

Queensland



Transport Infrastructure (Roads) Act 1991

TRANSPORT INFRASTRUCTURE (ROADS) REGULATION 1991

**Reprinted as in force on 30 July 1993
(includes amendments up to SL No. 268 of 1993)**

Reprint No. 2

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Information about this reprint

This regulation is reprinted as at 30 July 1993. As required by section 5 of the *Reprints Act 1992*, it—

- shows the law as amended by all amendments that commenced on or before that day; and
- incorporates all necessary consequential amendments, whether of punctuation, numbering or another kind.

As required by section 6 of the *Reprints Act 1992*, the reprint includes, in a suitable place, a reference to the law by which each amendment was made—see List of legislation and List of annotations in Endnotes.

The opportunity has also been taken, under section 7 of the *Reprints Act 1992*, to do the following—

- use expressions consistent with current legislative drafting practice as permitted by section 29 of that Act;
- use aspects of format and printing style consistent with current legislative drafting practice as permitted by section 35 of that Act.

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

Also see Endnotes for—

- **details about when provisions commenced; and**
- **any provisions that have not commenced and are not incorporated in the reprint.**

Queensland



**TRANSPORT INFRASTRUCTURE
(ROADS) REGULATION 1991**

TABLE OF PROVISIONS

Section	Page
PART 1—PRELIMINARY	
1.01 Short title	5
1.02 Definitions	5
1.03 Measurement of distance between axles	11
1.04 Fees	11
1.05 Forms	12
PART 2—ROADS	
<i>Division 1—Roads general</i>	
2.01 Classification of declared roads	12
2.02 Damage to road transport infrastructure	12
2.03 Alteration to watercourses	13
<i>Division 2—Regulation of traffic</i>	
2.04 Regulation of traffic on motorways	14
2.05 Removal of stationary vehicles from motorways	14
2.06 Removal of animals from motorways	16
2.07 Regulation of animals on declared roads subject to limitation of access	17
2.08 Regulation of animals on declared roads	18
2.09 Camping on declared roads	18
2.10 Qualifications of traffic controllers	18
<i>Division 3—Ancillary works and encroachments</i>	
2.11 Approval for ancillary works and encroachments	19
2.12 Additional requirements for advertising signs	20

*Transport Infrastructure (Roads) Regulation
1991*

2.13	Removal of ancillary works and encroachments	20
2.14	Sale of ancillary works and encroachments	22

Division 4—Tolls

2.15	Levy of tolls	23
2.16	Liability to pay tolls	23

PART 3—VEHICLE LIMITS

3.01	Vehicle tare	24
3.02	Tyre mass	24
3.03	Axle mass	25
3.04	Vehicle mass	28
3.05	Transport of livestock	32
3.06	Heavy indivisible vehicles and loads	36
3.07	Checking sites	36
3.08	Restriction of loads on structures	37
3.09	Over dimension vehicles	37

PART 4—VEHICLE REGISTRATION

Division 1—Registration

4.01	Use of vehicle on road	38
4.02	Register of vehicles	39
4.03	Application for registration	39
4.04	Exemption from payment of fee	40
4.05	Inspections	42
4.06	Registered mass	42
4.07	Non-conforming vehicles	43
4.08	Effective period of registration	43
4.09	Seasonal registration	44
4.10	Carrying of certificates of registration	44
4.11	Attachment of registration labels	45
4.12	Attachment of number plates	46
4.13	‘Q’ plates	46
4.14	Personalised number plates	46

*Transport Infrastructure (Roads) Regulation
1991*

4.15	Change of particulars on register	47
<i>Division 2—Renewal, transfer and cancellation of registration</i>		
4.16	Renewal of registration	48
4.17	Transfer of registration	49
4.18	Transfer of registration under legal process	50
4.19	Cancellation of registration	51
<i>Division 3—Visitors</i>		
4.20	Vehicles registered elsewhere	52
4.21	Visiting dealer’s plates	53
<i>Division 4—Limited use permits and plates</i>		
4.22	Limited use permits	53
4.23	Limited use plates	54
<i>Division 5—Dealer’s plates</i>		
4.24	Issue of dealer’s plates	56
4.25	Attachment of dealer’s plates	57
4.26	Use of dealer’s plates	57
4.27	Cancellation of dealer’s plates	58
<i>Division 6—General</i>		
4.28	Replacements	59
4.29	Exchange or surrender of number plates	60
4.30	Property in number plates	61
4.31	Sale of unregistered vehicles by dealers	61
4.32	Penalty notices	62
PART 5—MISCELLANEOUS		
5.01	Authorisation by Corporation to use a vehicle that does not comply with the regulation	65
5.02	Security deposits	66
5.03	Payments	67
5.04	Recovery of costs and damages	67
5.05	Powers of authorised officers	68
5.06	Offences	69
5.07	Evidentiary provisions	70

*Transport Infrastructure (Roads) Regulation
1991*

	SCHEDULE 1	71
	FEES	
	SCHEDULE 2	79
	NUMBER PLATES	
	SCHEDULE 3	82
	PENALTIES—MASS	
	SCHEDULE 4	
	PENALTIES—OTHER	
ENDNOTES		
1	Index to Endnotes	85
2	Date to which amendments incorporated	85
3	Table of reprints	85
4	List of legislation	85
5	List of annotations	86

TRANSPORT INFRASTRUCTURE (ROADS) REGULATION 1991

[as amended by all amendments that commenced on or before 30 July 1993²]

PART 1—PRELIMINARY

Short title

1.01 This regulation may be cited as the *Transport Infrastructure (Roads) Regulation 1991*³⁻⁵.

Definitions

1.02 In this regulation—

“**address**” means place of residence or business or, in the case of a corporation, its registered office or place of business;

“**aggregate trailer mass**” means the maximum permissible mass, specified by the manufacturer, for a loaded trailer, and includes any mass imposed on the vehicle hauling the trailer when they are on a horizontal surface;

“**agricultural implement**” means an implement, with or without motive power, that is designed for off-road use and used solely for primary production;

“**ambulance**” means a motor vehicle equipped and used solely for carrying sick or injured persons by an ambulance brigade or hospital;

“**approved form**” means a form approved by the Corporation for the purpose for which the form is to be used;

“**articulated vehicle**” means a prime mover with a semitrailer being hauled by the prime mover;

“**Australian Design Rule**” means an Australian Design Rule for Motor Vehicle Safety that is—

- (a) endorsed by the Australian Transport Advisory Council; and
- (b) issued by the Commonwealth Department of Transport and Communications;

“axle group” includes—

- (a) a single axle; and
- (b) a tandem axle group; and
- (c) a twin steer axle group; and
- (d) a triaxle group; and
- (e) a quadaxle group;

“axle mass” means the total mass transmitted to the road by the tyres fitted to an axle group;

“B-Double” means an articulated vehicle with a semitrailer that is mounted onto the semitrailer of the articulated vehicle;

