



Queensland

Transport Legislation Amendment Regulation (No. 1) 2012

Subordinate Legislation 2012 No. 138

made under the

Transport Operations (Road Use Management) Act 1995

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Part 1 Preliminary

1 Short title

This regulation may be cited as the *Transport Legislation Amendment Regulation (No. 1) 2012*.

2 Commencement

This regulation, other than section 11(2), commences on 1 November 2012.

Part 2 Amendment of Transport Operations (Road Use Management—Accreditation and Other Provisions) Regulation 2005

3 Regulation amended

This part amends the *Transport Operations (Road Use Management—Accreditation and Other Provisions) Regulation 2005*.

4 Insertion of new pt 7, div 5

Part 7—

insert—

‘Division 5 Transitional provision for Transport Legislation Amendment Regulation (No. 1) 2012

‘131 Accredited persons—approved codes of practice

- ‘(1) Until and including 30 April 2013, a reference in schedule 1, section 2(b) to an approved code of practice is taken to include a reference to the Code of Practice—Light Vehicles.

Editor’s note—

The Code of Practice—Light Vehicles is available online at <www.tmr.qld.gov.au> until 1 May 2013.

- ‘(2) In this section—

Code of Practice—Light Vehicles means the Code of Practice—Light Vehicles mentioned in section 13(2)(a)(i) of the Vehicle Standards and Safety Regulation as in force immediately before the day on which this section commences.’.

5 Amendment of sch 1 (Statutory conditions for appointment as accredited person)

Schedule 1, section 2(b)—

omit, insert—

- ‘(b) must not contravene an approved code of practice within the meaning of the Vehicle Standards and Safety Regulation, section 13(7).’.

Part 3

Amendment of Transport Operations (Road Use Management—Vehicle Standards and Safety) Regulation 2010

6 Regulation amended

This part amends the *Transport Operations (Road Use Management—Vehicle Standards and Safety) Regulation 2010*.

7 Amendment of s 10 (Modifying vehicle)

Section 10(2)(a)—

omit, insert—

‘(a) the modification complies with the chief executive’s approval under section 13(2)(b) or with an approved code of practice within the meaning of section 13(7); or’.

8 Amendment of s 13 (Approval of modified vehicle)

(1) Section 13(6)—

renumber as section 13(7).

(2) Section 13(1) and (2)—

omit, insert—

‘(1) Subject to subsection (6), the owner of a modified vehicle must ensure the vehicle is not driven or parked on a road unless the modification has been approved by an authorised officer or approved person.

Maximum penalty—60 penalty units.

- ‘(2) After inspecting a vehicle, an authorised officer or approved person must not approve a modification of the vehicle unless—
- (a) if the modification is of a kind covered by an approved code of practice—the modification complies with the approved code; or
 - (b) if the modification is of a kind that is not covered by an approved code of practice and may adversely affect the safety of the vehicle—
 - (i) the chief executive has approved the modification; and
 - (ii) the modification complies with any requirement specified by the chief executive for the modification.

Maximum penalty—40 penalty units.’.

- (3) Section 13—

insert—

- ‘(6) Subsection (1) does not apply if the modification is of a kind that, at the time it is made, is—
- (a) covered by, and complies with, an approved code of practice that expressly states that a modification of that kind does not require approval or certification under the code; or
 - (b) not covered by an approved code of practice and does not adversely affect the safety of the vehicle.’.

- (4) Section 13(7), as renumbered—

insert—

‘***approved code of practice*** means each of the following codes approved by the chief executive—

- (a) the National Code of Practice for Light Vehicle Construction and Modification;
- (b) the Queensland Code of Practice—Vehicle Modifications;

- (c) the National Code of Practice—Heavy Vehicle Modifications.

Editor's note—

The approved codes of practice are available online at <www.tmr.qld.gov.au>.

9 Replacement of pt 7, div 2, hdg (Transitional provisions)

Part 7, division 2, heading—

omit, insert—

'Division 2 Transitional provisions for SL No. 192 of 2010'.

10 Insertion of new pt 7, div 3

Part 7—

insert—

'Division 3 Transitional provisions for Transport Legislation Amendment Regulation (No. 1) 2012

'48 Definitions for div 3

'In this division—

Code of Practice—Light Vehicles means the Code of Practice—Light Vehicles mentioned in section 13(2)(a)(i) as in force immediately before the commencement.

commencement means the day this section commences.

'49 Vehicle modification

'(1) This section applies until and including 30 April 2013.

'(2) A person does not contravene section 10(1) if the person modifies a vehicle in a way that complies with the Code of Practice—Light Vehicles.

‘50 Approval of vehicle modification

‘Despite section 13(2), until and including 30 April 2013, an authorised officer or approved person may, for the purposes of section 13(1), approve a vehicle modification that complies with the Code of Practice—Light Vehicles.’.

11 Amendment of sch 1 (Vehicle standards)

(1) Schedule 1, section 44—

omit, insert—

‘44 Alternative tyres, rims and wheels

‘(1) Tyres and rims fitted to a car, car derivative or off-road passenger vehicle need not comply with an ADR applied by section 7(1) or 8(1) if—

(a) for a vehicle manufactured before 1 January 1974—the combination of tyre and rim accords with the specifications contained in 1 of the following manuals—

(i) the Japanese Industrial Standard (JIS-D4218);

(ii) the European Tyre and Rim Technical Organisation Practices (E.T.R.T.O.);

(iii) the Deutsche Industrie Norm (DIN) 7818;

(iv) the Deutsche Industrie Norm (DIN) 7817; and

(b) the minimum tyre width is 70% of the width of the widest tyre fitted to the vehicle but not less than the vehicle manufacturer’s narrowest optional tyre.

‘(2) A car, car derivative or off-road passenger vehicle using car tyres must not be fitted with—

(a) any wheel in which the wheel-securing stud holes are not circular; or

(b) for a vehicle manufactured on or after 1 July 1985, a wheel that—

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- (i) is not approved as original equipment or original equipment replacement by the vehicle manufacturer; or
 - (ii) is not indelibly marked with the wheel's nominal diameter and width, offset, and the mark of a standard of an approved organisation in a location so that they are readily visible when the wheel is correctly installed on the vehicle; or
- (c) any eccentric wheel stud or eccentric wheel nut.
- ‘(3) In this section—
- approved organisation*** means any of the following—
- (a) Wheel Industries Association (Australia);
 - (b) Standards Australia;
 - (c) Technischer Überwachungsverein;
 - (d) Japanese Industrial Standards.’.
- (2) Schedule 1, section 52(2), ‘1.2m wide’—
- omit, insert—*
- ‘1.02m wide’.

ENDNOTES

- 1 Made by the Governor in Council on 23 August 2012.
- 2 Notified in the gazette on 24 August 2012.
- 3 Laid before the Legislative Assembly on . . .
- 4 The administering agency is the Department of Transport and Main Roads.