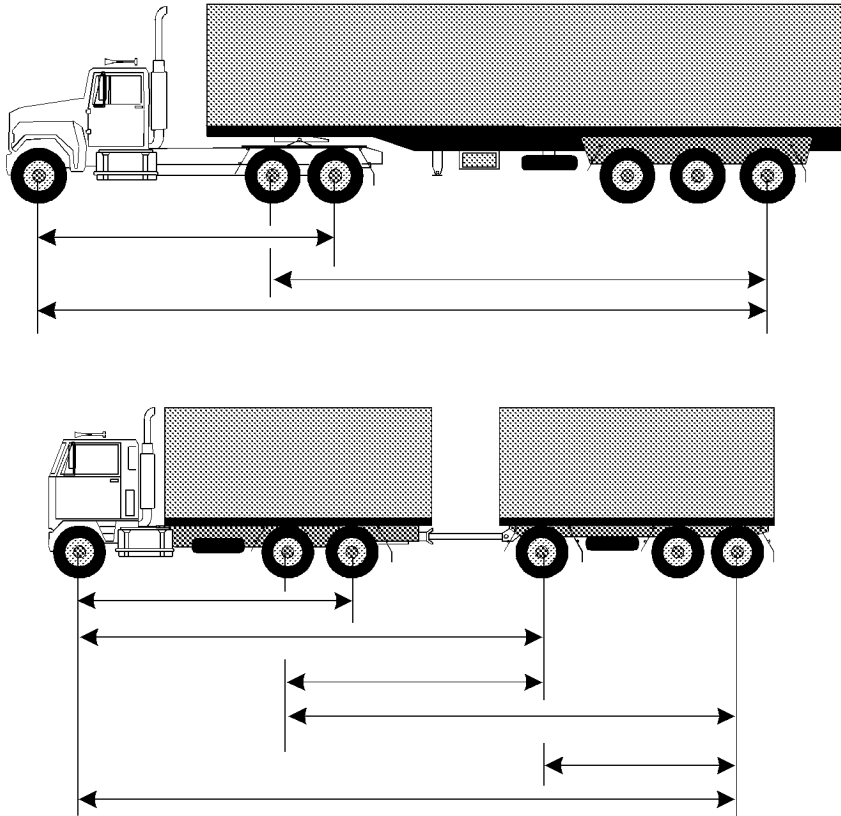
Mass limits relating to axle spacing

2.(1) If the total mass of a vehicle or combination and a load on it cannot lawfully be more than 42.5 t, the mass limit for the vehicle or combination must not be more than the mass limit in the table in schedule 6 for the axle spacing distance for the vehicle or combination.

(2) Each distance is—

- (a) the distance from the centre of a single axle to the centre of another single axle; or
- (b) the distance from the centre of a single axle to the centre of the furthest axle in any axle group; or
- (c) the greatest distance between the centres of axles in any 2 axle groups.

SCHEDULE 4 (continued)



Measurement of distances for schedule 6

(3) The mass limits apply to the sum of the mass on each axle group or single axle in the distance in the table, including the axles between which the distance is measured.

(4) If the distance between any 2 axles that are not part of the same axle group is less than 2.5 m, the total mass of a vehicle or combination and any load on it must not be more than 15 t.

SCHEDULE 4 (continued)**Mass limit for a single vehicle**

3. The total mass of a single vehicle and a load on it must not be more than the vehicle's GVM.

Mass limits for combinations

4.(1) The total mass of a combination (other than a road train or B-double) and a load on it must not be more than 42.5 t.

(2) The loaded mass of a dog trailer or pig trailer must not be more than the loaded mass of the towing vehicle.

(3) The total axle mass of a tag trailer must not be more than the total axle mass of the towing vehicle.

(4) The total mass of a combination and a load on it must not be more than the towing vehicle's GCM.

Load sharing suspension

5. The axles in each axle group (other than a twin steer axle group) must relate to each other through a load sharing suspension system.

Non-complying vehicles

6. If an axle or axle group on a vehicle or combination does not otherwise comply with this schedule, schedule 7 applies to the axle or axle group.

SCHEDULE 5

MASS LIMITS FOR SINGLE AXLES AND AXLE GROUPS

schedule 4, section 1(3), (5) and (6)

Description of single axle or axle group	Mass limit (tonnes)
Single axles and single axle groups	
Single steer axle on a motor vehicle	6.0
Single axle or single axle group fitted with single tyres with section width of—	
(a) less than 375 mm	6.0
(b) at least 375 mm but less than 450 mm	6.7
(c) at least 450 mm	7.0
Single axle or single axle group fitted with dual tyres on—	
(a) a pig trailer	8.5
(b) a bus licensed to carry standing passengers . . .	10.0
(c) another vehicle	9.0
Twinsteer axle groups	
Twinsteer axle group without a load-sharing suspension system	10.0
Twinsteer axle group with a load-sharing suspension system	11.0
Tandem axle groups	
Tandem axle group fitted with single tyres with section width of—	
(a) less than 375 mm	11.0
(b) at least 375 mm but less than 450 mm	13.3
(c) at least 450 mm	14.0
Tandem axle groups fitted with single tyres on 1 axle and dual tyres on the other axle	13.0

