

Queensland



Transport Operations (Road Use Management) Act 1995

**TRANSPORT OPERATIONS
(ROAD USE
MANAGEMENT—MOTOR
VEHICLES SAFETY)
TRANSITIONAL
REGULATION 1994**

**Reprinted as in force on 3 July 1998
(includes amendments up to SL No. 182 of 1998)**

Reprint No. 2C

**This reprint is prepared by
the Office of the Queensland Parliamentary Counsel
Warning—This reprint is not an authorised copy**

Information about this reprint

This regulation is reprinted as at 3 July 1998. The reprint—

- shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c))
- incorporates all necessary consequential amendments, whether of punctuation, numbering or another kind (Reprints Act 1992 s 5(d)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes.

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

Also see endnotes for information about—

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

Queensland



**TRANSPORT OPERATIONS (ROAD USE
MANAGEMENT—MOTOR VEHICLES
SAFETY) TRANSITIONAL REGULATION
1994**

TABLE OF PROVISIONS

Section	Page
PART 1—INTRODUCTION	
<i>Division 1—Preliminary</i>	
1	Short title 7
2	Commencement 7
2A	Application of regulation 7
<i>Division 2—Interpretation</i>	
3	Definitions 7
4	Meaning of category A vehicles 13
5	Meaning of category B vehicles 13
6	Meaning of “headlamp testing screen” 13
<i>Division 3—Fees</i>	
7	Fees 14
PART 3—INSPECTION OF MOTOR VEHICLES	
11AA	Inspection of motor vehicles 14
11AB	Procedure by authorised officers following inspection 14
11AC	Reports to be made 16
11AD	Inspection of reports 16
11	Defective vehicle label 17
11A	Production of motor vehicle on demand 17
PART 4—COMPULSORY INSPECTION OF MOTOR VEHICLES	
12	Certain motor vehicles require certificate of inspection 18

*Transport Operations (Road Use
Management—Motor Vehicles Safety)
Transitional Regulation 1994*

12A	Certificate of inspection	18
12B	Procedure by approved examiners following inspection	19
13	Form of inspection report	20
13A	Requirements of approved examiner on inspection	20
13B	Production of certificate of inspection	20
13C	Cancellation etc. of certificates of inspection	20
13D	Requirements for applications for renewal of registration	21
13E	Procedure if certificate not given	21
14	Exemptions	22

**PART 5—ALTERATION AND MODIFICATION OF
COMMERCIAL AND SPECIFIED MOTOR VEHICLES**

15AA	Application of part	22
15AB	Alteration to or modification of commercial and specified motor vehicles etc.	23
15AC	Appointment of approved persons	25
15	Approved persons issuing certificates of modification	25
15A	Alteration to and modification of motor vehicles	25
16	Maintaining equipment	27
17	Keeping records	27
18	Returning unused forms of certificates and modification plates	27
19	Modification plates	28

PART 6—CERTIFICATES OF ROADWORTHINESS

20A	Requirements for disposal of second-hand motor vehicles	28
20B	Requirements for registration of second-hand motor vehicle	30
20C	Refusal to issue certificates of registration for second-hand vehicles	30
20D	Licensed motor dealer restricted in use of vehicles	30
20	Certificate of roadworthiness	31
21	Circumstances for signing a certificate of roadworthiness	31
21A	When certificate obtained	31
21B	Certificate valid for 1 transaction only	32
22	What an examiner must do if vehicle fails roadworthiness test	32

*Transport Operations (Road Use
Management—Motor Vehicles Safety)
Transitional Regulation 1994*

23 Certificate of roadworthiness for modified vehicle 32
24 Areas excluded 33

PART 7—APPROVALS UNDER INSPECTION SCHEMES

Division 1A—Application of part

25A Application of part 33

Division 1B—Applications for approval generally

25B Requirements for applications 33
25C More than 1 approval may be granted 34
25D Form of approvals 34
25E Approval only if applicant is a fit and proper person 34
25F Determining whether applicant is a fit and proper person 35
25G Amendment of approval on application 35
25H Surrender of approvals 36
25I Review of chief executive’s decisions 36

Division 1—Approval for an AIS generally

25J Application of division 37
25K Who may apply for approval 37
25L Nomination of individuals to be nominees 37
25M Role of nominee etc. 38
25N Approval of premises 39
25 Purpose of divs 1–4 39
26 Effect of failure to comply with a condition 39
27 Equipment that must be kept at an AIS 39
28 Equipment to be kept in a serviceable condition 40
29 Duties of proprietors regarding approved examiners and other
employees 40
30 Operation of an AIS 40
31 Issuing a certificate of inspection or roadworthiness 41
32 Information that must be given to chief executive 41
33 Returning used forms to the chief executive 42
34 Cancellation of certificates of inspection and roadworthiness 42

*Transport Operations (Road Use
Management—Motor Vehicles Safety)
Transitional Regulation 1994*

35	Keeping certain records	42
36	Certain records must be given on request of chief executive	43
37	Approval of premises to be exhibited	43
38	Showing an approval on request of a person	43
39	Approved examiner may only examine motor vehicles at the AIS	43
	<i>Division 2—Approval of a part 4 AIS</i>	
40	Only certain vehicles to be examined at a part 4 AIS	44
41	Only part 4 approved examiner may examine vehicles at part 4 AIS	44
42	Ensuring compliance with the motor vehicle safety standards	44
43	Signing certificates of inspection for modified vehicles	45
	<i>Division 3—Approval of an AIS for fleet vehicles</i>	
44	Condition of approval of an AIS of a fleet operator	45
45	Fleet maintenance management programs	45
	<i>Division 4—Approval of a part 5 AIS</i>	
46	Only category B vehicles to be examined at a part 5 AIS	47
47	Only part 5 approved examiner may examine vehicles at part 5 AIS	47
	<i>Division 5—Qualifications for approved examiners</i>	
48A	Who may apply	47
48B	Approval of examiners	47
48	Qualifications for examination of motor vehicles	47
49	Qualifications for examination of motorcycles	48
50	Qualifications for examination of trailers	48
	<i>Division 6—Miscellaneous</i>	
51	Chief executive may pay refund for unused books of certificates	48
52	Replacement approvals	49
	PART 8—CERTIFICATION OF MOTOR MECHANICS	
53A	Motor mechanic’s certificate	49
53B	Ground for amending, suspending or cancelling motor mechanic’s certificate	50
53C	Using cancelled certificate	50
53D	Surrender of cancelled or suspended certificates	50

*Transport Operations (Road Use
Management—Motor Vehicles Safety)
Transitional Regulation 1994*

53	Qualifications or experience for an A grade motor mechanic's certificate	50
54	Qualifications for a B grade motor mechanic's certificate	51
55	Grant of certificates to persons who gained qualifications outside Queensland	51
56	Replacement certificates	52
PART 9—SAVINGS AND TRANSITIONAL PROVISIONS		
57	Approved persons	53
58	Approvals	53
59	Notices	54
SCHEDULE 1 55		
FEEES		
SCHEDULE 2 57		
MOTOR VEHICLE SAFETY STANDARDS		
SCHEDULE 3 76		
EXEMPT AREAS		
SCHEDULE 4 77		
EXEMPT AREAS FOR MOTOR VEHICLES THAT ARE NOT MOTOR CYCLES OR CERTAIN TRAILERS		
SCHEDULE 5 80		
EXEMPT AREAS FOR MOTOR CYCLES AND CERTAIN TRAILERS		
ENDNOTES		
1	Index to endnotes	81
2	Date to which amendments incorporated	81
3	Key	82
4	Table of earlier reprints	82
5	Tables in earlier reprints	82
6	List of legislation	83
7	List of annotations	83

*Transport Operations (Road Use
Management—Motor Vehicles Safety)
Transitional Regulation 1994*

**TRANSPORT OPERATIONS (ROAD USE
MANAGEMENT—MOTOR VEHICLES
SAFETY) TRANSITIONAL REGULATION 1994**

[as amended by all amendments that commenced on or before 3 July 1998]

PART 1—INTRODUCTION

Division 1—Preliminary

Short title

1. This regulation may be cited as the *Transport Operations (Road Use Management—Motor Vehicles Safety) Transitional Regulation 1994*.

Commencement

2. This regulation commences on 28 October 1994.

Application of regulation

2A. Subject to section 14, this regulation applies to the inspection of all motor vehicles.

Division 2—Interpretation

Definitions

3. In this regulation—
“address” means current place of residence.

*Transport Operations (Road Use
Management—Motor Vehicles Safety)
Transitional Regulation 1994*

“aggregate trailer mass” or **“ATM”** has the meaning given by the *Transport Infrastructure (Roads) Regulation 1991*.

“agricultural implement” has the meaning given by the *Transport Infrastructure (Roads) Regulation 1991*.

“approved examiner” means—

- (a) a part 4 examiner; or
- (b) a part 5 examiner.

“approved inspection station” or **“AIS”** means—

- (a) a part 4 approved inspection station; or
- (b) a part 5 approved inspection station.

“approved person” means a person holding office as an approved person because of an appointment under section 15AC.

“brake testing machine” means 1 of the following types of fixed machines for testing brakes, or a similar type of machine of at least the same efficiency—

- Andersen
- Bendix Cowdrey
- Crypton
- Rawson Weaver.

“bus” has the meaning given under the *Traffic Act 1949*.

“category A vehicle” see section 4.

“category B vehicle” see section 5.

“certificate of modification” means a certificate of modification issued, or taken to be issued, and in relation to any time in question, in force or taken to be in force under this regulation.

“certificate of roadworthiness” means a certificate, in the approved form, given in relation to the roadworthiness of a motor vehicle—

- (a) by a part 5 examiner at a part 5 AIS; or
- (b) by the chief executive.

*Transport Operations (Road Use
Management—Motor Vehicles Safety)
Transitional Regulation 1994*

“commercial motor vehicle” means a motor vehicle other than a passenger car or a passenger car derivative.

“daylight” means the time between sunrise and sunset.

“decelerometer” means 1 of the following types of portable devices for measuring the deceleration of a motor vehicle, or a machine of at least the same efficiency—

- Allen Performance Indicator with mask
- Ammco
- Bowmonk
- James
- Mintex
- Servex
- Tapley.

“disposal” includes a delivery of possession under a gift, sale, barter, exchange, transfer, lease or hire, or a letting under a hire purchase agreement or an agreement for sale or an agreement that confers a contractual licence to use a motor vehicle, but does not include—

- (a) a delivery of possession to a bailee for the purpose of alteration, repair, renovation, garaging or other similar purpose that does not involve the use of the motor vehicle for the bailee’s benefit; or
- (b) a delivery of possession to a person because of the person being entitled to the motor vehicle as beneficiary in the estate of the last preceding owner of the vehicle; or
- (c) a passing of possession from 1 body corporate to another body corporate because—
 - (i) the name of the former body corporate has been changed according to law to the name of the latter body corporate; or
 - (ii) the latter body corporate is a reconstruction of the former body corporate or is the result of an amalgamation of the former body corporate and 1 or more other bodies corporate, in any case effected accordingly to law; or

*Transport Operations (Road Use
Management—Motor Vehicles Safety)
Transitional Regulation 1994*

- (iii) the latter body corporate is a holding company or a subsidiary company of the former body corporate; or
- (d) a passing of possession occasioned only by the admission or retirement of 1 or more persons, into or from a partnership, being a partnership defined by the *Partnership Act 1891*; or
- (e) a passing of possession (other than a passing of possession of a commercial motor vehicle) by a person to his or her spouse.

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

“driving instruction vehicle” means a motor vehicle primarily used for driving instruction for financial reward.

“fleet operator” means a person who, in the opinion of the chief executive, owns or operates a fleet of motor vehicles.

“headlamp testing machine” means 1 of the following types of machines for testing headlamps of a motor vehicle, or a machine of at least the same efficiency—

- Auto Lab
- Bear
- Cesco
- Guide
- Hella
- Kent Moore
- Lucas beam setter
- Mactool
- Replex
- Toronto
- Vane
- Weaver.

“headlamp testing screen” see section 6.

*Transport Operations (Road Use
Management—Motor Vehicles Safety)
Transitional Regulation 1994*

“holder of an approval” means—

- (a) for an approval of premises—the proprietor of the premises; or
- (b) otherwise—the person to whom the approval relates.

“licensed motor dealer” means a motor dealer licensed under the *Auctioneers and Agents Act 1971*.

“modified vehicle” means a motor vehicle that has been modified from the manufacturer’s specifications for the vehicle.

“motor mechanic” means a person who works at testing, examining, adjusting or repairing motor vehicles or internal combustion engines.

“motor vehicle safety and performance requirements” means a requirement of the *Traffic Act 1949* or *Transport Operations (Passenger Transport) Act 1994* about the construction, equipment and performance of motor vehicles.

“motor vehicle safety standards” for a motor vehicle means the standards set out in schedule 2 that are relevant to the vehicle.

“night” means after sunset and before sunrise.

“part 4 approved inspection station” or **“part 4 AIS”** means a place that is approved under this regulation for inspection of motor vehicles for the purposes of part 4.

“part 4 examiner” means a person who is approved as a part 4 examiner under section 48B.

“part 5 approved inspection station” or **“part 5 AIS”** means a place that is approved under this regulation for the inspection of second-hand motor vehicles for the purposes of part 5.