“bus” means a motor vehicle principally constructed to carry more than 8 seated adult persons including the driver;

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

“certificate” means a document stating information recorded in the register of vehicles at the time of issue of the certificate;

“checking site” means—

- (a) a site on which a weighing device is located; or
- (b) a site determined by an authorised officer as suitable for weighing vehicles;

“classic and historic vehicle” means a vehicle (not being a veteran or vintage vehicle) that was manufactured at least 30 years before the relevant date;

“commercial vehicle” means a motor vehicle that is principally constructed to carry goods;

“conforming axle group” means—

- (a) a single axle; or

- (b) a tandem axle group with a load sharing system; or
- (c) a twin steer axle group with or without a load sharing system; or
- (d) a triaxle group with a load sharing system;

“crawler track” means an endless chain or band that—

- (a) runs around 2 or more wheels; and
- (b) forms a track between the wheels and the ground;

“dealer” means—

- (a) the holder of a motor dealer’s licence issued under the *Auctioneers and Agents Act 1971*; or
- (b) a person whose business is the sale of new motor vehicles or new or used trailers;

“gross combination mass” or **“GCM”** means the maximum permissible mass, specified by the manufacturer, of a loaded vehicle combination;

“gross vehicle mass” or **“GVM”** means the maximum permissible mass, specified by the manufacturer, of a loaded vehicle;

“loaded mass” means the mass of a vehicle and its load;

“load sharing system” means a suspension system that—

- (a) shares the load substantially equally between all tyres fitted to an axle group; and
- (b) has effective dampening characteristics on all axles of the axle group;

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

- (a) a vehicle capable of carrying a load (other than fuel, water, tools, spare parts or other accessories necessary for its own operation) in excess of 25% of the vehicle’s tare; or
- (b) a vehicle used to haul a disabled vehicle; or
- (c) a tractor;

“motorcycle” includes—

(a) a motorcycle with a sidecar; and

(b) a motor tricycle;

“motorised caravan” means a motor vehicle designed principally for people to live in;

“motor vehicle” means a self-propelled vehicle, other than—

(a) a fire engine; or

(b) a power-assisted pedal cycle; or

(c) an aircraft; or

(d) an air cushion vehicle; or

(e) a vessel that operates only in water; or

(f) a vehicle that operates only on rails;

“number plate” means a plate displaying a registration number;

“owner”, in relation to a vehicle, includes—

(a) a person in whose name the vehicle is registered (whether under this regulation or a corresponding law of another State, a Territory, the Commonwealth or a foreign country); and

(b) a person who has given notice to the Corporation of the acquisition of the vehicle;

“passenger car” means a motor vehicle, other than a motorcycle, principally constructed to carry no more than 8 seated adult persons including the driver;

“personalised number plate” includes an ordinary, traditional or prestige personalised number plate;

“pneumatic tyre” means a tyre filled with gas or fluid;

“power-assisted pedal cycle” means a pedal cycle having 1 or more auxiliary propulsion motors with a combined power output of not more than 200 W;

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

(a) tobacco; or

- (b) raw material for clothing or food from—
 - (i) agriculture; or
 - (ii) viticulture; or
 - (iii) dairying; or
 - (iv) livestock production; or
 - (v) fishing;

“prime mover” means a motor vehicle designed to haul a semitrailer;

“quadaxle group” means a group of 4 axles with a load sharing system;

“registered”, in relation to a vehicle, means that—

- (a) information relating to the vehicle is recorded in the register of vehicles under section 4.03(2); and
- (b) the period of registration has not expired; and
- (c) the registration has not been cancelled;

“registered gross combination mass” or **“RGCM”** means the maximum permissible mass, determined by the Corporation, of a loaded vehicle combination;

“registered gross vehicle mass” or **“RGVM”** means the maximum permissible mass, determined by the Corporation, of a loaded vehicle;

“registration label” means a label issued by the Corporation identifying the month and year of expiration of registration of a vehicle;

“registration number” means a separate distinguishing number allocated on the register of vehicles;

“retractable axle” means an axle that can be raised or lowered to redistribute the axle mass between the axles of an axle group;

“road train” means—

- (a) an articulated vehicle hauling up to 2 trailers where the total length of the articulated vehicle and trailers is more than 17.5 m but not more than 50 m; or
- (b) a truck hauling up to 2 trailers where the total length of the truck and trailers is more than 17.5 m but not more than 44 m;

“route service bus” means a bus licensed by the Corporation under the *State Transport Act 1960* to carry passengers on an approved route;

“sale”, in relation to a vehicle, includes—

- (a) the hiring of the vehicle on hire purchase; and
- (b) the leasing of the vehicle; and
- (c) the sending of the vehicle on consignment to an agent;

“semitrailer” means a trailer supported at the front on a turntable and at the rear by its own wheels;

“single axle” means—

- (a) 1 axle; or
- (b) a group of 2 axles where the distance between axles is less than 1 m;

“tandem axle group” means a group of 2 axles where the distance between axles is not less than 1 m but not more than 2 m;

“tare” means the mass of an unloaded vehicle together with all accessories, fittings and spare parts that are required by the vehicle to perform the function for which it is to be used, including, in the case of a motor vehicle, sufficient fuel to propel the vehicle for a distance of 20 km;

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

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

“trailer” means a vehicle without motive power designed to be hauled by a motor vehicle;

“triaxle group” means a group of 3 axles where the distance between the extreme axles is not less than 2 m but not more than 3.2 m;

“truck tractor” means a commercial vehicle that is—

- (a) intended to haul a trailer (other than a semitrailer); and
- (b) has a gross combination mass of more than 6.67 t;

“twin steer axle group” means a group of 2 axles each with single tyres and connected to the same steering system where the distance between axles is not less than 1 m but not more than 2 m;

“tyre mass” means the mass transmitted to the road by a tyre;

“tyre section width” means the width of a tyre measured perpendicularly to the plane of the wheel at its widest point where the tyre is not distorted;

“vehicle” does not include—

- (a) an agricultural implement; or
- (b) equipment used solely for the construction of works for, or maintenance of, road transport infrastructure;

“vehicle combination” means a combination of a motor vehicle and 1 or more trailers;

“veteran vehicle” means a vehicle manufactured before 1919;

“vintage vehicle” means a vehicle manufactured on or after 1 January 1919 and on or before 31 December 1930;

“wide profile tyre” means a tyre not less than 375 mm wide.

Measurement of distance between axles

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

Fees

1.04 Subject to section 4.04, the fees specified in Schedule 1 are the fees payable to the Corporation in respect of the various matters referred to in the Schedule.

Forms

1.05(1) An approved form is completed by setting out in the form such

particulars as the form requires.

(2) An approved form must only be used for the purposes for which the form specifies that it is to be used.

(3) An approved form must be completed in accordance with any directions specified in the form.