SCHEDULE 5 (continued)

Tandem axle group fitted with dual tyres on—	
(a) a pig trailer	15.0
(b) another vehicle	16.5

Triaxle groups

Triaxle group on a vehicle fitted with single tyres with section width of less than 375 mm on all axles, or single tyres on 1 or 2 axles and dual tyres on the other axle or axles	15.0
Triaxle group on a pig trailer with either single tyres with section width of at least 375 mm, dual tyres on all axles, or a combination of the tyres	18.0
Triaxle group, on a vehicle other than a pig trailer, with either single tyres with section width of at least 375 mm, dual tyres, or a combination of the tyres	20.0

Quad-axle groups

Quad-axle group fitted with single tyres with section width of less than 375 mm	15.0
Quad-axle group fitted with single tyres with section width of at least 375 mm or dual tyres	20.0

SCHEDULE 6

MASS LIMITS RELATING TO AXLE SPACING

schedule 4, section 2(1)

Distance (metres)		Mass limit (tonnes)
more than	not more than	
0.0	3.7	23.0
3.7	3.8	23.5
3.8	4.0	24.0
4.0	4.2	24.5
4.2	4.3	25.0
4.3	4.5	25.5
4.5	4.7	26.0
4.7	4.8	26.5
4.8	5.0	27.0
5.0	5.2	27.5
5.2	5.3	28.0
5.3	5.5	28.5
5.5	5.7	29.0
5.7	5.8	29.5
5.8	6.0	30.0
6.0	6.2	30.5
6.2	6.3	31.0
6.3	6.5	31.5
6.5	6.7	32.0
6.7	6.8	32.5
6.8	7.0	33.0
7.0	7.2	33.5
7.2	7.3	34.0
7.3	7.5	34.5
7.5	7.7	35.0
7.7	7.8	35.5

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SCHEDULE 6 (continued)

7.8	8.0	36.0
8.0	8.2	36.5
8.2	8.3	37.0
8.3	8.5	37.5
8.5	8.7	38.0
8.7	8.8	38.5
8.8	9.0	39.0
9.0	9.2	39.5
9.2	9.3	40.0
9.3	9.5	40.5
9.5	9.7	41.0
9.7	9.8	41.5
9.8	10.0	42.0
10.0		42.5

SCHEDULE 7

MASS LIMITS FOR NON-CONFORMING VEHICLES WITH SINGLE AXLES OR AXLE GROUPS

schedule 4, section 6

Mass limits for single axles and axle groups

1. The mass on a single axle or axle group must not be more than the limit for the axle or axle group in schedule 8.

Mass limits for vehicles and vehicle combinations

2.(1) The loaded mass of a vehicle or combination must not be more than the mass in schedule 9.

(2) The total mass of a single vehicle must not be more than the vehicle's GVM.

(3) The total mass of a combination and a load on it must not be more than the towing vehicle's GCM.

(4) The sum of the mass on the axle groups and single axles on a single vehicle or combination must not be more than the sum of the mass limits in schedule 8 for the axle groups and single axles.

SCHEDULE 8

MASS LIMITS FOR NONCONFORMING SINGLE AXLES AND AXLE GROUPS

schedule 7, section 2

Column 1	Column 2
Axle configuration	Axle mass (tonnes)
Single axles	
1. Single axle fitted with 2 tyres	4.6
2. Single axle fitted with dual tyres or 4 or more tyres (however arranged)	8.1
Axle groups without retractable axles	
3. A group of 2 axles with a load sharing system, both axles fitted with dual tyres or 4 or more tyres (however arranged), and a distance between axles of more than 2.4 m	15.0
4. A group of 2 axles with a load sharing system, both axles fitted with dual tyres or 4 or more tyres (however arranged), and a distance between axles of not more than 2.4 m	13.2
5. A group of 2 axles with a load sharing system, 1 axle fitted with dual tyres, the other axle with single tyres, and a distance between axles of more than 2.4 m	12.0
6. A group of 2 axles with a load sharing system, 1 axle fitted with dual tyres, the other axle with single tyres, and a distance between axles of not more than 2.4 m	11.2
7. Tandem axle group with both axles fitted with single tyres	9.0
8. Twin steer axle group with both axles fitted with single tyres	9.0

SCHEDULE 8 (continued)

9. Triaxle group with each axle fitted with dual tyres or 4 or more tyres (however arranged)	18.0
10. Triaxle group with 2 axles fitted with dual tyres and the other axle with single tyres	17.5
11. Triaxle group with 2 axles fitted with single tyres and the other axle with dual tyres	15.0
12. Triaxle group with each axle fitted with single tyres . . .	13.8
13. Quadaxle group or a group of more than 4 axles with each axle fitted with dual tyres or 4 or more tyres (however arranged)	18.0
Axle groups with retractable axles	
14. Tandem axle group with 1 axle a retractable axle and the other axle is fitted with—	
(a) dual tyres	8.1
(b) single tyres	4.6
15. Triaxle group with 1 axle a retractable axle and the other axles are fitted with—	
(a) dual tyres	13.2
(b) single tyres	9.0
(c) dual tyres on 1 axle and single tyres on the other axle	11.2

