

Queensland



Transport Operations (Road Use Management) Act 1995

TRANSPORT OPERATIONS (ROAD USE MANAGEMENT) REGULATION 1995

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Queensland



TRANSPORT OPERATIONS (ROAD USE MANAGEMENT) REGULATION 1995

TABLE OF PROVISIONS

Section	Page
PART 1—PRELIMINARY	
1 Short title	11
2 Commencement	11
3 Definitions	11
4 Acts that are transport Acts	11
4A Approval of random inspection program	11
4B Regulation and control of powers of certain authorised officers	12
4C Requirement to remain at a place	12
4CA Way to require vehicles to stop or move in preparation for stopping	13
4CB Moving loads before weighing	13
PART 2—FEES	
4F Fees generally	14
9 Indivisible load permit fees	14
10 Axles	15
11 Measurement of distance between axles	15
PART 2A—GUIDELINES AND PERMITS	
11A Guidelines and permits for vehicles	15
11AA Statutory condition on guidelines and permits for oversized vehicles	17
11B Permit contents and conditions	17
11BA Alternative arrangements for permits	18
11C Driving under guideline or permit	18
PART 2B—VEHICLE DIMENSIONS	
11CA Meaning of “rear overhang” and “rear overhang line” for pt 2B	19

*Transport Operations (Road Use Management)
Regulation 1995*

11D	Load and other things are part of vehicle's dimensions for pt 2B.....	20
11E	Length—motor vehicles	20
11F	Width.....	20
11G	Height	20
11H	Height—ground clearance.....	21
11I	Length—trailers	21
11J	Length—rear overhang	22
11K	Length—trailer drawbars	23
11KA	Limits on projections of loads on vehicles	23
11L	Information and extended liability offences	25

PART 3—MASS

12	Application of part	26
13	Performance standards for mass	26
14	Compliance with requirements—vehicles.....	26
15	Compliance with requirements—trailers	26
16	Compliance with requirements—combinations	26
17	Vehicle tare	27
18	Tyre mass.....	27
19	Axle mass	27
19A	Axle mass—complying buses.....	27
19B	Axle mass for ultra-low floor route bus	29
20	Vehicle mass	29
21	Other ways of determining mass may be used	29
21A	Way of stating GVM	29
21B	Proof of GCM or GVM.....	30
21C	Proof of mass.....	30
26	Information and extended liability offences	31

PART 4—LOADING

27	Application of part	31
28	Performance standards for loading	31
29	Compliance with requirements—vehicles.....	31
30	Compliance with requirements—trailers	32

*Transport Operations (Road Use Management)
Regulation 1995*

31	Compliance with requirements—combinations	32
32	Proof of loading offences	32
33	Information and extended liability offences	32

PART 4A—ACCREDITED PERSONS

Division 1—Accredited persons generally

33A	Applying to be appointed as an accredited person	33
33B	Deciding application	33
33C	Granting application	33
33D	Refusing application	34
33DA	Statutory conditions on appointment.	34
33E	Accreditation documents and identity cards	34
33F	Display of accreditation document or identity card	35
33G	Replacement of accreditation document or identity card	35
33H	Resignation from appointment	36
33I	Surrender of accreditation document or identity card.	36
33J	Accreditation prescribed for the Act, ss 17B(2) and 18(c)(ii).	36
33K	Employer's duty	37
33KA	Only accredited person to be employed or engaged as traffic controller . . .	37
33L	Powers of accredited persons	37

Division 2—Pilot vehicle drivers

33M	Functions	37
33N	Necessary expertise for appointment	38

Division 3—Escort vehicle drivers

33O	Functions	38
33P	Necessary expertise for appointment	38

Division 4—Vehicle safety inspections

33Q	Function.	39
33R	Necessary expertise—Act, s 21(1)	39

Division 5—Traffic controllers

33S	Function.	42
33T	Necessary expertise for appointment	42

*Transport Operations (Road Use Management)
Regulation 1995*

**PART 4B—ACCREDITING DRIVER TRAINERS AND RIDER
TRAINERS**

Division 1—Definitions and basic concepts

34	Definitions for pt 4B	43
35	Who is a “driver trainer”	43
36	What is “driver training”	43
37	Who is an “accredited rider trainer”	43
38	What is “Q-Ride training”	44

Division 2—Accrediting driver trainers and rider trainers

39	Accrediting driver trainers.	44
40	Accrediting rider trainers.	45

Division 3—Applying for accreditation

41	Definition for div 3	46
42	Applying for accreditation	46
43	Deciding application for accreditation	46
44	Statutory conditions on accreditation	46
45	Notice of granting of accreditation	46
46	Issue of identity card	47
47	Notice of refusal to grant accreditation.	47
48	Duration of accreditation.	47
49	Renewal of accreditation	48
50	Application of declared sections to renewal of accreditation	48
51	Duration of renewal of accreditation.	48
52	Replacement of identity card.	49

Division 4—Continuity of accreditation

53	Accreditation dependent on driver licence	49
54	Accreditation as rider trainer dependent on continuation of accreditation as driver trainer	49
55	Voluntary surrender of accreditation	50
56	Return of identity card.	50

*Division 5—Accreditation as a driver trainer necessary to give
pre-licence driver training*

57	Driver trainer giving pre-licence driver training to be accredited	51
----	--	----

Transport Operations (Road Use Management)
Regulation 1995

Division 6—Recommending issue of competency declaration

57A	Employed accredited rider trainer may recommend learner be given competency declaration	51
57B	Requirement to issue competency recommendation notice	51
57C	Restriction on giving competency recommendation notice	52

Division 7—Other provisions

57D	Code of conduct	52
57E	Requirements for driver trainer car	53
57F	Display of identity card	54
57G	Driver training records	54
57H	Q-ride training records	55
57I	How long records to be kept	55
57J	Records for registered service provider.	55
57K	Accreditation prescribed for ss 17B(2) and 18(c)(ii) of Act	56

PART 5—REGISTRATION OF SERVICE PROVIDERS

Division 1—Basic concepts

57L	Who is an “eligible person” for Q-Ride training.	56
57M	Who is a “registered service provider”	57

Division 2—Applying for registration

57N	Applying for registration	57
57O	Suitability for registration	57
57P	Deciding application	58
57Q	Granting registration	58
57R	Notice of refusal to grant registration	58
57S	Statutory conditions on registration	59
57T	Duration of registration	59
57U	Renewal of registration	59
57V	Application of declared sections to renewal of registration	59
57W	Duration of renewal of registration	60
57X	Voluntary surrender of registration	60
57Y	Registration not transferrable	60
57Z	Immediate cancellation	60

*Transport Operations (Road Use Management)
Regulation 1995*

57ZA	Return of unused competency declarations.	60
------	---	----

Division 3—Records

57ZB	Records registered service provider must keep.	61
------	--	----

57ZC	Where and how long training records to be kept.	62
------	---	----

Division 4—Competency declarations

57ZD	Registered service provider may give competency declarations.	62
------	---	----

57ZE	Duration of competency declaration.	63
------	---	----

57ZF	Requirement to give competency declaration.	63
------	---	----

57ZG	Restriction on giving competency declaration.	63
------	---	----

57ZH	Destroyed, lost or stolen competency declaration not given to learner. . . .	64
------	--	----

57ZI	Replacement of competency declaration given to learner.	64
------	---	----

Division 5—Other provisions

57ZJ	False statements.	65
------	---------------------------	----

57ZK	False advertising.	65
------	----------------------------	----

57ZL	Registration prescribed for ss 17B(2) and 18(c)(ii) of Act.	65
------	---	----

57ZM	Registered service provider standards.	65
------	--	----

57ZN	Competency standards.	66
------	-------------------------------	----

57ZO	Auditor register.	67
------	---------------------------	----

57ZP	Form of audit reports.	67
------	--------------------------------	----

57ZQ	Registration notice prescribed for Act s 26(1)(c).	68
------	--	----

57ZR	Reasonable excuse.	68
------	----------------------------	----

PART 5A—ALTERNATIVE COMPLIANCE SCHEMES

58	Mass.	68
----	---------------	----

**PART 5B—MOVING VEHICLES ON OR FROM PRESCRIBED
ROADS**

58A	Definitions for pt 5B.	69
-----	--------------------------------	----

58B	Moving abandoned vehicles.	69
-----	------------------------------------	----

58C	Moving other stationary vehicles.	70
-----	---	----

58D	Recovering moving expenses.	71
-----	-------------------------------------	----

58E	Notice to owner.	71
-----	--------------------------	----

58F	Releasing removed vehicles.	72
-----	-------------------------------------	----

58G	Disposing of removed vehicles.	72
-----	--	----

*Transport Operations (Road Use Management)
Regulation 1995*

PART 6—MISCELLANEOUS

Division 1—Review of decisions

62A	Review of decisions.	73
-----	------------------------------	----

Division 1A—Lights or signs creating danger to traffic

62AA	Light or sign creating danger to traffic	73
------	--	----

Division 2—Pilot and escort vehicles

62B	Offence to drive pilot or escort vehicle	74
-----	--	----

Division 2AA—Traffic controllers

62BA	Traffic controller to comply with condition of appointment.	74
------	---	----

62BB	Offence to carry out traffic controller's function.	75
------	---	----

Division 2A—Protection of roads and structures

62C	Damage to road transport infrastructure	75
-----	---	----

62D	Restriction of loads on structures	76
-----	--	----

Division 2B—Special event permits

62E	Definitions for div 2B	77
-----	----------------------------------	----

62F	Meaning of "special event" for div 2B	77
-----	---	----

62G	Authority of special event permit	78
-----	---	----

62H	Issuing a special event permit	78
-----	--	----

62I	Responsibility of permittee	80
-----	---------------------------------------	----

Division 2C—Special circumstances permits

62J	Definitions for div 2C	80
-----	----------------------------------	----

62K	Authority of special circumstances permit	80
-----	---	----

62L	Issuing a special circumstances permit	81
-----	--	----

Division 3—Continuation of certain subordinate legislation

63	Subordinate legislation continuing to have effect—Act, s 93	82
----	---	----

PART 7—TRANSITIONAL PROVISIONS

*Division 1—Transitional provisions for Transport Operations (Road Use
Management) Amendment Regulation (No. 1) 1998*

Subdivision 1—Oversize and overmass vehicles

64	Existing guidelines and permits continue	83
----	--	----

Subdivision 2—Pilot vehicle drivers

65	Existing licences continue.	84
----	-------------------------------------	----

*Transport Operations (Road Use Management)
Regulation 1995*

***Division 2—Transitional provision for Transport and Other Legislation
Amendment Regulation (No. 1) 2003***

66	Particular persons taken to be traffic controllers	84
	SCHEDULE 1	86
	FEEES	
	SCHEDULE 1A	88
	STOP AND MOVE SIGNALS BY AUTHORISED OFFICERS, OTHER THAN POLICE OFFICERS	
	SCHEDULE 1B	91
	APPROVED STOP, GO AND SLOW HAND SIGNALS FOR TRAFFIC CONTROLLERS	
	SCHEDULE 2	92
	EQUIVALENT STANDARD AXLES	
	SCHEDULE 3	94
	AXLE LOAD LIMITS	
	SCHEDULE 3A	96
	STATUTORY CONDITIONS FOR APPOINTMENT AS ACCREDITED PERSON	
	SCHEDULE 3AA	97
	STATUTORY CONDITIONS ON GUIDELINES AND PERMITS FOR OVERSIZED VEHICLES	
1	Driving restrictions on guidelines or permits for oversized vehicles	97
	SCHEDULE 3B	99
	STATUTORY ACCREDITATION CONDITIONS FOR ACCREDITED DRIVER TRAINERS OR RIDER TRAINERS	
1	Compliance with code of conduct	99
2	Maintaining competency	99
3	Review by chief executive	99
4	Random review	99
5	Cooperation with chief executive	100
6	Notifiable events	100

*Transport Operations (Road Use Management)
Regulation 1995*

	SCHEDULE 3C	101
	STATUTORY REGISTRATION CONDITIONS FOR REGISTERED SERVICE PROVIDERS	
1	Compliance with registered service provider standards	101
2	Provider's place of business to be open for inspection	101
3	Compliance with declared sections	101
4	Establishing eligibility of person to be trained	101
5	Scheduled compliance audits	101
6	Audit for non-compliance with standards	102
7	Restriction on engaging auditor	103
8	Only accredited rider trainers to give Q-Ride training	103
9	Notifiable events	103
	SCHEDULE 4	105
	MASS REQUIREMENTS	
1	Mass limits for tyres, wheels and axles	105
2	Mass limits relating to axle spacing	106
3	Mass limit for a single vehicle	107
4	Mass limits for combinations	108
5	Load sharing suspension	108
6	Non-complying vehicles	108
	SCHEDULE 5	109
	MASS LIMITS FOR SINGLE AXLES AND AXLE GROUPS	
	SCHEDULE 6	111
	MASS LIMITS RELATING TO AXLE SPACING	
	SCHEDULE 7	113
	MASS LIMITS FOR NON-CONFORMING VEHICLES WITH SINGLE AXLES OR AXLE GROUPS	
1	Mass limits for single axles and axle groups	113
2	Mass limits for vehicles and vehicle combinations	113
	SCHEDULE 8	114
	MASS LIMITS FOR NONCONFORMING SINGLE AXLES AND AXLE GROUPS	

*Transport Operations (Road Use Management)
Regulation 1995*

	SCHEDULE 9	116
	NON-CONFORMING VEHICLE LOADED MASS	
	SCHEDULE 10	119
	LOADING REQUIREMENTS	
1	Loading obligations.....	119
2	Trailers.....	119
	SCHEDULE 11	120
	REVIEW OF AND APPEALS AGAINST DECISIONS	
	SCHEDULE 13	121
	DICTIONARY	
	ENDNOTES	
1	Index to endnotes.....	133
2	Date to which amendments incorporated.....	133
3	Key.....	133
4	Table of reprints.....	134
5	List of legislation.....	134
6	List of annotations.....	138

*Transport Operations (Road Use Management)
Regulation 1995*

TRANSPORT OPERATIONS (ROAD USE MANAGEMENT) REGULATION 1995

[as amended by all amendments that commenced on or before 1 December 2004]

PART 1—PRELIMINARY

1 Short title

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

2 Commencement

This regulation commences on 1 July 1995.

3 Definitions

The dictionary in schedule 13 defines particular words used in this regulation.

4 Acts that are transport Acts

The *Tow Truck Act 1973* is a transport Act.

4A Approval of random inspection program

(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

*Transport Operations (Road Use Management)
Regulation 1995*

- (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.

(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.

4B Regulation and control of powers of certain authorised officers

(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.

4C Requirement to remain at a place

(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.

*Transport Operations (Road Use Management)
Regulation 1995*

(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.

4CA Way to require vehicles to stop or move in preparation for stopping

(1) For section 31(2) or 32(2) of the Act, an authorised officer may require the person in control of a motor vehicle to stop the vehicle or for section 32(3) to move the vehicle in preparation for stopping it—

- (a) by signalling in a way stated in schedule 1A; or
- (b) by a sign displayed—
 - (i) by the authorised officer; or
 - (ii) on or in the vicinity of the road.

Examples of paragraph (b)(ii)—

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

(2) To help in attracting the attention of the person in control of the motor vehicle to the authorised officer's signal or sign, an authorised officer who is not a police officer may, on the officer's vehicle—

- (a) display flashing magenta coloured lights; or
- (b) operate a horn.

4CB Moving loads before weighing

(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

*Transport Operations (Road Use Management)
Regulation 1995*

- (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.

PART 2—FEES

4F Fees generally

The fees payable under this regulation are in schedule 1.

9 Indivisible load permit fees

(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.

(2) The fee for the grant of a permit to operate the vehicle combination 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.

*Transport Operations (Road Use Management)
Regulation 1995*

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 $100 \times 32.2 \times \$0.04$).

10 Axles

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

(2) Two axles less 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.

11 Measurement of distance between axles

For this regulation, the distance between axles is measured between the centres of the wheels mounted on the axles and parallel to the length of the vehicle.

PART 2A—GUIDELINES AND PERMITS

11A Guidelines and permits for vehicles

(1) The chief executive may issue—

- (a) a guideline, in an approved form, for the safe movement on a road of a type of vehicle; or
- (b) a permit for the safe movement on a road of a particular vehicle or type of vehicle.

*Transport Operations (Road Use Management)
Regulation 1995*

(2) The commissioner may issue only a permit for the safe movement on a road of a particular oversize vehicle or type of oversize vehicle.

(3) The chief executive or commissioner may issue a permit by phone, fax, radio or another form of communication if the chief executive or commissioner considers it necessary because of urgent circumstances.

(4) A guideline or permit can not allow a combination to be more than—

- (a) for a combination consisting of 1 motor vehicle—the motor vehicle's GCM; or
- (b) for a combination consisting of more than 1 motor vehicle—the total of each motor vehicle's GCM.

(5) The matters a guideline or permit may relate to include the following—

- (a) the roads on which the vehicle may be driven;
- (b) the maximum permissible dimensions of the vehicle together with any load;
- (c) the maximum permissible mass of—
 - (i) the vehicle together with any load; or
 - (ii) parts of the vehicle;
- (d) any permissible or requisite modifications to the vehicle;

Example of paragraph (d)—

Extra lighting may be required to be added to the side of a vehicle carrying a wide load.

- (e) the times when the vehicle may be driven;
- (f) signs and warning devices to be displayed on the vehicle;
- (g) when the vehicle must travel with a pilot vehicle or escort vehicle;
- (h) requirements for pilot vehicles and pilot vehicle drivers, and escort vehicles and escort vehicle drivers;
- (i) the maximum speeds at which the vehicle may be driven;
- (j) other matters relevant to the safe movement of the vehicle.

(6) The roads on which the vehicle may be driven may be shown on a map in the guideline.

11AA Statutory condition on guidelines and permits for oversized vehicles

(1) A guideline for a type of oversize vehicle or a permit for a particular oversize vehicle or type of oversize vehicle mentioned in section 11A is granted on the conditions stated in schedule 3AA for the guideline or permit.

(2) A condition imposed under subsection (1) applies despite any other provision of the guideline or permit.

11B Permit contents and conditions

(1) A permit, other than a permit issued under alternative arrangements under section 11BA, must state—

- (a) if the permit relates to a particular vehicle, the registration number of the vehicle it relates to; and
- (b) the name and address of the person the permit is issued to; and
- (c) how long the permit is in force for; and
- (d) the conditions of the permit.

(2) The conditions of a permit may include a condition requiring the permit holder—

- (a) to pay the reasonable costs incurred by the State in relation to the issue of the permit, including for example, the costs of—
 - (i) assessing the roads the vehicle is to be driven on; or
 - (ii) preparing any relevant plans and cost estimates; or
 - (iii) preparing or strengthening road transport infrastructure; or
 - (iv) repairing, replacing or reconstructing road transport infrastructure; or
 - (v) ensuring the permit conditions are observed; or
- (b) to deposit an amount reasonably required by the chief executive as security for the costs mentioned in paragraph (a).

(3) If, no later than 28 days after the permit ends, the chief executive decides an amount deposited as a condition of the permit is not sufficient security for the costs, the chief executive may require a further amount to be deposited within a reasonable stated time.

*Transport Operations (Road Use Management)
Regulation 1995*

- (4) The chief executive must, within 28 days after the permit ends—
- (a) calculate the costs incurred by the State; and
 - (b) if the costs incurred are less than the amount deposited as security for costs, refund the difference to the permit holder.

11BA Alternative arrangements for permits

(1) The chief executive may enter into arrangements with persons for the issue to them of permits other than in accordance with the requirements of sections 11A and 11B.

- (2) The arrangements—
- (a) may only be made in circumstances in which it is impracticable for the requirements of sections 11A and 11B to be fully complied with; and
 - (b) must provide for compliance with sections 11A and 11B to the greatest practicable extent.

Example of arrangements under subsections (1) and (2)—

The issue of a permit for a particular journey using a 2 stage process for the issue of the permit that involves—

- (a) the identification, in a document of general application, of the contents of permits to apply for all journeys of a particular type; and
- (b) completing the issue of the permit for the particular journey by the electronic issue of a ticket.

11C Driving under guideline or permit

- (1) A person who is—
- (a) driving a vehicle in accordance with a current guideline, or a permit, issued for the vehicle; and
 - (b) if a permit has been issued for the vehicle, carrying the permit in the vehicle;

is exempt from complying with the provisions of this regulation for which the guideline or permit states it is a means of alternative compliance.

(2) However, a guideline or permit that is a means of alternative compliance for section 62B need not state that fact.