PART 2—ROADS

Division 1—Roads general

Classification of declared roads

2.01 For the purposes of section 3.1(2) of the Act, the classifications of declared roads are—

- (a) State highways; and
- (b) main roads; and
- (c) developmental roads; and
- (d) secondary roads; and
- (e) urban arterial roads; and
- (f) urban subarterial roads.

Damage to road transport infrastructure

2.02(1) A person must not use, or permit to be used, on a declared road (with a gravel formation or sealed surface) a vehicle or other kind of equipment that may damage the road, except in accordance with a permit issued by the Corporation.

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

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

(3) A written application for a permit must be made to the Corporation at least 3 days before the vehicle or other equipment is used on a declared road.

(4) A permit may be issued subject to terms and conditions as to—

- (a) the declared roads on which the vehicle or other equipment may be used; and
- (b) the period of use on the declared roads; and
- (c) the maximum mass and dimensions of the vehicle or other equipment; and
- (d) preparing or strengthening transport infrastructure; and
- (e) the repair, replacement or reconstruction of transport infrastructure; and
- (f) such other matters as the Corporation determines.

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

Alteration to watercourses

2.03(1) A person must not alter, obstruct or interfere with a watercourse or drainage system so as to be likely to adversely affect a declared road, without the prior written approval of the Corporation.

(2) A person must not—

- (a) cause; or
- (b) permit on land under the person's control;

vegetation or debris to enter a watercourse or drainage system so as to be likely to adversely affect a declared road.

Regulation of traffic on motorways

2.04(1) The Corporation may, by an official traffic sign erected at every point of entry to a motorway, prohibit on the motorway the classes of traffic indicated on the sign.

(2) A person must not use, or permit to be used, a vehicle in contravention of a sign erected under subsection (1) without the prior written approval of the Corporation.

(3) A person must not enter or be on a motorway unless the person—

- (a) is the driver of, or a passenger in, a vehicle, other than a vehicle prohibited on the motorway; or
- (b) has the approval of the Corporation.

Removal of stationary vehicles from motorways

2.05(1) The Corporation may remove a stationary vehicle from a motorway if the Corporation determines that the vehicle is—

- (a) endangering the safety of users of the motorway; or
- (b) causing or likely to cause inconvenience or obstruction to traffic on the motorway.

(2) If no person apparently is in charge of the vehicle, the Corporation may take the vehicle to a place of storage.

(3) If a person is in charge of the vehicle and fails to remove the vehicle immediately when required by the Corporation, the Corporation must give the person the option of having the vehicle taken from the motorway—

- (a) to a place nearby where it may be lawfully parked; or
- (b) to a place of storage.

(4) If the identity and address of the owner of the vehicle are known to the Corporation, the Corporation must give written notice to the owner of the removal and location of the vehicle as soon as practicable after its removal.

(5) A person must not obtain possession of the vehicle unless—

- (a) the person has made written application to the Corporation; and

- (b) the person has furnished proof of ownership or other right of possession of the vehicle to the satisfaction of the Corporation; and
- (c) the costs incurred in relation to the removal and storage of the vehicle and any notification to the owner have been paid; and
- (d) the person has signed a receipt for delivery of the vehicle.

(6) If a person has not taken possession of the vehicle within 28 days after—

- (a) the date of its removal; or
- (b) the giving of the notice under subsection (4);

whichever is the later, the Corporation must arrange to sell the vehicle by public auction.

(7) The Corporation must—

- (a) by notice in a newspaper published in the vicinity of—
 - (i) the last known address of the owner; or
 - (ii) if the identity or address of the owner is unknown, the motorway from which the vehicle was removed;

advertise that the Corporation will offer the vehicle for sale by public auction at the time, day and place specified in the notice; and

- (b) at the time on the day specified in the notice (which day must not be earlier than 14 days after the publication of the notice) and at the place specified in the notice, offer the vehicle for sale by public auction unless a person has sooner taken possession of the vehicle.

(8) If an offer to purchase the vehicle, considered reasonable by the Corporation, is not received at the public auction, the Corporation must sell or dispose of the vehicle in such manner and on such terms as it determines reasonable.

(9) The Corporation must apply the proceeds of any sale of the vehicle—

- (a) firstly, in payment of the costs incurred in relation to the removal,

storage and sale of the vehicle and any notification to the owner;
and

(b) secondly—

- (i) in payment to the person whom the Corporation determines is lawfully entitled to the proceeds; or
- (ii) if the Corporation cannot determine who is lawfully entitled to the proceeds within 90 days after the sale of the vehicle, in payment to the Consolidated Fund.

(10) The Corporation may dispose of perishable goods in or on a vehicle in such manner as the Corporation determines appropriate.

(11) The Corporation may deal with any other thing in or on a vehicle in the same manner as the Corporation may deal with the vehicle.

Removal of animals from motorways

2.06(1) The Corporation may remove an animal from a motorway to a place determined by the Corporation.

(2) If the identity and address of the owner of the animal are known to the Corporation, the Corporation must give written notice to the owner of the removal and location of the animal as soon as practicable after its removal.

(3) A person must not obtain possession of the animal unless—

- (a) the person has furnished proof of ownership or other right of possession of the animal to the satisfaction of the Corporation; and
- (b) the costs incurred in relation to the removal and keeping of the animal and any notification to the owner have been paid; and
- (c) the person has signed a receipt for delivery of the animal.

(4) If a person has not taken possession of the animal within 28 days after—

- (a) the date of its removal; or
- (b) the giving of the notice under subsection (2);

whichever is the later, the Corporation must sell or dispose of the animal in such manner and on such terms as it determines reasonable.

- (5) The Corporation must apply the proceeds of any sale of the animal—
- (a) firstly, in payment of the costs incurred in relation to the removal, keeping and sale of the animal and any notification to the owner; and
 - (b) secondly—
 - (i) in payment to the person whom the Corporation determines is lawfully entitled to the proceeds; or
 - (ii) if the Corporation cannot determine who is lawfully entitled to the proceeds within 90 days after the sale of the animal, in payment to the Consolidated Fund.

Regulation of animals on declared roads subject to limitation of access

2.07(1) A person must not allow an animal, other than an animal on a lead, on a declared road that is subject to limitation of access without a permit issued by the Corporation.

(2) An application for a permit must be made to the Corporation in writing at least 14 days before the animal is on the declared road.

- (3) A permit may be issued subject to terms and conditions as to—
- (a) the declared roads on which the animal is allowed; and
 - (b) the period the animal is allowed on the declared roads; and
 - (c) the repair, replacement or reconstruction of road transport infrastructure; and
 - (d) payment of any costs incurred by the Corporation in relation to the permit.

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

Regulation of animals on declared roads

2.08(1) The Corporation may, by a conspicuous sign erected on or in the vicinity of a declared road or land under its control, prohibit animals on the declared road or land.