SCHEDULE 9

NON-CONFORMING VEHICLE LOADED MASS

schedule 7, section 2

Column 1		Column 2				
Distance extreme (metres)	between axles	Loaded mass (tonnes)				
from	to less than	2 axles	3 axles	4 axles	5 axles	6 axles
3.0	3.3	16.4	18.6
3.3	3.6	16.7	19.0	21.3
3.6	3.9	..	19.3	21.6
3.9	4.2	..	19.7	21.9
4.2	4.5	..	20.0	22.2
4.5	4.8	..	20.3	22.5	24.9	24.9
4.8	5.1	..	20.6	22.8	25.1	25.1
5.1	5.4	..	21.0	23.1	25.4	25.4
5.4	5.7	..	21.3	23.4	25.7	25.7
5.7	6.0	..	21.6	23.7	26.0	26.0
6.0	6.3	..	21.9	24.0	26.3	26.3
6.3	6.6	..	22.3	24.3	26.6	26.6
6.6	6.9	..	22.6	24.6	26.8	26.8
6.9	7.2	..	23.0	24.9	27.1	27.1
7.2	7.5	..	23.3	25.2	27.4	27.4

*Transport Operations (Road Use
Management) Regulation 1995*

SCHEDULE 9 (continued)

7.5	7.8	..	23.6	25.6	27.7	27.7
7.8	8.1	25.9	27.9	27.9
8.1	8.4	26.2	28.2	28.2
8.4	8.7	26.5	28.5	28.5
8.7	9.0	26.8	28.8	28.8
9.0	9.3	27.1	29.1	31.5
9.3	9.6	27.4	29.4	31.8
9.6	9.9	27.7	29.6	32.1
9.9	10.2	28.0	29.9	32.2
10.2	10.5	28.3	30.2	32.6
10.5	10.8	28.6	30.5	32.9
10.8	11.1	28.9	30.7	33.1
11.1	11.4	29.2	31.0	33.4
11.4	11.7	29.5	31.3	33.7
11.7	12.0	29.8	31.6	33.9
12.0	12.3	30.1	31.9	34.2
12.3	12.6	30.4	32.2	34.5
12.6	12.9	30.7	32.4	34.7
12.9	13.2	32.7	35.1
13.2	13.5	33.0	35.3
13.5	13.8	33.3	35.6
13.8	14.1	33.5	35.9
14.1	14.4	33.8	36.0
14.4	14.7	34.1	36.0
14.7	15.0	34.4	36.0
15.0	15.3	34.7	36.0

*Transport Operations (Road Use
Management) Regulation 1995*

SCHEDULE 9 (continued)

15.3	15.6	35.0	36.0
15.6	15.9	35.3	36.0
15.9	16.2	35.5	36.0
16.2	16.5	35.8	36.0

SCHEDULE 10

LOADING REQUIREMENTS

schedule 13, definition “loading requirement”

Loading obligations

1.(1) A load on a vehicle must not be placed in a way that makes the vehicle unstable or unsafe.

(2) A load on a vehicle must be secured so it is unlikely to fall or be dislodged from the vehicle.

(3) An appropriate method must be used to restrain the load on a vehicle.¹⁶

Trailers

2.(1) A trailer in a combination must be securely coupled to the vehicle in front of it.

(2) The components of a coupling used between vehicles must be compatible and properly connected to each other.

¹⁶ See the Load Restraint Guide for examples of safe ways of loading vehicles.

SCHEDULE 11**REVIEW OF AND APPEALS AGAINST DECISIONS**

Section	Description of decision	Court
40	Refusing to grant accreditation	Magistrates
42	Granting accreditation on conditions	Magistrates
40, 44 and 45	Refusing to renew accreditation	Magistrates
42, 44 and 45	Renewing accreditation on conditions	Magistrates
40 and 60	Refusing to renew provisional accreditation	Magistrates
40, 42 and 61	Refusing to grant interim accreditation, or granting it on conditions	Magistrates

SCHEDULE 12**FEES FOR PART 5**

section 56

\$

- | | |
|---|--------|
| 1. Application for grant, or renewal of accreditation | 130.00 |
| 2. Application for replacement of accreditation or identity card | 13.00 |
| 3. Application for renewal of provisional accreditation | 130.00 |
| 4. Application for grant of interim accreditation | 130.00 |

SCHEDULE 13

DICTIONARY

section 3

“articulated bus” means a bus with 2 or more rigid sections that are connected to one another in a way that allows—

- (a) passenger access between the sections; and
- (b) rotary movement between the sections.