*Transport Operations (Road Use Management)
Regulation 1995*

(3) A person must ensure a sign or warning device that is required under a guideline or permit is not displayed on a vehicle being driven by the person unless the person is driving the vehicle for the purpose for which the guideline or permit was issued.

Maximum penalty—30 penalty units.

PART 2B—VEHICLE DIMENSIONS

11CA Meaning of “rear overhang” and “rear overhang line” for pt 2B

(1) This section defines “**rear overhang**” and “**rear overhang line**” for this part.

(2) The “**rear overhang**” of a vehicle is the distance between the rear of the vehicle and the rear overhang line of the vehicle.

(3) For a vehicle with an axle group at the rear comprising only 1 axle, the “**rear overhang line**” is a line running along the centre of the axle.

(4) For a vehicle with an axle group at the rear comprising 2 axles, 1 of which is fitted with twice the number of tyres as the other, the “**rear overhang line**” is a line running parallel to the axles that is—

- (a) closer to the axle carrying the greater number of tyres than it is to the other axle; and
- (b) located at one-third of the distance between the 2 axles.

(5) For a vehicle with an axle group at the rear that is not an axle group mentioned in subsection (3) or (4), the “**rear overhang line**” is a line running parallel to the axles down the centre of the axle group.

(6) For applying subsection (3), (4) or (5) to a vehicle—

- (a) an axle group is taken to comprise only the fixed and retractable axles in contact with the ground at the particular time the subsection is applied to the vehicle; and
- (b) an axle group is taken not to comprise any steerable axle unless—

*Transport Operations (Road Use Management)
Regulation 1995*

- (i) the group comprises only 1 axle and that axle is a steerable axle; or
- (ii) all the axles in the group are steerable axles.

11D Load and other things are part of vehicle's dimensions for pt 2B

In this part, a vehicle is taken to include anything on the vehicle, unless otherwise stated.

11E Length—motor vehicles

A person must not drive a vehicle longer than—

- (a) for a combination (other than a B-double or road train)—19 m; or
- (b) for an articulated bus—18 m; or
- (c) for any other vehicle—12.5 m.

Maximum penalty—30 penalty units.

11F Width

(1) A person must not drive a vehicle wider than 2.5 m.

Maximum penalty—30 penalty units.

(2) When measuring the width of a vehicle for subsection (1), any of the following items that may be fitted to the vehicle are to be disregarded—

- (a) anti-skid devices mounted on wheels;
- (b) central tyre inflation systems;
- (c) lights, mirrors, reflectors, signalling devices or tyre pressure gauges.

11G Height

A person must not drive a vehicle higher than—

- (a) for a vehicle built to carry cattle, horses, pigs or sheep—4.6 m; or

*Transport Operations (Road Use Management)
Regulation 1995*

- (b) for a vehicle built with at least 2 decks for carrying vehicles, when carrying a vehicle on the upper deck—4.6 m; or
- (c) for a double-decker bus—4.4 m; or
- (d) for another vehicle—4.3 m.

Maximum penalty—30 penalty units.

11H Height—ground clearance

(1) A person must not drive a vehicle with a ground clearance of less than—

- (a) at a point within 1 m of an axle—100 mm; and
- (b) at the midpoint between adjacent axles—one-thirtieth of the distance between the centre of each axle; and
- (c) at any other point—the distance that allows the vehicle to pass over a peak in the road if the gradient on either side of the peak is 1:15.

Maximum penalty—30 penalty units.

(2) In this section—

“ground clearance” of a vehicle means the minimum distance between the ground and the vehicle’s underside (other than its tyres, wheels, wheel hubs, brake backing plates, flexible mudguards and mudflaps).

11I Length—trailers

(1) A person must not drive a vehicle towing a semitrailer or dog trailer if the semitrailer or dog trailer does not comply with this section.

Maximum penalty—30 penalty units.

(2) On a semitrailer or dog trailer, the distance from the front articulation point to—

- (a) the rear overhang line must not be more than 9.5 m; and
- (b) the rear of the trailer must not be more than 12.3 m.

(3) The part of a semitrailer or anything attached to a semitrailer in front of the trailer’s front articulation point (other than another vehicle) must not protrude beyond the prescribed limit.

*Transport Operations (Road Use Management)
Regulation 1995*

(4) The prescribed limit is an imaginary line created by drawing a semicircle of 1.9 m radius from the centre of, and forward of, the front articulation point.

(5) A semitrailer with more than 1 front articulation point must comply with subsections (2) and (3) when measured at one of the points.

(6) A trailer built to carry cattle, horses, pigs or sheep (“**animals**”) on 2 or more partly or completely overlapping decks must not have more than 12.5 m of its length available to carry animals.

(7) In a B-double built to carry animals, the 2 semitrailers must not have more than 18.8 m of their combined length available to carry animals.

(8) For subsection (6) and (7), the length available for the carriage of animals on a trailer is measured from the inside of the front wall or door of the trailer to the inside of the rear wall or door of the trailer, with any intervening partitions disregarded.

11J Length—rear overhang

(1) A person must not drive a vehicle that does not comply with this section.

Maximum penalty—30 penalty units.

(2) The rear overhang of a vehicle must not be more than the lesser of 3.7 m and—

- (a) for a semitrailer or dog trailer—60% of the distance between the front articulation point and the rear overhang line; or
- (b) for any other trailer—the distance between the front of the body or load carrying area and the rear overhang line; or
- (c) for another vehicle—60% of the distance between the centre of the front axle and the rear overhang line.

(3) A semitrailer with more than 1 front articulation point must comply with subsection (2)(a) when measured at the same point that is used for measurement for compliance under section 11I(5).

(4) Despite subsection (2), if a vehicle built to carry vehicles has at least 2 decks and a vehicle it is carrying overhangs its rear, the rear overhang of the vehicle built to carry vehicles must not be more than 4.9 m.

11K Length—trailer drawbars

(1) A person must not drive a vehicle towing a trailer if the trailer does not comply with this section.

Maximum penalty—30 penalty units.

(2) On a dog trailer, the distance between the coupling pivot point on the drawbar and the centre of the front axle group—

- (a) must not be more than 5 m; and
- (b) if the trailer is used in a road train that is longer than 19 m—must not be less than 3 m.

(3) On a trailer (other than a semitrailer) with only a single axle group, the distance between the coupling pivot point on the drawbar and the centre of the axle group must not be more than 8.5 m.

11KA Limits on projections of loads on vehicles

(1) A person must not drive, park or stop a vehicle on a road if any load on the vehicle projects—

- (a) for a motorbike without a sidecar—
 - (i) more than 150 mm in front of the outer extremity of the motorbike's front wheel; or
 - (ii) more than 300 mm behind the outer extremity of the motorbike's back wheel; or
 - (iii) past the outer extremity of the motorbike on either side; or
- (b) for a motorbike with a sidecar—
 - (i) more than 600 mm in front of the outer extremity of the motorbike's front wheel; or
 - (ii) more than 900 mm behind the outer extremity of the motorbike's back wheel; or
 - (iii) past the outer extremity of the vehicle on either side; or
- (c) for a motorbike trailer—
 - (i) more than 300 mm behind the trailer; or
 - (ii) past the outer extremity of the trailer on either side; or
- (d) for a motor vehicle, other than a motorbike, without a trailer—

*Transport Operations (Road Use Management)
Regulation 1995*

- (i) more than 1.2 m in front of the motor vehicle's headlights;
or
- (ii) more than 1.2 m behind the motor vehicle; or
- (iii) more than 150 mm past the outer extremity of the motor vehicle on either side; or
- (e) for a motor vehicle, other than a motorbike, with a trailer—
 - (i) more than 1.2 m in front of the motor vehicle's headlights;
or
 - (ii) more than 1.2 m behind either the motor vehicle or the trailer; or
 - (iii) more than 150 mm past the outer extremity of either the motor vehicle or the trailer on either side; or
- (f) for a vehicle drawn by an animal—
 - (i) past the animal's head; or
 - (ii) if the vehicle is a 2 wheeled vehicle—more than 1 m behind the vehicle's body; or
 - (iii) if the vehicle is a 4 wheeled vehicle—more than 1 m behind the vehicle's body or the back wheels; or
 - (iv) if the vehicle is a pole type jinker—behind the back end of the pole; or
 - (v) more than 300 mm past the outer extremity of the vehicle's body or wheels on either side.

Maximum penalty—20 penalty units.

(2) Despite subsection (1)(d), (e) and (f), a load may project more than 1.2 m behind either a motor vehicle or a trailer, or more than 1 m behind a vehicle drawn by an animal, if—

- (a) a brightly coloured red, red and yellow, or yellow flag at least 450 mm by 450 mm is fixed to the extreme back of the load; and
- (b) at night—
 - (i) a light showing a clear red light to the back, visible under normal atmospheric conditions at a distance of at least 200 m, is fixed to the extreme back of the load; or

*Transport Operations (Road Use Management)
Regulation 1995*

- (ii) at least 2 reflectors, capable of projecting a red reflection of light from the headlight of any following vehicle, are fixed to the extreme back of the load.

(3) If part of the load on a motor vehicle, or on a trailer towed by a motor vehicle, projects in a way that it would not be readily visible to a person following immediately behind the vehicle, the driver of the vehicle must ensure—

- (a) a red, red and yellow, or yellow flag at least 450 mm by 450 mm is fixed to the extreme back of the load; and
- (b) at night—
 - (i) a light showing a clear red light to the back, visible under normal atmospheric conditions at a distance of at least 200 m, is fixed to the extreme back of the load; or
 - (ii) at least 2 reflectors, capable of projecting a red reflection of light from the headlight of any following vehicle, are fixed to the extreme back of the load.

Maximum penalty—20 penalty units.

(4) When measuring a vehicle's width for this section, a back-vision mirror, light or reflector attached to the vehicle is not to be taken into account.

(5) Nothing in subsections (1) to (4) authorises a person to drive a vehicle on a road other than in compliance with the requirements of sections 11E to 11K.

(6) In this section—

“load” includes equipment and the pole of a pole-type trailer or jinker.

11L Information and extended liability offences

An offence against this part involving a heavy vehicle is—

- (a) an information offence for the Act, section 50;¹ and
- (b) an extended liability offence for the Act, section 57B.²

1 Section 50 (Power to require information) of the Act

2 Section 57B (Further liability provisions for extended liability offences) of the Act

PART 3—MASS

12 Application of part

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.

13 Performance standards for mass

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.

14 Compliance with requirements—vehicles

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

Maximum penalty—

- (a) for an excessive overloading offence—50 penalty units; or
- (b) for a dangerous or extreme overloading offence—80 penalty units.

15 Compliance with requirements—trailers

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

Maximum penalty—

- (a) for an excessive overloading offence—50 penalty units; or
- (b) for a dangerous or extreme overloading offence—80 penalty units.

16 Compliance with requirements—combinations

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

Maximum penalty—

- (a) for an excessive overloading offence—50 penalty units; or
- (b) for a dangerous or extreme overloading offence—80 penalty units.

17 Vehicle tare

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.

18 Tyre mass

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

19 Axle mass

(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.

19A Axle mass—complying buses

(1) This section applies despite schedule 4, section 1(6).

(2) The total mass on the axles of a complying bus must not be more than—

- (a) for a bus with 2 axles—16 t; or

*Transport Operations (Road Use Management)
Regulation 1995*

- (b) for a bus with a rear tandem axle group fitted with single tyres on 1 axle and dual tyres on the other axle—20 t; or
- (c) for a bus with a rear tandem axle group fitted with dual tyres on both axles—22.5 t.

(3) The total mass on the axles of a complying bus with a trailer must not be more than the total of—

- (a) the mass for the bus allowed under subsection (2); and
- (b) the mass for the trailer allowed under schedule 5.

(4) In this section—

“air suspension system” of a vehicle means a suspension system in which—

- (a) vertical movement between each axle, and the body, of the vehicle is controlled by variations in the air pressure in an air spring; and
- (b) the proportion of the vehicle’s mass that is borne by the air spring remains substantially constant despite variations in the air pressure in the air spring.

“complying bus” means a bus with 2 or 3 axles (including a single steer axle) that—

- (a) for a bus manufactured before 1 July 1994—has been issued with a complying bus approval; or
- (b) for a bus manufactured on or after 1 July 1994 that does not have a compliance plate—has been issued with a complying bus approval; or
- (c) for a bus manufactured on or after 1 July 1994 that has a compliance plate—
 - (i) is fitted with an air suspension system; and
 - (ii) meets the occupant protection specifications in ADR 68.

“complying bus approval”, for a bus, means the chief executive’s approval under the *Transport Infrastructure (Roads) Regulation 1991*, section 44 that states the bus—

- (a) meets—
 - (i) the emergency exit specifications in ADR 44; and

- (ii) the rollover strength specifications in ADR 59; and
- (iii) the occupant protection specifications in ADR 68; and
- (b) is fitted with an air suspension system.

19B Axle mass for ultra-low floor route bus

- (1) This section applies despite schedule 4, section 1(6).
- (2) The total mass on the axles of an ultra-low floor route bus must not be more than 16 t.
- (3) The total mass on the axles of an ultra-low floor route bus with a trailer must not be more than the total of—
 - (a) the mass for the bus allowed under subsection (2); and
 - (b) the mass for the trailer allowed under schedule 5.

20 Vehicle mass

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.

21 Other ways of determining mass may be used

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

21A Way of stating GVM

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—

*Transport Operations (Road Use Management)
Regulation 1995*

- (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.

21B Proof of GCM or GVM

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.

21C Proof of mass

(1) In a proceeding under this regulation, a certificate of a servicing licensee or trade measurement inspector, 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.

(2) In this section—

“servicing licensee” means a licensee under a servicing licence granted under the *Trade Measurement Act 1990*.

“trade measurement inspector” means an inspector under the *Trade Measurement Act 1990*.

26 Information and extended liability offences

An offence against this part is—

- (a) an information offence for the Act, section 50;³ and
- (b) an extended liability offence for the Act, section 57B.⁴

PART 4—LOADING

27 Application of part

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

28 Performance standards for loading

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.

29 Compliance with requirements—vehicles

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.

3 Section 50 (Power to require information) of the Act

4 Section 57B (Further liability provisions for extended liability offences) of the Act

30 Compliance with requirements—trailers

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.

31 Compliance with requirements—combinations

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.

32 Proof of loading offences

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;⁵ 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 Restraint Guide is the Load Restraint Guide, until the contrary is proved.

33 Information and extended liability offences

An offence against this part involving a heavy vehicle is—

⁵ The Load Restraint Guide is published by the Australian Government Publishing Service.

*Transport Operations (Road Use Management)
Regulation 1995*

- (a) an information offence for the Act, section 50;⁶ and
- (b) an extended liability offence for the Act, section 57B.⁷

PART 4A—ACCREDITED PERSONS

Division 1—Accredited persons generally

33A Applying to be appointed as an accredited person

(1) A person may apply to the chief executive to be appointed as an accredited person.

(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.

33B Deciding application

The chief executive must consider the application within 28 days after receiving all necessary information relevant to the application and either—

- (a) grant the application; or
- (b) refuse the application.

33C Granting application

If the chief executive decides to grant the application, the chief executive must, by written notice (the “**instrument of appointment**”) given to the applicant within 14 days after making the decision, appoint the applicant as an accredited person.

⁶ Section 50 (Power to require information) of the Act

⁷ Section 57B (Further liability provisions for extended liability offences) of the Act

33D Refusing application

(1) The chief executive may refuse the application if the applicant has been—

- (a) convicted of a disqualifying offence; or
- (b) charged with a disqualifying offence and the charge has not been finally disposed of; or
- (c) convicted of an offence against this Act, or a corresponding law, within 5 years immediately before the application was made.

(2) Subsection (1) does not limit the grounds on which the chief executive may refuse the application.⁸

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

(4) The notice must state—

- (a) the reasons for the decision; and
- (b) the applicant may apply, within 28 days after the giving of the notice, to have the decision reviewed; and
- (c) how the applicant may apply for the review.

33DA Statutory conditions on appointment

The conditions on which an accredited person holds office include the conditions stated in schedule 3A for the accreditation.

33E Accreditation documents and identity cards

(1) On appointing a person as an accredited person, the chief executive must give the person—

- (a) an accreditation document; or
- (b) an identity card.

(2) The accreditation document must—

⁸ See s 21(1) (Appointment of accredited persons) of the Act and sections 33N, 33P and 33T of this regulation.

*Transport Operations (Road Use Management)
Regulation 1995*

- (a) identify the person as an accredited person; and
- (b) state the person's accreditation number; and
- (c) state an expiry date.

(3) The identity card must—

- (a) contain a recent photograph of the person; and
- (b) identify the person as an accredited person; and
- (c) state the person's accreditation number; and
- (d) state an expiry date; and
- (e) be signed by the accredited person.

33F Display of accreditation document or identity card

(1) An accredited person must, while performing the function of an accredited person, display the person's accreditation document or identity card so it is clearly visible.

Examples of how document or card may be displayed—

1. Displaying the document on premises or in a vehicle being used by the person.
2. Wearing the card on the person's clothing.

Maximum penalty—20 penalty units.

(2) However, if it is not practicable to display the accreditation document or identity card, including, for example, because of its size or because it can not be attached to the person's clothing, the person must—

- (a) carry the document or card while performing the person's function; and
- (b) produce it for inspection if asked by a police officer or another authorised officer.

Maximum penalty—20 penalty units.

33G Replacement of accreditation document or identity card

(1) An accredited person may apply to the chief executive for the replacement of an accreditation document or identity card if the document or card is lost, damaged, destroyed or stolen.

*Transport Operations (Road Use Management)
Regulation 1995*

(2) The application must—

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

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

33H Resignation from appointment

If an accredited person resigns their appointment as an accredited person, the person stops being an accredited person—

- (a) on the day on which notice of resignation is given to the chief executive; or
- (b) if a later day is stated in the notice, the later day.

33I Surrender of accreditation document or identity card

(1) A person who stops being an accredited person⁹ must return their accreditation document or identity card to the chief executive as soon as practicable (but within 7 days) after the person stops being an accredited person, unless the person has a reasonable excuse.

Maximum penalty—20 penalty units.

(2) If a person returns an accreditation document or identity card to the chief executive because the person's appointment is suspended, the chief executive must return it to the person at the end of the suspension term.

33J Accreditation prescribed for the Act, ss 17B(2) and 18(c)(ii)

An accreditation under this part is prescribed for sections 17B(2) and 18(c)(ii)¹⁰ of the Act.

9 In addition to resigning their appointment, an accredited person also stops being an accredited person if the person's appointment is suspended or cancelled under chapter 3, part 1A of the Act.

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

*Transport Operations (Road Use Management)
Regulation 1995*

33K Employer's duty

(1) The employer of an accredited person must ensure the accredited person complies with the conditions stated in schedule 3A for the accreditation (“**statutory conditions**”) and with the conditions of appointment stated in the person’s instrument of appointment (“**appointment conditions**”).

Maximum penalty—80 penalty units.

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

33KA Only accredited person to be employed or engaged as traffic controller

A person must not employ, or otherwise engage, an individual to carry out the function of a traffic controller unless the individual is a traffic controller.

Maximum penalty—20 penalty units.

33L Powers of accredited persons

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

Division 2—Pilot vehicle drivers

33M Functions

The function of an accredited person who is a pilot vehicle driver is to drive a pilot vehicle in order to warn other road users of the presence of an oversize vehicle.

*Transport Operations (Road Use Management)
Regulation 1995*

33N Necessary expertise for appointment

(1) For section 21¹¹ of the Act, a person has the necessary expertise to be appointed as a pilot vehicle driver if the person—

- (a) holds, and has held for the entire 3 year period before the day of application, a provisional or open licence for a motor car; and
- (b) either—
 - (i) passes a written competency test for pilot vehicle drivers approved and conducted by the chief executive; or
 - (ii) has other qualifications that the chief executive is satisfied are equivalent to, or better than, those mentioned in subparagraph (i).

(2) The chief executive may approve a competency test for this section only if satisfied that a person who passes the test will have the skills and knowledge to perform the function of an accredited person who is a pilot vehicle driver.

Division 3—Escort vehicle drivers

33O Functions

The function of an accredited person who is an escort vehicle driver is to drive an escort vehicle in order to warn other road users of the presence of an oversize vehicle.