(2) A person must not allow an animal on a declared road or land in contravention of a sign erected under subsection (1) without the prior written approval of the Corporation.

(3) A person must not allow an animal to stray onto or graze on a declared road that has a substantial fence on both sides, unless the animal is being moved under—

- (a) a permit issued under this regulation; or
- (b) the *Rural Lands Protection Regulation 1989*.

Camping on declared roads

2.09(1) A person must not camp or remain on—

- (a) a declared road; or
- (b) land under the Corporation's control;

on which the Corporation has provided facilities for persons, for a period exceeding 48 hours or such lesser period as is indicated by a conspicuous sign erected by the Corporation on or in the vicinity of the declared road or land.

(2) When calculating the period, the various periods that the person is camped or remains on the declared road or land during a continuous 4 week period may be added together.

(3) The Corporation may require a person contravening subsection (1), or creating a nuisance, to vacate the declared road or land and to remove any personal property in the person's control.

Qualifications of traffic controllers

2.10 For the purposes of section 2.7(4) of the Act, the Director-General or a delegating officer may delegate the appropriate functions and powers to

a person who successfully completes a course of instruction—

- (a) conducted by the Corporation; or
- (b) approved by the Corporation;

that relates to the control of traffic during construction or maintenance activities on a road.

Division 3—Ancillary works and encroachments

Approval for ancillary works and encroachments

2.11(1) Subject to section 2.12, a person must not construct ancillary works and encroachments on a declared road, except in accordance with the prior written approval of the Corporation.

(2) A written application for approval must be made to the Corporation, giving full particulars of the proposed location, nature and use of the ancillary works and encroachments.

(3) If required by the Corporation, the application must be accompanied by—

- (a) dimensional plans; and
- (b) specifications; and
- (c) longitudinal sections; and
- (d) cross sections; and
- (e) such other documents as the Corporation requires.

(4) The ancillary works and encroachments must be constructed in accordance with—

- (a) the plans and specifications approved by the Corporation; and
- (b) the terms and conditions determined by the Corporation under section 7.12(2) of the Act.

(5) No alterations are to be made to ancillary works and encroachments without the prior written approval of the Corporation.

(6) If ancillary works and encroachments exist on a road that is declared to be a motorway or other declared road, a person must apply to the Corporation for approval to continue the existence of the ancillary works and encroachments—

- (a) on the expiration of any existing permit; or
- (b) within 1 year after notification of the declaration.

Additional requirements for advertising signs

2.12(1) A person must not construct, or cause to be constructed, an advertising sign (including a vehicle, with an advertising sign on or beside the vehicle, apparently stopped for the primary purpose of advertising) that—

- (a) is visible from a motorway; or
- (b) is on a declared road.

(2) Subsection (1) does not apply to—

- (a) an advertising sign constructed in accordance with—
 - (i) the prior written approval of the Corporation under section 2.11; or
 - (ii) a permit under the *Traffic Act 1949*; or
- (b) an advertising sign attached to the premises from which the commodity or service described on the advertising sign may be obtained; or
- (c) a single static portable advertising sign, with an area of not more than 1.5 m², on the footpath outside the premises from which the commodity or service described on the advertising sign may be obtained, and directed towards pedestrians;

that is on a declared road, other than a motorway.

Removal of ancillary works and encroachments

2.13(1) If ancillary works and encroachments on a declared road do not comply with this regulation or the approval (if any) of the Corporation, the

Corporation may, by written notice to the owner of the ancillary works and encroachments, require the alteration or removal of the ancillary works and encroachments within the period stated in the notice.

(2) If ancillary works and encroachments on a declared road comply with this regulation and the approval of the Corporation, and the Corporation determines that—

- (a) it is necessary because of the construction of works for or maintenance of transport infrastructure; or
- (b) it is necessary because of the construction, augmentation, alteration or maintenance of a statutory utility; or
- (c) it is necessary or desirable for the convenience of road users;

the Corporation may by written notice to the owner of the ancillary works and encroachments require the alteration or removal of the ancillary works and encroachments within the period stated in the notice.

(3) If the owner does not comply with a notice under subsection (1) or (2), the Corporation may alter or remove the ancillary works and encroachments as required in the notice.

(4) If the Corporation determines that it is necessary or desirable for the safety of road users, the Corporation may, without first giving notice, alter or remove the ancillary works and encroachments.

(5) If the identity or address of an owner of ancillary works and encroachments is not known to the Corporation, a notice may be given to the owner by a notice in a newspaper published in the vicinity of the ancillary works and encroachments and, if the identity is unknown, by reference to ‘the owner of’ the ancillary works and encroachments.

(6) If the identity and address of the owner of the ancillary works and encroachments are known to the Corporation, the Corporation must, as soon as practicable after alteration or removal, give written notice to the person who was the owner, of the alteration or removal, and the location of any ancillary works and encroachments that have been removed.

(7) A person must not obtain possession of the removed ancillary works and encroachments unless—

- (a) the person has furnished proof of ownership or other right of

possession of the removed ancillary works and encroachments to the satisfaction of the Corporation; and

- (b) the costs incurred in relation to the removal and storage of the ancillary works and encroachments and any notification to the owner have been paid; and
- (c) the person has signed a receipt for delivery of the ancillary works and encroachments.

(8) An owner of ancillary works and encroachments that are altered or removed under subsection (2) may give written notice to the Corporation claiming compensation.

(9) Compensation under this regulation is not payable unless a claim is received by the Corporation within 1 year after the alteration or removal, unless the Corporation waives this limitation.

Sale of ancillary works and encroachments

2.14(1) If a person has not taken possession of any ancillary works and encroachments, which have been removed, within 28 days after—

- (a) the date of their removal; or
- (b) the giving of the notice under section 2.13(6);

whichever is the later, the Corporation must sell or dispose of the ancillary works and encroachments in such manner and on such terms as it determines reasonable.

(2) If the Corporation makes a sale, the proceeds must be applied—

- (a) firstly, in payment of the costs of the removal, storage and sale of the ancillary works and encroachments; and
- (b) secondly—
 - (i) in payment to the person whom the Corporation determines is lawfully entitled to the proceeds; or
 - (ii) if the Corporation cannot determine who is lawfully entitled to the proceeds within 90 days after the sale of the ancillary

works and encroachments, in payment to the Consolidated Fund.

(3) If the Corporation makes no sale or the proceeds of the sale are insufficient to pay the costs incurred in relation to the removal and any sale of the ancillary works and encroachments, the Corporation may—

- (a) recover the balance from the person who was the owner of the ancillary works and encroachments; and
- (b) dispose of the ancillary works and encroachments in such manner and on such terms as the Corporation determines reasonable.

Division 4—Tolls

Levy of tolls

2.15(1) The Minister may by Gazette notice—

- (a) levy tolls on a road, other than a franchised motorway; and
- (b) fix or vary those tolls.