“part 5 examiner” means a person who is approved as a part 5 examiner under section 48B.

“passenger car” means a motor vehicle (other than a motorcycle, omnibus or moped) constructed principally for the conveyance of persons.

“passenger car derivative” means a motor vehicle of the kind known as a coupe utility or panel van of the same make as a factory produced passenger car and in which the forward part of the body form and the

*Transport Operations (Road Use
Management—Motor Vehicles Safety)
Transitional Regulation 1994*

greater part of the mechanical equipment are the same as in the factory produced passenger car.

“private hire-car” has the meaning given by the *State Transport Regulation 1987*.

“proprietor”, for an approved inspection station, means the person who is occupier of the premises approved as the inspection station and who carries on the business conducted in the premises.

“registered gross vehicle mass” or **“RGVM”** has the meaning given by the *Transport Infrastructure (Roads) Regulation 1991*.

“registration law” means—

- (a) the *Transport Infrastructure (Roads) Regulation 1991* or the *Transport Operations (Road Use Management) Regulation 1995*; or
- (b) a corresponding law of another State.

“roadworthy” vehicle is a category B vehicle a part 5 examiner is satisfied, after examining the vehicle, is not an unroadworthy vehicle.

“second-hand motor vehicle” means a motor vehicle that has been used or reconstructed.

“serviceable condition” of equipment means a condition in which equipment—

- (a) designed to measure things—accurately measures the things it is designed to measure; and
- (b) designed for another function—efficiently performs the function.

“specified motor vehicle” means a motor vehicle or class of motor vehicle to which section 15AA(1)(b) applies.

“tare” means the unladen mass of a motor vehicle.

“taxi” has the meaning given under the *Traffic Regulation 1962*.

“tow truck” has the meaning given by the *Tow Truck Act 1973*.

“unroadworthy” vehicle means a category B vehicle that, in the opinion of an approved examiner who examines the vehicle—

*Transport Operations (Road Use
Management—Motor Vehicles Safety)
Transitional Regulation 1994*

- (a) has a defect likely to cause death or bodily injury to a person if the vehicle is used; or
- (b) does not comply with the motor vehicle safety and performance requirements for the vehicle; or
- (c) does not meet the motor vehicle safety standards for the vehicle.

Meaning of category A vehicles

4. A “**category A vehicle**” is a motor vehicle that may be registered under a registration law and is a—

- (a) bus, driving instruction vehicle, private hire-car, taxi or tow truck; or
- (b) vehicle with a RGVM of more than 4.5 t; or
- (c) trailer with an aggregate trailer mass of more than 3.5 t.

Meaning of category B vehicles

5.(1) A “**category B vehicle**” is a motor vehicle that can be registered under a registration law, but is not a category A vehicle.

(2) However, a trailer with an aggregate trailer mass of 0.75 t or less is not a category B vehicle.

Meaning of “headlamp testing screen”

6.(1) “**Headlamp testing screen**” means a screen used to test the operation of headlamps.

(2) The bottom of the headlamp testing screen must be on the same horizontal plane as the surface on which the vehicle being tested is standing.

(3) The screen must be adequately shielded from external light.

(4) Also, the screen must be built and marked in a way approved by the chief executive.

*Transport Operations (Road Use
Management—Motor Vehicles Safety)
Transitional Regulation 1994*

Division 3—Fees

Fees

7. The fees payable under the Act are set out in schedule 1.

PART 3—INSPECTION OF MOTOR VEHICLES

Inspection of motor vehicles

11AA. On inspecting a motor vehicle, an authorised officer must in every case determine whether the vehicle—

- (a) is faulty or defective in a particular, or so dangerous as to be likely to cause loss of life or bodily injury to a person; and
- (b) complies in every respect with applicable motor vehicle safety and performance requirements.

Procedure by authorised officers following inspection

11AB.(1) If an authorised officer considers a motor vehicle or a part of the vehicle or anything attached to the vehicle—

- (a) is—
 - (i) faulty or defective in relation to its safe use; or
 - (ii) so dangerous as to be likely to cause loss of life or bodily injury to a person; or
- (b) does not comply in every respect with applicable motor vehicle safety and performance requirements;

the authorised officer may give the owner of the vehicle (or, if the owner is a licensed motor dealer or a member of a firm that carries on the business of a licensed motor dealer, to an agent of the owner) a written notice to that effect and the notice may require the owner—

*Transport Operations (Road Use
Management—Motor Vehicles Safety)
Transitional Regulation 1994*

- (c) to cease using the vehicle immediately, or after a date specified in the notice until the replacements, repairs or alterations as are specified in the notice have been carried out; or
- (d) to carry out the replacements, repairs or alterations to the vehicle within the time specified in the notice and to produce the vehicle for further inspection at a time and place specified in the notice; or
- (e) to produce and surrender to the officer any part of the vehicle, or anything attached to the vehicle, that appears to the officer to be faulty, defective or dangerous or that does not comply with applicable motor vehicle safety and performance requirements.

(2) A notice under subsection (1) may also require the owner of the motor vehicle not to hire or otherwise dispose of or part with possession of the vehicle until the requirements of the authorised officer as specified in the notice have been complied with.

(3) The owner must not hire, dispose of or part with possession of the vehicle in contravention of subsection (2).

Maximum penalty—15 penalty units.

(4) A person to whom a notice has been given under subsection (1) must comply with the notice, unless the person has a reasonable excuse.

Maximum penalty—15 penalty units.

(5) Subsection (3) does not apply to a disposal by an agent of the owner—

- (a) if the owner is not a licensed motor dealer—
 - (i) for the purpose of wrecking, renovation, repairs or alteration of the vehicle; or
 - (ii) to a licensed motor dealer; or
- (b) if the owner is a licensed motor dealer—for the purpose of wrecking.

(6) An authorised officer who is satisfied that sufficient cause exists may from time to time in writing extend a time appointed in a notice given under subsection (1) or a time to which it has previously been extended.

*Transport Operations (Road Use
Management—Motor Vehicles Safety)
Transitional Regulation 1994*

(7) Subsection (4) does not apply to an owner specified in subsection (1) or (2) if the owner disposes of the vehicle—

- (a) if the owner is not a licensed motor dealer—
 - (i) for the purpose of wrecking, renovation, repair or alteration of the vehicle, providing within 7 days after disposal the owner cancels the vehicle's registration; or
 - (ii) to a licensed motor dealer; or
- (b) if the owner is a licensed motor dealer—for the purpose of wrecking, providing within 7 days after disposal the owner cancels the vehicle's registration; and

in each case the owner notifies the chief executive, within 7 days after the disposal, of the fact of the disposal and the name and address of the person to whom it was disposed.

(8) An agent of a licensed motor dealer who knows that a notice has been given in relation to a motor vehicle must not dispose, for a purpose other than wrecking, of the motor vehicle before the repairs specified in the notice have been effected to the vehicle.

Maximum penalty—15 penalty units.

Reports to be made

11AC.(1) An authorised officer who makes an inspection or examination for the purposes of part 4 must provide the chief executive with a written report about the inspection or examination.

(2) A copy of the report must be kept in a way approved by the chief executive.

Inspection of reports

11AD. A person who pays the prescribed fee and satisfies the chief executive that—

- (a) the person is the owner, or prospective buyer, of a motor vehicle that has been the subject of a report under section 11AC; or

*Transport Operations (Road Use
Management—Motor Vehicles Safety)
Transitional Regulation 1994*

(b) the solicitor of a person mentioned in paragraph (a);
is entitled to be given a copy of the report.

Defective vehicle label

11.(1) If an authorised officer gives the owner of a vehicle a notice for the vehicle under section 11AB, the officer or inspector may also attach a label to a conspicuous part of the vehicle.

(2) The label must be in the approved form stating the vehicle is defective.

(3) An authorised officer may remove a label if the authorised officer is satisfied the vehicle is no longer defective.

(4) A person must not remove a label from a vehicle unless the person removes the label under subsection (3).

Maximum penalty—10 penalty units.

Production of motor vehicle on demand

11A.(1) The chief executive or an authorised officer may, by written notice given to the owner of a motor vehicle (whether or not it is a vehicle to which this regulation applies), require the owner to produce the vehicle for inspection on a day, and at a time and place, specified in the notice.

(2) Unless the owner has a reasonable excuse, the owner—

- (a) must produce the vehicle for inspection as required by the notice;
and
- (b) must not hinder or interfere in the inspection of the vehicle by an authorised officer.

Maximum penalty—15 penalty units.

*Transport Operations (Road Use
Management—Motor Vehicles Safety)
Transitional Regulation 1994*

PART 4—COMPULSORY INSPECTION OF MOTOR VEHICLES

Certain motor vehicles require certificate of inspection

12.(1) An owner of a category A vehicle must not use the vehicle, or permit it to be used, unless a certificate of inspection is in force for the vehicle.

Maximum penalty—15 penalty units.

(2) This section does not apply to a new motor vehicle during the first year after it is first registered.

Certificate of inspection

12A.(1) A certificate of inspection is obtained from—

- (a) an authorised officer; or
- (b) a part 4 AIS.

(2) A certificate of inspection from a part 4 AIS must be signed by—

- (a) the part 4 examiner who examined the vehicle; and
- (b) the proprietor or nominee of the part 4 AIS.

(3) An authorised officer or part 4 examiner must not sign a certificate of inspection unless the person is satisfied the motor vehicle—

- (a) is in good repair; and
- (b) has no defect that would affect its safe use on the road.

Maximum penalty—10 penalty units.

(4) A certificate of inspection must be in the approved form.

(5) A certificate remains in force—

- (a) for a bus, private hire-car or taxi—for 6 months; and
- (b) for a motor vehicle owned by a primary producer—for 2 years; and

*Transport Operations (Road Use
Management—Motor Vehicles Safety)
Transitional Regulation 1994*

(c) otherwise—for 1 year.

(6) However, a motor vehicle’s certificate of inspection ceases to be in force if the vehicle’s registration under a registration law is cancelled.

(7) The proprietor or nominee of a part 4 AIS must not sign a certificate of inspection unless the proprietor or nominee is satisfied the motor vehicle—

- (a) is a type of vehicle that the part 4 AIS may inspect under its approval; and
- (b) was inspected at the premises specified in the approval of the part 4 AIS; and
- (c) was inspected by a part 4 examiner.

Maximum penalty—10 penalty units.

(8) In this section—

“**primary producer**” see the *Transport Infrastructure (Roads) Regulation 1991*.

Procedure by approved examiners following inspection

12B.(1) If an approved examiner considers a motor vehicle or a part of the vehicle or anything attached to the vehicle—

- (a) is faulty or defective in a particular or so dangerous as to be likely to cause loss of life or bodily injury to a person; or
- (b) does not comply in every respect with applicable motor vehicle safety and performance requirements;

the approved examiner must issue to the owner of the vehicle (or, if the owner is a licensed motor dealer or a member of a firm that carries on the business of a licensed motor dealer, to an agent of the owner) a copy of the inspection report showing the replacements, repairs or alterations required to be carried out to the vehicle.

(2) An owner to whom a copy of an inspection report has been issued under subsection (1) must, within a period of 14 days from and including the date of issue of the inspection report, cause the replacements, repairs or

*Transport Operations (Road Use
Management—Motor Vehicles Safety)
Transitional Regulation 1994*

alterations to be carried out and return the vehicle to the approved examiner for reinspection of the work carried out.

(3) If a motor vehicle is not returned for reinspection under subsection (2), a further complete inspection of the vehicle by the approved examiner is required.

Form of inspection report

13. An approved examiner may only give the owner of a vehicle an inspection report in the approved form.

Maximum penalty—20 penalty units.

Requirements of approved examiner on inspection

13A. On inspecting a motor vehicle under this part, an approved examiner must in every case determine whether the vehicle—

- (a) is faulty or defective in a particular, or so dangerous as to be likely to cause loss of life or bodily injury to a person; or
- (b) complies in every respect with applicable motor vehicle safety and performance requirements.

Maximum penalty—15 penalty units.

Production of certificate of inspection

13B. An owner to whom a certificate of inspection is issued under section 12A must, on demand by an authorised officer, produce the certificate.

Maximum penalty—20 penalty units.

Cancellation etc. of certificates of inspection

13C.(1) A certificate of inspection has no force or effect if after inspection and without the prior written approval of the chief executive or of an authorised officer a material alteration or addition is made to the motor

*Transport Operations (Road Use
Management—Motor Vehicles Safety)
Transitional Regulation 1994*

vehicle specified in the certificate.

(2) The chief executive may at any time cancel or suspend a certificate of inspection if the chief executive considers it necessary for the safety of a person so to do, and after the cancellation, or during the suspension, the certificate has no force or effect.

Requirements for applications for renewal of registration

13D.(1) The owner of a category A motor vehicle must give the chief executive, with an application for renewal of the vehicle's certificate of registration under a registration law, a current certificate of inspection or exemption that relates to the vehicle.

(2) A certificate of inspection or certificate of exemption is not taken to be current if the expiry date shown on the certificate precedes the date due for renewal of the certificate of registration of the vehicle.

Procedure if certificate not given

13E.(1) If an application for registration of a category A motor vehicle is not accompanied by a current certificate of inspection or exemption, the chief executive may issue a certificate of registration and registration label for not longer than 2 months from the expiry date of the previous certificate of registration.