33P Necessary expertise for appointment

(1) For section 21¹² of the Act, a person has the necessary expertise to be appointed as an escort vehicle driver if the person—

- (a) holds, and has held for the entire 3 year period before the day of application, a provisional or open licence for a motor car; and
- (b) either—

11 Section 21 (Appointment of accredited persons) of the Act

12 Section 21 (Appointment of accredited persons) of the Act

*Transport Operations (Road Use Management)
Regulation 1995*

- (i) completes a training course for escort vehicle drivers approved by the chief executive; or
- (ii) has other qualifications that the chief executive is satisfied are equivalent to, or better than, those mentioned in subparagraph (i).

(2) The chief executive may approve a training course for this section only if satisfied that a person who completes the course will have the skills and knowledge to perform the function of an accredited person who is an escort vehicle driver.

Division 4—Vehicle safety inspections

33Q Function

(1) The function of an accredited person who is an approved examiner is to inspect a vehicle under the *Transport Operations (Road Use Management—Vehicle Standards and Safety) Regulation 1998* to decide whether or not the vehicle is defective.

(2) The function of an accredited person who is an approved person is to inspect a modified vehicle under the *Transport Operations (Road Use Management—Vehicle Standards and Safety) Regulation 1998* to decide whether or not the modification makes the vehicle defective.

(3) In this section—

“defective” see the *Transport Operations (Road Use Management—Vehicle Standards and Safety) Regulation 1998*.

33R Necessary expertise—Act, s 21(1)

(1) A person has the necessary expertise to be accredited as an approved examiner to inspect a private vehicle if the person—

- (a) holds a certificate that the chief executive considers to be at least equal to a certificate for motor mechanics issued under—
 - (i) the *Vocational Education, Training and Employment Act 2000*; or
 - (ii) the *Tradesmen’s Rights Regulation Act 1946* (Cwlth); or
- (b) has successfully completed a motor mechanic’s apprenticeship.

*Transport Operations (Road Use Management)
Regulation 1995*

(2) A person has the necessary expertise to be accredited as an approved examiner to inspect a motorcycle if—

- (a) the person holds a certificate that the chief executive considers to be at least equal to a certificate for motorcycle mechanics issued under—
 - (i) the *Vocational Education, Training and Employment Act 2000*; or
 - (ii) the *Tradesmen's Rights Regulation Act 1946* (Cwlth); or
- (b) the person has successfully completed a motorcycle mechanic's apprenticeship; or
- (c) the person—
 - (i) the person holds a certificate that the chief executive considers to be at least equal to a certificate for motor mechanics issued under—
 - (A) the *Vocational Education, Training and Employment Act 2000*; or
 - (B) the *Tradesmen's Rights Regulation Act 1946* (Cwlth); and
 - (ii) has at least 1 year's continuous experience in repairing or maintaining motorcycles.

(3) A person has the necessary expertise to be accredited as an approved examiner to inspect a heavy vehicle if—

- (a) the person holds a certificate that the chief executive considers to be at least equal to a certificate for motor mechanics issued under—
 - (i) the *Vocational Education, Training and Employment Act 2000*; or
 - (ii) the *Tradesmen's Rights Regulation Act 1946* (Cwlth); or
- (b) the person has successfully completed a motor mechanic's apprenticeship; or
- (c) the person—
 - (i) holds a certificate that the chief executive considers to be at least equal to a certificate of Engineering Trades Person (Heavy Commercial Vehicle); and

*Transport Operations (Road Use Management)
Regulation 1995*

- (ii) has at least 1 year's continuous experience in repairing or maintaining heavy vehicles.

(4) A person has the necessary expertise to be accredited as an approved examiner to inspect a light trailer if the person—

- (a) holds a certificate that the chief executive considers to be at least equal to a certificate for motor mechanics issued under—
 - (i) the *Vocational Education, Training and Employment Act 2000*; or
 - (ii) the *Tradesmen's Rights Regulation Act 1946* (Cwlth); or
- (b) has successfully completed a motor mechanic's apprenticeship; or
- (c) holds a certificate that the chief executive considers to be at least equal to a certificate of competency to examine trailers approved by the National Training Board under the National Competency Standards.

(5) A person has the necessary expertise to be accredited as an approved examiner to inspect a heavy trailer if—

- (a) the person—
 - (i) holds a certificate that the chief executive considers to be at least equal to a certificate—
 - (A) for motor mechanics issued under the *Vocational Education, Training and Employment Act 2000*; or
 - (B) for motor mechanics issued under the *Tradesmen's Rights Regulation Act 1946* (Cwlth); or
 - (C) of Engineering Trades Person (Heavy Commercial Vehicle); or
 - (ii) has successfully completed a motor mechanic's apprenticeship; and
- (b) the person has at least 1 year's continuous experience in repairing or maintaining heavy trailers.

(6) A person has the necessary expertise to be accredited as an approved person to inspect and approve a type of modification to a vehicle if the person has successfully completed a training course approved by the chief executive for that type of modification.

*Transport Operations (Road Use Management)
Regulation 1995*

(7) In this section—

“heavy trailer” means a trailer with an ATM of more than 3.5 t.

“light trailer” means a trailer with an ATM of more than 0.75 t but not more than 3.5 t.

Division 5—Traffic controllers

33S Function

The function of an accredited person who is a traffic controller is to direct traffic in a way stated in the MUTCD, the TCASAP and schedule 1B.

33T Necessary expertise for appointment

(1) For section 21 of the Act, a person has the necessary expertise to be appointed as a traffic controller if the person—

- (a) has successfully completed an approved training course; and
- (b) has, within the last 5 years, held a qualifying driver licence for a continuous period of at least 1 year.

(2) In this section—

“approved training course” means—

- (a) a training course for traffic controllers approved by the chief executive of the department that administers the *Transport Infrastructure Act 1994* to the extent it relates to roads; or
- (b) another course the chief executive of that department is satisfied is at least the equivalent of a course mentioned in paragraph (a).

“qualifying driver licence” means an Australian driver licence other than a learner licence or a licence equivalent to a learner licence.

PART 4B—ACCREDITING DRIVER TRAINERS AND RIDER TRAINERS

Division 1—Definitions and basic concepts

34 Definitions for pt 4B

In this part—

“council” means the Training and Employment Recognition Council established under the *Vocational Education, Training and Employment Act 2000*, section 167.

“pre-licence driver training” means driver training for a learner who holds a driver licence authorising the learner to learn to drive the class of motor vehicle for which the training is being given.

“qualifications” includes experience.

“registered training organisation” means a registered training organisation under the *Vocational Education, Training and Employment Act 2000*.

35 Who is a “driver trainer”

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

36 What is “driver training”

“Driver training” is advice, demonstration, instruction or training for driving a motor vehicle.

37 Who is an “accredited rider trainer”

An **“accredited rider trainer”** is a person who—

- (a) is granted accreditation as a rider trainer under this part; and
- (b) may, either as a registered service provider or as an employee of a registered service provider, give a learner Q-Ride training.

38 What is “Q-Ride training”

“Q-Ride training” is—

- (a) advice, demonstration, instruction or training in the competencies for riding a class RE or R motorbike; and
- (b) an assessment of the attainment of the competencies;

provided by a registered service provider.

Division 2—Accrediting driver trainers and rider trainers

39 Accrediting driver trainers

(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, and has held for at least 1 year, an O type licence authorising the applicant to drive the class of motor vehicle stated in the application as the class of motor vehicle for which the applicant proposes to give training; and
- (b) satisfies the chief executive the applicant is competent to give driver training by having successfully completed at least 1 of the following—
 - (i) a driver trainer course accredited by the council and conducted by a registered training organisation;
 - (ii) a driver trainer competency assessment conducted by a registered training organisation;
 - (iii) a driver trainer course accredited by a training authority under a corresponding law to the *Vocational Education, Training and Employment Act 2000*.

(3) Despite subsection (2)(b), the chief executive may be satisfied the applicant is competent to give driver training 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 subsection (2)(b).

(4) Without limiting subsection (2) or (3), the chief executive may refuse to grant the accreditation if the applicant has been—

*Transport Operations (Road Use Management)
Regulation 1995*

- (a) convicted of a disqualifying offence; or
- (b) charged with a disqualifying offence and the charge has not been finally disposed of.

(5) In this section—

“**O type licence**” see the *Transport Operations (Road Use Management—Driver Licensing) Regulation 1999*.

40 Accrediting rider trainers

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

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

- (a) is an accredited driver trainer who is accredited to give driver training for a class R motorbike; and
- (b) satisfies the chief executive the applicant is competent to give Q-Ride training by having successfully completed at least 1 of the following—
 - (i) a certificate IV in assessment and workplace training issued by a registered training organisation;
 - (ii) a certificate corresponding to a certificate mentioned in subparagraph (i) issued under a corresponding law to the *Vocational Education, Training and Employment Act 2000*.

(3) Despite subsection (2)(b), the chief executive may be satisfied the applicant is competent to give Q-Ride training if the applicant has other qualifications in training and assessment that the chief executive is satisfied are equivalent to, or better than, those mentioned in subsection (2)(b).

(4) Without limiting subsection (2) or (3), the chief executive may refuse to grant the accreditation if the applicant has been—

- (a) convicted of a disqualifying offence; or
- (b) charged with a disqualifying offence and the charge has not been finally disposed of.

*Transport Operations (Road Use Management)
Regulation 1995*

Division 3—Applying for accreditation

41 Definition for div 3

In this division—

“accreditation” means accreditation as a driver trainer or rider trainer.

42 Applying for accreditation

An application for 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.

43 Deciding application for accreditation

(1) The chief executive must consider an application for accreditation within 14 days after it is made and decide either—

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

(2) The chief executive may grant an accreditation on conditions the chief executive considers reasonable and relevant.

44 Statutory conditions on accreditation

(1) The conditions on which the accreditation of a driver trainer or rider trainer is granted include the conditions stated in schedule 3B.

(2) This section does not limit section 43(2).

45 Notice of granting of accreditation

(1) If the chief executive decides to grant the accreditation, the chief executive must give the applicant a signed notice of the decision (**“accreditation notice”**) within 14 days after making the decision.

*Transport Operations (Road Use Management)
Regulation 1995*

(2) If the chief executive imposes a condition on the accreditation, the chief executive must—

- (a) state the condition in the accreditation notice; and
- (b) give the applicant an information notice for the condition.

46 Issue of identity card

(1) If the chief executive decides to grant the accreditation, the chief executive must issue an identity card in the approved form to the applicant within 14 days after making the decision.

(2) The identity card must—

- (a) contain a recent photo of the person; and
- (b) contain a copy of the person's signature; and
- (c) identify the person as—
 - (i) an accredited driver trainer; or
 - (ii) an accredited driver trainer and rider trainer; and
- (d) state—
 - (i) the person's accreditation number; and
 - (ii) the day the accreditation ends.

47 Notice of refusal to grant accreditation

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

48 Duration of accreditation

(1) An accreditation as a driver trainer is granted for 1 year.

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

49 Renewal of accreditation

(1) An accredited driver trainer or rider trainer may apply to the chief executive to renew the accreditation.

(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.

50 Application of declared sections to renewal of accreditation

(1) Each declared section applies with all necessary changes to the renewal of accreditation in the same way it applies to the grant of accreditation.

(2) Also, in applying the declared sections, the chief executive may refuse an application for renewal of accreditation if the accreditation was issued—

- (a) in error; or
- (b) because of a document or representation that is—
 - (i) false or misleading;
 - (ii) obtained or made in another improper way.

(3) In this section—

“declared section” means section 39(2) to (4), section 40(2) to (4) and sections 43 to 47.

51 Duration of renewal of accreditation

The renewal of an accreditation is granted for 1 year.

*Transport Operations (Road Use Management)
Regulation 1995*

52 Replacement of identity card

(1) An accredited driver trainer or rider trainer may apply to the chief executive for the replacement of the trainer's identity card if the card is damaged, destroyed, lost or stolen.

(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 card has been damaged, destroyed, lost or stolen, the chief executive must replace it.

Division 4—Continuity of accreditation

53 Accreditation dependent on driver licence

(1) This section applies if—

- (a) the driver licence held by an accredited driver trainer or rider trainer is suspended or cancelled; or
- (b) the trainer surrenders the licence.

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

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

54 Accreditation as rider trainer dependent on continuation of accreditation as driver trainer

(1) This section applies if an accredited rider trainer's driver trainer accreditation is—

- (a) amended so that the driver trainer is no longer accredited to give driver training for a class R motorbike; or
- (b) suspended; or

*Transport Operations (Road Use Management)
Regulation 1995*

(c) cancelled or surrendered.

(2) The rider trainer accreditation is—

- (a) if subsection (1)(a) happens—automatically cancelled on the day the driver trainer accreditation is amended; or
- (b) if the driver trainer accreditation is suspended—automatically suspended on the day the driver trainer accreditation is suspended and of no effect while the driver trainer accreditation is suspended; or
- (c) if the driver trainer accreditation is cancelled or surrendered—automatically cancelled or surrendered on the day the driver trainer accreditation is cancelled or surrendered.

55 Voluntary surrender of accreditation

(1) An accredited driver trainer or rider trainer may surrender the trainer's accreditation by written notice given to the chief executive.

(2) To be effective, the notice must be accompanied by the trainer's identity card, unless the trainer has a reasonable excuse for not returning it.

(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—on the later day.

56 Return of identity card

A person whose accreditation as a driver trainer or rider trainer is suspended, cancelled or surrendered under section 53 or 54 (“**event**”) must return the person's identity card to the chief executive immediately after the event, unless the person has a reasonable excuse.

Maximum penalty—40 penalty units.

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Regulation 1995*

***Division 5—Accreditation as a driver trainer necessary to give
pre-licence driver training***

57 Driver trainer giving pre-licence driver training to be accredited

(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 a driver trainer does not contravene subsection (1) if the driver trainer, 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 6—Recommending issue of competency declaration

57A Employed accredited rider trainer may recommend learner be given competency declaration

(1) An accredited rider trainer who is an employee of a registered service provider may recommend to the provider that the provider give a learner who completes Q-Ride training with the provider a competency declaration for the class of motorbike for which the training is given.

(2) The recommendation has no effect unless the rider trainer makes it in writing (“**competency recommendation notice**”) and gives the competency recommendation notice to the provider.¹³

57B Requirement to issue competency recommendation notice

(1) This section applies if a learner—

- (a) completes Q-Ride training; and

¹³ Section 57ZF provides for the giving of a competency declaration when an accredited rider trainer is a registered service provider.

*Transport Operations (Road Use Management)
Regulation 1995*

- (b) is assessed as having attained the competencies by an accredited rider trainer who is an employee of the registered service provider.

(2) The rider trainer must, no later than 1 day after assessing the learner as having attained the competencies, give the provider a competency recommendation notice for the learner for the class of motorbike for which the training is given.

Maximum penalty—40 penalty units.

57C Restriction on giving competency recommendation notice

An accredited rider trainer who is an employee of a registered service provider must not give the provider a competency recommendation notice for a learner to whom the provider is providing Q-Ride training unless the learner—

- (a) completes the training; and
- (b) is assessed by the rider trainer as having attained the competencies.

Maximum penalty—40 penalty units.

Division 7—Other provisions

57D Code of conduct

(1) The chief executive may make a code (“**code of conduct**”) for the conduct for accredited driver trainers and rider trainers when giving learners driver training or Q-Ride training.

(2) The code may provide for any matter the chief executive considers appropriate.

Examples of appropriate matters—

1. What is inappropriate behaviour or misconduct by a driver trainer or rider trainer towards a learner.
2. The non-disclosure or inappropriate use by a driver trainer or rider trainer of a learner’s personal particulars.

(3) The chief executive must—

*Transport Operations (Road Use Management)
Regulation 1995*

- (a) notify the making of the code by gazette notice; and
- (b) make the code available for inspection at offices of the department during normal office hours.

57E Requirements for driver trainer car

(1) An accredited driver trainer must ensure that a car the driver trainer provides to give pre-licence driver training is fitted with the following equipment when the car is 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 car;
- (b) L plates at the front and rear of the car;
- (c) a sign or plate displayed conspicuously on the car 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 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 car.

Maximum penalty—20 penalty units.

(2) In this section—

“L plate” means a plate measuring at least 146 mm by 146 mm and showing a black upper case letter ‘L’ clearly marked on a yellow background.

*Transport Operations (Road Use Management)
Regulation 1995*

“training controls”, for a car, means—

- (a) if the car has automatic transmission—dual footbrake and accelerator controls; or
- (b) if the car has manual transmission—dual foot brake and clutch controls.

57F Display of identity card

When an accredited driver trainer is giving pre-licence driver training or an accredited rider trainer is giving Q-Ride training, the trainer must display the trainer’s identity card so as to be clearly visible to the learner.

Maximum penalty—20 penalty units.

57G Driver training records

(1) An accredited driver trainer must keep a written record (**“driver training record”**) of the pre-licence driver training the driver trainer gives to a learner.

Maximum penalty—20 penalty units.

(2) The driver trainer must—

- (a) make the driver training record within 1 day of giving the training; and
- (b) include in the record the following particulars about the training—
 - (i) the learner’s name and address;
 - (ii) the date, time and duration of the training;
 - (iii) the registration number of the motor vehicle in which the training is given.

Maximum penalty—20 penalty units.

(3) In this section—

“pre-licence driver training” does not include Q-Ride training.

57H Q-ride training records

(1) An accredited rider trainer who gives a learner Q-Ride training must keep a written record (“**Q-Ride training record**”) of the Q-Ride training the rider trainer gives to the learner.

Maximum penalty—20 penalty units.

(2) The rider trainer must—

- (a) make the record within 1 day of giving the training; and
- (b) include in the record the following particulars—
 - (i) the learner’s name and address;
 - (ii) the registered service provider’s name;
 - (iii) the date, time and duration of the training;
 - (iv) the class of motorbike for which the training is given;
 - (v) the registration number of the motorbike on which the learner is given the training;
 - (vi) the results of assessments of the learner’s achievements towards attaining the competencies.

Maximum penalty—20 penalty units.

57I How long records to be kept

An accredited driver trainer or an accredited rider trainer or a person who ceases to be so accredited must keep a learner’s driver training records or Q-Ride training records for at least 2 years from the date the record was made.

Maximum penalty—20 penalty units.

57J Records for registered service provider

(1) This section applies if an accredited rider trainer who is an employee of a registered service provider gives a learner Q-Ride training.

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

Maximum penalty—20 penalty units.

57K Accreditation prescribed for ss 17B(2) and 18(c)(ii) of Act

An accreditation of a person as a driver trainer or rider trainer is prescribed for sections 17B(2) and 18(c)(ii) of the Act.

PART 5—REGISTRATION OF SERVICE PROVIDERS

Division 1—Basic concepts

57L Who is an “eligible person” for Q-Ride training

(1) A person is an “eligible person” to receive Q-Ride training—

(a) for a class RE motorbike, if the person holds a class RE learner licence or a driver licence granted outside Queensland that corresponds to that licence; or

(b) for a class R motorbike, if the person—

(i) holds—

(A) a class RE provisional, probationary or an open licence; or

(B) a driver licence granted outside Queensland that corresponds to a licence mentioned in paragraph (b)(i)(A);

and has held the licence for at least 1 year; or

(ii) holds a class RE licence granted by the chief executive because the person holds a competency declaration for a class RE motorbike; or

(iii) holds—

(A) a class RE learner licence; and

(B) a class C, LR, MR, HR, HC or MC provisional, probationary or open licence or a driver licence granted outside Queensland that corresponds to that licence and has held the licence for at least 3 years.

*Transport Operations (Road Use Management)
Regulation 1995*

(2) For calculating the period a person has held a licence, the period is taken to include the sum of any periods, within the previous 5 years, that the person has held a valid licence of the same class.

57M Who is a “registered service provider”

A “registered service provider” is a person who—

- (a) under an arrangement for reward between the person and a learner, provides a program of Q-Ride training for the learner; and
- (b) is registered under this part.

Division 2—Applying for registration

57N Applying for registration

(1) A person may apply to the chief executive for the grant of registration as a registered service provider.

(2) The application must be—

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

57O Suitability for registration

(1) The chief executive may register the applicant only if the chief executive is satisfied the applicant is able to conform with the registered service provider standards.

(2) Without limiting subsection (1), the chief executive may refuse to grant the registration if the applicant or, if the applicant is a corporation, an executive officer of the applicant has been—

- (a) convicted of a disqualifying offence; or
- (b) charged with a disqualifying offence and the charge has not been finally disposed of.

*Transport Operations (Road Use Management)
Regulation 1995*

57P Deciding application

(1) The chief executive must consider an application for registration within 28 days after it is made and decide either—

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

(2) The chief executive may grant a registration on conditions the chief executive considers reasonable and relevant.

57Q Granting registration

(1) If the chief executive decides to grant the registration, the chief executive must give the applicant a signed notice of the decision (“**registration notice**”), within 14 days after making the decision.