(2) The Gazette notice must set out—

- (a) the road on which the tolls are to be levied; and
- (b) the date from which the levying of the tolls comes into force; and
- (c) the classes of vehicles that are liable for the tolls; and
- (d) the amount of the toll for each class of vehicle; and
- (e) the classes of vehicles that are exempt from the tolls; and
- (f) any terms and conditions in relation to the tolls.

Liability to pay tolls

2.16(1) A person using, on a road on which a toll is levied, a vehicle that is liable for the toll, must pay the toll before passing a booth at which the tolls are collected.

(2) A person must not prevent or hinder a vehicle—

- (a) that is exempt from liability for a toll; or
 - (b) in relation to which the appropriate toll has been paid;
- from passing a booth at which the tolls are collected.

PART 3—VEHICLE LIMITS

Vehicle tare

3.01 The tare of a vehicle may, without limiting any other means of determination, be determined—

- (a) by weighing the vehicle on a weighing device; or
- (b) from the certificate of registration issued under the law of a State, a Territory or the Commonwealth.

Tyre mass

3.02(1) The tyre mass of a vehicle tyre may, without limiting any other means of determination, be determined by weighing on a weighing device.

(2) A person must not use, or permit to be used, on a road a vehicle that has a tyre with a tyre mass exceeding—

- (a) in relation to a vehicle fitted with wide profile tyres—
 - (i) 3.34 t for a tyre with a tyre section width not less than 375 mm but less than 450 mm; or
 - (ii) 3.50 t for a tyre with a tyre section width not less than 450 mm; or
- (b) in relation to any other vehicle—3.00 t.

Axle mass

3.03(1) An axle mass of a vehicle may, without limiting any other means of determination, be determined—

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

(2) For the purpose of this section, if an axle is fitted with dual tyres, the axle mass may be determined by placing only the outside tyres on the weighing device.

(3) A person must not use, or permit to be used, on a road, a vehicle with an axle mass exceeding the axle mass set out in Column 2 of the following Table that corresponds to the axle configuration set out in Column 1 of the Table.

TABLE

PART A—CONFORMING AXLE GROUP MASS

	Column 1 Axle Configuration	Column 2 Axle Mass (tonnes)
1.	Single fixed axle fitted with 2 tyres—	
	(a) other than wide profile tyres	6.0
	(b) being wide profile tyres with a tyre section width not less than 375 mm but less than 450 mm	6.7
	(c) being wide profile tyres with a tyre section width not less than 450 mm	7.0
2.	Single axle fitted with dual tyres or 4 or more single tyres	9.0
3.	Single axle fitted to a trailer (centrally located in respect of the loading space of the trailer) with dual tyres or 4 or more single tyres	8.5
4.	Single steer axle—	
	(a) where the axle capacity is certified by the manufacturer or a qualified person	6.0
	(b) where the axle is not certified by the manufacturer or	

a qualified person	5.4
5. Tandem axle group with a load sharing system, where both axles are fitted with—	
(a) dual tyres	16.5
(b) wide profile tyres with a tyre section width not less than 375 mm but less than 450 mm	13.3
(c) wide profile tyres with a tyre section width not less than 450 mm	14.0
6. Tandem axle group fitted to a trailer (centrally located in respect of the loading space of the trailer) with a load sharing system, where both axles are fitted with dual tyres	15.0
7. Tandem axle group with a load sharing system, where 1 axle is fitted with dual tyres and the other axle with single tyres	13.0
8. Tandem axle group with a load sharing system, where both axles are fitted with single tyres	11.0
9. Twin steer axle group with a load sharing system, where both axles are fitted with single tyres	11.0
10. Twin steer axle group without a load sharing system, where both axles are fitted with single tyres	10.0
11. Triaxle group with a load sharing system, where each axle is fitted with dual or wide profile tyres	20.0
12. Triaxle group with a load sharing system, where each axle is fitted with single tyres	15.0
13. Triaxle group fitted to a trailer (centrally located in respect of the loading space of the trailer) with a load sharing system, where each axle is fitted with dual tyres	18.0

PART B—NON-CONFORMING AXLE GROUP MASS

Column 1 Axle Configuration	Column 2 Axle Mass (tonnes)
SINGLE AXLES	
1. Single axle fitted with 2 tyres	4.6
2. Single axle fitted with dual tyres or with 4 or more single tyres	8.1
AXLE GROUPS WITHOUT RETRACTABLE AXLES	
3. A group of 2 axles with a load sharing system, where both axles are fitted with dual tyres and the distance between axles is more than 2.4 m	15.0
4. A group of 2 axles with a load sharing system, where both axles are fitted with dual tyres and the distance between axles is not more than 2.4 m	13.2
5. A group of 2 axles with a load sharing system, where 1 axle is fitted with dual tyres and the other axle with single tyres and the distance between axles is more than 2.4 m	12.0
6. A group of 2 axles with a load sharing system, where 1 axle is fitted with dual tyres and the other axle with single tyres and the distance between axles is not more than 2.4 m	11.2
7. Tandem axle group, where both axles are fitted with single tyres	9.0
8. Twin steer axle group, where both axles are fitted with single tyres	9.0
9. A group of 3 axles with a load sharing system, where each axle is fitted with single tyres and the distance between the extreme axles is less than 2.0 m	9.0
10. Triaxle group, where each axle is fitted with dual tyres .	18.0
11. Triaxle group, where 2 axles are fitted with dual tyres and the other axle with single tyres	17.5

12.	Triaxle group, where 2 axles are fitted with single tyres and the other axle with dual tyres	15.0
13.	Triaxle group, where each axle is fitted with single tyres	13.8
14.	Quadaxle group or a group of more than 4 axles	18.0

AXLE GROUPS WITH RETRACTABLE AXLES

15.	Tandem axle group, where 1 axle is a retractable axle and the other axle is fitted with—	
	(a) dual tyres	8.1
	(b) single tyres	4.6
16.	Triaxle group, where 1 axle is a retractable axle and the other axles are fitted with—	
	(a) dual tyres	13.2
	(b) single tyres	9.0
	(c) dual tyres on 1 axle and single tyres on the other axle	11.2

(4) Irrespective of subsection (3), the axle mass for a route service bus must not exceed—

- (a) 6 t for a single axle fitted with 2 tyres; or
- (b) 10 t for a single axle fitted with 4 or more tyres.