(2) If a current certificate of inspection or exemption is not received by the chief executive by the expiry of the period for which the certificate of registration has or had been issued under subsection (1), the chief executive may cancel the certificate of registration and registration label.

(3) A certificate of inspection or exemption is not current if the expiry date shown on the certificate is before the expiry date of the certificate of registration and registration label issued under subsection (1).

(4) The chief executive may require payment of the prescribed inspection fee for a category A motor vehicle at the time application is made for renewal of the certificate of registration.

*Transport Operations (Road Use
Management—Motor Vehicles Safety)
Transitional Regulation 1994*

Exemptions

14.(1) If a motor vehicle is—

- (a) used solely within an area mentioned in schedule 3; or
- (b) an agricultural implement; or
- (c) issued with a type of number plate referred to in schedule 2, column 1 of the *Transport Infrastructure (Roads) Regulation 1991* as a classic and historic, or veteran or vintage, vehicle number plate;

the motor vehicle is exempt from the application of the sections 12, 13D and 13E.

(2) The Minister or chief executive may exempt a motor vehicle or a class or type of vehicle from—

- (a) inspection under section 12; or
- (b) the payment of fees for an inspection carried out by an authorised officer under section 12.

(3) If an exemption has been granted by the Minister or chief executive, a certificate of exemption must be issued to the owner of the motor vehicle for the period specified in the certificate.

(4) A motor vehicle's certificate of exemption ceases to be in force if the vehicle's registration under a registration law is cancelled.

PART 5—ALTERATION AND MODIFICATION OF COMMERCIAL AND SPECIFIED MOTOR VEHICLES

Application of part

15AA.(1) This part applies to alterations or modifications to—

*Transport Operations (Road Use
Management—Motor Vehicles Safety)
Transitional Regulation 1994*

- (a) a commercial motor vehicle if the alterations or modifications are or have been carried out before the first registration of the vehicle under a registration law; and
- (b) any other motor vehicle or class of motor vehicle determined by the chief executive.

(2) If the chief executive determines that a motor vehicle or class of motor vehicle is a specified motor vehicle or specified motor vehicles the chief executive must as soon as practicable publish details of the determination in the gazette.

Alteration to or modification of commercial and specified motor vehicles etc.

15AB.(1) Subject to subsection (5), an owner must not use or allow or permit to be used on a road a commercial motor vehicle or a specified motor vehicle that has been altered or modified from the manufacturer's specifications unless—

- (a) the alteration or modification has been carried out in accordance with the relevant motor vehicle safety standards or such other alternative standards as are approved by the chief executive; and
- (b) an approved person has certified the alteration or modification; and
- (c) an approved person has issued a certificate of modification in the approved form in relation to the alteration or modification and has stamped and issued the prescribed modification plate; and
- (d) the prescribed modification plate has been affixed to the vehicle in the manner prescribed in subsection (3) and is kept so affixed at all times.

Maximum penalty—15 penalty units.

(2) An owner must not in relation to a motor vehicle for which a certificate of modification has been issued under subsection (1), further alter or modify the vehicle from the manufacturer's specifications, or cause the vehicle to be further altered or modified, unless the further alteration or modification has been approved under subsection (1).

*Transport Operations (Road Use
Management—Motor Vehicles Safety)
Transitional Regulation 1994*

Maximum penalty—15 penalty units.

(3) A person who alters or modifies a motor vehicle from the manufacturer's specifications must—

- (a) obtain a certificate of modification from an approved person for the alteration or modification;
- (b) cause to be affixed, in accordance with the relevant code of practice on the motor vehicle, a prescribed modification plate that has been stamped.

Maximum penalty—15 penalty units.

(4) A person must not remove, vary or deface a modification plate that has been affixed to a motor vehicle for the purposes of this part without the written approval of the chief executive.

Maximum penalty—15 penalty units.

(5) Despite subsection (1), the chief executive may exempt a motor vehicle from this part provided that the vehicle remains subject to part 3 unless a further exemption is granted for part 3.

(6) In this section—

“code of practice” means—

- (a) the Code of Practice—Light Vehicles, prepared by the department;¹ or
- (b) the Code of Practice—Commercial Motor Vehicle Modifications, prepared by the department;² or
- (c) the National Code of Practice—Heavy Vehicle Modifications, prepared by the Federal Office of Road Safety.³

¹ The code is available from the department.

² The code is available from GOPRINT.

³ The code is available from the Australian Government Publishing Service (AGPS) Commonwealth Government Bookshop.

*Transport Operations (Road Use
Management—Motor Vehicles Safety)
Transitional Regulation 1994*

Appointment of approved persons

15AC.(1) The chief executive may appoint a person as an approved person.

(2) The chief executive may appoint a person as an approved person only if—

- (a) the chief executive considers the person has the necessary expertise or experience to be an approved person; or
- (b) the person has satisfactorily completed a course of training approved by the chief executive.

(3) An approved person whose appointment is limited in its application may exercise a power under this regulation only if the exercise of the power is permitted by the appointment.

Approved persons issuing certificates of modification

15. An approved person must not issue a certificate of modification for, or affix a modification plate to, a motor vehicle unless the person is satisfied that the alteration or modification has been carried out as required by relevant standards prescribed by this regulation or other alternative standards approved by the chief executive.

Maximum penalty—20 penalty units.

Alteration to and modification of motor vehicles

15A.(1) An owner must not use or allow or permit to be used on a road a motor vehicle that has been altered or modified from the manufacturer's specifications, unless the alteration or modification has been approved by the chief executive.

Maximum penalty—15 penalty units.

(2) An owner must not, in relation to a motor vehicle for which approval has been granted under subsection (1), further alter or modify the vehicle from the manufacturer's specifications unless the further alteration or modification has been approved under subsection (1).

*Transport Operations (Road Use
Management—Motor Vehicles Safety)
Transitional Regulation 1994*

Maximum penalty—15 penalty units.

(3) On giving approval under subsection (1) or (2) the chief executive may, in relation to the approval, issue a certificate of modification in the approved form and require a prescribed modification plate to be affixed to the vehicle.

(4) If a prescribed modification plate is required to be affixed under subsection (3), the owner must—

- (a) cause the plate to be affixed—
 - (i) on a conspicuous part of the motor vehicle, in relation to which the approval was granted, specified in the chief executive's approval; or
 - (ii) if no part is specified, on a conspicuous part of the vehicle specified by an authorised officer; and
- (b) keep the plate so affixed until a fresh plate is required by the chief executive to be affixed in relation to the vehicle, or approval is granted by the chief executive for the removal of the plate.

Maximum penalty—15 penalty units.

(5) If the chief executive requires a fresh modification plate to be affixed under this section in relation to a motor vehicle, the fresh plate must not be affixed to the vehicle until the previous plate required to be affixed under this section has been removed or defaced by an authorised officer.

(6) Despite subsection (1), the chief executive may exempt an owner from the requirement under subsection (1) of affixing a modification plate to a motor vehicle and the exemption must be endorsed by the chief executive on the relevant certificate of modification.

(7) If an alteration or modification of a motor vehicle has been carried out in accordance with part 4A or the *Traffic Regulation 1962* the alteration or modification is, for the purposes of this section, taken to have been approved by the chief executive.

*Transport Operations (Road Use
Management—Motor Vehicles Safety)
Transitional Regulation 1994*

Maintaining equipment

16.(1) An approved person must keep the person's equipment for testing motor vehicles under this part in a serviceable condition.

(2) However, if the approved person using the equipment for testing motor vehicles is an employee, the person's employer must keep the equipment in a serviceable condition, unless the employer has a reasonable excuse.

Maximum penalty—10 penalty units.

Keeping records

17. If standards approved by the chief executive require an approved person to make specified records and keep them for a specified time, the approved person must keep the records for the specified time, unless the approved person has a reasonable excuse.

Maximum penalty—10 penalty units.

Returning unused forms of certificates and modification plates

18.(1) A person who at the time of ceasing to be an approved person has possession of unused forms of certificates or unused modification plates must return the forms and modification plates to the chief executive within 30 days of ceasing to be an approved person, unless the person has a reasonable excuse.

Maximum penalty—10 penalty units.

(2) If a person ceases employing approved persons (including because of going out of business) and at the time of ceasing to employ them has possession of unused forms of certificates or unused modification plates, the person must return the forms and modification plates to the chief executive within 30 days of ceasing to employ approved persons, unless the person has a reasonable excuse.

Maximum penalty—10 penalty units.

*Transport Operations (Road Use
Management—Motor Vehicles Safety)
Transitional Regulation 1994*

(3) In this section a person—

- (a) employed as an approved person is taken not to be in possession of forms or certificates obtained for the employer's business; and
- (b) who employs an approved person is taken to be in possession of forms or certificates obtained for the employer's business.

Modification plates

19. If standards approved by the chief executive require a modification plate for a motor vehicle to be in a specified form, an approved person must not affix to a motor vehicle a modification plate that does not comply with the form specified by the standards.

Maximum penalty—20 penalty units.

PART 6—CERTIFICATES OF ROADWORTHINESS

Requirements for disposal of second-hand motor vehicles

20A.(1) For this section and section 20D, motor vehicles are divided into the following categories—

- (a) category A vehicles;
- (b) category B vehicles.

(2) A person must not dispose of a second-hand category A vehicle unless—

- (a) the person has properly obtained a certificate of roadworthiness for the vehicle; or
- (b) a certificate of inspection under section 12A is in force for the vehicle.

Maximum penalty—20 penalty units.

*Transport Operations (Road Use
Management—Motor Vehicles Safety)
Transitional Regulation 1994*

(3) A person must not dispose of a second-hand category B vehicle unless the person has properly obtained a certificate of roadworthiness for the vehicle.

Maximum penalty—20 penalty units.

(4) A person who disposes of a second-hand motor vehicle must—

- (a) give the person to whom delivery of possession is made, at the time of the delivery, the prescribed duplicate copy of the certificate of roadworthiness obtained or the certificate of inspection in force under section 12A, that relates to the vehicle; and
- (b) if an application under the *Transport Infrastructure (Roads) Regulation 1991* for transfer of registration of the vehicle is made—submit together with the application, the prescribed original copy of the certificate of roadworthiness obtained or the certificate of inspection in force under section 12A, that relates to the vehicle.

Maximum penalty—20 penalty units.

(5) If the duplicate copy of a certificate that is required by subsection (4) to be given to a person has been lost or destroyed, the person required to give the copy must, instead of giving the copy as prescribed, give the person to whom the copy should have been given his or her statutory declaration declaring the particulars contained in the certificate of roadworthiness or certificate of inspection under section 12A.

Maximum penalty—20 penalty units.

(6) This section does not apply to a disposal of a motor vehicle—

- (a) to a licensed motor dealer; or
- (b) for wrecking, renovation, repair or alteration of the vehicle if, for a registered motor vehicle, within 7 days after the disposal the certificate of registration under the *Transport Infrastructure (Roads) Regulation 1991* that relates to the vehicle is cancelled.

*Transport Operations (Road Use
Management—Motor Vehicles Safety)
Transitional Regulation 1994*

Requirements for registration of second-hand motor vehicle

20B. A person applying for registration of a second-hand motor vehicle must give the chief executive the application for registration, the original copy of a certificate of roadworthiness properly obtained or a certificate of inspection in force under section 12A, that relates to the vehicle.

Refusal to issue certificates of registration for second-hand vehicles

20C.(1) The chief executive may refuse to issue a certificate of registration for a second-hand motor vehicle if the application for the certificate is not accompanied by the original copy of a certificate of roadworthiness or inspection in force for the vehicle.

(2) Subsection (1) does not apply to an application made by a licensed motor dealer for the issue of a certificate of registration in the name of the dealer for a motor vehicle that is to be disposed of by the dealer by sale.

(3) If the vehicle is disposed of by sale by the dealer after the issue of the certificate of registration, section 20A applies to the disposal.

Licensed motor dealer restricted in use of vehicles

20D.(1) A licensed motor dealer must not use or allow or permit to be used on a road a second-hand motor vehicle that is in his or her custody in the course of his or her conduct of the business as a licensed motor dealer unless there exists a certificate of roadworthiness properly obtained that relates to the vehicle.

Maximum penalty—10 penalty units.

(2) Subsection (1) does not apply to the use of a second-hand motor vehicle on a road—

- (a)** in the course of a demonstration, testing, repair, alteration or renovation of it, if the demonstration, testing, repair, alteration or renovation of it is necessary and bona fide; or
- (b)** in taking it to an approved inspection station for inspection by an approved examiner or by the chief executive for this part.

*Transport Operations (Road Use
Management—Motor Vehicles Safety)
Transitional Regulation 1994*

Certificate of roadworthiness

20. A certificate of roadworthiness for a motor vehicle examined at a part 5 AIS must be signed by—

- (a) the part 5 examiner who examined the vehicle; and
- (b) the proprietor of the AIS.

Circumstances for signing a certificate of roadworthiness

21.(1) A part 5 examiner who examines a motor vehicle at a part 5 AIS for a certificate of roadworthiness may only sign the certificate if the examiner is satisfied the vehicle is a roadworthy vehicle.

Maximum penalty—20 penalty units.