“ATM” (aggregate trailer mass)—

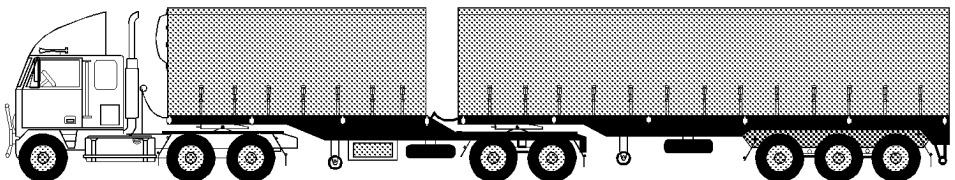
- (a) means the maximum mass, specified by the manufacturer, for a loaded trailer; and
- (b) includes any mass imposed on the vehicle towing the trailer when they are on a horizontal surface.

“average load per row” see section 9.

“axle” means the axis of rotation of a row of tyres across a vehicle.

“axle group” means 1 axle or consecutive axles connected by a load sharing suspension system or steering mechanism.

“B-double” means a combination consisting of a prime mover towing 2 semi-trailers.



Typical B-double

“bus” means a motor vehicle built mainly to carry more than 12 seated adults.

SCHEDULE 13 (continued)

“bus (type 1)” means a rigid bus that has 2 axles and an MRC of not more than 12 t.

“bus (type 2)” means a rigid bus that has—

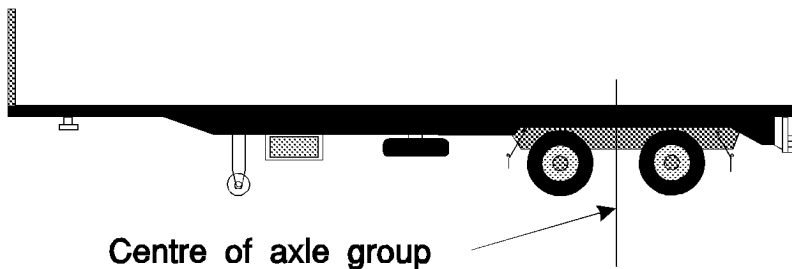
- (a) 2 axles and an MRC of more than 12 t; or
- (b) 3 axles.

“caravan” means an enclosed trailer designed for people to live in.

“carrying capacity” of a vehicle means the vehicle’s GVM less the vehicle’s tare.

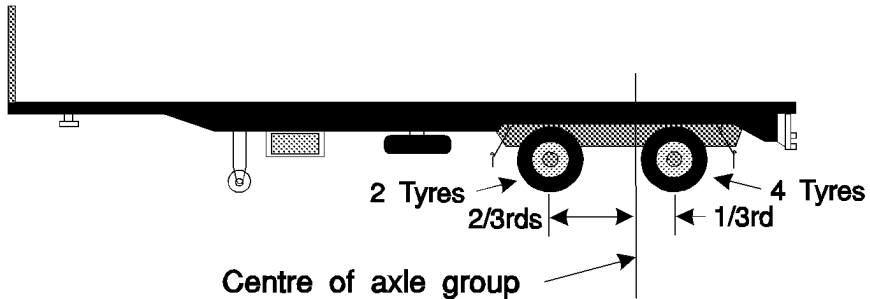
“centre of an axle group” means—

- (a) a line located midway between the centre-lines of the outermost axles of the group; or
- (b) if there are 2 axles in the group and one of them is fitted with twice the number of tyres as the other axle—a line located one third of the way from the centre-line of the axle with more tyres towards the centre-line of the axle with fewer tyres.

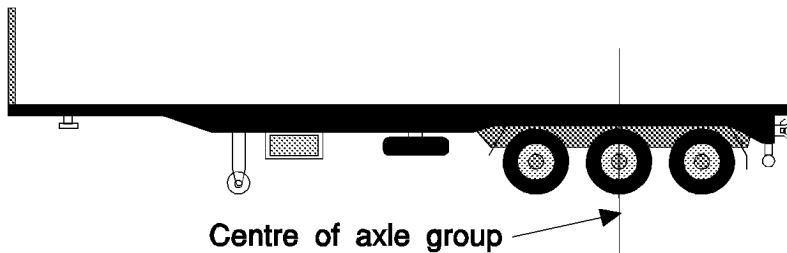


**Centre of a typical tandem axle group fitted with an equal number of
tyres on each axle**

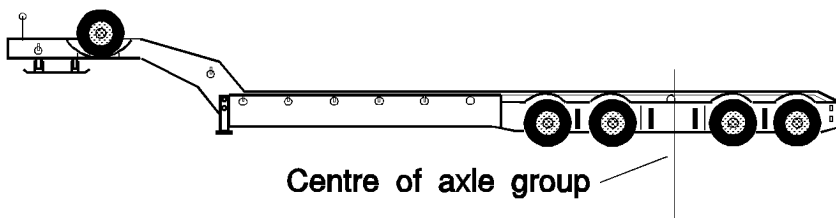
SCHEDULE 13 (continued)



Centre of a typical tandem axle group fitted with a different number of tyres on each axle



Centre of a typical triaxle group



Centre of a typical quad-axle group

“combination” means a motor vehicle connected to one or more trailers.