Vehicle mass

3.04(1) The mass of a vehicle or vehicle combination may, without limiting any other means of determination, be determined—

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

(2) A person must not use, or permit to be used, on a road, a vehicle with a loaded mass exceeding the least of—

- (a) in the case of a vehicle—
 - (i) registered under this regulation—the registered gross vehicle mass or registered gross combination mass; or
 - (ii) registered in another State, a Territory or the

Commonwealth—the maximum loaded mass for the vehicle determined under a corresponding law of that State or Territory or the Commonwealth; or

- (b) the sum of the maximum axle mass, permitted under section 3.03, of all axles; or
- (c) in the case of a conforming vehicle or a combination of conforming vehicles—the loaded mass set out in Column 2 of the following Table that corresponds to the distance between the extreme axles of the vehicle or vehicle combination set out in Column 1 of the Table—

TABLE
CONFORMING VEHICLE LOADED MASS

Column 1		Column 2	Column 1		Column 2
Distance between Extreme Axles (metres)		Loaded Mass (tonnes)	Distance between Extreme Axles (metres)		Loaded Mass (tonnes)
from	to less than		from	to less than	
3.0	3.2	17.0	7.3	7.5	30.0
3.2	3.3	17.5	7.5	7.7	30.5
3.3	3.5	18.0	7.7	7.8	31.0
3.5	3.7	18.5	7.8	8.0	31.5
3.7	3.8	19.0	8.0	8.2	32.0
3.8	4.0	19.5	8.2	8.3	32.5
4.0	4.2	20.0	8.3	8.5	33.0
4.2	4.3	20.5	8.5	8.7	33.5
4.3	4.5	21.0	8.7	8.8	34.0
4.5	4.7	21.5	8.8	9.0	34.5
4.7	4.8	22.0	9.0	9.2	35.0
4.8	5.0	22.5	9.2	9.3	35.5
5.0	5.2	23.0	9.3	9.5	36.0
5.2	5.3	23.5	9.5	9.7	36.5

*Transport Infrastructure (Roads) Regulation
1991*

5.3	5.5	24.0	9.7	9.8	37.0
5.5	5.7	24.5	9.8	10.0	37.5
5.7	5.8	25.0	10.0	10.2	38.0
5.8	6.0	25.5	10.2	10.3	38.5
6.0	6.2	26.0	10.3	10.5	39.0
6.2	6.3	26.5	10.5	10.7	39.5
6.3	6.5	27.0	10.7	10.8	40.0
6.5	6.7	27.5	10.8	11.0	40.5
6.7	6.8	28.0	11.0	11.2	41.0
6.8	7.0	28.5	11.2	11.3	41.5
7.0	7.2	29.0	11.3	11.5	42.0
7.2	7.3	29.5	11.5	..	42.5

Where the distance between the extreme axles is not less than 4.3 m, the maximum loaded mass of a prime mover or truck, with single steer and tandem drive axles, is 22.5 t; or

- (d) in the case of a non-conforming vehicle or a combination of vehicles containing a non-conforming vehicle—the loaded mass set out in Column 2 of the following Table (according to the number of axles fitted to the vehicle or vehicle combination) that corresponds to the distance between the extreme axles of the vehicle or vehicle combination set out in Column 1 of the Table—

TABLE
NON-CONFORMING VEHICLE LOADED MASS

Column 1 Distance between Extreme Axles (metres)		Column 2 Loaded Mass (tonnes)				
from	to less than	2 axles	3 axles	4 axles	5 axles	6 axles
3.0	3.3	16.4	18.6	..	..	..
3.3	3.6	16.7	19.0	21.3	..	..
3.6	3.9	..	19.3	21.6	..	..
3.9	4.2	..	19.7	21.9	..	..
4.2	4.5	..	20.0	22.2	..	..
4.5	4.8	..	20.3	22.5	24.9	24.9
4.8	5.1	..	20.6	22.8	25.1	25.1
5.1	5.4	..	21.0	23.1	25.4	25.4
5.4	5.7	..	21.3	23.4	25.7	25.7
5.7	6.0	..	21.6	23.7	26.0	26.0
6.0	6.3	..	21.9	24.0	26.3	26.3
6.3	6.6	..	22.3	24.3	26.6	26.6
6.6	6.9	..	22.6	24.6	26.8	26.8
6.9	7.2	..	23.0	24.9	27.1	27.1
7.2	7.5	..	23.3	25.2	27.4	27.4
7.5	7.8	..	23.6	25.6	27.7	27.7
7.8	8.1	..	..	25.9	27.9	27.9
8.1	8.4	..	..	26.2	28.2	28.2
8.4	8.7	..	..	26.5	28.5	28.5
8.7	9.0	..	..	26.8	28.8	28.8
9.0	9.3	..	..	27.1	29.1	31.5
9.3	9.6	..	..	27.4	29.4	31.8
9.6	9.9	..	..	27.7	29.6	32.1
9.9	10.2	..	..	28.0	29.9	32.2
10.2	10.5	..	..	28.3	30.2	32.6

*Transport Infrastructure (Roads) Regulation
1991*

10.5	10.8	..	..	28.6	30.5	32.9
10.8	11.1	..	..	28.9	30.7	33.1
11.1	11.4	..	..	29.2	31.0	33.4
11.4	11.7	..	..	29.5	31.3	33.7
11.7	12.0	..	..	29.8	31.6	33.9
12.0	12.3	..	..	30.1	31.9	34.2
12.3	12.6	..	..	30.4	32.2	34.5
12.6	12.9	..	..	30.7	32.4	34.7
12.9	13.2	..	..	..	32.7	35.1
13.2	13.5	..	..	..	33.0	35.3
13.5	13.8	..	..	..	33.3	35.6
13.8	14.1	..	..	..	33.5	35.9
14.1	14.4	..	..	..	33.8	36.0
14.4	14.7	..	..	..	34.1	36.0
14.7	15.0	..	..	..	34.4	36.0
15.0	15.3	..	..	..	34.7	36.0
15.3	15.6	..	..	..	35.0	36.0
15.6	15.9	..	..	..	35.3	36.0
15.9	16.2	..	..	..	35.5	36.0
16.2	16.5	..	..	..	35.8	36.0

Transport of livestock

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

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

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

- (a) the permit must be carried in the motor vehicle whenever the vehicle or vehicle combination is on a road;
- (b) an inspection certificate under the *Motor Vehicles Safety Act 1980* for the vehicle or vehicle combination must be carried in the motor vehicle whenever the vehicle or vehicle combination is on a

road;

- (c) livestock is not to be carried on an upper deck unless all lower decks are fully loaded;
- (d) the vehicle must comply with the *State Transport Act 1960* and the *Traffic Act 1949*;
- (e) a motor vehicle fitted at the rear with a tandem axle or a triaxle must be driven on at least 2 axles;
- (f) a semitrailer must be fitted with a dual wheel triaxle group and be hauled by a motor vehicle fitted with a dual wheel tandem drive axle group or dual wheel triaxle drive group;
- (g) a dog trailer must be fitted with a dual wheel tandem axle group at the front and a dual wheel triaxle group at the rear;
- (h) the axle mass of an axle group on a trailer, as evidenced by a certificate from the axle manufacturer or the manufacturer's agent, must be at least—
 - (i) 20 t for a tandem axle group; or
 - (ii) 25 t for a triaxle group;
- (i) the suspension and attachment systems on a trailer, as evidenced by a certificate from the suspension manufacturer or the manufacturer's agent, must be capable of carrying at least—
 - (i) 20 t for a tandem axle group; or
 - (ii) 25 t for a triaxle group;
- (j) each wheel on an axle on a trailer must be fitted with—
 - (i) a drum type brake assembly, capable of developing a torque of at least 13 500 Nm when supplied with air at 550 kPa and fitted with a 125 mm long actuation lever; or
 - (ii) a disc type brake assembly, capable of developing a torque of at least 13 500 Nm when supplied with air at 550 kPa;as evidenced by a certificate from the brake system manufacturer or the manufacturer's agent;
- (k) all tyre mass ratings, as set out in a recognised Tyre and Rim