(2) The proprietor of a part 5 AIS may only sign a certificate of roadworthiness if the proprietor is satisfied the motor vehicle—

- (a) is a type of vehicle that may be examined at the AIS; and
- (b) was examined by a part 5 examiner at the AIS.

Maximum penalty—20 penalty units.

When certificate obtained

21A. A certificate of roadworthiness is not taken to have been properly obtained unless—

- (a) it is issued or granted consequent on an examination that is conducted within 30 days before the date of disposal or use of the motor vehicle or, if a certificate is required under section 20C, before the date the application referred to in section 20C is made; and
- (b) there has been no significant change in the condition and construction of the motor vehicle between the date of issue or grant of the certificate and the date of the disposal, use or making of the application.

*Transport Operations (Road Use
Management—Motor Vehicles Safety)
Transitional Regulation 1994*

Certificate valid for 1 transaction only

21B. A certificate of roadworthiness is valid for the purpose of effecting only 1 disposal of the motor vehicle for which it was issued or granted.

What an examiner must do if vehicle fails roadworthiness test

22.(1) If a part 5 examiner at an AIS considers that a motor vehicle examined by the examiner is an unroadworthy vehicle, the examiner must give an inspection report in the approved form to the person who collects the vehicle from the AIS.

(2) The examiner must specify in the report the replacements, repairs or alterations (the “**repairs**”) the examiner considers need to be made to the vehicle to make it roadworthy.

(3) If the owner of the vehicle is a licensed motor dealer, the examiner may give the report to an agent of the owner.

(4) If the owner of the vehicle returns the vehicle to the AIS for examination of the repairs within 14 days after the vehicle was collected from the AIS, an approved examiner examining the vehicle at the AIS for a certificate of roadworthiness need only examine the vehicle for the required repairs specified in the inspection report.

(5) If the vehicle is not returned for examination within 14 days, the examiner must not give a certificate of roadworthiness for the vehicle without making a further complete examination of the vehicle.

Maximum penalty for subsection (5)—10 penalty units.

Certificate of roadworthiness for modified vehicle

23. A part 5 examiner may sign a certificate of roadworthiness for a modified vehicle only if—

- (a) the owner of the vehicle produces to the examiner a written approval of the chief executive for the modifications; or

*Transport Operations (Road Use
Management—Motor Vehicles Safety)
Transitional Regulation 1994*

- (b) a prescribed modification plate for the modification is affixed to the vehicle.

Maximum penalty—20 penalty units.

Areas excluded

24. The areas mentioned in schedule 4 and schedule 5 are excluded from the application of the sections 20A, 20C and 20D.

**PART 7—APPROVALS UNDER INSPECTION
SCHEMES**

Division 1A—Application of part

Application of part

25A. This part applies to the following approvals—

- (a) an approval of a part 4 AIS;
- (b) an approval of a part 5 AIS;
- (c) an approval of an individual as a part 4 examiner;
- (d) an approval of an individual as a part 5 examiner;
- (e) an approval of an individual as a nominee.

Division 1B—Applications for approval generally

Requirements for applications

25B.(1) An application for an approval under part 4 or 5 must—

- (a) be made to the chief executive; and

*Transport Operations (Road Use
Management—Motor Vehicles Safety)
Transitional Regulation 1994*

- (b) be in the approved form; and
 - (c) specify, or be accompanied by, the particulars required by the approved form; and
 - (d) be accompanied by the application fee.
- (2) An application must be in relation to—
- (a) all motor vehicles; or
 - (b) a class of motor vehicles.

Examples of paragraph (b)—

1. Vehicles owned or operated by the applicant as a fleet.
2. Vehicles of a particular make or size.

More than 1 approval may be granted

25C. A person may apply for, and be granted, more than 1 approval, whether of the same kind or different kinds.

Form of approvals

- 25D.(1)** An approval must be in the approved form.
- (2) An approval is subject to any conditions specified—
- (a) in the approval; or
 - (b) in this regulation.

(3) If a condition specified in the approval is inconsistent with a condition specified in this regulation in relation to the approval, the condition specified in this regulation prevails to the extent of the inconsistency.

Approval only if applicant is a fit and proper person

25E.(1) The chief executive may grant an application under this part only if the chief executive is satisfied the applicant is a fit and proper person.

(2) Subsection (1) is in addition to any other limitation on the chief executive's power to grant an application.

*Transport Operations (Road Use
Management—Motor Vehicles Safety)
Transitional Regulation 1994*

Determining whether applicant is a fit and proper person

25F.(1) In deciding whether a person is a fit and proper person, the chief executive must have regard to—

- (a) whether the person demonstrates knowledge and understanding of the obligations of a person approved under this part; and
- (b) whether the person is a person of good repute who does not have a history of behaviour that would render the applicant unsuitable to be approved.

Examples of behaviour that would render an applicant unsuitable—

1. Involvement in car theft.
2. Receiving a stolen vehicle.

(2) If the applicant is a body corporate, or the chief executive knows, or suspects on reasonable grounds, that the applicant would hold an approval on behalf of a partnership, the chief executive must discharge the responsibility under subsection (1) by applying the subsection to—

- (a) each person in a position of authority or influence in relation to the body corporate; or
- (b) each person who is a member of the partnership;

as if each person were an applicant.

Amendment of approval on application

25G.(1) The holder of an approval may apply to the chief executive for an amendment of the approval.

(2) The chief executive must determine the application by—

- (a) amending the approval in the way sought; or
- (b) refusing to amend the approval.

(3) The chief executive must amend the approval unless the chief executive is satisfied on reasonable grounds that the amendment is not desirable for the effective administration of this regulation.

*Transport Operations (Road Use
Management—Motor Vehicles Safety)
Transitional Regulation 1994*

Surrender of approvals

25H.(1) The holder of an approval may surrender the approval by written notice given to the chief executive.

- (2) The approval must accompany the notice.
- (3) A surrender of an approval takes effect—
 - (a) on the day on which the notice is given; or
 - (b) if a later day is specified in the notice—on the later day.

Review of chief executive's decisions

25I.(1) A person whose interests are affected by 1 of the following decisions may apply for a review of the decision as if the decision were stated in schedule 2A of the Act—

- (a) a decision that an applicant is not a fit and proper person;
 - (b) a decision not to approve premises as a part 4 AIS or part 5 AIS;
 - (c) a decision not to approve a person as a part 4 examiner or part 5 examiner;
 - (d) a decision to refuse to amend an approval sought by the holder of the approval;
 - (e) a decision to issue a motor mechanic's certificate under section 53A;
 - (f) a decision to cancel or suspend an approval on a ground mentioned in section 53B.
- (2) The person is entitled to receive a notice stating—
- (a) the reasons for the decision; and
 - (b) that the person may apply within 28 days after the giving of the notice to have the decision reviewed; and
 - (c) how the person may apply for the review.

*Transport Operations (Road Use
Management—Motor Vehicles Safety)
Transitional Regulation 1994*

(3) Chapter 4⁴ of the Act applies to the review.

(4) The court for an appeal against a decision on the review is the Magistrates Court.

Division 1—Approval for an AIS generally

Application of division

25J. This division applies to an application for approval of premises as a part 4 AIS or part 5 AIS.

Who may apply for approval

25K. An application must be made by the proprietor of the premises the subject of the application.

Nomination of individuals to be nominees

25L.(1) If the applicant—

- (a) is a body corporate or a member of a partnership; or
- (b) is already approved under this regulation for other premises; or
- (c) will not be present at the premises to supervise work at the premises on a daily basis;

the applicant must nominate, in the application, an adult to be the nominee for the approval sought by the applicant.

(2) Another applicant may nominate, in the application, an adult to be the nominee for the approval sought by the applicant.

(3) An application that nominates a person as a nominee of the applicant must be accompanied by, or include, an application for approval of an adult as a nominee.

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

*Transport Operations (Road Use
Management—Motor Vehicles Safety)
Transitional Regulation 1994*

(4) The application for approval of a nominee may be granted only if the chief executive is satisfied that the nominee is a fit and proper person.

(5) If—

- (a) subsection (1) requires an applicant to nominate an adult to be the nominee for an approval; and
- (b) at any time after the approval is granted, the adult is the only nominee and ceases to hold the position in which the person is charged with responsibility for the conduct of the business for which approval was granted;

the proprietor must nominate another adult to be the nominee for the approval.

(6) A person ceases to be the nominee for an approval if the person ceases to hold the position in which the person is charged with responsibility for the conduct of the business for which the approval was granted.

Role of nominee etc.

25M.(1) If an application for an adult to be the nominee in relation to the approval of premises is granted, the adult becomes the nominee for the approval.

(2) In the conduct of business on the premises to which the approval relates, the nominee—

- (a) is responsible for ensuring the functions of the proprietor of the premises are properly performed; and
- (b) is subject to the obligations imposed by this regulation on the proprietor; and
- (c) is liable as the proprietor for an offence against this regulation, or for failure to perform an obligation of the proprietor, in relation to the premises.

(3) The nominee's liability to be punished for a contravention of this regulation does not affect the liability of the proprietor to be punished for the contravention.

*Transport Operations (Road Use
Management—Motor Vehicles Safety)
Transitional Regulation 1994*

Approval of premises

25N. The chief executive may grant an application in relation to premises only if satisfied—

- (a) the premises are equipped and will be maintained in accordance with this regulation; and
- (b) the proprietor of the premises is a fit and proper person.

Purpose of divs 1–4

25. Divisions 1 to 4 of this part prescribe the conditions for approval of a part 4 AIS or part 5 AIS.

Effect of failure to comply with a condition

26. A person who fails to comply with a condition under this part also commits an offence against this regulation.

Equipment that must be kept at an AIS

27. The AIS proprietor must ensure that the following equipment is kept at the AIS for examining vehicles of the type that may be examined at the AIS—

- (a) a vehicle hoist, a ramp, an inspection pit or other equipment allowing inspection underneath vehicles;
- (b) jacking equipment necessary for examining vehicles;
- (c) a decelerometer or brake testing machine;
- (d) equipment for testing lights that is—
 - (i) if the AIS is authorised only to examine trailers—equipment for testing trailer lights; and
 - (ii) in any other case—a headlamp testing screen or headlamp testing machine.

Maximum penalty—10 penalty units.

*Transport Operations (Road Use
Management—Motor Vehicles Safety)
Transitional Regulation 1994*

Equipment to be kept in a serviceable condition

28. The AIS proprietor must ensure equipment for inspecting vehicles of the type that may be examined at the AIS is maintained in a serviceable condition.

Maximum penalty—10 penalty units.

Duties of proprietors regarding approved examiners and other employees

29. The AIS proprietor must—

- (a) supervise approved examiners employed at the AIS; and
- (b) ensure the examiners properly discharge their duties under this regulation; and
- (c) ensure each approved examiner employed at the AIS has a sound knowledge of an examiner's obligations under this regulation.

Maximum penalty—20 penalty units.

Operation of an AIS

30.(1) The AIS proprietor must, unless the proprietor has a reasonable excuse—

- (a) ensure an approved examiner is available at the AIS during its ordinary hours of business to examine vehicles presented at the AIS for examination; and
- (b) arrange for an approved examiner at the AIS to examine the vehicles.

Maximum penalty—20 penalty units.

(2) If the vehicle is a modified vehicle, the proprietor of, or examiner at, the AIS may issue a certificate of inspection or roadworthiness only if—

- (a) the owner of the vehicle produces a written approval of the chief executive for the modifications; or

*Transport Operations (Road Use
Management—Motor Vehicles Safety)
Transitional Regulation 1994*

- (b) a prescribed modification plate for the modification is affixed to the vehicle.

Maximum penalty—20 penalty units.

Issuing a certificate of inspection or roadworthiness

31.(1) If a vehicle passes the relevant examination at an AIS, the proprietor of, or examiner at, the AIS must issue the owner, or person who presented the vehicle for examination, a completed certificate of inspection or roadworthiness for the vehicle together with 2 copies of the certificate.

Maximum penalty—10 penalty units.

(2) The proprietor may only charge the person the amount prescribed for the examination of the vehicle.

Maximum penalty—10 penalty units.

(3) In this section—

“completed certificate” of inspection or roadworthiness means a certificate of inspection or roadworthiness that—

- (a) has all particulars completed with the necessary detail; and
- (b) has no alterations made to the particulars; and
- (c) is signed by the approved examiner who examined the vehicle; and
- (d) is signed by the proprietor of the AIS where the vehicle was examined.

Information that must be given to chief executive

32.(1) The AIS proprietor must give written notice to the chief executive about any of the following events within 7 days of the event happening at the AIS—

- (a) a change of employment of approved examiners;
- (b) a change of the name or title by which the business at the AIS is carried on;

*Transport Operations (Road Use
Management—Motor Vehicles Safety)
Transitional Regulation 1994*

- (c) the proprietor stops carrying on the business at the premises specified in the approval for the AIS.

Maximum penalty—10 penalty units.

(2) The proprietor must immediately give written notice to the chief executive if a form held by the proprietor for use as a certificate of inspection or roadworthiness is lost or destroyed or appears to have passed into the possession of an unauthorised person.

Maximum penalty—10 penalty units.