(2) The registration notice must state the following—

- (a) the registered service provider’s name and place of business;
- (b) the registered service provider’s registration number;
- (c) the commencement and expiry date for the registration;
- (d) the place of business is required to be open to inspection by an authorised officer;
- (e) any conditions imposed by the chief executive on the registration.

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

(4) If the chief executive imposes a condition on the registration, the chief executive must also give the applicant an information notice for the condition with the registration notice.

57R Notice of refusal to grant registration

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

*Transport Operations (Road Use Management)
Regulation 1995*

57S Statutory conditions on registration

(1) The conditions on which the registration of a registered service provider is granted include the conditions stated in schedule 3C.

(2) This section does not limit section 57P(2).

57T Duration of registration

The term of a registration is the term, not longer than 2 years, stated in the registration notice.

57U Renewal of registration

(1) A registered service provider may apply to the chief executive to renew the registration.

(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 28 days before the registration ends.

57V Application of declared sections to renewal of registration

(1) Each declared section applies to the renewal of a registration in the same way it applies to the grant of the registration.

(2) Also, in applying the declared sections, the chief executive may refuse an application for renewal of a registration if the registration was issued—

- (a) in error; or
- (b) because of a document or representation that is—
 - (i) false or misleading; or
 - (ii) obtained or made in another improper way.

(3) In this section—

“declared section” means sections 57O to 57S.

57W Duration of renewal of registration

The term of the renewal of a registration is the term, not longer than 5 years, stated in the registration notice.

57X Voluntary surrender of registration

(1) A registered service provider may surrender the provider's registration by written notice given to the chief executive.

(2) The surrender takes effect—

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

(3) The provider must, before the surrender takes effect, ensure that any competency declaration forms issued by the chief executive to the provider that are unused are returned to the chief executive.

Maximum penalty—40 penalty units.

57Y Registration not transferrable

The registration of a registered service provider is not able to be assigned or transferred.

57Z Immediate cancellation

A registered service provider's registration is immediately cancelled on the happening of any of the following events—

- (a) if the provider is an individual—the individual dies or becomes an insolvent under administration;
- (b) if the provider is a body corporate—the corporation is being wound up.

57ZA Return of unused competency declarations

(1) This section applies if the registration of a registered service provider is not renewed or is cancelled.

(2) The chief executive may, by signed notice to a responsible person require the person within the time stated in the notice, not less than

*Transport Operations (Road Use Management)
Regulation 1995*

14 days, to return to the chief executive any competency declaration forms issued by the chief executive to the provider that are unused.

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

Maximum penalty—40 penalty units.

(4) In this section—

“responsible person” means a person who ceases to be a registered service provider, or if the person is a deceased individual, the person’s personal representative.

Division 3—Records

57ZB Records registered service provider must keep

(1) A registered service provider must keep a written record (**“registered service provider’s learner record”**) of each learner to whom the provider provides Q-Ride training.

Maximum penalty—40 penalty units.

(2) The provider must include in the record the following particulars—

- (a) the learner’s name and address;
- (b) the learner’s driver licence number and licence type, class and expiry date;
- (c) the documents or information the learner produced to the provider to verify the learner’s eligibility as an eligible person for Q-Ride training;
- (d) the date the provider starts providing the training;
- (e) the date a competency recommendation notice for the learner was received;
- (f) the serial number of a competency declaration given to the learner.

*Transport Operations (Road Use Management)
Regulation 1995*

57ZC Where and how long training records to be kept

(1) A registered service provider or a person who ceases to be a registered service provider must ensure that—

- (a) a learner's training records are kept for at least 2 years from the date the record was made or given to the provider; and
- (b) the training records are kept at—
 - (i) the provider's place of business; or
 - (ii) if the provider ceases to be a registered service provider—the place stated by the provider in a signed notice to the chief executive.

Maximum penalty—40 penalty units.

(2) In this section—

“training records”, for a learner, means the following—

- (a) the registered service provider's learner record for the learner;
- (b) the copy of the learner's Q-Ride training record given to the provider;
- (c) the competency recommendation notice for the learner given to the provider;
- (d) the copy of the competency declaration given to the learner.

Division 4—Competency declarations

57ZD Registered service provider may give competency declarations

(1) A registered service provider may give a learner who is undertaking Q-Ride training with the provider a competency declaration.

(2) The declaration has no effect unless it is signed by—

- (a) if the provider is an individual—the individual; or
- (b) if the provider is a corporation—an executive officer of the provider nominated by signed notice by the provider (**“nominated executive officer”**) and given to the chief executive.

*Transport Operations (Road Use Management)
Regulation 1995*

57ZE Duration of competency declaration

A competency declaration for a learner is valid only for 1 year from the day the registered service provider completes it for giving to the learner.

57ZF Requirement to give competency declaration

(1) This section applies if a registered service provider that provides Q-Ride training to a learner reasonably believes the learner has—

- (a) completed the training; and
- (b) attained the competencies.

(2) It is not a reasonable belief for subsection (1) unless the grounds for the belief include the happening of either of the following events—

- (a) an accredited rider trainer who is an employee of the provider gives the provider a competency recommendation notice for the learner;
- (b) the provider is also an accredited rider trainer and assesses the learner as having attained the competencies.

(3) The provider must promptly, but in any event within 3 days after an event mentioned in subsection (2)(a) or (b) happens, complete and give to the learner a competency declaration.

Maximum penalty—40 penalty units.

57ZG Restriction on giving competency declaration

(1) A registered service provider that provides Q-Ride training to a learner must not give the learner a competency declaration the provider knows is false or misleading in a material particular.

Maximum penalty—80 penalty units.

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

The registered service provider gives the learner a competency declaration for a class of motorbike knowing that—

- (a) the learner has not attained the competencies to ride the class of motorbike; or
- (b) no assessment of the learner's competence to ride the class of motorbike has been made; or

*Transport Operations (Road Use Management)
Regulation 1995*

- (c) the declaration is for a class of motorbike other than that for which the training has been provided.

(2) It is enough for a complaint against the provider for an offence against subsection (1) to state that the declaration was ‘false or misleading’.

57ZH Destroyed, lost or stolen competency declaration not given to learner

(1) This section applies if a competency declaration issued by the chief executive to a registered service provider but not given by the provider to a learner is destroyed, lost or stolen (“**loss event**”).

(2) The provider must give the chief executive a signed notice of the loss event as soon as possible, but within 3 days, after becoming aware of the happening of the event.

Maximum penalty—40 penalty units.

(3) The notice must state the following particulars—

- (a) the provider’s name and registration number;
- (b) the serial number of the declaration;
- (c) how and when the event happened.

57ZI Replacement of competency declaration given to learner

(1) A registered service provider who gives a learner a competency declaration (“**original declaration**”) may give the learner a replacement declaration (“**replacement declaration**”) if the provider is satisfied the original declaration has been destroyed, lost or stolen.

(2) If the provider gives a learner a replacement declaration, the provider must give the chief executive a signed notice of the giving of the declaration as soon as possible, but within 3 days, after giving it to the learner.

Maximum penalty—40 penalty units.

(3) The notice must state the following particulars—

- (a) the provider’s name and registration number;

*Transport Operations (Road Use Management)
Regulation 1995*

- (b) the serial numbers of the original declaration and the replacement declaration;
- (c) the learner's name and driver licence number.

Division 5—Other provisions

57ZJ False statements

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

- (a) is a registered service provider; or
- (b) may provide Q-Ride training; or
- (c) may give a person a competency declaration.

Maximum penalty—80 penalty units.

57ZK False advertising

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

- (a) is a registered service provider; or
- (b) may provide Q-Ride training; or
- (c) may give a person a competency declaration.

Maximum penalty—80 penalty units.

57ZL Registration prescribed for ss 17B(2) and 18(c)(ii) of Act

Registration of a person as a registered service provider is prescribed for sections 17B(2) and 18(c)(ii) of the Act.

57ZM Registered service provider standards

(1) The chief executive may make standards (“**registered service provider standards**”) for the provision of Q-Ride training by a registered service provider.

*Transport Operations (Road Use Management)
Regulation 1995*

(2) The standards must relate to the following—

- (a) the provider developing its own code of practice for providing the training;
- (b) the provider's management systems;
- (c) the equipment necessary for providing the training;
- (d) the training and assessment environment;
- (e) the provider's employee training program;
- (f) the procedures and practices for determining the eligibility of learners to undertake the training;
- (g) procedures and practices the provider's accredited rider trainers must conform with in giving the training;
- (h) the records the provider must keep for a matter mentioned in paragraph (a) to (g).

(3) The chief executive must—

- (a) notify the making of the standards by gazette notice; and
- (b) make the standards available for inspection at offices of the department during normal office hours.

57ZN Competency standards

(1) The chief executive may make standards (“**competency standards**”) about—

- (a) the competencies that a learner must attain under Q-Ride training to ride a motorbike competently (“**competencies**”);
- (b) the level of performance that a learner must consistently achieve to attain the competencies; and
- (c) the assessment of the learner's attainment of the competencies by an accredited rider trainer.

(2) The standards must include provisions for the following units of competency—

- (a) preparing the motorbike for operation;
- (b) manoeuvring the motorbike at low speed;
- (c) controlling the motorbike at road speeds;

*Transport Operations (Road Use Management)
Regulation 1995*

- (d) applying roadcraft for the safe and efficient operation of the motorbike.

(3) The chief executive must—

- (a) notify the making of the standards by gazette notice; and
- (b) make the standards available for inspection at offices of the department during normal office hours.

57ZO Auditor register

(1) The chief executive may keep a register (“**auditor register**”) of auditors.

(2) The register may be kept in any way the chief executive considers appropriate.

(3) The chief executive must record a person’s name in the register as an auditor if the person—

- (a) is—
 - (i) registered with the Quality Society of Australasia; and
 - (ii) certified by the society as a quality auditor or senior quality auditor; and
- (b) completes an information session, conducted by the chief executive, about the scheme; and
- (c) requests the chief executive in writing to record the person’s name in the register.

(4) Despite subsection (3)(a), the chief executive must record the person’s name in the register as an auditor if the person has another registration or certification that the chief executive is satisfied is equivalent to, or better than, that mentioned in subsection (3)(a).

57ZP Form of audit reports

An audit report that a registered service provider must give to the chief executive under a statutory condition mentioned in schedule 3C must be in the approved form and include the following particulars (“**mandatory particulars**”)—

- (a) the auditor’s name;

*Transport Operations (Road Use Management)
Regulation 1995*

- (b) the day the audit started;
- (c) the day the report was completed;
- (d) the provider's name, address and registration number;
- (e) the type of audit conducted;
- (f) details of the particular registered service provider standards examined by the auditor and the provider's compliance or non-compliance with those standards.

57ZQ Registration notice prescribed for Act s 26(1)(c)

A registration notice is prescribed for the Act section 26(1)(c).

57ZR Reasonable excuse

It is a reasonable excuse for a registered service provider to fail to comply with a requirement under schedule 3C, section 5(4) or (5) or section 6(1)(b) or (2) if the auditor's report or notice tends to incriminate the provider in an offence against this regulation.

PART 5A—ALTERNATIVE COMPLIANCE SCHEMES

58 Mass

(1) Sections 14 to 16¹⁴ are prescribed provisions for section 15(1)¹⁵ of the Act.

(2) The purpose of a prescribed provision is to ensure that the mass of a vehicle, trailer or combination mentioned in the provision, and the mass placed on components of the vehicle, combination or trailer, is safe.

14 Sections 14 (Compliance with requirements—vehicles), 15 (Compliance with requirements—trailers) and 16 (Compliance with requirements—combinations)

15 Under the Act, section 15, an operator of a vehicle may apply to the chief executive for approval of an alternative compliance scheme for prescribed provisions.

PART 5B—MOVING VEHICLES ON OR FROM PRESCRIBED ROADS

58A Definitions for pt 5B

In this part—

“moving expenses” mean reasonable expenses relating to 1 or more of the following acts—

- (a) calling a service or towing vehicle to a vehicle on a prescribed road;
- (b) moving the vehicle on the prescribed road;
- (c) removing the vehicle from the prescribed road;
- (d) storing the vehicle after it has been removed;
- (e) releasing the vehicle from storage;
- (f) if the vehicle is disposed of other than by being sold—disposing of the vehicle.

“prescribed road” means a franchised road or a State-controlled road under the *Transport Infrastructure Act 1994*.

58B Moving abandoned vehicles

(1) This section applies if—

- (a) the chief executive reasonably believes that a vehicle on a prescribed road has been abandoned; and
- (b) the chief executive—
 - (i) can not immediately find the person in charge of the vehicle; or
 - (ii) if the person can be found—reasonably believes that the person is unable or unwilling to move the vehicle immediately.

(2) The chief executive may take the steps that are reasonable and necessary to—

- (a) move the vehicle on the prescribed road; or

*Transport Operations (Road Use Management)
Regulation 1995*

- (b) remove the vehicle from the prescribed road.

Examples of reasonable and necessary steps—

1. pushing the vehicle
2. towing the vehicle.

(3) If the chief executive requests a service or towing vehicle operator to move or remove the vehicle, the operator may take the steps that are reasonable and necessary to move or remove the vehicle, as requested.

58C Moving other stationary vehicles

- (1) This section applies if—

- (a) a vehicle on a prescribed road is—
 - (i) immobilised by a breakdown, collision or fuel shortage; or
 - (ii) otherwise stationary; and
- (b) section 58B(1)(a) does not apply to the vehicle; and
- (c) the chief executive—
 - (i) can not immediately find the person in charge of the vehicle; or
 - (ii) if the person can be found—reasonably believes that the person is unable or unwilling to move the vehicle immediately; and
- (d) the chief executive reasonably believes that it is necessary for the safety or convenience of people using the prescribed road to—
 - (i) move the vehicle on the prescribed road; or
 - (ii) remove the vehicle from the prescribed road.

(2) The chief executive may take the steps that are reasonable and necessary to—

- (a) if the chief executive reasonably believes that it is necessary for the safety or convenience of people using the prescribed road to move the vehicle—move the vehicle; or
- (b) if the chief executive reasonably believes that it is necessary for the safety or convenience of people using the prescribed road to remove the vehicle—remove the vehicle.

*Transport Operations (Road Use Management)
Regulation 1995*

Examples of reasonable and necessary steps—

1. pushing the vehicle
2. towing the vehicle.

(3) If the chief executive requests a service or towing vehicle operator to move or remove the vehicle, the operator may take the steps that are reasonable and necessary to move or remove the vehicle, as requested.

58D Recovering moving expenses

The chief executive may recover the moving expenses from—

- (a) the person who was in charge of the vehicle immediately before it was moved or removed; or
- (b) if that person's identity can not be discovered—the vehicle's owner, unless the vehicle was being used without the owner's consent.

58E Notice to owner

(1) When practicable, but within 14 days after removing a vehicle from a prescribed road, the chief executive must give its owner a written notice—

- (a) stating that it has been removed; and
- (b) explaining how it may be recovered; and
- (c) stating that it may be sold if it is not recovered.

(2) If the owner can not be identified or located within the 14 days, the notice may be given by publishing it in a newspaper circulating generally in the State.

(3) The chief executive need not give the notice required by this section if—

- (a) the proceeds of the vehicle's sale are not likely to cover—
 - (i) the moving expenses; and
 - (ii) the expenses reasonably incurred by the chief executive in selling the vehicle (the “**sale expenses**”); or
- (b) it is otherwise impracticable to give the notice.

(4) In this section—

*Transport Operations (Road Use Management)
Regulation 1995*

“owner”, of a registered vehicle, means the person in whose name the vehicle is registered.

58F Releasing removed vehicles

The chief executive must release a vehicle that was removed from a prescribed road to its owner—

- (a) if the vehicle was used, immediately before it was removed, by a person without the owner’s consent; or
- (b) if—
 - (i) the vehicle was used, immediately before it was removed, by the owner or a person with the owner’s consent; and
 - (ii) the moving expenses have been paid.

58G Disposing of removed vehicles

(1) The chief executive may dispose of a vehicle removed from a prescribed road if—

- (a) the person notified of the vehicle’s whereabouts does not pay the moving expenses within 2 months of the notification; or
- (b) if the chief executive decides not to give a notice about its removal—at least 2 months have passed since the decision.

(2) The chief executive may only dispose of the vehicle—

- (a) by selling it; or
- (b) if the proceeds of its sale are not likely to cover the moving expenses and sale expenses—in the way the chief executive considers appropriate.

(3) If the vehicle is sold, the sale proceeds must be applied in making payments in the following order—

- (a) the sale expenses;
- (b) the moving expenses;
- (c) any balance to the owner.

*Transport Operations (Road Use Management)
Regulation 1995*

(4) If the sale proceeds are less than the moving expenses and sale expenses, the difference is a debt payable to the State by the person who is liable for the moving expenses.

(5) The chief executive may waive the whole or any part of the expenses.

(6) Compensation is not recoverable against the chief executive or the State for a payment under this section.

PART 6—MISCELLANEOUS

Division 1—Review of decisions

62A Review of decisions

(1) A person whose interests are affected by a decision stated in schedule 11 may apply, under chapter 4¹⁶ of the Act, for a review of the decision as if the decision were stated in schedule 3 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 1A—Lights or signs creating danger to traffic

62AA Light or sign creating danger to traffic

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

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

*Transport Operations (Road Use Management)
Regulation 1995*

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

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

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

Maximum penalty—40 penalty units.

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

- (a) remove the light or sign; and
- (b) recover the removal costs from the owner as a debt.

Division 2—Pilot and escort vehicles

62B Offence to drive pilot or escort vehicle

A person must not drive a pilot or escort vehicle other than in accordance with a guideline or permit under part 2A.

Maximum penalty—30 penalty units.

Division 2AA—Traffic controllers

62BA Traffic controller to comply with condition of appointment

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

Maximum penalty—20 penalty units.

*Transport Operations (Road Use Management)
Regulation 1995*

62BB Offence to carry out traffic controller's function

A person who is not a traffic controller must not carry out the function of a traffic controller.

Maximum penalty—20 penalty units.

Division 2A—Protection of roads and structures

62C Damage to road transport infrastructure

(1) A person must not use, or permit to be used, on a State-controlled road, whether with a gravel formation or sealed surface, a vehicle or other kind of equipment that may damage the road, except under a permit issued by the chief executive.

Maximum penalty—80 penalty units.

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

- (a) under a permit issued by the chief executive; or
- (b) for the construction of works for, or the maintenance of, road transport infrastructure.

(3) A written application for a permit under subsection (1) or (2) must be made to the chief executive at least 10 business days before the vehicle or other equipment is used on the State-controlled road.

(4) A permit may include conditions about—

- (a) the State-controlled roads on which the vehicle or other equipment may be used; and
- (b) the period for which the vehicle or other equipment may be used on State-controlled roads; and
- (c) the maximum mass and dimensions for the vehicle or other equipment; and
- (d) preparing or strengthening road transport infrastructure; and
- (e) the repair, replacement or reconstruction of road transport infrastructure; and

*Transport Operations (Road Use Management)
Regulation 1995*

- (f) other matters the chief executive considers necessary or appropriate.

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

- (a) assessing the vehicle's route and preparing the relevant plans and estimates;
- (b) preparing and strengthening road transport infrastructure on the route;
- (c) repairing, replacing or reconstructing road transport infrastructure on the route;
- (d) ensuring compliance with a condition or a proposed condition of the permit.

(6) A permit issued under this section is void if a condition included in the permit is contravened.

62D Restriction of loads on structures

(1) The chief executive may—

- (a) decide the maximum loaded mass for a vehicle that may use a bridge or culvert forming part of a State-controlled road; and
- (b) erect on or in the vicinity of the bridge or culvert a conspicuous notice stating—
 - (i) the maximum loaded mass for a vehicle that may use the bridge or culvert; and
 - (ii) any reasonable and relevant conditions the chief executive considers should apply for the safe use of the bridge or culvert by a vehicle.

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

- (a) a notice has been erected under subsection (1)(b) in relation to the bridge or culvert; and
- (b) at least 1 of the following applies—

*Transport Operations (Road Use Management)
Regulation 1995*

- (i) the loaded mass of the vehicle is greater than the mass stated on the notice as the maximum loaded mass for a vehicle that may use the bridge or culvert;
- (ii) the vehicle is driven in a way that contravenes a condition stated in the notice as applying for the safe use of the bridge or culvert by a vehicle.

Maximum penalty—80 penalty units.