Association Manual for a speed of 90 km/h, must be at least the tyre mass set out in Column 2 of the following Table that corresponds to the axle configuration set out in Column 1 of the Table—

TABLE
TYRE MASS RATING

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

TABLE GVM RATING

Front Axle	Rear Axle	GVM (tonnes)
1. Single axle fitted with 2 tyres	Single axle fitted with dual tyres	16
2. Single axle fitted with 2 tyres	Tandem axle group with a load sharing system, where both axles are fitted with dual tyres	26
3. Twin steer axle group with a load sharing system, where both axles are fitted with single tyres	Tandem axle group with a load sharing system, where both axles are fitted with dual tyres	31
4. Twin steer axle group without a load sharing system, where both axles are fitted with single tyres	Tandem axle group with a load sharing system, where both axles are fitted with dual tyres	30
5. Single axle fitted with 2 tyres	Triaxle group with a load sharing system, where each axle is fitted with dual tyres	31
6. Twin steer axle group with a load sharing system, where both axles are fitted with single tyres	Triaxle group with a load sharing system, where each is fitted with dual tyres	36
7. Twin steer axle group without a load sharing system, where both axles are fitted with single tyres	Triaxle group with a load sharing system, where each axle is fitted with dual tyres	35

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

Heavy indivisible vehicles and loads

3.06(1) The Corporation may issue a permit allowing a vehicle—

- (a) that can not be taken apart without considerable expense; or
- (b) conveying a piece of heavy machinery or other load that can not be taken apart without considerable expense;

to exceed the maximum mass permitted under this regulation.

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

(3) A permit may be issued subject to terms and conditions as to—

- (a) the roads on which the vehicle may be used; and
- (b) the period of use on the roads; and
- (c) the payment of the costs or estimated costs, to be incurred by the Corporation, of—
 - (i) assessing the route and preparing the relevant plans and estimates; and
 - (ii) preparing or strengthening road transport infrastructure; and
 - (iii) the repair, replacement or reconstruction of road transport infrastructure; and
 - (iv) ensuring observance of the terms and conditions of the permit; and
- (d) safety requirements; and
- (e) such other matters as the Corporation determines.

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

Checking sites

3.07(1) The driver of a vehicle having a tare in excess of 4 t, when arriving at a place on a road near a checking site, indicated by a sign on or in the vicinity of the road, must drive the vehicle to the checking site, unless otherwise directed by an authorised officer.

(2) The driver must ensure that the vehicle remains at the checking site for as long as is necessary to weigh the vehicle and its load (if any).

(3) The driver of a vehicle on a road must comply with a requirement of an authorised officer to—

- (a) stop the vehicle when the requirement to do so is indicated in an appropriate way, including by the display of a sign; and
- (b) hold the vehicle stationary; and
- (c) discontinue driving the vehicle until the load on the vehicle has been reduced or adjusted so that the vehicle does not exceed the maximum mass permitted under this regulation.

(4) A person in charge of a vehicle stopped for weighing must not unload or alter the position or distribution of any part of the load on the vehicle until the vehicle has been weighed.

(5) When the mass of a vehicle has been found to exceed the maximum mass permitted under this regulation, an authorised officer must record the mass of the vehicle on a notice and give a copy of the notice to the driver of the vehicle.

Restriction of loads on structures

3.08(1) The Corporation may determine the maximum loaded mass of a vehicle that may use a bridge or culvert forming part of a declared road.

(2) When the Corporation has made a determination in relation to a bridge or culvert and the maximum loaded mass is less than is permitted under section 3.04, the Corporation must erect on or in the vicinity of the bridge or culvert a conspicuous notice setting out the maximum mass and any conditions applicable.

(3) A person must not use, or permit to be used, a vehicle in contravention of a notice erected under subsection (2) without the prior written approval of the Corporation.

Over dimension vehicles

3.09(1) A person must not use, or permit to be used, on a road, a vehicle

with dimensions over those specified in the *Traffic Act 1949*, without the prior written approval of the Corporation.

(2) Approval may be given subject to terms and conditions as to—

- (a) the roads on which the vehicle may be used; and
- (b) the period of use on the roads; and
- (c) the repair, replacement or reconstruction of transport infrastructure; and
- (d) safety requirements; and
- (e) such other matters as the Corporation determines.

(3) A failure to comply with a term or condition of an approval renders the approval void.

PART 4—VEHICLE REGISTRATION

Division 1—Registration

Use of vehicle on road

4.01 A person must not use, or permit to be used, on a road, a vehicle (being a motor vehicle or trailer) that is not registered under this regulation, unless the use of the vehicle is authorised—

- (a) under the law of another State, a Territory, the Commonwealth or a foreign country, and the person complies with Division 3; or
- (b) by a limited use permit or limited use plate, and the person complies with Division 4; or
- (c) by a dealer's plate, and the person complies with Division 5.

Register of vehicles

4.02(1) The Corporation must keep records in a register of vehicles, that are to include—

- (a) in relation to each registered vehicle—
 - (i) the registration number; and
 - (ii) the vehicle's particulars; and
 - (iii) the name and address of the person in whose name the vehicle is registered; and
 - (iv) the period of registration; and
- (b) such other records as the Corporation determines.

(2) Whenever the Corporation changes a particular recorded in the register of vehicles, the Corporation may issue an updated certificate.

(3) The Corporation may supply an extract from the register of vehicles to a person on payment of the prescribed fee.

Application for registration

4.03(1) An application for the registration of a vehicle must be made to the Corporation in the approved form and accompanied by—

- (a) the prescribed vehicle registration fee; and
- (b) the prescribed plate fee; and
- (c) the traffic improvement fee payable under the *Traffic Act 1949*; and
- (d) a current certificate of insurance under the *Motor Vehicles Insurance Act 1936* for the vehicle; and
- (e) the nominal defendant fee payable under the *Motor Vehicles Insurance Act 1936*; and
- (f) the stamp duty payable under the *Stamp Act 1894*; and
- (g) a certificate of compliance under the *Gas Regulation 1989* for the vehicle; and

- (h) a certificate under the *Motor Vehicles Safety Act 1980* for the vehicle; and
- (i) evidence of the tare of the vehicle established by—
 - (i) a measurement ticket under the *Trade Measurement Act 1990*; or
 - (ii) if a working weighing device is not located within a 20 km radius of the person's address or the place where application for registration is made—the person's written statement;

whichever are applicable.