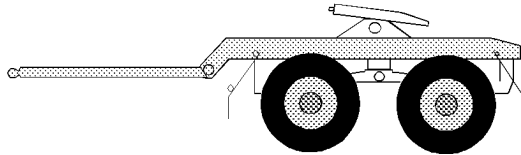
“commercial vehicle” means a motor vehicle built—

- (a) in accordance with an Australian Design Rule for Motor Vehicles and Trailers as endorsed by the Australian Transport Advisory Council and issued by the Commonwealth Department of Transport; and

SCHEDULE 13 (continued)

- (b) mainly to—
- (i) carry goods; or
 - (ii) tow a trailer.

“converter dolly” means a trailer with one axle group or single axle and a fifth wheel coupling designed to convert a semi-trailer into a dog trailer.



Typical converter dolly

“dog trailer” means a trailer that has 2 axle groups with the front axle group being steered by connection to the towing vehicle.

“dolly” means a specially designed pig trailer used to convert a semi trailer into a dog trailer.

“drawbar” means a part of a trailer (other than a semi-trailer) that connects the trailer body to a coupling for towing purposes.

“driver” means the person driving or in control of a motor vehicle.

“equipment trailer” means a vehicle built to transport machinery or equipment that forms an integral part of the vehicle.

“equivalent standard axles” see section 9.

“exempted vehicle” see section 8.

“fifth wheel coupling” means a device, other than the upper rotating element and the kingpin (which are parts of a semi-trailer), used with a prime mover, semi-trailer or a converter dolly to permit quick coupling and uncoupling and to provide for a point of rotation.

“GCM” (gross combination mass) means the maximum loaded mass of a motor vehicle and any vehicles it may lawfully tow—

- (a) stated by the vehicle’s manufacturer—

SCHEDULE 13 (continued)

- (i) on the vehicle's compliance plate; or
- (ii) if there is no compliance plate—in another place; or
- (b) stated by the vehicle registration authority if—
 - (i) the manufacturer has not stated the vehicle's maximum loaded mass; or
 - (ii) the manufacturer cannot be identified; or
 - (iii) the vehicle has been modified and the maximum loaded mass stated by the manufacturer is no longer appropriate.

“GTMR” (gross trailer mass rating) means the mass transmitted to the ground by the axles of a trailer when—

- (a) coupled to a towing vehicle; and
- (b) carrying its maximum load approximately uniformly distributed over the load bearing area.

“indivisible load” means a load that can not, without disproportionate effort, expense or risk of damage, be divided into 2 or more smaller loads for transportation.

“journey length” see section 9.

“livestock vehicle” means a single vehicle or a combination built to carry livestock.

“load”, of a vehicle, includes—

- (a) anything normally removed from the vehicle when it is not in use; and
- (b) anything that may fall from the vehicle when it is in motion.

“load carrying vehicle” means a vehicle designed and built to carry goods in addition to any fuel, water, lubricants, tools and any other equipment or accessories necessary for the vehicle's normal operation.

“loaded mass” of a vehicle means the vehicle's mass together with the mass of the vehicle's load that is transmitted to the ground.

“loading requirement”, for a vehicle, means a provision of schedule 10

SCHEDULE 13 (continued)

applying to it.

“load-sharing suspension” means an axle group suspension system—

- (a) built to divide the load between the tyres on the group so no tyre carries a mass more than 10% above the mass it would carry if the load were divided equally; and
- (b) with effective damping characteristics on all axles of the group.

“long combination prime mover (type 1)”—

- (a) means a prime mover nominated to tow 2 trailers; but
- (b) does not include a medium combination prime mover.

“long combination prime mover (type 2)” means a prime mover nominated to tow more than 2 trailers.

“long combination truck” means a truck nominated to tow 2 or more trailers.

“mass requirement”, for a vehicle, means a provision of schedule 4 or 7 applying to it.

“medium combination prime mover” means a prime mover nominated to tow 2 semi trailers where the second semi trailer is mounted on the rear of the semi trailer being towed by the prime mover (otherwise known as a B-double).

“medium combination truck” means a truck nominated to tow 1 trailer where the combination has more than 6 axles.

“mobile machinery” means a motor vehicle built to transport and operate machinery or equipment that forms an integral part of the vehicle, other than—

- (a) a commercial vehicle; or
- (b) a vehicle used to tow a disabled vehicle; or
- (c) a tractor.

“motorised caravan” means a motor vehicle designed mainly for people to live in.

SCHEDULE 13 (continued)

“MRC” (mass rating for charging) of a vehicle means the maximum permissible mass of the vehicle and its load—

- (a) shown on the compliance plate as the GVM, GTMR or ATM of the vehicle; or
- (b) for a vehicle without a compliance plate—decided by the registration authority, having regard to the design and construction of—
 - (i) the vehicle; or
 - (ii) any of its components.