- (3) A person does not contravene subsection (2) if the person—
- (a) before driving the vehicle over the bridge or culvert, obtains the written consent of the chief executive to drive the vehicle over the bridge or culvert; and
 - (b) in driving the vehicle over the bridge or culvert, complies with all conditions to which the chief executive subjects the written consent.

Division 2B—Special event permits

62E Definitions for div 2B

In this division—

“authorising officer” means the chief executive or the commissioner.

“event” includes a happening or activity.

“special event” see section 62F.

“special event permit” means a permit to conduct a special event described in the permit.

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

62F Meaning of “special event” for div 2B

- (1) For this division, an event is a **“special event”** if—
- (a) the event is wholly, or generally, of a public nature; and
 - (b) the event requires the use of roads for its conduct; and

*Transport Operations (Road Use Management)
Regulation 1995*

- (c) the conduct of the event involves, or may reasonably be expected to involve, some inconsistency with the requirements of this regulation, the *Transport Operations (Road Use Management—Vehicle Standards and Safety) Regulation 1999* or the Queensland Road Rules.

(2) Without limiting subsection (1), a “special event” would ordinarily, though not necessarily, be expected to be unique or occasional in nature.

Examples of special events—

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

62G Authority of special event permit

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

(2) A person taking part in the special event is not required to comply with a provision of this regulation, the *Transport Operations (Road Use Management—Vehicle Standards and Safety) Regulation 1999* or the Queensland Road Rules to the extent that compliance with the provision—

- (a) is excused under the special event permit; or
- (b) is inconsistent with the conduct of the special event described in the permit in the way required under the permit.

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

62H Issuing a special event permit

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

(2) The authorising officer may issue the special event permit only if the authorising officer is satisfied—

- (a) generally, that the issuing of the permit will not compromise public safety; and

*Transport Operations (Road Use Management)
Regulation 1995*

- (b) more particularly, that the person conducting the event will ensure that appropriate arrangements will be put in place—
 - (i) to minimise danger for persons taking part in the special event; and
 - (ii) to manage the impact of the special event on road users not taking part in the event.

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

- (a) a description of the special event to be conducted under the permit;
- (b) requirements about how the special event is to be conducted.

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

(5) Without limiting subsection (4), conditions included in a special event permit may impose requirements, if relevant, about any of the following—

- (a) advising persons about the special event, including for example emergency service organisations, local governments, passenger transport providers and members of the public likely to be affected by the special event;
- (b) liaison with relevant police officers before the special event takes place, and obeying police directions during the conduct of the event;
- (c) having the permit available for inspection at the site of the special event;
- (d) management and use of vehicles providing support for the special event;
- (e) the display of warning signs and warning lights;
- (f) what parts of roads may be used;
- (g) limitations about where fundraising may be conducted;
- (h) erecting and dismantling appropriate signs and barricading;
- (i) available routes for emergency vehicles;

*Transport Operations (Road Use Management)
Regulation 1995*

- (j) minimising or avoiding obstruction of exits from and access to places where, or near where, the special event is to be conducted;
- (k) the provision and placement of adequate marshals to supervise the special event with safety;
- (l) the employment of police to monitor safety;
- (m) advising persons taking part in the event of the conditions included in the special event permit.

62I Responsibility of permittee

A person to whom a special event permit is issued must ensure that the conditions of the permit are complied with.

Maximum penalty—20 penalty units.

Division 2C—Special circumstances permits

62J Definitions for div 2C

In this division—

“authorising officer” means the chief executive or the commissioner.

“special circumstances permit” means a permit under which the permittee is allowed to use roads in a particular way.

62K Authority of special circumstances permit

(1) This section applies if a special circumstances permit has been issued under this division for a person’s use of roads.

(2) The person, when using a road, is not required to comply with a provision of this regulation or the Queensland Road Rules to the extent that compliance with the provision—

- (a) is excused under the special circumstances permit; or
- (b) is inconsistent with the person’s use of the road in the way permitted or required under the permit.

*Transport Operations (Road Use Management)
Regulation 1995*

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

62L Issuing a special circumstances permit

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

(2) The authorising officer may issue the special circumstances permit only if the authorising officer is satisfied—

- (a) that special circumstances apply to the person; and
- (b) that it would be unreasonable if, because of the special circumstances, the person were to be excluded from using roads; and
- (c) it is reasonable that the person be permitted to use roads in a particular way that allows for the person's special circumstances; and
- (d) generally, that the issuing of the permit will not compromise public safety; and
- (e) more particularly, that appropriate arrangements will be in place—
 - (i) to minimise danger for the permittee; and
 - (ii) to manage the impact of permittee's use of roads, in the way permitted under the permit, on other road users.

Examples of special circumstances applying to a person—

The person has a disability, and use of the roads in a way that adequately allows for the disability would involve some inconsistency with the requirements of this regulation or the Queensland Road Rules.

The person has a particular task to perform, and performance of the task effectively would involve some inconsistency with the requirements of this regulation or the Queensland Road Rules.

(3) The permit must—

- (a) include a description of the particular way the permittee is to be permitted to use roads; and
- (b) state the period for which the permit applies.

*Transport Operations (Road Use Management)
Regulation 1995*

(4) The permit must not be issued for a period lasting more than 2 years.

(5) The permit may include conditions that must be complied with by the permittee.

(6) Without limiting subsection (5), conditions included in the permit may impose requirements, if relevant, about any of the following—

- (a) having the permit available for inspection when using roads under the authority of the permit;
- (b) the display of warning signs and warning lights;
- (c) what parts of roads may be used;
- (d) limitations about which roads may be used;
- (e) minimising or avoiding interference with other road users.

Division 3—Continuation of certain subordinate legislation

63 Subordinate legislation continuing to have effect—Act, s 93

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*.

PART 7—TRANSITIONAL PROVISIONS

Division 1—Transitional provisions for Transport Operations (Road Use Management) Amendment Regulation (No. 1) 1998

Subdivision 1—Oversize and overmass vehicles

64 Existing guidelines and permits continue

(1) A guideline issued by the chief executive under the repealed section 23 and in force immediately before the commencement of this section is taken to be a guideline issued under part 2A as an alternative means of complying with sections 14 to 16.

(2) A performance guideline issued by the chief executive under the *Traffic Regulation 1962*, section 185 and in force immediately before the commencement of this section is taken to be a performance guideline issued under this regulation as an alternative means of complying with sections 11E to 11K.

(3) An excess dimension vehicle permit issued by the chief executive under the *Traffic Regulation 1962*, section 13 or 102 and in force immediately before the commencement is taken to be a permit issued under this regulation as an alternative means of complying with sections 14 to 16.

(4) A permit issued by the chief executive under the *Transport Infrastructure (Roads) Regulation 1991*, section 8 and in force immediately before the commencement is taken to be a permit issued under this regulation as an alternative means of complying with sections 11E to 11K.

(5) An excess dimension vehicle permit issued under the *Traffic Regulation 1962*, section 13 or 102 and in force immediately before the commencement of this subsection—

- (a) is taken to be a permit issued under this regulation as an alternative means of complying with sections 11E to 11K; and
- (b) expires on 1 July 2001.

Subdivision 2—Pilot vehicle drivers

65 Existing licences continue

(1) The holder of a pilot vehicle driver's licence issued under the *Traffic Regulation 1962* and in force immediately before the commencement of this section is taken to be an accredited person with the functions of a pilot vehicle driver for the unexpired term of the licence.

(2) If a condition applied to the holder under the pilot vehicle driver's licence, the condition continues to apply to the accredited person to the greatest practicable extent.

(3) If the accredited person's provisional or open licence for a motor car is suspended, the person automatically stops being an accredited person for the suspension term.

(4) If the accredited person's provisional or open licence for a motor car is cancelled or surrendered, the person automatically stops being an accredited person.

***Division 2—Transitional provision for Transport and Other Legislation
Amendment Regulation (No. 1) 2003***

66 Particular persons taken to be traffic controllers

(1) This section applies to a person who, immediately before the commencement, is the holder of a current authority.

(2) The person is a traffic controller by the operation of this section until the earliest of the following days—

- (a) if the person applies under part 4A for appointment as a traffic controller—the day the chief executive grants, or refuses to grant, the application;
- (b) the day the person's current authority expires;
- (c) the day the person surrenders the person's current authority to the chief executive;
- (d) the day that is 1 year after the commencement.

(3) The person holds office as a traffic controller by the operation of this section on the conditions, if any, stated in the person's current authority.

*Transport Operations (Road Use Management)
Regulation 1995*

(4) In this section—

“**commencement**” means the commencement of this section.

“**current authority**” means a certificate—

- (a) issued by an entity that was, when the certificate was issued, accredited by the chief executive of the department that administers the *Transport Infrastructure Act 1994* to the extent it relates to roads to provide training for persons who, before the commencement, carried out the function that is the function of a traffic controller under this regulation; and
- (b) that has not expired or been cancelled or surrendered;

stating that a person has received the training mentioned in paragraph (a).

SCHEDULE 1

FEES

section 4F

PART 1—OVERMASS VEHICLES

	\$
1. Permit for an overmass vehicle—	
(a) for a single trip	63.80
(b) for a stated period	242.30

PART 2—ACCREDITED PERSONS

	\$
1. Application for appointment as accredited person—	
(a) escort vehicle driver or pilot vehicle driver	69.05
(b) approved examiner	19.60
(c) traffic controller	72.25
2. Application for replacement of accreditation document or identity card.	15.45

SCHEDULE 1 (continued)

PART 3—DRIVER TRAINERS

	\$
1. Application for grant, or renewal, of accreditation as a driver trainer	149.65
2. Application for replacement of accreditation notice or identity card	15.45

PART 4—OTHER

	\$
1. Approval of an alternative compliance scheme (s 58) . .	65.70
2. For each vehicle accredited to participate in an alternative compliance scheme (s 58)	21.90

SCHEDULE 1A

STOP AND MOVE SIGNALS BY AUTHORISED OFFICERS, OTHER THAN POLICE OFFICERS

s 4CA

1. 'Stop' signal—for persons facing signal Figure 1

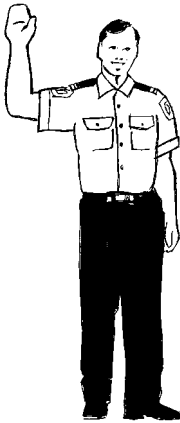


figure 1(a)
from the front

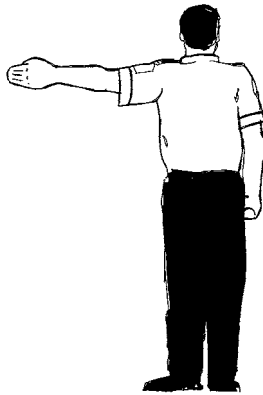


figure 1(b)
from the rear



figure 1(c)
from left side

SCHEDULE 1A (continued)



figure 1(d)
from right side

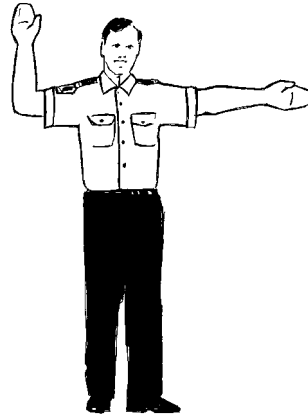


figure 1(e)
combination from front and rear

2. 'Move vehicle in preparation for stopping' signal—for person facing signal

Figure 2

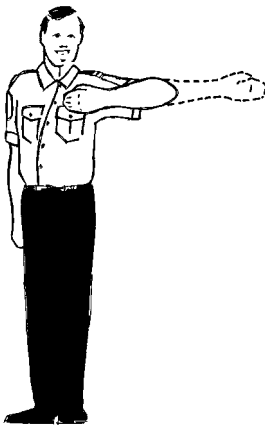


figure 2(a)
from left side

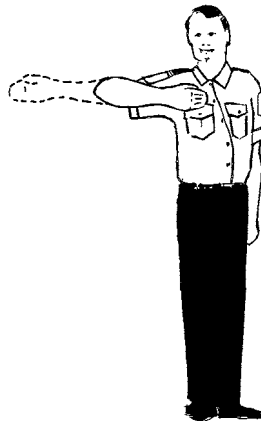


figure 2(b)
from right side

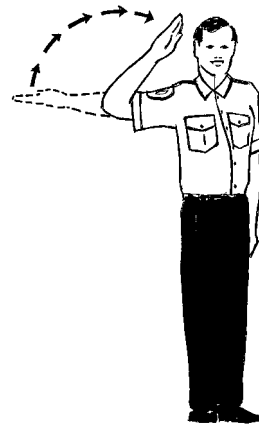


figure 2(c)
from right side

SCHEDULE 1A (continued)

**3. 'Move vehicle to stop at place indicated' signal—for person facing
signal**

Figure 3



figure 3(a)
in front



figure 3(b)
behind

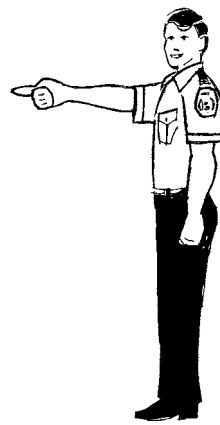


figure 3(c)
at kerb etc.

SCHEDULE 1B

APPROVED STOP, GO AND SLOW HAND SIGNALS FOR TRAFFIC CONTROLLERS

section 33S

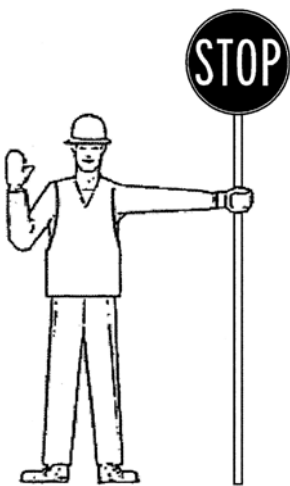


figure 1
to stop

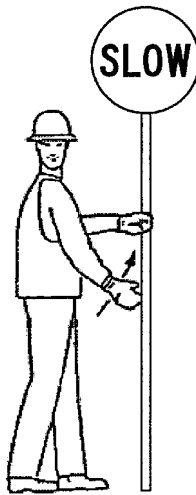


figure 2
to go

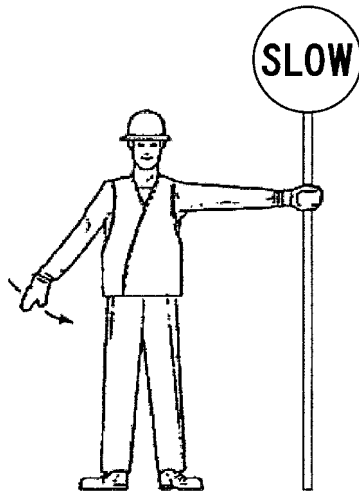


figure 3
to slow

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

SCHEDULE 3 (continued)

(b)	6 wide profile tyres (375 mm or over)—	
(i)	on pig trailers	18.0
(ii)	on other vehicles	20.0
(c)	12 or more tyres—	
(i)	on pig trailers	18.0
(ii)	on other vehicles	20.0

SCHEDULE 3A

STATUTORY CONDITIONS FOR APPOINTMENT AS ACCREDITED PERSON

section 33DA

An accredited person who is an approved examiner—

- (a) must not contravene the Act; and
- (b) must not contravene the Code of Practice—Vehicle Inspection Guidelines mentioned in the *Transport Operations (Road Use Management—Vehicle Standards and Safety) Regulation 1999*, section 13(e).

SCHEDULE 3AA

STATUTORY CONDITIONS ON GUIDELINES AND PERMITS FOR OVERSIZED VEHICLES

s 11AA

1 Driving restrictions on guidelines or permits for oversized vehicles

(1) This section applies to a guideline or permit issued by the chief executive or the commissioner (“**issuer**”) for a type of oversize vehicle or a particular oversize vehicle under section 11A if the issuer—

- (a) reasonably believes that driving the type of vehicle under the guideline or the particular vehicle or type of vehicle under the permit during a particular period, or periods or along a particular road or roads would—
 - (i) unduly hinder or obstruct other road users; or
 - (ii) compromise road safety; and
- (b) publishes a gazette notice (“**restriction notice**”) stating—
 - (i) the type of vehicle or particular vehicle; and
 - (ii) the dimensions of the type of vehicle or particular vehicle mentioned in paragraph (b)(i); and
 - (iii) the period and road;to which the restriction notice applies.

(2) A person must not drive the type of vehicle under the guideline or the particular vehicle or type of vehicle under the permit contrary to the provisions of the restriction notice.

(3) However, the issuer may by signed notice (“**waiver notice**”) to an eligible person waive the requirements of a restriction notice applying to a guideline or permit if the issuer is satisfied that—

- (a) special circumstances exist; and

SCHEDULE 3AA (continued)

- (b) in the circumstances the driving of the type of oversize vehicle under the guideline or the particular vehicle or type of vehicle under the permit would not compromise road safety.

(4) The issuer may impose reasonable and relevant conditions in the waiver notice for driving the type of vehicle under the guideline or the particular vehicle or type of vehicle under the permit in addition to the conditions, if any, in the guideline or permit.

(5) The waiver notice is taken to be included in, and a part of, the guideline or permit for section 11C.

(6) In this section—

“eligible person” means—

- (a) for a guideline—a person who, apart from a restriction notice, would be authorised to drive the type of oversize vehicle under the guideline; or
- (b) for a permit—the holder of the permit.

SCHEDULE 3B

STATUTORY ACCREDITATION CONDITIONS FOR ACCREDITED DRIVER TRAINERS OR RIDER TRAINERS

section 44

1 Compliance with code of conduct

The trainer must not contravene the code of conduct.

2 Maintaining competency

The trainer must, throughout the accreditation, maintain at least the level of competence required under section 39(2) or (3) or 40(2) or (3) for accreditation.

3 Review by chief executive

If the chief executive reasonably believes the trainer is not competent to give the training and gives the trainer not less than 7 days written notice requiring the trainer to demonstrate the trainer's competence to give the training, the trainer must demonstrate to the reasonable satisfaction of the chief executive that the trainer is competent to give the training.

4 Random review

(1) If the chief executive selects the trainer by random selection and gives the trainer not less than 7 days written notice requiring the trainer to demonstrate the trainer's competence to give the training, the trainer must demonstrate to the reasonable satisfaction of the chief executive that the trainer is competent to give the training.

(2) However, the chief executive may not make a requirement under subsection (1) on the trainer more than once every 2 years.

SCHEDULE 3B (continued)

5 Cooperation with chief executive

To enable the chief executive to carry out a review under section 3 or 4 the trainer must cooperate with every reasonable requirement of the chief executive in carrying out the review.

Example of a reasonable requirement—

The chief executive may require the trainer to allow the chief executive to observe the trainer giving a learner training.

6 Notifiable events

The trainer must give the chief executive signed notice of any of the following events within 14 days after the event happens—

- (a) the trainer changes the trainer's name;
- (b) the trainer is—
 - (i) convicted of a disqualifying offence; or
 - (ii) charged with a disqualifying offence and the charge has not been finally disposed of.

SCHEDULE 3C

STATUTORY REGISTRATION CONDITIONS FOR REGISTERED SERVICE PROVIDERS

section 57S

1 Compliance with registered service provider standards

The registered service provider (“**provider**”) must not contravene the registered service provider standards (“**standards**”).

2 Provider’s place of business to be open for inspection

The provider’s place of business must be open for inspection by an authorised officer when the place is open for the conduct of business or otherwise open for entry.

3 Compliance with declared sections

(1) The provider must not contravene a declared section.

(2) In this section—

“**declared section**” means section 57ZB, 57ZC, 57ZF(3) or 57ZG.

4 Establishing eligibility of person to be trained

The provider must, before providing or agreeing to provide Q-Ride training to a person, be reasonably satisfied the person is an eligible person for the training.

5 Scheduled compliance audits

(1) The provider must, at the provider’s cost, ensure that within the times mentioned in subsection (2) or (3)—

SCHEDULE 3C (continued)

- (a) an auditor undertakes and completes the audits, mentioned in subsection (2) or (3), of the provider's compliance with the standards; and
- (b) the auditor gives the provider a report of the audit; and
- (c) the report includes the mandatory particulars.¹⁷

(2) For the first year after registration, the audit must be started no sooner than 28 days before the first anniversary of the provider's registration and completed no later than 28 days after the anniversary.

(3) For the second and each subsequent year after registration, the audit must be started no sooner than 56 days before the anniversary of the provider's registration and completed before the anniversary.

(4) The provider must give the chief executive a copy of the auditor's report within 14 days after the day the audit report is completed unless the provider has a reasonable excuse.