Returning used forms to the chief executive

33. If the proprietor stops carrying on the business of an AIS at the premises specified in the approval, the proprietor must, within 14 days of ceasing to carry on the business, return the approval, unused certificates of inspection or roadworthiness forms and used certificates of inspection or roadworthiness forms that are not more than 1 year old, unless the proprietor has a reasonable excuse.

Maximum penalty—10 penalty units.

Cancellation of certificates of inspection and roadworthiness

34.(1) The AIS proprietor must cancel a certificate of inspection or roadworthiness for a motor vehicle if the certificate is not signed by the proprietor within 15 days after the vehicle was examined at the AIS.

Maximum penalty—10 penalty units.

(2) A proprietor may cancel a certificate by writing ‘cancelled’ across the certificate.

Keeping certain records

35. The AIS proprietor must, unless the proprietor has a reasonable excuse, keep at the AIS during its hours of business—

*Transport Operations (Road Use
Management—Motor Vehicles Safety)
Transitional Regulation 1994*

- (a) for a book of certificates of inspection or roadworthiness used by the proprietor—the book containing copies of the issued certificates of inspection or roadworthiness for 2 years after the issue of the last certificate in the book; and
- (b) copies of inspection reports mentioned in section 13 (Form of report); and
- (c) cancelled certificates of inspection or roadworthiness mentioned under section 34 (Cancellation of certificates of inspection and roadworthiness).

Certain records must be given on request of chief executive

36. The proprietor must, on the request of the chief executive, give the chief executive records kept by the proprietor under section 35, unless the proprietor has a reasonable excuse.

Maximum penalty—10 penalty units.

Approval of premises to be exhibited

37. The proprietor of an AIS must ensure an approval of an AIS is exhibited at all times at a place generally open to the public and easily seen by a person attending at it, unless the proprietor has a reasonable excuse.

Maximum penalty—10 penalty units.

Showing an approval on request of a person

38. If a person asks to see the approval for the AIS, the proprietor of the AIS must show the person the approval, unless the proprietor has a reasonable excuse.

Maximum penalty—5 penalty units.

Approved examiner may only examine motor vehicles at the AIS

39. If an approved examiner is examining a motor vehicle for issuing a

*Transport Operations (Road Use
Management—Motor Vehicles Safety)
Transitional Regulation 1994*

certificate of inspection or roadworthiness, the approved examiner must examine the vehicle only at an AIS at which a vehicle of its type may be examined.

Maximum penalty—20 penalty units.

Division 2—Approval of a part 4 AIS

Only certain vehicles to be examined at a part 4 AIS

40. The part 4 AIS proprietor may only allow the examination at the AIS of category A vehicles that are—

- (a) registered under a registration law and are—
 - (i) vehicles having a RGVM of no more than 16 t; or
 - (ii) for trailers—vehicles having an aggregate trailer mass of no more than 10 t; or
 - (iii) vehicles other than buses, driving instruction vehicles, private hire cars, taxis or tow trucks; or
- (b) not registered under a registration law.

Maximum penalty—20 penalty units.

Only part 4 approved examiner may examine vehicles at part 4 AIS

41. The part 4 AIS proprietor must ensure only part 4 approved examiners examine vehicles at the AIS.

Maximum penalty—10 penalty units.

Ensuring compliance with the motor vehicle safety standards

42. An approved examiner examining a vehicle at a part 4 AIS may only sign a certificate of inspection for the vehicle if the examiner is also satisfied

*Transport Operations (Road Use
Management—Motor Vehicles Safety)
Transitional Regulation 1994*

that the vehicle meets the motor vehicle safety standards.⁵

Maximum penalty—20 penalty units.

Signing certificates of inspection for modified vehicles

43. An approved examiner may sign a certificate of inspection for a modified vehicle only if—

- (a) the owner of the vehicle produces a written approval of the chief executive for the modifications; or
- (b) a prescribed modification plate for the modification is affixed to the vehicle.

Maximum penalty—20 penalty units.

Division 3—Approval of an AIS for fleet vehicles

Condition of approval of an AIS of a fleet operator

44. A fleet operator who has approval as an AIS proprietor only for the examination of the fleet operator's fleet of motor vehicles must only allow, for certificates of inspection, the examination of the fleet operator's vehicles at the AIS.

Maximum penalty—20 penalty units.

Fleet maintenance management programs

45.(1) An application for an approval of premises as a part 4 AIS for examination only of a fleet operator's vehicles must include a fleet maintenance management program.

⁵ The examiner is required by the Act to be satisfied about other matters concerning the safety of the vehicle. See, for example, s 24 (Certificate of inspection) of the Act.

*Transport Operations (Road Use
Management—Motor Vehicles Safety)
Transitional Regulation 1994*

(2) The fleet maintenance management program must provide for the way in which, if the approval is granted, the fleet operator as proprietor of the AIS proposes to—

- (a) examine, maintain and repair the vehicles of the fleet to ensure the vehicles—
 - (i) do not have a defect likely to cause death or bodily injury to persons using the vehicles; and
 - (ii) comply with the motor vehicle safety and performance requirements for the vehicles; and
 - (iii) comply with the applicable motor vehicle safety standards for the vehicles; and
- (b) keep records about the matters mentioned in paragraph (a); and
- (c) ensure the equipment for inspecting, maintaining and repairing vehicles is maintained in a serviceable condition.

(3) If the chief executive grants the application, the proprietor must—

- (a) comply with the terms of the fleet maintenance management program; and
- (b) only allow the vehicles to be examined by a part 4 approved examiner.

Maximum penalty—20 penalty units.

(4) Part 7, division 1 does not apply to an AIS approved under this section.

(5) However, the following sections of part 7, division 1 do apply to the AIS—

- section 31(1) and (3) (Issuing a certificate of inspection or roadworthiness)
- section 43 (Signing certificates of inspection for modified vehicles).

*Transport Operations (Road Use
Management—Motor Vehicles Safety)
Transitional Regulation 1994*

Division 4—Approval of a part 5 AIS

Only category B vehicles to be examined at a part 5 AIS

46. The part 5 AIS proprietor must only allow the examination at the AIS of category B vehicles.

Maximum penalty—20 penalty units.

Only part 5 approved examiner may examine vehicles at part 5 AIS

47. The part 5 AIS proprietor must ensure that only part 5 approved examiners examine vehicles at the AIS.

Maximum penalty—20 penalty units.

Division 5—Qualifications for approved examiners

Who may apply

48A. An adult may apply for approval as a part 4 examiner or a part 5 examiner.

Approval of examiners

48B. The chief executive may approve of a person as an examiner of the type specified in the application if satisfied—

- (a) the person is a fit and proper person for approval as an examiner of the specified type; or
- (b) the person has the qualifications mentioned in sections 48, 49 and 50 for an examiner of the specified type.

Qualifications for examination of motor vehicles

48. The prescribed qualifications for an approved examiner for the examination of all motor vehicles are—

*Transport Operations (Road Use
Management—Motor Vehicles Safety)
Transitional Regulation 1994*

- (a) a certificate for motor mechanics issued under the *Vocational Education, Training and Employment Act 1991* or the *Tradesmen's Rights Regulation Act 1946* (Cwlth); or
- (b) the successful finishing of an apprenticeship as a motor mechanic; or
- (c) a certificate for motor mechanics granted under section 53A.

Qualifications for examination of motorcycles

49. The prescribed qualifications for an approved examiner for the examination only of motor cycles are—

- (a) a certificate for motor cycle mechanics issued under the *Vocational Education, Training and Employment Act 1991* or the *Tradesmen's Rights Regulation Act 1946* (Cwlth); or
- (b) the successful finishing of an apprenticeship as a motor cycle mechanic.

Qualifications for examination of trailers

50. The prescribed qualification for an approved examiner for the examination only of trailers is a certificate of competency to examine trailers approved by the National Training Board under the National Competency Standards.

Division 6—Miscellaneous

Chief executive may pay refund for unused books of certificates

51. If the AIS proprietor returns an unused book of certificates of inspection or roadworthiness to the chief executive under this regulation, the chief executive may, if the chief executive considers that the book is suitable for use by another AIS, refund the proprietor the amount the proprietor paid for the book.

*Transport Operations (Road Use
Management—Motor Vehicles Safety)
Transitional Regulation 1994*

Replacement approvals

52.(1) This section applies if a person applies for an approval for an AIS or as an approved examiner (a “**replacement approval**”) because the original approval is damaged, defaced, lost or destroyed.

(2) The chief executive may issue a replacement approval to the person only if—

- (a) the person produces the damaged or defaced original approval; or
- (b) the chief executive is satisfied the original approval has been lost or destroyed.

(3) The chief executive must not issue a replacement approval until the fee specified in schedule 1 is paid.

PART 8—CERTIFICATION OF MOTOR MECHANICS

Motor mechanic’s certificate

53A.(1) On the application of a person in the approved form for a motor mechanic’s certificate and on payment of the prescribed fee, the chief executive must grant the application if satisfied—

- (a) except in the case of a person for whom the assessment criteria provide that a certificate may be granted without examination, the applicant has passed the examination for the certificate; and
- (b) the applicant has complied in all respects with the assessment criteria.

(2) If the chief executive grants the application, the chief executive must issue to the person a certificate in the approved form.

(3) In this section—

“**assessment criteria**” means the assessment criteria for A and B grade motor mechanics approved by the chief executive.

*Transport Operations (Road Use
Management—Motor Vehicles Safety)
Transitional Regulation 1994*

Ground for amending, suspending or cancelling motor mechanic's certificate

53B. For section 18 of the Act, it is a ground for amending, suspending or cancelling a motor mechanic's certificate if the holder has ceased to be a fit and proper person to hold a motor mechanic's certificate.

Using cancelled certificate

53C. A person whose motor mechanic's certificate has been cancelled must not use the certificate after receipt by the person of a written notice from the chief executive that the certificate has been cancelled.

Maximum penalty—20 penalty units.

Surrender of cancelled or suspended certificates

53D. On the cancellation or suspension of a motor mechanic's certificate, the person to whom the certificate was issued must surrender to the chief executive the certificate and any copy of the certificate issued to the person for exhibition purposes after receipt by the person of a written notice from the chief executive that the certificate has been cancelled or suspended, unless the person has a reasonable excuse.

Maximum penalty—20 penalty units.

Qualifications or experience for an A grade motor mechanic's certificate

53.(1) If an applicant for an A grade motor mechanic's certificate possesses the qualifications or experience set out in subsection (2), (3) or (4), the applicant has the qualifications or experience required for the certificate.

(2) An applicant must—

- (a) have successfully finished an apprenticeship as a motor mechanic; and

*Transport Operations (Road Use
Management—Motor Vehicles Safety)
Transitional Regulation 1994*

- (b) have been employed for at least 1 year as a motor mechanic in a motor garage or workshop; and
 - (c) have passed an examination approved by the chief executive for an A grade motor mechanic's certificate.
- (3) Alternatively, an applicant must—
- (a) have been the holder of a B grade motor mechanic's certificate for 12 months; and
 - (b) pass an examination approved by the chief executive for an A grade motor mechanic's certificate.
- (4) Alternatively, an applicant must—
- (a) hold a certificate for motor mechanics issued under the *Vocational Education, Training and Employment Act 1991* or the *Tradesmen's Rights Regulation Act 1946* (Cwlth); and
 - (b) pass an examination approved by the chief executive for an A grade motor mechanic's certificate.

Qualifications for a B grade motor mechanic's certificate

54.(1) If an applicant for a B grade motor mechanic's certificate possesses the qualifications or experience set out in subsection (2) or (3), the applicant has the qualifications or experience required for the certificate.

(2) The applicant must have successfully finished a motor mechanic's apprenticeship.

(3) Alternatively, the applicant must hold a certificate under the *Vocational Education, Training and Employment Act 1991* or the *Tradesmen's Rights Regulation Act 1946* (Cwlth).

Grant of certificates to persons who gained qualifications outside Queensland

55.(1) The chief executive may grant a person an A grade or B grade motor mechanic's certificate even though the person does not possess the relevant qualifications or experience under this division (other than this

*Transport Operations (Road Use
Management—Motor Vehicles Safety)
Transitional Regulation 1994*

section) if the chief executive considers the person holds an equivalent certificate granted by a recognised authority.⁶

(2) In this section—

“equivalent certificate” means a certificate which, in the chief executive’s opinion formed on reasonable grounds, has equivalent requirements as for the grade of certificate the person applies to be granted by the chief executive.

“recognised authority” means an entity of a place outside the State authorised by the laws of the place to grant equivalent certificates to a person who has the qualifications for the certificate.

Replacement certificates

56.(1) This section applies if a person applies for a certificate (a **“replacement certificate”**) because the original certificate obtained under this part is damaged, defaced, lost or destroyed.

(2) The chief executive may issue a replacement certificate to the person only if—

- (a) the person produces the damaged or defaced original certificate;
or
- (b) the chief executive is satisfied the original certificate has been lost or destroyed.

(3) The chief executive must not issue a replacement certificate until the fee specified in schedule 1 is paid.

⁶ This section does not purport to affect the operation of the *Mutual Recognition (Queensland) Act 1992*.

PART 9—SAVINGS AND TRANSITIONAL PROVISIONS

Approved persons

57. A person who, immediately before the commencement of this section, was an authorised officer under the repealed *Motor Vehicles Safety Act 1980* is taken to be an approved person on the commencement.