“nominated” means nominated by the person in an application for registration of a vehicle.

“pensioner” see section 7.

“pensioner concession card” see section 7.

“pig trailer” means a trailer—

- (a) with 1 axle group near the middle of its load carrying surface; and
- (b) connected to the towing vehicle by a drawbar.

“pole type trailer” means a trailer—

- (a) attached to a towing vehicle by a pole or by something fitted to a pole; and
- (b) used to transport loads that are capable of supporting themselves as beams between supports.

Example of loads transported by pole type trailers—

Logs or pipes.

“primary producer” means a person engaged mainly in the production of—

- (a) tobacco; or
- (b) raw material for clothing or food derived from—
 - (i) agriculture; or

SCHEDULE 13 (continued)

- (ii) dairying; or
- (iii) fishing; or
- (iv) livestock production; or
- (v) viticulture.

“primary production vehicle” see section 6.

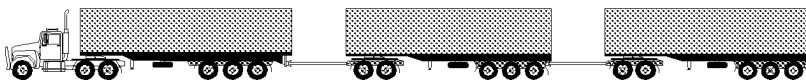
“prime mover” means a motor vehicle designed to tow a semi trailer.

“quadaxle group” means a group of 4 axles with a horizontal distance between the centre lines of the outermost axles of more than 3.2 m but not more than 4.9 m.

“registration authority” means the authority that is responsible for registering vehicles.

“retractable axle” means an axle that can be raised so the tyres on it do not touch the ground.

“road train” means a combination (other than a B-double) consisting of a motor vehicle towing at least 2 trailers (counting as one trailer a converter dolly supporting a semi-trailer).



Typical triple road train

“semi trailer” means a trailer (including a pole type trailer) that has—

- (a) 1 axle group towards the rear; and
- (b) a way of attaching to a prime mover that results in some of the load being imposed on the prime mover.

“short combination prime mover” means a prime mover nominated to tow 1 semi trailer.

“short combination truck” means a truck nominated to tow 1 trailer.

“single axle group” means a group of 2 or more axles with a horizontal distance between the centre-lines of the outermost axles of less than 1 m.

SCHEDULE 13 (continued)

“special purpose vehicle” means a vehicle that—

- (a) does not carry passengers or goods; or
- (b) has a primary purpose other than the carriage of passengers or goods.

Example—

Caravans, equipment trailers, mobile machinery, motorised caravans and tractors.

“special purpose vehicle (type 1)” means a special purpose vehicle that does not have an axle or axle group loaded over the axle load limits specified in schedule 3.

“special purpose vehicle (type 2)” means a special purpose vehicle that has at least 1 axle or axle group that is loaded over the axle load limits specified in schedule 3.

“tag trailer” means a semi-trailer that does not impose a load on the front axle or axle group of the towing vehicle.

“tandem axle group” means a group of at least 2 axles with a horizontal distance between the centre-lines of the outermost axles of at least 1 m but not more than 2 m.

“tare” of a vehicle means the mass of—

- (a) the unloaded vehicle; and
- (b) any fuel, water, lubricants, tools and any other equipment or accessories necessary for the vehicle’s normal operation.

“total esa” see section 9.

“tractor” means a motor vehicle used for towing purposes, other than a motor vehicle—

- (a) designed to carry passengers or goods (other than its own fuel or water); or
- (b) used to tow a disabled vehicle.

“trailer” does not include a vehicle that is not a load carrying vehicle.

“triaxle group” means a group of at least 3 axles with a horizontal distance

SCHEDULE 13 (continued)

between the centre-lines of the outermost axle of more than 2 m but not more than 3.2 m.

“truck” means a rigid motor vehicle that is built mainly as a load carrying vehicle.

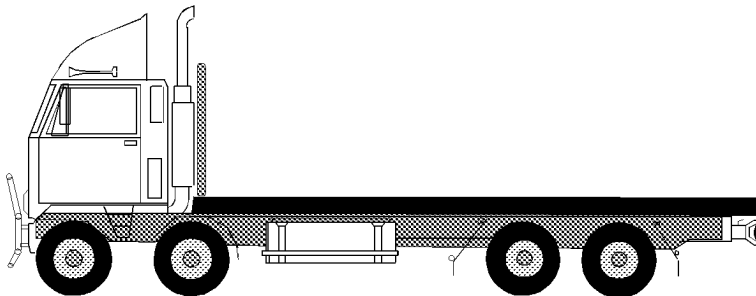
“truck (type 1)” means a truck with—

- (a) 2 axles and an MRC of not more than 12 t; or
- (b) 3 axles and an MRC of not more than 16.5 t; or
- (c) 4 or more axles and an MRC of not more than 20 t.

“truck (type 2)” means a truck with—

- (a) 2 axles and an MRC of more than 12 t; or
- (b) 3 axles and an MRC of more than 16.5 t; or
- (c) 4 or more axles and an MRC of more than 20 t.