(5) If the auditor's report identifies non-compliance with the standards, the report must, unless the provider has a reasonable excuse, be accompanied by a signed notice from the provider stating the action the provider has taken to—

- (a) rectify the non-compliance; or
- (b) ensure that it does not continue or reoccur.

6 Audit for non-compliance with standards

(1) If the chief executive reasonably believes the provider is not complying with the standards, the chief executive may, by signed notice to the provider, require the provider to—

- (a) arrange for an auditor to audit the provider's compliance with the standards within the time stated in the notice, not less than 14 days; and

¹⁷ See also the Act, chapter 3 (Road user performance and compliance), part 3 (Powers of authorised officers) for the powers of authorised officers to monitor and enforce compliance with the Act.

SCHEDULE 3C (continued)

- (b) give the chief executive a copy of the auditor's report within 14 days after the report is completed, unless the provider has a reasonable excuse.

(2) If the auditor's report identifies non-compliance with the standards, the report must, unless the provider has a reasonable excuse, be accompanied by a signed notice from the provider stating the action the provider has taken to—

- (a) rectify the non-compliance; or
- (b) ensure that it does not continue or reoccur.

(3) If the auditor's report identifies material non-compliance with the standards, the provider must pay the cost of the audit and the report otherwise the cost is to be paid by the chief executive.

7 Restriction on engaging auditor

The provider must not engage the same auditor for more than 2 consecutive audits.

8 Only accredited rider trainers to give Q-Ride training

The provider must, when providing Q-Ride training to a learner, ensure that the training is given by—

- (a) an accredited rider trainer who is an employee of the service provider; or
- (b) if the provider is an individual who is also an accredited rider trainer—the individual as an accredited rider trainer.

9 Notifiable events

The provider must give the chief executive signed notice of any of the following events within 14 days after the event happens—

- (a) the provider changes the provider's name or place of business;
- (b) the provider changes its nominated executive officer or the provider's nominated executive officer changes the officer's name;

SCHEDULE 3C (continued)

- (c) the provider, or if the provider is a corporation an executive officer of the provider, has been—
 - (i) convicted of a disqualifying offence; or
 - (ii) charged with a disqualifying offence and the charge has not been finally disposed of.

SCHEDULE 4

MASS REQUIREMENTS

schedule 13, definition “mass requirement”

1 Mass limits for tyres, wheels and axles

(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 fitted with single tyres of a section width of—
 - (A) less than 375 mm—4 t; or
 - (B) at least 375 mm—6.5 t; or
 - (ii) for a tandem axle group fitted with dual tyres—6.5 t; or
 - (iii) for a triaxle axle group fitted with single tyres of a section width of—
 - (A) less than 375 mm—10 t; or
 - (B) at least 375 mm—13 t; or
 - (iv) for a triaxle axle group fitted with dual tyres—13 t; and

SCHEDULE 4 (continued)

- (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.

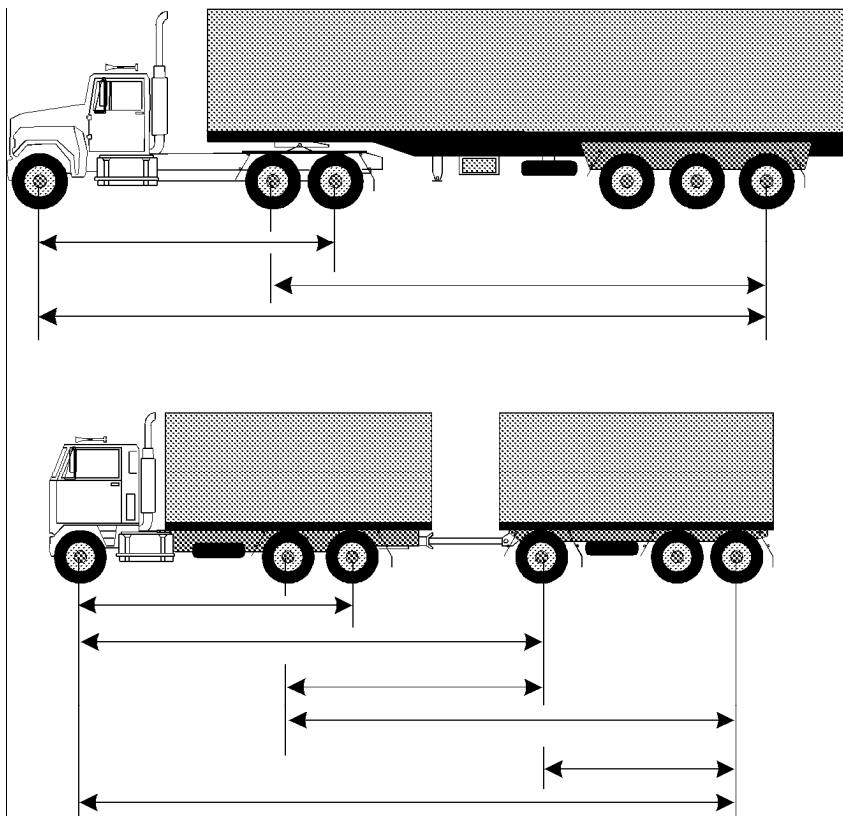
2 Mass limits relating to axle spacing

(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.

3 Mass limit for a single vehicle

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

SCHEDULE 4 (continued)

4 Mass limits for combinations

(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.

5 Load sharing suspension

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

6 Non-complying vehicles

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) a complying bus	6.5
(b) any other 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 complying bus, or a bus allowed to carry standing passengers (other than an ultra-low floor route bus)	10.0
(c) an ultra-low floor route bus	11.0
(d) 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—	

SCHEDULE 5 (continued)

(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 group fitted with single tyres on 1 axle and dual tyres on the other axle on—	
(a) a complying bus	14.0
(b) any other motor vehicle	13.0
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
7.8	8.0	36.0

SCHEDULE 6 (continued)

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

1 Mass limits for single axles and axle groups

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.

2 Mass limits for vehicles and vehicle combinations

(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 Axle configuration	Column 2 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
9. Triaxle group with each axle fitted with dual tyres or 4 or more tyres (however arranged)	18.0

SCHEDULE 8 (continued)

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	3	4	5	6
		axles	axles	axles	axles	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
7.5	7.8	..	23.6	25.6	27.7	27.7

Transport Operations (Road Use Management)
Regulation 1995

SCHEDULE 9 (continued)

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
15.3	15.6	35.0	36.0
15.6	15.9	35.3	36.0

SCHEDULE 9 (continued)

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”

1 Loading obligations

(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.¹⁸

2 Trailers

(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.

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

SCHEDULE 11

REVIEW OF AND APPEALS AGAINST DECISIONS

section 62A

Section	Description of decision	Court
33D	Refusing application for appointment as accredited person	Magistrates
43	Refusing to grant accreditation or granting accreditation on a condition imposed by the chief executive	Magistrates
43, 49 and 50	Refusing to grant renewal of accreditation or granting renewal of accreditation on a condition imposed by the chief executive	Magistrates
57P	Refusing to grant registration or granting registration on a condition imposed by the chief executive	Magistrates
57P, 57U and 57V	Refusing to grant renewal of registration or granting renewal of registration on a condition imposed by the chief executive	Magistrates

SCHEDULE 13

DICTIONARY

section 3

“accreditation” for part 4B, division 3, see section 41.

“accredited”, for a driver trainer, means accredited under this regulation.

“accredited rider trainer” see section 37.

“ADR” means a national standard under the *Motor Vehicle Standards Act 1989* (Cwlth), section 7.

“advertisement” includes circular, notice, sign and matter that is not in writing but which conveys a message because of the form or context in which it appears.

“agricultural implement” means a vehicle without its own automotive power, built to perform agricultural tasks.

Examples—

Augers, conveyors, empty field bins, harvester fronts, irrigating equipment and machinery fully carried on the three-point linkage of a tractor.

“agricultural machine” means a machine with its own automotive power built to perform agricultural tasks.

Examples—

Tractors and harvesters.

“agricultural vehicle” means an agricultural implement or agricultural machine.

“approved examiner” means a person who holds an appointment under part 4A as an accredited person with the function of an approved examiner.

“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.

SCHEDULE 13 (continued)

“auditor” means a person whose name is recorded in the auditor register.

“auditor register” see section 57ZO.

“authorising officer” see—

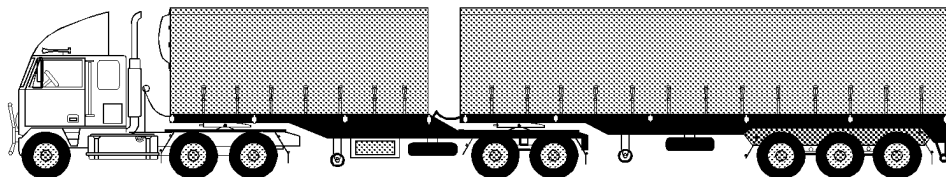
- (a) for part 6, division 2B—section 62E; and
- (b) for part 6, division 2C—section 62J.

“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 semitrailers.



Typical B-double

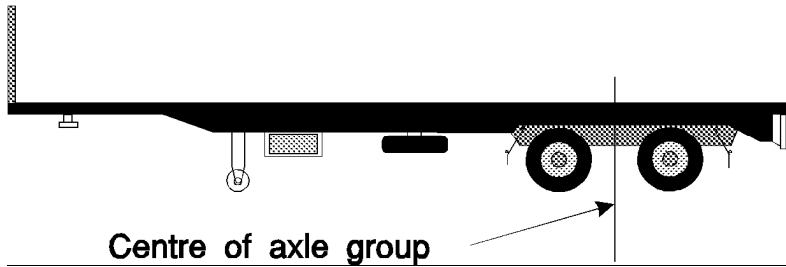
“bus” means a motor vehicle built mainly to carry more than 12 seated adults.

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

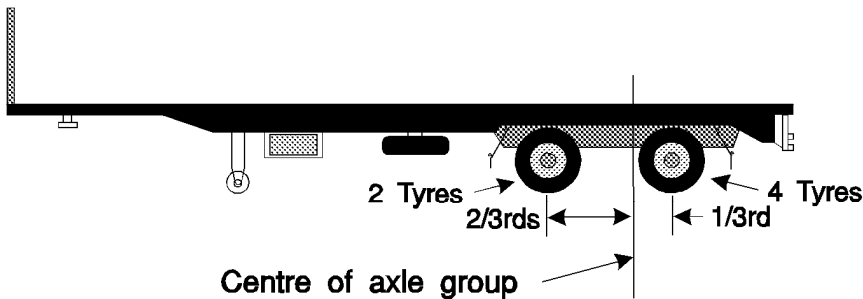
“centre of an axle group” means—

- (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.

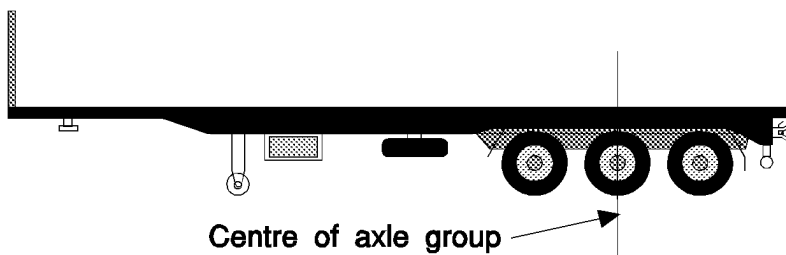
SCHEDULE 13 (continued)



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

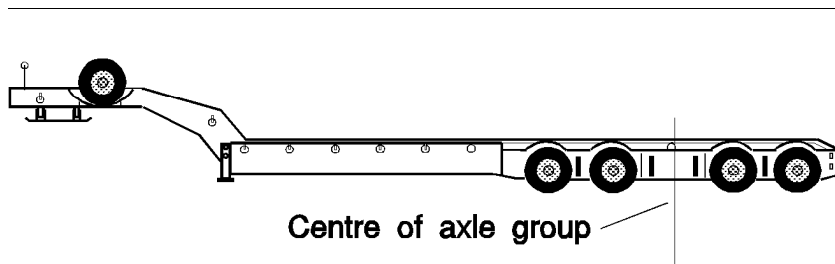


Centre of a typical tandem axle group fitted with a different number of tyres on each axle



Centre of a typical triaxle group

SCHEDULE 13 (continued)



Centre of a typical quad-axle group

“code of conduct” see section 57D.

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

“competencies” see section 57ZN.

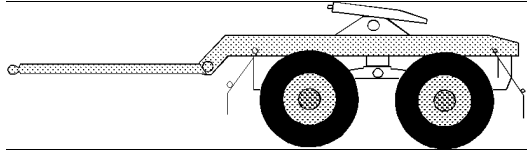
“competency declaration”, for riding a class RE or R motorbike, means a declaration, in the approved form, by a registered service provider that the learner named in the declaration has attained the competencies to ride the class of motorbike stated in the declaration.

“competency recommendation notice” see section 57A.

“competency standards” see section 57ZN. **“compliance plate”** see the *Motor Vehicle Standards Act 1989* (Cwlth).

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

SCHEDULE 13 (continued)



Typical converter dolly

“council”, for part 4B, see section 34.

“dangerous overloading offence” means an offence committed when a vehicle is loaded to at least 120% but less than 160% of a mass requirement that applies to the vehicle.

“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 semitrailer into a dog trailer.

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

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

“driver trainer” see section 35.

“driver training” see section 36.

“driver training record” see section 57G.

“eligible person” see section 57L.

“employee” includes agent or contractor.

“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.

“escort vehicle” means a vehicle that—

- (a) travels with an oversize vehicle to warn other road users of the oversize vehicle’s presence; and
- (b) is required to be driven by an escort vehicle driver under a guideline or permit under part 2A.

SCHEDULE 13 (continued)

“escort vehicle driver” means a person who holds an appointment under part 4A as an accredited person with the functions of an escort vehicle driver.

“event”, for part 6, division 2B, see section 62E.

“excessive overloading offence” means an offence committed when a vehicle is loaded to more than 100% but less than 120% of a mass requirement that applies to the vehicle.

“exempted vehicle” see section 8.

“extreme overloading offence” means an extreme overloading offence under section 163 of the Act.

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

“front articulation point” of a trailer means the point of articulation at the front of the trailer.

“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—

(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.

“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.

“information notice”, for a decision of the chief executive, means a signed notice stating the following—

SCHEDULE 13 (continued)

- (a) the decision;
- (b) the reasons for the decision;
- (c) the day the decision has effect;
- (d) the person to whom the notice is given may, under section 62A, ask for the decision to be reviewed and may appeal against the reviewed decision.

“insolvent under administration” see the Corporations Act, section 9.

“journey length” see section 9.

“learner” means—

- (a) for a person who is undertaking driver training—a person who holds a driver licence authorising the person to learn to drive the class of motor vehicle for which the training is given; or
- (b) for a person who is undertaking Q-Ride training—an eligible person for the class of motorbike.

“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 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

SCHEDULE 13 (continued)

(b) with effective damping characteristics on all axles of the group.

“mandatory particulars” see section 57ZP.

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

“motorbike”, for parts 4B and 5, means a 2 wheeled motor vehicle that does not have a sidecar attached to it.

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

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

“nominated executive officer” see section 57ZD.

“overmass vehicle” means a vehicle that, together with any load, does not comply with part 3.

“oversize vehicle” means a vehicle that, together with any load, does not comply with part 2B.

“pre-licence driver training”, for part 4B, see section 34.

“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.

“pilot vehicle” means a vehicle that—

- (a) travels with an oversize vehicle to warn other road users of the oversize vehicle’s presence; and
- (b) under a guideline or permit under part 2A, is required to be driven by—
 - (i) a pilot vehicle driver; or
 - (ii) an escort vehicle driver; or
 - (iii) another person stated in the guideline or permit.

“pilot vehicle driver” means a person who holds an appointment under part 4A as an accredited person with the functions of a pilot vehicle driver.

SCHEDULE 13 (continued)

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

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

“Q-Ride training” see section 38.

“Q-Ride training record” see section 57H.

“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.

“qualifications”, for part 4B, see section 34.

“rear overhang”, for part 2B, see section 11CA.

“rear overhang line”, for part 2B, see section 11CA.

“registered service provider” see section 57M.

“registered service provider’s learner record” see section 57ZB.

“registered service provider standards” see section 57ZM.

“registered training organisation”, for part 4B, see section 34.

SCHEDULE 13 (continued)

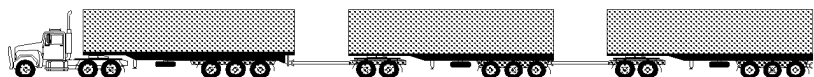
“registration authority” means the authority that is responsible for registering vehicles.

“registration notice” see section 57Q.

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

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

“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 semitrailer).



Typical triple road train

“road transport infrastructure” see the *Transport Infrastructure Act 1994*.

“scheme” means the scheme for Q-Ride training provided for in parts 4B and 5.

“semitrailer” 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 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.

“special circumstances permit”, for part 6, division 2C, see section 62J.

“special event”, for part 6, division 2B, see section 62F.

“special event permit”, for part 6, division 2B, see section 62E.

SCHEDULE 13 (continued)

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

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

“take part in”, for part 6, division 2B, see section 62E.

“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.

“TCASAP” means the document called Traffic Controller Accreditation Scheme Approved Procedure published by the department.¹⁹

“total esa” see section 9.

“traffic controller” means a person who holds an appointment under part 4A as an accredited person with the function of a traffic controller.

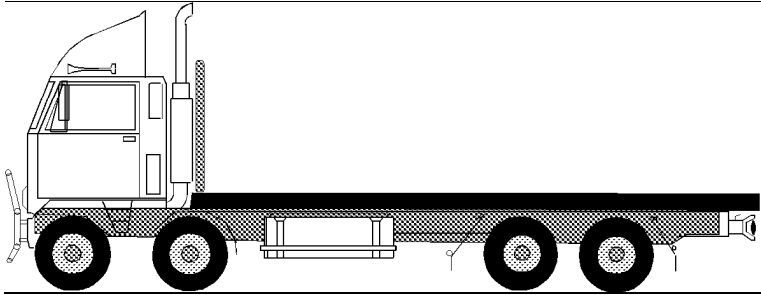
“trailer” does not include a vehicle that is not a load carrying vehicle.

“triaxle group” means a group of at least 3 axles with a horizontal distance between the centre-lines of the outermost axle of more than 2 m but not more than 3.2 m.

“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.

¹⁹ A copy of this document may be obtained during business hours from any Queensland Transport Customer Service Centre.

SCHEDULE 13 (continued)



Typical twinsteer axle group on a motor vehicle

“ultra-low floor route bus” means a bus with 2 axles that is specially designed to incorporate the following—

- (a) spaces for standing passengers;
- (b) stairless entry of passengers.

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

“VIN”, of a vehicle, means the unique vehicle identification number assigned to the vehicle.

ENDNOTES

1 Index to endnotes

		Page
2	Date to which amendments incorporated	133
3	Key	133
4	Table of reprints	134
5	List of legislation	134
6	List of annotations	138

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 1 December 2004. 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

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No.[X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfd	= notified	rv	= revised edition
o in c	= order in council	s	= section
om	= omitted	sch	= schedule
orig	= original	sdiv	= subdivision
p	= page	SIA	= Statutory Instruments Act 1992
para	= paragraph	SIR	= Statutory Instruments Regulation 2002
prec	= preceding	SL	= subordinate legislation
pres	= present	sub	= substituted
prev	= previous	unnum	= unnumbered

*Transport Operations (Road Use Management)
Regulation 1995*

4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

TABLE OF REPRINTS

Reprint No.	Amendments included	Effective	Reprint date
1	none	1 July 1995	2 July 1995
1A	to 1996 SL No. 106	1 July 1996	25 July 1996
1B	to 1996 SL No. 272	11 October 1996	18 December 1996
1C	to 1997 SL No. 124	1 July 1997	18 July 1997
2	to 1997 SL No. 486	1 January 1998	6 March 1998
2A	to 1998 SL No. 170	22 May 1998	3 June 1998
2B	to 1998 SL No. 254	1 November 1998	20 November 1998
2C	to 1998 SL No. 354	22 January 1999	19 February 1999
3	to 1999 SL No. 299	1 December 1999	1 December 1999
3A	to 2000 SL No. 195	14 July 2000	21 July 2000
3B	to 2000 SL No. 297	27 November 2000	8 December 2000
3C	to 2001 SL No. 28	6 April 2001	18 May 2001
4	to 2001 SL No. 57	1 July 2001	6 July 2001
4A	to 2001 SL No. 235	3 December 2001	14 December 2001
4B	to 2002 SL No. 32	1 March 2002	15 March 2002
			(Column discontinued)
			Notes
4C	to 2002 SL No. 112	1 July 2002	
4D	to 2002 SL No. 285	1 November 2002	
4E	to 2003 SL No. 106	1 July 2003	
4F	to 2003 SL No. 180	1 September 2003	
4G	to 2003 SL No. 358	19 December 2003	
4H	to 2003 SL No. 358	1 January 2004	
4I	to 2004 SL No. 54	1 July 2004	
4J	to 2004 SL No. 229	1 December 2004	

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 September 2005 (see SIA s 54)

Note—The expiry date may have changed since this reprint was published. See the latest reprint of the SIR for any change.