Approvals

58.(1) This section applies if, immediately before the commencement of this section, a matter was authorised by an approval under the repealed *Motor Vehicles Safety Act 1980*.

(2) The holder of the approval is taken to be the holder of an approval under this regulation that authorises, to the greatest practicable extent, the same matter.

(3) The approval—

- (a)** is, to the greatest practicable extent, subject to the same conditions that applied to the matter immediately before the commencement; and
- (b)** despite paragraph (a), expires at the earlier of—
 - (i)** when it would otherwise expire; or
 - (ii)** 1 July 2000.

(4) Despite subsection (3)(b), an approval under the repealed *Motor Vehicles Safety Act 1980*, section 22, that was in force immediately before the commencement continues in force as if it were an approval under this regulation.

(5) In this section—

“approval” includes an accreditation, appointment, certificate, consent, determination or exemption given, granted or made by the chief executive under the repealed *Motor Vehicles Safety Act 1980*.

*Transport Operations (Road Use
Management—Motor Vehicles Safety)
Transitional Regulation 1994*

Notices

59. A notice given under the repealed *Motor Vehicles Safety Act 1980* is, to the greatest practicable extent, taken to be a notice given under this regulation.

*Transport Operations (Road Use
Management—Motor Vehicles Safety)
Transitional Regulation 1994*

SCHEDULE 1

FEES

	section 7
	\$
1. Category A vehicles—	
(a) taxi	27.00
(b) bus with a RGVM not over 4 t or a school bus	44.00
(c) any other bus with a RGVM over 4 t	52.00
(d) any other motor vehicle with a RGVM not over 4.5 t	27.00
(e) any other motor vehicle with a RGVM over 4.5 t but not over 16 t	60.00
(f) any other motor vehicle with a RGVM over 16 t	75.00
(g) trailer or semitrailer with an ATM over 3.5 t	34.00
2. Category B vehicles—first examination of motor vehicle for the issue of certificate of roadworthiness—	
(a) motor vehicle with a RGVM not over 4.5 t	42.00
(b) motorcycle	26.00
(c) trailer with an ATM up to 3.5 t	21.00
3. If a motor vehicle is examined at an AIS outside normal hours at the request of the vehicle’s owner, the overtime payable to, and the travelling expenses incurred by, the authorised officer are payable in addition to the fee under item 1.	
4. Copy of inspection report	12.00
5. Inspection of motor vehicle	27.00
6. Survey of plans for the alteration or modification of motor vehicle	48.00
7. Inspection of altered or modified motor vehicle	27.00
8. Application for approval as part 4 or 5 examiner	17.00
9. Application for approval of part 4 or 5 AIS	57.00
10. Renewal of approval of part 4 or 5 AIS	30.00
11. Lodgement of notice of appeal	25.00

*Transport Operations (Road Use
Management—Motor Vehicles Safety)
Transitional Regulation 1994*

SCHEDULE 1 (continued)

12.	Issue of replacement approval for AIS or approved examiner	12.00
13.	Supply of book of 50 certificates of roadworthiness or inspection	41.00
14.	A postage and handling charge is payable for each package of up to 4 books in addition to the fee under item 13	5.00
15.	Supply of book of 50 certificates of modification	25.00
16.	Issue of motor mechanic's certificate	22.00
17.	Issue of replacement certificate	12.00

SCHEDULE 2

MOTOR VEHICLE SAFETY STANDARDS

section 3

Items of a motor vehicle mentioned in column 1 must not suffer a defect described in column 2 about the relevant items.

Item	Defect
1. SERVICE BRAKE	NOTE: For the examination of brakes, an approved examiner should remove wheels and brake drums if it is necessary to enable examination of the brake components of the vehicle.
Pedal	Slippery to an extent that affects the safe operation of the vehicle. Unduly worn or loose. Friction in pedal or linkage prevents normal operation.
Hydraulic system	Pedal free travel is more than 50% of pedal height from floor before braking commences. Pedal creeps in applied direction while light foot pressure is maintained for 1 minute. Pedal needs pumping. Indications of air in the system. Flexible hoses not manufactured and marked to ADR Standards. Connections, hoses or tubing leak or are

*Transport Operations (Road Use
Management—Motor Vehicles Safety)
Transitional Regulation 1994*

SCHEDULE 2 (continued)

	<p>cracked, chafed, flattened, restricted, broken or insecurely fastened.</p> <p>Master or wheel cylinder leaks, is restricted, has seized or is insecure.</p> <p>Master cylinder reservoir fluid level is below manufacturers low level markings on container or, if not marked, is below the half-full point.</p>
Brake drums, discs, linings and pads	<p>Lining material is worn down to wear indicators.</p> <p>If no indicators are provided, the thinnest part of the lining is below the manufacturer's specifications.</p> <p>If no manufacturers specifications are provided—</p> <p>for bonded linings—lining is less than 1 mm in thickness.</p> <p>for riveted linings—lining is less than 0.5 mm clear of rivet head.</p> <p>Drums or discs are scored or worn beyond manufacturer's specifications.</p> <p>If no manufacturers specifications are provided, scoring exceeds 1.5 mm for light vehicles or 3 mm for heavy vehicles.</p> <p>Lining material is contaminated with oil, grease or brake fluid.</p> <p>There are substantial cracks on friction surfaces.</p>
Mechanical linkage	<p>Mechanical parts are missing, broken or unduly worn.</p> <p>Rods or cables have been repaired by welding.</p> <p>Cables are frayed.</p>

*Transport Operations (Road Use
Management—Motor Vehicles Safety)
Transitional Regulation 1994*

SCHEDULE 2 (continued)

Pedals and levers are improperly positioned or misaligned.

There is friction in pedals, linkages or components which prevents normal operation.

Brake backing plates are loose.

Power brake (air or vacuum assisted or operated)

Hoses or tubes are—

- leaking; or
- collapsed, broken, chafed, perished or in a weakened condition; or
- improperly supported or loose; or
- of inadequate length and flexibility.

Vacuum or air reserve is insufficient to make 1 full application after engine shut off.

Low air or vacuum warning device is not operating.

If fitted with air or vacuum reservoir, a check valve or equivalent device is not installed at the reservoir end of the air or vacuum supply line.

Switches, controls, valves, chambers, reservoirs, compressor or exhaustor—

- leak; or
- are damaged, restricted, inoperative, insecurely mounted, incorrectly adjusted; or
- are of an incorrect type.

Air intake cleaner is clogged and prevents proper air intake.

Service brake test

Deceleration of an unladen vehicle measured with a brake testing device is less than 60% efficiency.

SCHEDULE 2 (continued)

Deceleration of a vehicle, which can only be tested in a loaded state, measured with a brake testing device is less than 45% efficiency.

In the case of a vehicle which cannot be tested with a brake testing device, the distance to stop from 30 km/h when tested on a dry, smooth and level road is more than—

- if the vehicle or combination of vehicles is less than 2.5 t RGVM—
 - 6 m (unloaded test);
 - 8 m (loaded test).
- if the vehicle or combination of vehicles is 2.5 t RGVM or more—
 - 8 m (unloaded test);
 - 12 m (loaded test).

The vehicle pulls to the right or left or has a grabbing effect when the brakes are applied. Braking is not even on all wheels.

In the case of an interconnected system fitted to a prime mover and trailer combination, the prime mover brakes come into operation ahead of the trailer brakes.

The vacuum or air reserve supply of the prime mover brake system is not maintained if the control and supply lines of the trailer brake circuit are disconnected.

In the case of trailers fitted with double line braking systems, the trailer brakes do not automatically apply and remain in that position for at least 15 minutes after the control and supply lines are disconnected from the prime mover.

SCHEDULE 2 (continued)

Hand/park brake

Handbrake is not capable of holding on an incline.

Handbrake control lever is broken and does not have a reserve travel of at least $\frac{1}{5}$ of the maximum range of application.

Locking device does not hold securely in any selected position.

Linkage assemblies are not complete or parts are unduly worn.

Cables frayed, damaged or restricted.

Cables or rods have been repaired by welding or joining.

For spring actuated brakes, the brakes do not apply if the control valve is operated.

Brakes do not fully release if release control is operated either manually or automatically.

2. EXHAUST

Leaks exist in pipes, joints, fittings, muffler or manifold.

Components are not securely fastened.

In the case of a vehicle that is—

- (a) a passenger carrying vehicle or panel van fitted with adjustable side windows or side vents—the exhaust does not extend to the rear of the vehicle; and
- (b) a passenger bus—the exhaust does not discharge to the rear of the bus unless otherwise fitted in accordance with Australian Design Rules; and
- (c) a truck, utility or panel van—the exhaust is altered making it discharge to the left hand side.

Extractors foul the steering assembly.

Exhaust discharges directly onto a road surface

*Transport Operations (Road Use
Management—Motor Vehicles Safety)
Transitional Regulation 1994*

SCHEDULE 2 (continued)

Emission	<p>An excessive amount of smoke or fumes emits through the exhaust or engine breather. Emission control equipment originally fitted by the vehicle manufacturer—</p> <ul style="list-style-type: none"> • is not properly connected or located; or • is damaged or has deteriorated; or • is altered causing a change in operation.
----------	--

3. FITTINGS AND PROTRUSIONS

Door catches	<p>Door fastenings, hinges and controls are not fitted or secure.</p> <p>Doors can be opened in normal service without the use of the handles.</p> <p>Doors do not hold on safety catches and the main locks.</p> <p>No support exists to assist the driver or passenger to retain their seat if no door is fitted.</p> <p>Doors do not open by the operation of inside and outside controls.</p> <p>Inner door panels not fitted.</p>
Bonnet catches	<p>Bonnet locking and safety catches do not hold the bonnet securely.</p> <p>Controls do not function.</p> <p>Parts are missing.</p>
Rear vision mirror	<p>Blemished, tarnished or broken causing an inadequate view to the rear.</p> <p>Incorrectly or loosely mounted.</p> <p>Not fitted in accordance with manufacturer's specifications.</p>

SCHEDULE 2 (continued)

- 4. BODY FITTINGS AND PROTRUSIONS** Fitted with an ornament, decoration, or fitting in a way that it is likely to cause injury to a person with whom the vehicle may collide. Luggage racks, carryalls and ski-bars or their fittings extend more than 50 mm beyond the drip rail or side of the vehicle body.
- Bumper bars Front and rear bumper bars, if fitted by the vehicle manufacturer—
- are not fitted or secure; or
 - are cracked, or unduly bent; or
 - extend beyond normal vehicle extremities; or
 - have exposed sharp or jagged edges.
- 5. GLAZING** Driver's forward field of view is restricted because the windscreen is scratched, cracked, chipped, broken or discoloured. Windscreen is tinted with tinting material or is not factory tinted to ADR Standards. In the case of a laminated glass, the interior surface is cracked. Safety glass is not used. Windscreen has been taken out and not replaced. Rearward vision is impaired, unless vehicle is fitted with external rear view mirrors. A window is cracked or broken and not of safety glass or other non-shatterable, transparent material. Driver's window cannot be fully opened. Posters, stickers or other non-transparent materials, other than those required by the law, are on windscreen or windows and interfere with driver's vision.

SCHEDULE 2 (continued)

Tinting material is not identified by a label showing the degree of light transmittance. Side and rear windows have a light transmittance factor less than 35%.

**6. WINDSCREEN
WIPERS/
WASHERS**

Rubber is perished or worn and does not clean the swept area sufficiently to allow a clear view.

Blades or fittings are missing.

Blades are not fitted in pairs on vehicles first registered on or after 1 January 1962.

Controls are not readily accessible to the driver.

Not continuous in operation, other than if functioning through a dwell control.

In the case of washers that are required to be fitted under ADR Standards, the washers are inoperative.

**7. L I G H T I N G
EQUIPMENT**

Lamps are not fitted in accordance with requirements of the *Traffic Regulation 1962* and the manufacturer's specifications.

A bulb or sealed beam unit does not light.

A lamp does not operate correctly.

A lens is discoloured, missing or has cracks or holes allowing dirt or moisture to enter into the lamp.

Beam is incorrectly focussed.

Wiring and connections—

- are chafed, damaged or corroded; or
- are not securely attached; or
- fouls on the exhaust.

A switch is not operating correctly.

Headlamp reflectors do not allow adequate reflection.

SCHEDULE 2 (continued)

Turn signals do not properly indicate to right and left.

Turn signal warning is not audible or visible.
Reverse light system does not turn off automatically when the vehicle moves forward.

Rear registration number plate light is not operating.

Rear reflectors or rear marking plates not fitted as required by the *Traffic Regulation 1962*.

8. MUDGUARDS

Are not at least as wide as the tyres and wheels for which they are provided.

Are not capable of deflecting downwards mud, water, stones or other substance thrown upwards by the rotation of the wheels.

Are not designed to protect the upper half of the wheels in a forward collision.

Less than 380 mm in width for rear mudguards fitted to tray type body 2.2 m or more in width and the rear of the guard is not painted silver or white.

Are not secure and free from cracks, tears, sharp and jagged edges.

Are not fitted in the way required under the *Traffic Regulations 1962*.

9. OIL LEAKS

Motor, transmission,
differential

Oil drips onto the ground or roadway.

Leaking oil drips or is thrown onto the exhaust or any parts essential to the safe use of the vehicle.