“twinsteer axle group” means a group of 2 axles connected to the same steering mechanism on a motor vehicle fitted with single tyres, and with a horizontal distance between the centre-lines of the axles of at least 1 m but not more than 2 m.



Typical twinsteer axle group on a motor vehicle

“vehicle” includes anything the vehicle carries that is essential for its operation.

“vehicle coding manual” see section 8.

ATTACHMENT NOT FORMING PART OF THE REGULATION

SECTION 3.05 OF TRANSPORT INFRASTRUCTURE (ROADS) REGULATION 1991 AS IN FORCE IMMEDIATELY BEFORE 1 JULY 1996

Transport of livestock

3.05(1) The chief executive may issue a permit allowing a vehicle carrying only livestock to exceed the maximum mass permitted under this regulation.

(2) An application for a permit must be made to the chief executive in the approved form.

(3) A permit may be issued subject to such terms and conditions as the chief executive may determine, including, but not limited to, any of the following terms and conditions—

- (a) the permit must be carried in the motor vehicle whenever the vehicle or vehicle combination is on a road;
- (b) an inspection certificate under the *Motor Vehicles Safety Act 1980* for the vehicle or vehicle combination must be carried in the motor vehicle whenever the vehicle or vehicle combination is on a road;
- (c) livestock is not to be carried on an upper deck unless all lower decks are fully loaded;
- (d) the vehicle must comply with the *State Transport Act 1960* and the *Traffic Act 1949*;
- (e) a motor vehicle fitted at the rear with a tandem axle or a triaxle must be driven on at least 2 axles;
- (f) a semitrailer must be fitted with a dual wheel triaxle group and be hauled by a motor vehicle fitted with a dual wheel tandem drive axle group or dual wheel triaxle drive group;

ATTACHMENT NOT FORMING PART OF THE REGULATION
(continued)

- (g) a dog trailer must be fitted with a dual wheel tandem axle group at the front and a dual wheel triaxle group at the rear;
- (h) the axle mass of an axle group on a trailer, as evidenced by a certificate from the axle manufacturer or the manufacturer's agent, must be at least—
 - (i) 20 t for a tandem axle group; or
 - (ii) 25 t for a triaxle group;
- (i) the suspension and attachment systems on a trailer, as evidenced by a certificate from the suspension manufacturer or the manufacturer's agent, must be capable of carrying at least—
 - (i) 20 t for a tandem axle group; or
 - (ii) 25 t for a triaxle group;
- (j) each wheel on an axle on a trailer must be fitted with—
 - (i) a drum type brake assembly, capable of developing a torque of at least 13 500 Nm when supplied with air at 550 kPa and fitted with a 125 mm long actuation lever; or
 - (ii) a disc type brake assembly, capable of developing a torque of at least 13 500 Nm when supplied with air at 550 kPa;as evidenced by a certificate from the brake system manufacturer or the manufacturer's agent;
- (k) all tyre mass ratings, as set out in a recognised Tyre and Rim Association manual for a speed of 90 km/h, must be at least the tyre mass set out in column 2 of the following table that corresponds to the axle configuration set out in column 1 of the table—

ATTACHMENT NOT FORMING PART OF THE REGULATION
(continued)

Table
Tyre mass rating

Column 1 Axle configuration	Column 2 Tyre mass (tonnes)
1. Single axle fitted with 2 tyres	3.0
2. Twin steer axle group with or without a load sharing system	2.8
3. (a) Single axle fitted with dual tyres	2.5
(b) Tandem axle group with a load sharing system, where both axles are fitted with dual tyres	2.5
4. Triaxle group with a load sharing system, where each axle is fitted with dual tyres	2.1;
(l) the manufacturer's GVM rating for a motor vehicle, as evidenced by the compliance plate or by a certificate from the manufacturer or the manufacturer's agent, must be at least the GVM set out in the following table—	

Table
GVM rating

Front axle	Rear axle	GVM (tonnes)
1. Single axle fitted with 2 tyres	Single axle fitted with dual tyres	16
2. Single axle fitted with 2 tyres	Tandem axle group with a load sharing system, where both axles are fitted with dual tyres	26

ATTACHMENT NOT FORMING PART OF THE REGULATION
(continued)

3.	Twin steer axle group with a load sharing system, where both axles are fitted with single tyres	Tandem axle group with a load sharing system, where both axles are fitted with dual tyres	31
4.	Twin steer axle group without a load sharing system, where both axles are fitted with single tyres	Tandem axle group with a load sharing system, where both axles are fitted with dual tyres	30
5.	Single axle fitted with 2 tyres	Triaxle group with a load sharing system, where each axle is fitted with dual tyres	31
6.	Twin steer axle group with a load sharing system, where both axles are fitted with single tyres	Triaxle group with a load sharing system, where each is fitted with dual tyres	36
7.	Twin steer axle group without a load sharing system, where both axles are fitted with single tyres	Triaxle group with a load sharing system, where each axle is fitted with dual tyres	35

(4) A failure to comply with a term or condition of a permit renders the permit void.