*Transport Operations (Road Use Management)
Regulation 1995*

amending legislation—

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

Note—A regulatory impact statement and an explanatory note were prepared

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 1770–7

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, 3(g)
sch 7**

notfd gaz 18 September 1998 pp 239–40
ss 1–2 commenced on date of notification
remaining provisions commenced 1 November 1998 (see s 2)

**Transport and Other Legislation Amendment Regulation (No. 1) 1998 SL No. 321
pts 1, 3**

notfd gaz 4 December 1998 pp 1270–1
commenced on date of notification

**Transport Operations (Road Use Management) Amendment Regulation (No. 1) 1998
SL No. 354 ss 1–2, 3(2)–23**

notfd gaz 18 December 1998 pp 1551–7
ss 1–2 commenced on date of notification
remaining provisions commenced 22 January 1999 (see s 2)

**Transport Operations (Road Use Management) Amendment Regulation (No. 1) 1999
SL No. 14**

notfd gaz 5 March 1999 pp 950–3
commenced on date of notification

**Transport Legislation Amendment Regulation (No. 1) 1999 SL No. 113 ss 1–2, 3(e)
sch 5**

notfd gaz 11 June 1999 pp 675–8
ss 1–2 commenced on date of notification
remaining provisions commenced 1 July 1999 (see s 2)

**Transport Operations (Road Use Management—Vehicle Standards and Safety)
Regulation 1999 SL No. 213 ss 1–2 ch 7 pt 3**

notfd gaz 10 September 1999 pp 180–3
ss 1–2 commenced on date of notification
remaining provisions commenced 1 October 1999 (see s 2)
Note—A regulatory impact statement and an explanatory note were prepared

**Transport Operations (Road Use Management—Vehicle Registration) Regulation
1999 SL No. 225 ss 1–2(1), pt 14**

notfd gaz 1 October 1999 pp 468–9
ss 1–2 commenced on date of notification
remaining provisions commenced 1 October 1999 (see s 2(1))

Road Transport Reform Regulation 1999 SL No. 286 ss 1–4, sch 1–2

notfd gaz 19 November 1999 pp 1149–52
s 3 sch 1 commenced 22 November 1999 (see s 2(1))
s 4 sch 2 commenced 1 December 1999 (see s 2(2))
remaining provisions commenced on date of notification

**Traffic and Other Legislation Amendment Regulation (No. 1) 1999 SL No. 299 ss 1–2,
3(2) sch pt 2**

notfd gaz 26 November 1999 pp 1268–70
ss 1–2 commenced on date of notification
remaining provisions commenced 1 December 1999 (see s 2)

Transport Legislation Amendment Regulation (No. 1) 2000 SL No. 89 pts 1, 9

notfd gaz 19 May 2000 pp 218–19
ss 1–2 commenced on date of notification
remaining provisions commenced 1 July 2000 (see s 2)

Transport Legislation Amendment Regulation (No. 3) 2000 SL No. 195 pts 1–2

notfd gaz 14 July 2000 pp 946–7
commenced on date of notification

Transport Legislation Amendment Regulation (No. 4) 2000 SL No. 297 pts 1, 6

notfd gaz 24 November 2000 pp 1188–9
ss 1–2 commenced on date of notification
remaining provisions commenced 27 November 2000 (see s 2)

Transport Legislation Amendment Regulation (No. 1) 2001 SL No. 28 pts 1, 3

notfd gaz 6 April 2001 pp 1452–3
commenced on date of notification

Transport Legislation Amendment Regulation (No. 2) 2001 SL No. 57 pts 1, 10

notfd gaz 25 May 2001 pp 334–6
ss 1–2 commenced on date of notification
remaining provisions commenced 1 July 2001 (see s 2)

Transport Legislation Amendment Regulation (No. 3) 2001 SL No. 109 pts 1, 3

notfd gaz 13 July 2001 pp 1041–2
commenced on date of notification

**Transport Operations (Road Use Management—Driver Licensing) Amendment
Regulation (No. 1) 2001 SL No. 235 ss 1–2, 3(2) sch 2**

notfd gaz 30 November 2001 pp 1179–82
ss 1–2 commenced on date of notification
remaining provisions commenced 3 December 2001 (see s 2)

Transport Legislation Amendment Regulation (No. 1) 2002 SL No. 32 pts 1, 5

notfd gaz 1 March 2002 pp 850–2
commenced on date of notification

Transport Legislation Amendment Regulation (No. 2) 2002 SL No. 112 pts 1, 13

notfd gaz 24 May 2002 pp 308–10
ss 1–2 commenced on date of notification
remaining provisions commenced 1 July 2002 (see s 2)

Transport Legislation Amendment Regulation (No. 5) 2002 SL No. 285 s 1, pt 6

notfd gaz 1 November 2002 pp 759–62
commenced on date of notification

Transport Legislation Amendment Regulation (No. 2) 2003 SL No. 106 pts 1, 14

notfd gaz 30 May 2003 pp 371–6
ss 1–2 commenced on date of notification
remaining provisions commenced 1 July 2003 (see s 2)

**Transport and Other Legislation Amendment Regulation (No. 1) 2003 SL No. 180
pts 1, 3**

notfd gaz 15 August 2003 pp 1312–13
ss 1–2 commenced on date of notification
remaining provisions commenced 1 September 2003 (see s 2)

Training Reform Act 2003 No. 63 ss 1, 2(2), 60 sch

date of assent 13 October 2003
ss 1–2 commenced on date of assent
remaining provisions commenced 1 January 2004 (2003 SL No. 293)

Transport Legislation Amendment Regulation (No. 3) 2003 SL No. 358 pts 1, 5

notfd gaz 19 December 2003 pp 1307–13
commenced on date of notification

Transport Legislation Amendment Regulation (No. 1) 2004 SL No. 54 pts 1, 13

notfd gaz 14 May 2004 pp 112–14
ss 1–2 commenced on date of notification
remaining provisions commenced 1 July 2004 (see s 2)

**Transport Operations (Road Use Management) and Other Legislation Amendment
Regulation (No. 1) 2004 SL No. 229 pts 1–2**

notfd gaz 29 October 2004 pp 734–7
ss 1–2 commenced on date of notification
remaining provisions commenced 1 December 2004 (see s 2)

**Transport and Other Legislation Amendment Regulation (No. 2) 2004 SL No. 249
pts 1, 4**

notfd gaz 19 November 2004 pp 955–6
ss 1–2 commenced on date of notification
remaining provisions commence 31 January 2005 (see s 2)

6 List of annotations

Definitions

s 3 amd 1997 SL No. 486 s 4
 sub 1999 SL No. 225 s 91

Acts that are transport Acts

s 4 sub 1995 SL No. 401 s 3
 amd 1997 SL No. 124 s 3
 sub 2000 SL No. 297 s 21

Approval of random inspection program

s 4A ins 1995 SL No. 401 s 3

Regulation and control of powers of certain authorised officers

s 4B ins 1995 SL No. 401 s 3

*Transport Operations (Road Use Management)
Regulation 1995*

Requirement to remain at a place

- s 4C** ins 1995 SL No. 401 s 3
sub 1997 SL No. 124 s 4

Way to require vehicles to stop or move in preparation for stopping

- s 4CA** ins 1997 SL No. 124 s 4
amd 1999 SL No. 299 s 3(2) sch pt 2
sub 2002 SL No. 32 s 10

Moving loads before weighing

- s 4CB** ins 1997 SL No. 124 s 4

Function of traffic controllers

- s 4D** ins 1996 SL No. 29 s 6
om 1998 SL No. 354 s 4

Definition for pt 2

- s 4E** ins 1996 SL No. 29 s 6
sub 1998 SL No. 354 s 5
om 1999 SL No. 225 s 92

Fees generally

- s 4F** ins 1998 SL No. 354 s 5
amd 1999 SL No. 225 s 93

Registration fees

- prov hdg** amd 1998 SL No. 354 s 6(1)
s 5 amd 1995 SL No. 401 s 4; 1996 SL No. 106 s 3(c) sch 3; 1996 SL No. 240 s 3(c) sch 3; 1997 SL No. 120 s 3(k) sch 11; 1997 SL No. 124 s 5; 1998 SL No. 254 s 3(g) sch 7; 1998 SL No. 354 s 6(2)–(4); 1999 SL No. 113 s 3(e) sch 5
om 1999 SL No. 225 s 94

Concessional registration fees—primary producers

- s 6** amd 1996 SL No. 106 s 3(c) sch 3; 1996 SL No. 240 s 3(c) sch 3; 1997 SL No. 120 s 3(k) sch 11; 1998 SL No. 254 s 3(g) sch 7
om 1999 SL No. 225 s 94

Concessional registration fees—eligible persons

- s 7** sub 1998 SL No. 321 s 12
om 1999 SL No. 225 s 94

Concessional registration fees—others

- s 8** amd 1996 SL No. 240 s 3(c) sch 3; 1998 SL No. 254 3(g) sch 7; 1999 SL No. 113 s 3(e) sch 5
om 1999 SL No. 225 s 94

Axles

- s 10** amd 1999 SL No. 213 s 69

Measurement of distance between axles

- s 11** sub 1999 SL No. 225 s 95

PART 2A—GUIDELINES AND PERMITS

pt hdg ins 1998 SL No. 354 s 7

Guidelines and permits for vehicles

s 11A ins 1998 SL No. 354 s 7
amd 1999 SL No. 225 s 96; 2000 SL No. 297 s 22; 2002 SL No. 32 s 11

Statutory condition on guidelines and permits for oversized vehicles

s 11AA ins 2002 SL No. 32 s 12

Permit contents and conditions

s 11B ins 1998 SL No. 354 s 7
amd 2000 SL No. 297 s 23; 2001 SL No. 28 s 8

Alternative arrangements for permits

s 11BA ins 2000 SL No. 297 s 24

Driving under guideline or permit

s 11C ins 1998 SL No. 354 s 7

PART 2B—VEHICLE DIMENSIONS

pt hdg ins 1998 SL No. 354 s 7

Meaning of “rear overhang” and “rear overhang line” for pt 2B

s 11CA ins 2000 SL No. 297 s 25

Load and other things are part of vehicle’s dimensions for pt 2B

s 11D ins 1998 SL No. 354 s 7

Length—motor vehicles

s 11E ins 1998 SL No. 354 s 7

Width

s 11F ins 1998 SL No. 354 s 7
amd 1999 SL No. 213 s 70

Height

s 11G ins 1998 SL No. 354 s 7

Height—ground clearance

s 11H ins 1998 SL No. 354 s 7

Length—trailers

s 11I ins 1998 SL No. 354 s 7
amd 1999 SL No. 213 s 71

Length—rear overhang

s 11J ins 1998 SL No. 354 s 7
amd 1999 SL No. 213 s 72

Length—trailer drawbars

s 11K ins 1998 SL No. 354 s 7

Limits on projections of loads on vehicles

s 11KA ins 1999 SL No. 299 s 3(2) sch pt 2

Agricultural vehicles

s 11KB ins 1999 SL No. 299 s 3(2) sch pt 2
om 2001 SL No. 28 s 9

Information and extended liability offences

11L ins 1998 SL No. 354 s 7
sub 2001 SL No. 28 s 10

PART 3—MASS

pt hdg prev pt hdg om R1 (see RA s 7(1)(k))
pres pt hdg ins 1995 SL No. 401 s 5

Application of part

s 12 prev s 12 om R1 (see RA s 40)
pres s 12 ins 1995 SL No. 401 s 5

Performance standards for mass

s 13 ins 1995 SL No. 401 s 5

Compliance with requirements—vehicles

s 14 ins 1995 SL No. 401 s 5
amd 1999 SL No. 286 s 3 sch 1

Compliance with requirements—trailers

s 15 ins 1995 SL No. 401 s 5
amd 1999 SL No. 286 s 3 sch 1

Compliance with requirements—combinations

s 16 ins 1995 SL No. 401 s 5
amd 1999 SL No. 286 s 3 sch 1

Vehicle tare

s 17 ins 1995 SL No. 401 s 5

Tyre mass

s 18 ins 1995 SL No. 401 s 5

Axle mass

s 19 ins 1995 SL No. 401 s 5

Axle mass—complying buses

s 19A ins 1998 SL No. 354 s 8

Axle mass for ultra-low floor route bus

s 19B ins 2000 SL No. 297 s 26

Vehicle mass

s 20 ins 1995 SL No. 401 s 5

Other ways of determining mass may be used

s 21 ins 1995 SL No. 401 s 5

Way of stating GVM

s 21A ins 1996 SL No. 272 s 3

*Transport Operations (Road Use Management)
Regulation 1995*

Proof of GCM or GVM

s 21B ins 1996 SL No. 272 s 3

Proof of mass

s 21C ins 1997 SL No. 124 s 6
amd 1998 SL No. 354 s 9

Livestock vehicles—use on roads

s 22 ins 1995 SL No. 401 s 5
om 1998 SL No. 354 s 10

Guidelines

s 23 ins 1995 SL No. 401 s 5
om 1998 SL No. 354 s 10

Transport of livestock

s 24 ins 1995 SL No. 401 s 5
amd 1998 SL No. 354 s 11
exp 30 June 2003 (see s 24(7))

Phasing out of semitrailers used as livestock vehicles

s 25 ins 1995 SL No. 401 s 5
exp 30 June 2003 (see s 25(4))

Information and extended liability offences

s 26 ins 1995 SL No. 401 s 5
amd 1999 SL No. 286 s 3 sch 1
sub 2001 SL No. 28 s 11

PART 4—LOADING

pt hdg ins 1995 SL No. 401 s 5

Application of part

s 27 ins 1995 SL No. 401 s 5

Performance standards for loading

s 28 ins 1995 SL No. 401 s 5

Compliance with requirements—vehicles

s 29 ins 1995 SL No. 401 s 5

Compliance with requirements—trailers

s 30 ins 1995 SL No. 401 s 5

Compliance with requirements—combinations

s 31 ins 1995 SL No. 401 s 5

Proof of loading offences

s 32 ins 1995 SL No. 401 s 5

Information and extended liability offences

s 33 ins 1995 SL No. 401 s 5
sub 2001 SL No. 28 s 12

PART 4A—ACCREDITED PERSONS

pt hdg ins 1998 SL No. 354 s 12

Division 1—Accredited persons generally

div hdg ins 1998 SL No. 354 s 12

Applying to be appointed as an accredited person

s 33A ins 1998 SL No. 354 s 12

Deciding application

s 33B ins 1998 SL No. 354 s 12

Granting application

s 33C ins 1998 SL No. 354 s 12

Refusing application

s 33D ins 1998 SL No. 354 s 12
amd 1999 SL No. 213 s 73; 2003 SL No. 180 s 6

Statutory conditions on appointment

s 33DA ins 2001 SL No. 28 s 13
amd 2003 SL No. 180 s 7

Accreditation documents and identity cards

s 33E ins 1998 SL No. 354 s 12

Display of accreditation document or identity card

s 33F ins 1998 SL No. 354 s 12
sub 2003 SL No. 180 s 8

Replacement of accreditation document or identity card

s 33G ins 1998 SL No. 354 s 12

Resignation from appointment

s 33H ins 1998 SL No. 354 s 12

Surrender of accreditation document or identity card

s 33I ins 1998 SL No. 354 s 12

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

s 33J ins 1998 SL No. 354 s 12

Employer's duty

s 33K ins 1998 SL No. 354 s 12
amd 2001 SL No. 28 s 14; 2002 SL No. 32 s 13

Only accredited person to be employed or engaged as traffic controller

s 33KA ins 2003 SL No. 180 s 9

Powers of accredited persons

s 33L ins 1998 SL No. 354 s 12

Division 2—Pilot vehicle drivers

div hdg ins 1998 SL No. 354 s 12

Functions

s 33M ins 1998 SL No. 354 s 12

Necessary expertise for appointment

s 33N ins 1998 SL No. 354 s 12

Division 3—Escort vehicle drivers

div hdg ins 1998 SL No. 354 s 12

Functions

s 33O ins 1998 SL No. 354 s 12

Necessary expertise for appointment

s 33P ins 1998 SL No. 354 s 12

Division 4—Vehicle safety inspections

div hdg ins 1999 SL No. 213 s 74

Function

s 33Q ins 1999 SL No. 213 s 74
amd 2002 SL No. 285 s 29

Necessary expertise—Act, s 21(1)

s 33R ins 1999 SL No. 213 s 74
amd 2002 SL No. 285 s 30; 2003 No. 63 s 60 sch

Division 5—Traffic controllers

div 5 (ss 33S–33T) ins 2003 SL No. 180 s 10

PART 4B—ACCREDITING DRIVER TRAINERS AND RIDER TRAINERS

pt hdg ins 2001 SL No. 109 s 12

Division 1—Definitions and basic concepts

div hdg ins 1997 SL No. 486 s 5
sub 2001 SL No. 109 s 12

Definitions for pt 4B

s 34 ins 1997 SL No. 486 s 5
amd 1999 SL No. 286 s 4 sch 2
sub 2001 SL No. 109 s 12
def “**council**” sub 2003 No. 63 s 60 sch
def “**registered training organisation**” amd 2003 No. 63 s 60 sch

Who is a “driver trainer”

s 35 ins 1997 SL No. 486 s 5
sub 2001 SL No. 109 s 12

What is “driver training”

s 36 ins 1997 SL No. 486 s 5
sub 2001 SL No. 109 s 12

Who is an “accredited rider trainer”

s 37 ins 1997 SL No. 486 s 5
sub 2001 SL No. 109 s 12

What is “Q-ride training”

s 38 ins 1997 SL No. 486 s 5
sub 2001 SL No. 109 s 12

*Transport Operations (Road Use Management)
Regulation 1995*

Division 2—Accrediting driver trainers and rider trainers

div hdg ins 1997 SL No. 486 s 5
sub 2001 SL No. 109 s 12

Accrediting driver trainers

s 39 ins 1997 SL No. 486 s 5
sub 2001 SL No. 109 s 12
amd 2002 SL No. 285 s 31; 2003 SL No. 358 s 20; 2003 No. 63 s 60 sch

Accrediting rider trainers

s 40 ins 1997 SL No. 486 s 5
sub 2001 SL No. 109 s 12
amd 2003 No. 63 s 60 sch

Division 3—Applying for accreditation

div hdg ins 1997 SL No. 486 s 5
sub 2001 SL No. 109 s 12

Definition for div 3

s 41 ins 1997 SL No. 486 s 5
sub 2001 SL No. 109 s 12

Applying for accreditation

s 42 ins 1997 SL No. 486 s 5
sub 2001 SL No. 109 s 12

Deciding application for accreditation

s 43 ins 1997 SL No. 486 s 5
sub 2001 SL No. 109 s 12

Statutory conditions on accreditation

s 44 ins 1997 SL No. 486 s 5
sub 2001 SL No. 109 s 12

Notice of granting of accreditation

s 45 ins 1997 SL No. 486 s 5
sub 2001 SL No. 109 s 12

Issue of identify card

s 46 ins 1997 SL No. 486 s 5
sub 2001 SL No. 109 s 12

Notice of refusal to grant accreditation

s 47 ins 1997 SL No. 486 s 5
sub 2001 SL No. 109 s 12

Duration of accreditation

s 48 ins 1997 SL No. 486 s 5
sub 2001 SL No. 109 s 12

Renewal of accreditation

s 49 ins 1997 SL No. 486 s 5
sub 2001 SL No. 109 s 12

Application of declared sections to renewal of accreditation

s 50 ins 1997 SL No. 486 s 5
 sub 2001 SL No. 109 s 12

Duration of renewal of accreditation

s 51 ins 1997 SL No. 486 s 5
 sub 2001 SL No. 109 s 12

Replacement of identify card

s 52 ins 2001 SL No. 109 s 12

Division 4—Continuity of accreditation

div hdg ins 1997 SL No. 486 s 5
 sub 2001 SL No. 109 s 12

Accreditation dependant of driver licence

s 53 ins 1997 SL No. 486 s 5
 sub 2001 SL No. 109 s 12

Accreditation as rider trainer dependant on continuation of accreditation as driver trainer

s 54 ins 1997 SL No. 486 s 5
 sub 2001 SL No. 109 s 12

Voluntary surrender of accreditation

s 55 ins 1997 SL No. 486 s 5
 sub 2001 SL No. 109 s 12

Return of identity card

s 56 prev s 56 ins 1997 SL No. 486 s 5
 om 1998 SL No. 354 s 14
 pres s 56 ins 2001 SL No. 109 s 12