*Transport Operations (Road Use
Management—Motor Vehicles Safety)
Transitional Regulation 1994*

SCHEDULE 2 (continued)

- 10. SIDE AND BODY PANELS** Panel—
- (a) is not secure; or
 - (b) is cracked or excessively corroded to an extent that weakens the general structure of the panel.
- Components are excessively corroded or weakened to an extent likely to cause failure of door pillars or door mountings. There are jagged edges of door panels or mudguards likely to catch on clothing of, or cause injury to, a person. A rusted or damaged section essential to the safe use of the vehicle is not repaired in a way that maintains the strength of the original structure.
- 11. STEERING** A steering component is repaired by heating or welding.
- Free play Free play is more than 50 mm in steering wheels up to 460 mm in diameter or 75 mm in steering wheels over 460 mm in diameter. In the case of motorcycles, free play at the steering head exceeds manufacturers specifications.
- Steering controls Loose on shaft.
Spokes that are attached to either rim or boss are loose.
Control device is insecure or damaged.
Are of incorrect size or type.
Motorcycle handle bars are less than 250 mm or more than 450 mm on each side of the centre line of the vehicle.
Handle bars are not symmetrical.

*Transport Operations (Road Use
Management—Motor Vehicles Safety)
Transitional Regulation 1994*

SCHEDULE 2 (continued)

	The grips extend below 380 mm from the upper surface of the rider's seat.
Shafts	Are not correctly and securely attached. Shafts, pinion or coupling are worn, bent, twisted or collapsed (and this can be seen without dismantling). Bearings are seized, worn or loose.
Couplings	Are frayed, loose or otherwise damaged.
Outer column	Is loose, cracked or collapsed.
Steering box	Is loose on the mounting. Mounting bolts are missing or cracked at the mounting lugs. Covers are loose. There is excessive end play in worm assembly. There is excessive side or end play in the sector shaft. There is unusual roughness or oil leaks.
Steering rack	A pinion is twisted or has worn splines. A steering rack seal is damaged, deteriorated or missing. Rack assembly is loose on the mountings.
Arms and linkages	Pitman arm is loose. Steering stops allow a tyre to rub on frame, metal or other chassis parts. Free movement measured at the front and rear of the tyre is more than— <ul style="list-style-type: none"> • if the wheel rims are 400 mm or less— 6 mm; or

*Transport Operations (Road Use
Management—Motor Vehicles Safety)
Transitional Regulation 1994*

SCHEDULE 2 (continued)

	<ul style="list-style-type: none"> • if the wheel rims are over 400 mm—10 mm. <p>Looseness at a point causes 1/2 or more of the movement mentioned above.</p> <p>Steering tie rod and draglink ends are loose on rod or in taper.</p> <p>Correct type of locking device is not fitted to all steering components.</p> <p>Steering idler is loose on mountings.</p> <p>Idler bush or bearings are unduly worn.</p>
King pins and bushes	<p>The horizontal movement measured at the top of the tyre with brakes applied and measured at right angles to the direction of rotation of the wheel, is more than—</p> <ul style="list-style-type: none"> • if the wheel rims are 400 mm or less—6 mm; or • if the wheel rims are over 400 mm—10 mm.
Front suspension, ball joints	<p>Ball joint movement exceeds manufacturer's specifications.</p> <p>Loose in mountings or not correctly locked.</p>
12. SUSPENSION	<p>Evidence of misalignment is indicated by unusual tyre wear.</p> <p>Components are not securely mounted or are misaligned, distorted or cracked.</p>
Shock absorbers	<p>Mounting brackets or hangers are loose, broken, missing or worn.</p> <p>Shock absorber has been taken off or is disconnected.</p> <p>Rubbers are incorrectly fitted, missing or worn.</p>

*Transport Operations (Road Use
Management—Motor Vehicles Safety)
Transitional Regulation 1994*

SCHEDULE 2 (continued)

	<p>Are ineffective or leaking. Motor cycle forks are bent or leaking.</p>
Cross members	<p>Are not securely mounted, cracked, corroded, sagged or misaligned. Insulator rubbers are damaged, missing or have perished.</p>
Axles	<p>Stub or I beam axle—</p> <ul style="list-style-type: none"> • has been repaired by heating or welding; or • is cracked, bent or unduly worn; or • is out of alignment. <p>King pin eyes are worn excessively. An axle or axle housing is cracked, bent or loose. An axle nut is loose or incorrectly locked.</p>
Springs	<p>Are welded, sagged, shortened, broken or weakened. Spring U bolts are loose, damaged or broken. Centre bolt is loose, broken or sheared. Shackle pins or bushes are excessively worn. Shackle plates are of an extended length, shortened, worn or loose. Nuts are not securely locked. Spring hangers are worn, broken, cracked or loose on mounting. Lowered or raised by more than $\frac{1}{3}$ of the manufacturer's bump stop clearance. Hydrolastic suspension or rubber suspensions have been lowered.</p>

*Transport Operations (Road Use
Management—Motor Vehicles Safety)
Transitional Regulation 1994*

SCHEDULE 2 (continued)

Air bag	<p>There is evidence of looseness. Is broken or has perished components. There are air leaks. Is incorrectly adjusted. Manual control is located in driver's cabin.</p>
Torsion bars	<p>Is incorrectly adjusted. Is broken or sagged. Is loose on spines. Is not securely mounted.</p>
Arms	<p>Suspension control, swing arms or trailing arms are insecurely mounted or have been repaired by welding or heating. Free movement in pivot pins, bushes or trunnions, measured at the outer extremities of the tyres, is more than—</p> <ul style="list-style-type: none"> • for wheel rims 400 mm or less—6 mm; and • for wheel rims over 400 mm—10 mm. <p>The looseness at a point causes half or more of the movement mentioned above. Bolts, locknuts and pins are unduly worn, or are loose, broken, missing or insecurely fitted.</p>
Sway bars	<p>Are broken, loose, disconnected or have been removed.</p>
13. BODY OR CHASSIS	<p>Floor panel (front or rear) or body panel is rusted through or cracked in a way that is likely to cause injury to a person. Exhaust gases enter the occupant compartment or the cabin when the vehicle is used.</p>

SCHEDULE 2 (continued)

Body, chassis, frame or an integrally constructed body shell is cracked, broken, rusted or weakened.

A rusted or damaged section essential to the safe use and structural strength of the vehicle is not repaired in a way that maintains the strength of the original structure.

Chassis frame is out of alignment.

In the case of motorcycles, footrests are not fitted and secure for driver and (if applicable) pillion passenger.

**14. WARNING
DEVICE**

Is not of a single pitch type.

Is not securely attached.

Has incorrect control.

Control not readily accessible and operable from the normal driving position.

Is not operational.

**15. WHEELS AND
TYRES**

Wheels

Wheels are not of an approved design and construction or not fitted in a way that complies with the *Traffic Regulation 1962*.

The track measurement is increased by more than 26 mm above vehicle manufacturer's specifications on rear wheel drive vehicles.

The track measurement on 4 wheel drive off road passenger vehicles is increased by more than 51 mm.

The track measurement is increased above vehicle manufacturer's specifications on front wheel drive vehicles with McPherson

SCHEDULE 2 (continued)

strut suspension and negative scrub radius steering geometry.

Stud holes are out of the round.

Wheels are cracked, buckled, loose or damaged.

Wheel rims on an axle or axle group are not the same size.

Locating rings show evidence of slippage or excessive rust or damage.

Rims or rings are bent, sprung, cracked or damaged.

Clamps or nuts are loose, damaged or missing or of an incorrect type.

Wheel nuts, studs or clamps are broken, excessively rusted, missing or mismatched.

Wheel nuts do not have a correct thread engagement.

Spiders are cracked, broken or damaged.

Tyres

Tyres are worn below 1.5 mm tread depth over the area of the tread that is intended to come into contact with the road surface.

Tyres protrude outside normal mudguard line or foul on body, steering or suspension.

Side walls are damaged or cut or the cord is exposed.

There is evidence of bumps, bulges or tread lifting.

Valve stem is cracked, damaged or shows evidence of becoming loose.

Are not of the correct type and size for the rim.

Passenger car type tyres are not of the same case construction.

SCHEDULE 2 (continued)

Passenger car type tyres have a speed rating of less than 140 km/h.

Load ratings are not sufficient for the vehicle's loaded mass.

Tyres on an axle or axle group are not the same size.

A tyre has been regrooved or recut, but is not clearly marked 'suitable for regrooving'.

A tyre that is marked 'suitable for regrooving' has been regrooved or recut below the maximum permissible groove depth, or regrooved in a way that causes the ply or cord to be exposed or damaged.

A tyre is fitted that is not designed for highway use.

Wheel bearings

Relative movement between drum and backing plate is excessive.

Are incorrectly adjusted, rough, noisy, dry or loose on stub axle.

16. FUEL SYSTEMS

A part is not securely fastened.

A fuel leak exists.

Tank filler cap is missing or is of an incorrect type.

Tank filler inlet is inside the vehicle and was not fitted in that way by the manufacturer of the vehicle.

Diesel engine stopping device is not operating correctly.

LPG/CNG certificate is not current.

Air cleaner is not secure or is not fitted.

Vehicle is fitted with nitrous oxide injection equipment.

*Transport Operations (Road Use
Management—Motor Vehicles Safety)
Transitional Regulation 1994*

SCHEDULE 2 (continued)

- | | |
|--|---|
| 17. BATTERY | <p>Is not secure in a carrier.
A holding clamp is not fitted.
Cradle is badly corroded, cracked or weakened.</p> |
| 18. SEATS | <p>A seat is not securely anchored.
Adjusting mechanism permits unintentional movement.
Frame is broken or a sharp protrusion exists.</p> |
| Seat belt | <p>Is not fitted at an occupant seating position as required.
Webbing is frayed, split, torn or is not secured to its end fittings.
Buckles do not function correctly.
Retractor belt mechanism is not functioning correctly.
Anchorage is not securely fastened to the vehicle structure, is damaged or the mounting point has been weakened.
(NOTE: second hand belts are not suitable as replacement belts).</p> |
| 19. DRIVE TRAIN | <p>Components are worn excessively, seized or loose.
In the case of motor cycles chain guards are not secure or not fitted.</p> |
| 20. AUTOMATIC TRANSMISSION CONTROLS | <p>Vehicle engine can be started when the transmission is not in the park or neutral position.</p> |
| 21. TRANSMISSION AND ENGINE MOUNTINGS | <p>A mounting or bracket is loose, fractured or badly damaged.
A mounting has deteriorated because of oil</p> |

SCHEDULE 2 (continued)

leaks or usage.

A mounting bolt or nut is missing or not correctly locked.

- 22. TOW COUPLINGS** Are not secure or are cracked, excessively deformed or damaged in a way likely to cause failure.
A coupling body manufactured after 1 January 1971 is not marked with the manufacturer's name or trademark and the capacity in kilograms.
Couplings have been treated by heating or welding.
Coupling and ball capacity is not at least equal to the trailer aggregate mass.
Safety chains where required are not securely attached.
- 23. GROUND CLEARANCE** Ground clearance is less than 100 mm unless otherwise specified by the vehicle manufacturer.
- 24. MODIFICATIONS** Vehicle modifications have not been approved.

SCHEDULE 3

EXEMPT AREAS

section 14

The areas of the shires under the *Local Government Act 1993* of Barcoo, Bouilla, Balloo, Burke, Carpentaria, Cook, Croydon, Diamantina, Etheriage, Quilpie, Torres and Warroo.

SCHEDULE 4

EXEMPT AREAS FOR MOTOR VEHICLES THAT ARE NOT MOTOR CYCLES OR CERTAIN TRAILERS

section 24

1. An area under the *Local Government Act 1993* mentioned in column 1, but not part of an area that is within a 25 km radius of the principal post office of a town or city mentioned in column 2.

Column 1	Column 2
Aramac	Aramac Barcaldine
Balonne	Dirranbandi Mundindi St. George Thallon
Barcaldine	Barcaldine
Bauhinia	Rolleston Springsure
Belyando	Clermont Moranbah
Bendemere	Yuleba
Blackall	Blackall
Booringa	Mitchell Morven
Bowen	Bowen Collinsville

*Transport Operations (Road Use
Management—Motor Vehicles Safety)
Transitional Regulation 1994*

SCHEDULE 4 (continued)

Broadsound	Dysart
Bungil	Injune Roma
Chinchilla	Chinchilla Miles
Cloncurry	Cloncurry City of Mount Isa
Dalrymple	City of Charters Towers Greenvale
Douglas	Mossman
Duaringa	Blackwater Duaringa
Emerald	Blackwater Emerald
Flinders	Hughenden
Herberton	Herberton Ravenshoe
Infracombe	Isisford Longreach
Isisford	Isisford
Jericho	Alpha
Longreach	Longreach
Mareeba	Dimbula Kuranda Mareeba Mossman
McKinlay	Julia Creek
City of Mount Isa	City of Mount Isa

*Transport Operations (Road Use
Management—Motor Vehicles Safety)
Transitional Regulation 1994*

SCHEDULE 4 (continued)

Murilla	Miles
Murweh	Augathella Charleville Morven Tambo
Nebo	Moranbah
Paroo	Cunnamulla
Peak Downs	Capella Clermont Dysart Emerald
Richmond	Richmond
Tambo	Tambo
Tara	Meandarra Tara
Taroom	Taroom Wandoan
Waggamba	Goondiwindi Thallon
Winton	Winton

2. A Queensland island on which there is no AIS.

SCHEDULE 5

EXEMPT AREAS FOR MOTOR CYCLES AND CERTAIN TRAILERS

section 24

1. For motor cycles—an area outside a radius of 50 km of an AIS approved to examine motor cycles.
2. For trailers between 0.75 and 3.5 t—an area outside a radius of 50 km of an AIS approved to examine trailers between 0.75 and 3.5 t.