ENDNOTES

1 Index to endnotes

	Page
2 Date to which amendments incorporated	76
3 Key	76
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6 List of annotations	78

2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 20 November 1998. Future amendments of the Transport Operations (Road Use Management) Regulation 1995 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Key

Key to abbreviations in list of legislation and annotations

<p>AIA = Acts Interpretation Act 1954</p> <p>amd = amended</p> <p>amdt = amendment</p> <p>ch = chapter</p> <p>def = definition</p> <p>div = division</p> <p>exp = expires/expired</p> <p>gaz = gazette</p> <p>hdg = heading</p> <p>ins = inserted</p> <p>lap = lapsed</p> <p>notfd = notified</p> <p>o in c = order in council</p> <p>om = omitted</p> <p>p = page</p> <p>para = paragraph</p> <p>prec = preceding</p> <p>pres = present</p>	<p>prev = previous</p> <p>(prev) = previously</p> <p>proc = proclamation</p> <p>prov = provision</p> <p>pt = part</p> <p>pubd = published</p> <p>R[X] = Reprint No.[X]</p> <p>RA = Reprints Act 1992</p> <p>reloc = relocated</p> <p>renum = renumbered</p> <p>rep = repealed</p> <p>s = section</p> <p>sch = schedule</p> <p>sdiv = subdivision</p> <p>SIA = Statutory Instruments Act 1992</p> <p>SL = subordinate legislation</p> <p>sub = substituted</p> <p>unnum = unnumbered</p>
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4 Table of earlier reprints

TABLE OF EARLIER REPRINTS

[If a reprint number includes a roman letter, the reprint was released in unauthorised, electronic form only.]

Reprint No.	Amendments included	Reprint date
1	none	2 July 1995
1A	to SL No. 106 of 1996	25 July 1996
1B	to SL No. 272 of 1996	18 December 1996
1C	to SL No. 124 of 1997	3 July 1997
2	to SL No. 486 of 1997	6 March 1998
2A	to SL No. 170 of 1998	3 June 1998

5 List of legislation

Transport Operations (Road Use Management) Regulation 1995 SL No. 157

made by the Governor in Council on 1 June 1995
notfd gaz 2 June 1995 pp 1062–4
ss 1–2 commenced on date of notification
remaining provisions commenced 1 July 1995 (see s 2)
exp 1 June 2005 (see SIA s 54)

as amended by—

Transport and Traffic Amendment Regulation (No. 1) 1995 SL No. 401 pts 1–2

notfd gaz 22 December 1995 pp 1672–6
commenced on date of notification

Transport Legislation Amendment Regulation (No. 1) 1996 SL No. 29 pts 1, 3

notfd gaz 16 February 1996 pp 735–6
commenced on date of notification

Department of Transport (Variation of Fees) Regulation (No. 1) 1996 SL No. 106 ss 1–2, 3(c) sch 3

notfd gaz 24 May 1996 pp 715–16
ss 1–2 commenced on date of notification
remaining provisions commenced 1 July 1996 (see s 2)

Department of Transport (Variation of Fees) Regulation (No. 3) 1996 SL No. 240 ss 1–2, 3(c) sch 3

notfd gaz 13 September 1996 pp 166–7
ss 1–2 commenced on date of notification
remaining provisions commenced 8 October 1996 (see s 2)

**Transport Operations (Road Use Management) Amendment Regulation (No. 1)
1996 SL No. 272**

notfd gaz 11 October 1996 pp 543–4
commenced on date of notification

**Department of Transport (Variation of Fees) Regulation (No. 1) 1997 SL No. 120
ss 1–2, 3(k) sch 11**

notfd gaz 16 May 1997 pp 242–4
ss 1–2 commenced on date of notification
remaining provisions commenced 1 July 1997 (see s 2)

**Transport Operations (Road Use Management) Amendment Regulation (No. 1)
1997 SL No. 124 ss 1–2(1), 3–6**

notfd gaz 23 May 1997 pp 357–8
commenced on date of notification

**Transport Operations (Road Use Management) Amendment Regulation (No. 2)
1997 SL No. 486**

notfd gaz 19 December 1997 pp 1770–77
ss 1–2 commenced on date of notification
remaining provisions commenced 1 January 1998 (see s 2)

Transport Legislation Amendment Regulation (No. 1) 1998 SL No. 170 pts 1, 3

notfd gaz 22 May 1998 pp 509–14
commenced on date of notification

**Transport Legislation Amendment Regulation (No. 2) 1998 SL No. 254 ss 1–2,
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notfd gaz 18 September 1998 pp 239–40
ss 1–2 commenced on date of notification
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**ATTACHMENT NOT FORMING PART OF THE
REGULATION—SECTION 3.05 OF TRANSPORT INFRASTRUCTURE
(ROADS) REGULATION 1991 AS IN FORCE IMMEDIATELY BEFORE
1 JULY 1996**

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