Division 5—Accreditation as a driver trainer necessary to give pre-licence driver training

div hdg ins 2001 SL No. 109 s 12

Driver trainer giving pre-licence driver training to be accredited

s 57 ins 1997 SL No. 486 s 5
 sub 2001 SL No. 109 s 12

Division 6—Recommending issue of competency declaration

div hdg ins 1997 SL No. 486 s 5
 sub 2001 SL No. 109 s 12

Employed accredited rider trainer may recommend learner be given competency declaration

s 57A ins 2001 SL No. 109 s 12

Requirement to issue competency recommendation notice

s 57B ins 2001 SL No. 109 s 12

Restriction on giving competency recommendation notice

s 57C ins 2001 SL No. 109 s 12

Division 7—Other provisions

div 7 (ss 57D–57K) ins 2001 SL No. 109 s 12

PART 5—REGISTRATION OF SERVICE PROVIDERS

pt hdg ins 1997 SL No. 486 s 5
sub 2001 SL No. 109 s 12

Division 1—Basic concepts

div hdg ins 2001 SL No. 109 s 12

Who is an “eligible person” for Q-Ride training

s 57L ins 2001 SL No. 109 s 12
amd 2001 SL No. 235 s 3(2) sch 2; 2003 SL No. 358 s 21

Who is a “registered service provider”

s 57M ins 2001 SL No. 109 s 12

Division 2—Applying for registration

div 2 (ss 57N–57ZA) ins 2001 SL No. 109 s 12

Division 3—Records

div 3 (ss 57ZB–57ZC) ins 2001 SL No. 109 s 12

Division 4—Competency declarations

div 4 (ss 57ZD–57ZI) ins 2001 SL No. 109 s 12

Division 5—Other provisions

div hdg ins 2001 SL No. 109 s 12

False statements

s 57ZJ ins 2001 SL No. 109 s 12

False advertising

s 57ZK ins 2001 SL No. 109 s 12

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

s 57ZL ins 2001 SL No. 109 s 12

Registered service provider standards

s 57ZM ins 2001 SL No. 109 s 12

Competency standards

s 57ZN ins 2001 SL No. 109 s 12

Auditor register

s 57ZO ins 2001 SL No. 109 s 12

Form of audit reports

s 57ZP ins 2001 SL No. 109 s 12
amd 2003 SL No. 358 s 22

Registration notice prescribed for Act s 26(1)(c)

s 57ZQ ins 2001 SL No. 109 s 12

Reasonable excuse

s 57ZR ins 2001 SL No. 109 s 12

PART 5A—ALTERNATIVE COMPLIANCE SCHEMES

pt 5A (s 58) ins 2000 SL No. 195 s 3

PART 5B—MOVING VEHICLES ON OR FROM PRESCRIBED ROADS

pt 5B (ss 58A–58G) ins 2004 SL No. 229 s 4

PART 6—MISCELLANEOUS

pt hdg ins 1998 SL No. 170 s 5

Division 1—Review of decisions

div hdg (prev pt 5 div 5) ins 1997 SL No. 486 s 5
reloc and renum 1998 SL No. 354 s 13

Review of decisions

s 62A (prev s 52) ins 1997 SL No. 486 s 5
reloc and renum 1998 SL No. 354 s 13
amd 2002 SL No. 32 s 14

Division 1A—Lights or signs creating danger to traffic

div hdg ins 2000 SL No. 297 s 27

Light or sign creating danger to traffic

s 62AA ins 2000 SL No. 297 s 27

Division 2—Pilot and escort vehicles

div hdg ins 1998 SL No. 354 s 16

Offence to drive pilot or escort vehicle

s 62B ins 1998 SL No. 354 s 16

Division 2AA—Traffic controllers

div 2AA (ss 62BA–62BB) ins 2003 SL No. 180 s 11

Division 2A—Protection of roads and structures

div hdg ins 1999 SL No. 225 s 97

Damage to road transport infrastructure

s 62C ins 1999 SL No. 225 s 97

Restriction of loads on structures

s 62D ins 1999 SL No. 225 s 97

Division 2B—Special event permits

div hdg ins 1999 SL No. 299 s 3(2) sch pt 2

Definitions for div 2B

s 62E ins 1999 SL No. 299 s 3(2) sch pt 2

Meaning of “special event” for div 2B

s 62F ins 1999 SL No. 299 s 3(2) sch pt 2
amd 2002 SL No. 32 s 15

Authority of special event permit

s 62G ins 1999 SL No. 299 s 3(2) sch pt 2
amd 2002 SL No. 32 s 16

*Transport Operations (Road Use Management)
Regulation 1995*

Issuing a special event permit

s 62H ins 1999 SL No. 299 s 3(2) sch pt 2

Responsibility of permittee

s 62I ins 1999 SL No. 299 s 3(2) sch pt 2

Division 2C—Special circumstances permits

div hdg ins 1999 SL No. 299 s 3(2) sch pt 2

Definitions for div 2C

s 62J ins 1999 SL No. 299 s 3(2) sch pt 2

Authority of special circumstances permit

s 62K ins 1999 SL No. 299 s 3(2) sch pt 2

Issuing a special circumstances permit

s 62L ins 1999 SL No. 299 s 3(2) sch pt 2

Division 3—Continuation of certain subordinate legislation

div hdg ins 1998 SL No. 354 s 16

Subordinate legislation continuing to have effect—Act, s 93

s 63 ins 1998 SL No. 170 s 5

PART 7—TRANSITIONAL PROVISIONS

pt hdg ins 1998 SL No. 354 s 17

sub 2000 SL No. 297 s 28

Division 1—Transitional provisions for Transport Operations (Road Use Management) Amendment Regulation (No. 1) 1998

div hdg ins 1998 SL No. 354 s 17

sub 2003 SL No. 180 s 12

Subdivision 1—Oversize and overmass vehicles

sdiv hdg ins 2003 SL No. 180 s 12

Existing guidelines and permits continue

s 64 ins 1998 SL No. 354 s 17

amd 2000 SL No. 297 s 29

Subdivision 2—Pilot vehicle drivers

sdiv hdg (prev div 2 hdg) ins 1998 SL No. 354 s 17

sub 2003 SL No. 180 s 13

Existing licences continue

s 65 ins 1998 SL No. 354 s 17

Division 2—Transitional provision for Transport and Other Legislation Amendment Regulation (No. 1) 2003

div hdg ins 2003 SL No. 180 s 14

Particular persons taken to be traffic controllers

s 66 prev s 66 (prev s 58) ins 1997 SL No. 486 s 5

reloc and renum 1998 SL No. 354 s 15(4)

om 2001 SL No. 109 s 13

pres s 66 ins 2003 SL No. 180 s 14

Division 3—Motor Vehicle Driving Instruction School Act 1969

div hdg (prev pt 5 div 7) ins 1997 SL No. 486 s 5
 sub 1998 SL No. 354 s 15(1)
 reloc and renum 1998 SL No. 354 s 15(4)
 om 2001 SL No. 109 s 13

Duration of provisional accreditation of licensed driving instructors

s 67 (prev s 59) ins 1997 SL No. 486 s 5
 reloc and renum 1998 SL No. 354 s 15(4)
 amd 2001 SL No. 28 s 15
 om 2001 SL No. 109 s 13

Renewal of provisional accreditation for licensed driving instructors

s 68 (prev s 60) ins 1997 SL No. 486 s 5
 amd 1998 SL No. 354 s 15(2)
 reloc and renum 1998 SL No. 354 s 15(4)
 om 2001 SL No. 109 s 13

Interim accreditation of new trainers

s 69 (prev s 61) ins 1997 SL No. 486 s 5
 amd 1998 SL No. 354 s 15(3)
 reloc and renum 1998 SL No. 354 s 15(4)
 om 2001 SL No. 109 s 13

Application of ss 47 to 51 and 55 for this division

s 70 (prev s 62) ins 1997 SL No. 486 s 5
 reloc and renum 1998 SL No. 354 s 15(4)
 om 2001 SL No. 109 s 13

SCHEDULE 1—FEES

sch hdg sub 1998 SL No. 354 s 18(1)
sch 1 amd 1998 SL No. 254 s 3(g) sch 7; 1998 SL No. 354 s 18; 1999 SL No. 113
 s 3(e) sch 5; 1999 SL No. 213 s 75; 1999 SL No. 225 s 98
 sub 2000 SL No. 89 s 18
 amd 2000 SL No. 195 s 4
 sub 2001 SL No. 57 s 20
 amd 2001 SL No. 109 s 14
 sub 2002 SL No. 112 s 26; 2003 SL No. 106 s 28
 amd 2003 SL No. 180 s 15
 sub 2004 SL No. 54 s 26

**SCHEDULE 1A—STOP AND MOVE SIGNALS BY AUTHORISED OFFICERS,
OTHER THAN POLICE OFFICERS**

ins 2002 SL No. 32 s 17

**SCHEDULE 1B—APPROVED STOP, GO AND SLOW HAND SIGNALS FOR
TRAFFIC CONTROLLERS**

ins 2003 SL No. 180 s 16

**SCHEDULE 3A—STATUTORY CONDITIONS FOR APPOINTMENT AS
ACCREDITED PERSON**

ins 2001 SL No. 28 s 16

SCHEDULE 3AA—STATUTORY CONDITIONS ON GUIDELINES AND PERMITS FOR OVERSIZED VEHICLES

ins 2002 SL No. 32 s 18

SCHEDULE 3B—STATUTORY ACCREDITATION CONDITIONS FOR ACCREDITED DRIVER TRAINERS OR RIDER TRAINERS

ins 2001 SL No. 109 s 15

SCHEDULE 3C—STATUTORY REGISTRATION CONDITIONS FOR REGISTERED SERVICE PROVIDERS

ins 2001 SL No. 109 s 15

SCHEDULE 4—MASS REQUIREMENTS

prev sch 4 om R1 (see RA s 40)

pres sch 4 ins 1995 SL No. 401 s 6

Mass limits for tyres, wheels and axles

s 1 ins 1995 SL No. 401 s 6
amd 1998 SL No. 354 s 19

Mass limits relating to axle spacing

s 2 ins 1995 SL No. 401 s 6

Mass limit for a single vehicle

s 3 ins 1995 SL No. 401 s 6

Mass limits for combinations

s 4 ins 1995 SL No. 401 s 6

Load sharing suspension

s 5 ins 1995 SL No. 401 s 6

Non-complying vehicles

s 6 ins 1995 SL No. 401 s 6

SCHEDULE 5—MASS LIMITS FOR SINGLE AXLES AND AXLE GROUPS

prev sch 5 renum as sch 11 1995 SL No. 401 s 7

pres sch 5 ins 1995 SL No. 401 s 6

amd 1998 SL No. 354 s 20; 2000 SL No. 297 s 30

SCHEDULE 6—MASS LIMITS RELATING TO AXLE SPACING

ins 1995 SL No. 401 s 6

SCHEDULE 7—MASS LIMITS FOR NON-CONFORMING VEHICLES WITH SINGLE AXLES OR AXLE GROUPS

ins 1995 SL No. 401 s 6

SCHEDULE 8—MASS LIMITS FOR NONCONFORMING SINGLE AXLES AND AXLE GROUPS

ins 1995 SL No. 401 s 6

SCHEDULE 9—NON-CONFORMING VEHICLE LOADED MASS

ins 1995 SL No. 401 s 6

SCHEDULE 10—LOADING REQUIREMENTS

ins 1995 SL No. 401 s 6

SCHEDULE 11—REVIEW OF AND APPEALS AGAINST DECISIONS

ins 1997 SL No. 486 s 7
amd 1998 SL No. 354 s 21
sub 2001 SL No. 109 s 16

SCHEDULE 12—FEES FOR PART 5

ins 1997 SL No. 486 s 7
om 1998 SL No. 354 s 22

SCHEDULE 13—DICTIONARY

sch hdg new sch 11 (prev sch 5) renum 1995 SL No. 401 s 7
new sch 13 (prev sch 11) renum 1997 SL No. 486 s 6
def “**accreditation**” ins 2001 SL No. 109 s 17
def “**accredited**” ins 2001 SL No. 109 s 17
def “**accredited rider trainer**” ins 2001 SL No. 109 s 17
def “**ADR**” ins 1998 SL No. 354 s 23
def “**advertisement**” ins 2001 SL No. 109 s 17
def “**agricultural implement**” ins 1999 SL No. 299 s 3(2) sch pt 2
def “**agricultural machine**” ins 1999 SL No. 299 s 3(2) sch pt 2
def “**agricultural vehicle**” ins 1999 SL No. 299 s 3(2) sch pt 2
def “**approved examiner**” ins 2001 SL No. 28 s 17(2)
def “**ATM**” om 1999 SL No. 225 s 99(1)
def “**auditor**” ins 2001 SL No. 109 s 17
def “**auditor register**” ins 2001 SL No. 109 s 17
def “**authorising officer**” ins 1999 SL No. 299 s 3(2) sch pt 2
def “**B-double**” ins 1995 SL No. 401 s 7
def “**bus (type 1)**” om 1999 SL No. 225 s 99(1)
def “**bus (type 2)**” om 1999 SL No. 225 s 99(1)
def “**caravan**” om 1999 SL No. 225 s 99(1)
def “**centre of an axle group**” ins 1995 SL No. 401 s 7
def “**code of conduct**” ins 2001 SL No. 109 s 17
def “**combination**” ins 1995 SL No. 401 s 7
def “**competencies**” ins 2001 SL No. 109 s 17
def “**competency declaration**” ins 2001 SL No. 109 s 17
def “**competency recommendation notice**” ins 2001 SL No. 109 s 17
def “**competency standards**” ins 2001 SL No. 109 s 17
def “**compliance plate**” ins 1998 SL No. 354 s 23
def “**converter dolly**” ins 1995 SL No. 401 s 7
def “**council**” ins 2001 SL No. 109 s 17
def “**dangerous overloading offence**” ins 1999 SL No. 286 s 3 sch 1
def “**drawbar**” ins 1995 SL No. 401 s 7
def “**driver**” ins 1995 SL No. 401 s 7
def “**driver trainer**” ins 2001 SL No. 109 s 17
def “**driver training**” ins 2001 SL No. 109 s 17
def “**driver training record**” ins 2001 SL No. 109 s 17
def “**eligible person**” ins 2001 SL No. 109 s 17
def “**employee**” ins 2001 SL No. 109 s 17
def “**escort vehicle**” ins 1998 SL No. 354 s 23
def “**escort vehicle driver**” ins 1998 SL No. 354 s 23
def “**event**” ins 1999 SL No. 299 s 3(2) sch pt 2

- def “**excessive overloading offence**” ins 1999 SL No. 286 s 3 sch 1
- def “**extreme overloading offence**” ins 1999 SL No. 286 s 3 sch 1
 - amd 1999 SL No. 286 s 4 sch 2
- def “**fifth wheel coupling**” ins 1995 SL No. 401 s 7
- def “**front articulation point**” ins 1998 SL No. 354 s 23
- def “**GCM**” ins 1995 SL No. 401 s 7
- def “**GTMR**” om 1999 SL No. 225 s 99(1)
- def “**information notice**” ins 2001 SL No. 109 s 17
- def “**insolvent under administration**” ins 2001 SL No. 109 s 17
- def “**learner**” ins 2001 SL No. 109 s 17
- def “**livestock vehicle**” ins 1995 SL No. 401 s 7
- def “**load**” ins 1995 SL No. 401 s 7
- def “**loading requirement**” ins 1995 SL No. 401 s 7
- def “**load-sharing suspension**” ins 1995 SL No. 401 s 7
- def “**long combination prime mover (type 1)**” om 1999 SL No. 225 s 99(1)
- def “**long combination prime mover (type 2)**” om 1999 SL No. 225 s 99(1)
- def “**long combination truck**” om 1999 SL No. 225 s 99(1)
- def “**mandatory particulars**” ins 2001 SL No. 109 s 17
- def “**mass requirement**” ins 1995 SL No. 401 s 7
- def “**medium combination prime mover**” om 1999 SL No. 225 s 99(1)
- def “**medium combination truck**” om 1999 SL No. 225 s 99(1)
- def “**mobile machinery**” om 1999 SL No. 225 s 99(1)
- def “**motorbike**” ins 2001 SL No. 109 s 17
- def “**MRC**” om 1999 SL No. 225 s 99(1)
- def “**nominated executive officer**” ins 2001 SL No. 109 s 17
- def “**overmass vehicle**” ins 1998 SL No. 354 s 23
- def “**oversize vehicle**” ins 1998 SL No. 354 s 23
 - amd 1999 SL No. 14 s 3
- def “**pensioner**” om 1999 SL No. 225 s 99(1)
- def “**pensioner concession card**” om 1999 SL No. 225 s 99(1)
- def “**pilot vehicle**” ins 1998 SL No. 354 s 23
 - amd 2001 SL No. 28 s 17(3)
- def “**pilot vehicle driver**” ins 1998 SL No. 354 s 23
- def “**pre-licence driver training**” ins 2001 SL No. 109 s 17
- def “**primary production vehicle**” om 2001 SL No. 28 s 17(1)
- def “**Q-Ride training**” ins 2001 SL No. 109 s 17
- def “**Q-Ride training record**” ins 2001 SL No. 109 s 17
- def “**quadaxle group**” ins 1995 SL No. 401 s 7
- def “**qualifications**” ins 2001 SL No. 109 s 17
- def “**rear overhang**” ins 1998 SL No. 354 s 23
 - sub 2000 SL No. 297 s 31
- def “**rear overhang line**” ins 1998 SL No. 354 s 23
 - sub 2000 SL No. 297 s 31
- def “**registered service provider**” ins 2001 SL No. 109 s 17
- def “**registered service provider’s learner record**” ins 2001 SL No. 109 s 17
- def “**registered service provider standards**” ins 2001 SL No. 109 s 17
- def “**registered training organisation**” ins 2001 SL No. 109 s 17
- def “**registration notice**” ins 2001 SL No. 109 s 17
- def “**retractable axle**” ins 1995 SL No. 401 s 7

def “**reward**” ins 2001 SL No. 109 s 17
def “**road train**” ins 1995 SL No. 401 s 7
def “**road transport infrastructure**” ins 1998 SL No. 354 s 23
def “**scheme**” ins 2001 SL No. 109 s 17
def “**short combination prime mover**” om 1999 SL No. 225 s 99(1)
def “**single axle group**” ins 1995 SL No. 401 s 7
def “**special circumstances permit**” ins 1999 SL No. 299 s 3(2) sch pt 2
def “**special event**” ins 1999 SL No. 299 s 3(2) sch pt 2
def “**special event permit**” ins 1999 SL No. 299 s 3(2) sch pt 2
def “**special purpose vehicle**” om 1999 SL No. 225 s 99(1)
def “**special purpose vehicle (type 1)**” om 1999 SL No. 225 s 99(1)
def “**special purpose vehicle (type 2)**” om 1999 SL No. 225 s 99(1)
def “**State-controlled road**” ins 1999 SL No. 225 s 99(2)
 amd 2004 SL No. 229 s 5
def “**tag trailer**” ins 1995 SL No. 401 s 7
def “**take part in**” ins 1999 SL No. 299 s 3(2) sch pt 2
def “**tandem axle group**” ins 1995 SL No. 401 s 7
def “**TCASAP**” ins 2003 SL No. 180 s 17
def “**tractor**” om 1999 SL No. 225 s 99(1)
def “**traffic controller**” ins 2003 SL No. 180 s 17
def “**triaxle group**” ins 1995 SL No. 401 s 7
def “**truck**” om 1999 SL No. 225 s 99(1)
def “**truck (type 1)**” om 1999 SL No. 225 s 99(1)
def “**truck (type 2)**” om 1999 SL No. 225 s 99(1)
def “**twinsteer axle group**” ins 1995 SL No. 401 s 7
def “**ultra-low floor route bus**” ins 2000 SL No. 297 s 31(2)
def “**vehicle**” ins 1995 SL No. 401 s 7
def “**vehicle coding manual**” om 1999 SL No. 225 s 99(1)
def “**VIN**” ins 2000 SL No. 297 s 31(2)