ENDNOTES

1 Index to endnotes

		Page
2	Date to which amendments incorporated	81
3	Key	82
4	Table of earlier reprints	82
5	Tables in earlier reprints	82
6	List of legislation	83
7	List of annotations	83

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 3 July 1998. Future amendments of the Transport Operations (Road Use Management—Motor Vehicles Safety) Transitional Regulation 1994 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

*Transport Operations (Road Use
Management—Motor Vehicles Safety)
Transitional Regulation 1994*

3 Key

Key to abbreviations in list of legislation and annotations

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

4 Table of earlier reprints

TABLE OF EARLIER REPRINTS

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

Reprint No.	Amendments included	Reprint date
1	none	15 November 1995
2	to SL No. 168 of 1995	21 December 1995
2A	to SL No. 114 of 1996	31 July 1996
2B	to SL No. 120 of 1997	12 September 1997

5 Tables in earlier reprints

TABLES IN EARLIER REPRINTS

Name of table	Reprint No.
Changed citations and remade laws	2
Corrected minor errors	1

*Transport Operations (Road Use
Management—Motor Vehicles Safety)
Transitional Regulation 1994*

6 List of legislation

**Transport Operations (Road Use Management—Motor Vehicles Safety)
Transitional Regulation 1994 SL No. 382 (prev Motor Vehicles Safety
Regulation 1994)**

made by the Governor in Council on 27 October 1994

notfd gaz 28 October 1994 pp 813–15

commenced 28 October 1994 (see s 2)

exp 1 July 1999 (see SIA ss 54, 56(1)(b), 61 and SIR s 5 sch 4)

as amended by—

Motor Vehicles Safety Amendment Regulation (No. 1) 1994 SL No. 425

notfd gaz 9 December 1994 pp 1575–8

commenced on date of notification

**Department of Transport (Variation of Fees) Regulation 1995 SL No. 168 ss 1–2,
3(e) sch 5**

notfd gaz 9 June 1995 pp 1165–71

ss 1–2 commenced on date of notification

remaining provisions commenced 1 July 1995 (see s 2)

**Department of Transport (Variation of Fees) Regulation (No. 2) 1996 SL No. 114
ss 1–2, 3(b) sch 2**

notfd gaz 31 May 1996 pp 823–6

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. 1) 1997 SL No. 120
ss 1–2, 3(d) sch 4**

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)

**Motor Vehicles Safety Amendment Regulation (No. 1) 1998 SL No. 182 ss 1–2,
3(2), 4–43**

notfd gaz 12 June 1998 pp 894–5

ss 1–2 commenced on date of notification

remaining provisions commenced 2 July 1998 (see s 2)

7 List of annotations

Short title

s 1 amd 1998 SL No. 182 s 4

Application of regulation

s 2A ins 1998 SL No. 182 s 5

*Transport Operations (Road Use
Management—Motor Vehicles Safety)
Transitional Regulation 1994*

Definitions

- s 3** def “**address**” ins 1998 SL No. 182 s 6
 def “**approved examiner**” ins 1998 SL No. 182 s 6
 def “**approved inspection station**” or “**AIS**” ins 1998 SL No. 182 s 6
 def “**approved person**” ins 1998 SL No. 182 s 6
 def “**certificate of modification**” ins 1998 SL No. 182 s 6
 def “**certificate of roadworthiness**” ins 1998 SL No. 182 s 6
 def “**commercial motor vehicle**” ins 1998 SL No. 182 s 6
 def “**disposal**” ins 1998 SL No. 182 s 6
 def “**driver**” ins 1998 SL No. 182 s 6
 def “**holder of an approval**” ins 1998 SL No. 182 s 6
 def “**licensed motor dealer**” ins 1998 SL No. 182 s 6
 def “**motor mechanic**” ins 1998 SL No. 182 s 6
 def “**motor vehicle safety and performance requirements**” ins 1998 SL No. 182 s 6
 def “**part 4 approved inspection station**” or “**part 4 AIS**” ins 1998 SL No. 182 s 6
 def “**part 4 examiner**” ins 1998 SL No. 182 s 6
 def “**part 5 approved inspection station**” or “**part 5 AIS**” ins 1998 SL No. 182 s 6
 def “**part 5 examiner**” ins 1998 SL No. 182 s 6
 def “**passenger car**” ins 1998 SL No. 182 s 6
 def “**passenger car derivative**” ins 1998 SL No. 182 s 6
 def “**proprietor**” ins 1998 SL No. 182 s 6
 def “**registration law**” ins 1998 SL No. 182 s 6
 def “**second-hand motor vehicle**” ins 1998 SL No. 182 s 6
 def “**specified motor vehicle**” ins 1998 SL No. 182 s 6
 def “**tare**” ins 1998 SL No. 182 s 6

Meaning of category A vehicles

- prov hdg** amd 1998 SL No. 182 s 7(1)
s 4 amd 1998 SL No. 182 s 7(2)

Meaning of category B vehicles

- prov hdg** amd 1998 SL No. 182 s 8(1)
s 5 amd 1998 SL No. 182 s 8(2)

PART 2—INSPECTORS’ POWERS AND DUTIES FOR STOPPING VEHICLES

- pt 2 (ss 8–10)** om 1998 SL No. 182 s 9

Inspection of motor vehicles

- s 11AA** ins 1998 SL No. 182 s 10

Procedure by authorised officers following inspection

- s 11AB** ins 1998 SL No. 182 s 10

Reports to be made

- s 11AC** ins 1998 SL No. 182 s 10

*Transport Operations (Road Use
Management—Motor Vehicles Safety)
Transitional Regulation 1994*

Inspection of reports

s 11AD ins 1998 SL No. 182 s 10

Defective vehicle label

s 11 amd 1998 SL No. 182 s 11

Production of motor vehicle on demand

s 11A ins 1998 SL No. 182 s 12

Certain motor vehicles require certificate of inspection

s 12 sub 1998 SL No. 182 s 13

Certificate of inspection

s 12A ins 1998 SL No. 182 s 13

Procedure by approved examiners following inspection

s 12B ins 1998 SL No. 182 s 13

Form of inspection report

s 13 hdg sub 1998 SL No. 182 s 14

Requirements of approved examiner on inspection

s 13A ins 1998 SL No. 182 s 15

Production of certificate of inspection

s 13B ins 1998 SL No. 182 s 15

Cancellation etc. of certificates of inspection

s 13C ins 1998 SL No. 182 s 15

Requirements for applications for renewal of registration

s 13D ins 1998 SL No. 182 s 15

Procedure if certificate not given

s 13E ins 1998 SL No. 182 s 15

Exemptions

prov hdg sub 1998 SL No. 182 s 16(1)

s 14 amd 1998 SL No. 182 s 16(2)–(3)

Application of part

s 15AA ins 1998 SL No. 182 s 17

Alteration to or modification of commercial and specified motor vehicles etc.

s 15AB ins 1998 SL No. 182 s 17

Appointment of approved persons

s 15AC ins 1998 SL No. 182 s 17

Approved persons issuing certificates of modification

prov hdg amd 1998 SL No. 182 s 18(1)

s 15 amd 1998 SL No. 182 s 18(2)–(3)

Alteration to and modification of motor vehicles

s 15A ins 1998 SL No. 182 s 19

*Transport Operations (Road Use
Management—Motor Vehicles Safety)
Transitional Regulation 1994*

Maintaining equipment

s 16 amd 1998 SL No. 182 s 20

Keeping records

s 17 amd 1998 SL No. 182 s 21

Returning unused forms of certificates and modification plates

s 18 amd 1998 SL No. 182 s 22

Modification plates

prov hdg sub 1998 SL No. 182 s 23(1)

s 19 amd 1998 SL No. 182 s 23(2)

Requirements for disposal of second-hand motor vehicles

s 20A ins 1998 SL No. 182 s 24

Requirements for registration of second-hand motor vehicle

s 20B ins 1998 SL No. 182 s 24

Refusal to issue certificates of registration for second-hand vehicles

s 20C ins 1998 SL No. 182 s 24

Licensed motor dealer restricted in use of vehicles

s 20D ins 1998 SL No. 182 s 24

When certificate obtained

s 21A ins 1998 SL No. 182 s 25

Certificate valid for 1 transaction only

s 21B ins 1998 SL No. 182 s 25

Areas excluded

prov hdg sub 1998 SL No. 182 s 26(1)

s 24 amd 1998 SL No. 182 s 26(2)

PART 7—APPROVALS UNDER INSPECTION SCHEMES**Division 1A—Application of part**

div hdg ins 1998 SL No. 182 s 27

Application of part

s 25A ins 1998 SL No. 182 s 27

Division 1B—Applications for approval generally

div hdg ins 1998 SL No. 182 s 27

Requirements for applications

s 25B ins 1998 SL No. 182 s 27

More than 1 approval may be granted

s 25C ins 1998 SL No. 182 s 27

Form of approvals

s 25D ins 1998 SL No. 182 s 27

*Transport Operations (Road Use
Management—Motor Vehicles Safety)
Transitional Regulation 1994*

Approval only if applicant is a fit and proper person

s 25E ins 1998 SL No. 182 s 27

Determining whether applicant is a fit and proper person

s 25F ins 1998 SL No. 182 s 27

Amendment of approval on application

s 25G ins 1998 SL No. 182 s 27

Surrender of approvals

s 25H ins 1998 SL No. 182 s 27

Review of chief executive's decisions

s 25I ins 1998 SL No. 182 s 27

Application of division

s 25J ins 1998 SL No. 182 s 28

Who may apply for approval

s 25K ins 1998 SL No. 182 s 28

Nomination of individuals to be nominees

s 25L ins 1998 SL No. 182 s 28

Role of nominee etc.

s 25M ins 1998 SL No. 182 s 28

Approval of premises

s 25N ins 1998 SL No. 182 s 28

Purpose of divs 1–4

s 25 hdg sub 1998 SL No. 182 s 29

Duties of proprietors regarding approved examiners and other employees

s 29 amd 1998 SL No. 182 s 30

Issuing a certificate of inspection or roadworthiness

s 31 amd 1998 SL No. 182 s 31

Keeping certain records

s 35 amd 1998 SL No. 182 s 32

Certain records must be given on request of chief executive

prov hdg amd 1998 SL No. 182 s 33(1)

s 36 amd 1998 SL No. 182 s 33(2)

Only certain vehicles to be examined at a part 4 AIS

s 40 amd 1998 SL No. 182 s 34

Fleet maintenance management programs

s 45 amd 1998 SL No. 182 s 35

Who may apply

s 48A ins 1998 SL No. 182 s 36

*Transport Operations (Road Use
Management—Motor Vehicles Safety)
Transitional Regulation 1994*

Approval of examiners

s 48B ins 1998 SL No. 182 s 36

Qualifications for examination of motor vehicles

prov hdg sub 1998 SL No. 182 s 37(1)

s 48 amd 1998 SL No. 182 s 37(2)

Qualifications for examination of motorcycles

s 49 hdg sub 1998 SL No. 182 s 38

Qualifications for examination of trailers

s 50 hdg sub 1998 SL No. 182 s 39

Motor mechanic's certificate

s 53A ins 1998 SL No. 182 s 40

Ground for amending, suspending or cancelling motor mechanic's certificate

s 53B ins 1998 SL No. 182 s 40

Using cancelled certificate

s 53C ins 1998 SL No. 182 s 40

Surrender of cancelled or suspended certificates

s 53D ins 1998 SL No. 182 s 40

PART 9—SAVINGS AND TRANSITIONAL PROVISIONS

pt hdg sub 1998 SL No. 182 s 41

Approved persons

s 57 ins 1998 SL No. 182 s 41

Approvals

s 58 orig s 58 exp 1 March 1995 (see s 58(2))

pres s 58 ins 1998 SL No. 182 s 41

Notices

s 59 orig s 59 exp 2 March 1995 (see s 59(3))

pres s 59 ins 1998 SL No. 182 s 41

PART 10—TRANSITIONAL PROVISIONS

pt hdg om R2 (see RA s 5(d))

Exemption for motor cycles and trailers

s 60 exp 1 July 1995 (see s 60(2))

PART 11—REPEALS

pt hdg om R1 (see RA s 40)

Repeals

s 61 om R1 (see RA s 40)

*Transport Operations (Road Use
Management—Motor Vehicles Safety)
Transitional Regulation 1994*

SCHEDULE 1—FEES

amd 1994 SL No. 425 s 3

sub 1995 SL No. 168 s 3(e) sch 5; 1996 SL No. 114 s 3(b) sch 2; 1997

SL No. 120 s 3(d) sch 4

amd 1998 SL No. 182 s 42