(2) The Corporation may register a vehicle by—

- (a) allocating a registration number to the vehicle; and
- (b) recording information relating to the vehicle in the register of vehicles; and
- (c) issuing to the person making the application—
 - (i) a certificate of registration; and
 - (ii) a registration label (unless the vehicle is a tractor); and
 - (iii) a number plate or pair of number plates (unless the person holds unattached personalised number plates).

Exemption from payment of fee

4.04(1) The Corporation must, on application being made in accordance with subsection (3), exempt from payment of the prescribed vehicle registration fee—

- (a) a vehicle owned and used solely by a charity registered under the *Collections Act 1966*; and
- (b) a vehicle or number of vehicles owned by—
 - (i) a consulate; or
 - (ii) the head of a consulate; or
 - (iii) a career officer of a consulate; or

(iv) the head of an honorary consular mission;

approved, from time to time, by the chief executive of the Department of the Premier, Economic and Trade Development, so that the number of vehicles exempted is not more than the number specified in the approval; and

(c) motorised wheelchairs.

(2) The Corporation may, on application being made in accordance with subsection (3), partially exempt from payment of the prescribed vehicle registration fee the vehicles set out in Part 2 of Schedule 1, if the concessional vehicle registration fees set out in that Part are paid for those vehicles.

(3) An application for exemption from payment of the prescribed vehicle registration fee must be made to the Corporation in the approved form and, if required by the Corporation, accompanied by—

(a) a written statement setting out the circumstances under which the exemption is claimed; and

(b) such other information as the Corporation may reasonably require.

(4) A person to whom an exemption is given must notify the Corporation in writing—

(a) before using the vehicle for a purpose other than that for which the exemption was given; or

(b) within 14 days after the alteration of the circumstances under which the exemption was given; or

(c) on the transfer of the vehicle in accordance with section 4.17 or 4.18.

(5) On receipt of a notice under subsection (4), the Corporation may make an amended assessment of the fees payable for the unexpired period of registration in accordance with Part 1 of Schedule 1 and by written notice require any amount assessed in excess of the amount previously paid in relation to that period to be paid within 28 days by—

(a) in the case of a notice under subsection (4)(a) or (b)—the person to whom the exemption was given; or

- (b) in the case of a notice under subsection (4)(c)—the person to whom the vehicle is transferred.

Inspections

4.05(1) The Corporation may require a person applying for registration of a vehicle or the owner of a registered vehicle to submit the vehicle to the Corporation for inspection at a specified time and place.

(2) A person must not drive or tow an unregistered vehicle to the place of inspection unless—

- (a) an application for registration in the approved form has been completed; and
- (b) a current certificate of insurance under the *Motor Vehicles Insurance Act 1936* exists for the vehicle; and
- (c) the documents referred to in paragraphs (a) and (b) are—
 - (i) in relation to a trailer—carried in the motor vehicle hauling the trailer; or
 - (ii) in relation to any other vehicle—carried in the vehicle.

(3) If, on inspection, the maker's engine number is not clearly legible or appears to have been altered or defaced, the Corporation may allot an engine number to a motor vehicle.

(4) The engine number so allotted must be recorded in the register of vehicles.

(5) The owner of the motor vehicle must stamp the allotted engine number on the engine in accordance with the Corporation's specifications as to size, style and location.

Registered mass

4.06(1) The Corporation may determine the registered gross vehicle mass or the registered gross combination mass for a vehicle.

(2) The mass so determined must be recorded in the register of vehicles.

(3) A person must apply to the Corporation for a registered gross

combination mass before using on a road a commercial vehicle to tow a trailer having an aggregate trailer mass of 3.5 t or more.

Non-conforming vehicles

4.07 The Corporation may refuse to register or renew the registration or may cancel the registration of a non-conforming vehicle, that is a vehicle that—

- (a) being a truck or prime mover, is not supported—
 - (i) at the front, by a single axle or twin steer axle group, with all wheels connected to the steering system of the motor vehicle; and
 - (ii) at the rear, by a single axle, conforming tandem axle group or conforming triaxle group; or
- (b) being a semitrailer, is not supported at the rear by a single axle, conforming tandem axle group or conforming triaxle group; or
- (c) being any other trailer, is not supported by—
 - (i) a single axle, conforming tandem axle group or conforming triaxle group; or
 - (ii) a single axle, conforming tandem axle group or conforming triaxle group at both the front and rear of the trailer, with all wheels in the front axle group connected to the steering system of the trailer; or
- (d) being a motor vehicle (other than a tractor), does not have the steering wheel or controls on the right-hand side; or
- (e) does not comply with the *Motor Vehicles Safety Act 1980* or the *Traffic Act 1949*.

Effective period of registration

4.08(1) The registration or renewal of registration of a vehicle is effective on the issue of the Corporation's receipt for payment.

(2) The registration of a vehicle is effective up to but excluding the expiry

date specified by the Corporation on the certificate of registration.

(3) Any payment for the renewal of registration of a vehicle relates to the period commencing on the expiry of the preceding period of registration.

Seasonal registration

4.09(1) A primary producer may register—

- (a) a motor vehicle mentioned in item 2 of Part 2 of Schedule 1; and
- (b) a trailer to be hauled by—
 - (i) a vehicle mentioned in paragraph (a); or
 - (ii) a tractor registered in the name of the primary producer;

for a period of 3 months or 6 months.

(2) At the expiration of the period, the registration of the vehicle may be—

- (a) renewed for a period of 3 months or 6 months; or
- (b) deferred for a period not exceeding 1 year and then renewed.

(3) Subsection (2) does not prevent the registration of a vehicle at any time being—

- (a) renewed for the period for which vehicles are usually registered under section 4.08; or
- (b) cancelled under section 4.19.

Carrying of certificates of registration

4.10 The owner of a registered vehicle, whenever the vehicle is on a road, must cause the certificate of registration issued for the vehicle, or a copy of it—

- (a) in relation to a trailer—to be carried in the motor vehicle hauling the trailer; or
- (b) in relation to any other vehicle—to be carried in the vehicle.

Attachment of registration labels

4.11(1) The owner of a registered vehicle must attach the registration label issued for the vehicle to the vehicle, in the way required by subsections (2) and (3), within 14 days after—

- (a) the issue of the registration label, on initial registration; or
- (b) the expiration of the preceding period of registration; or
- (c) the issue of a replacement registration label.

(2) The registration label must be attached—

- (a) in relation to a motorcycle—by means of a holder attached to the motorcycle, so that the label is clearly visible at a distance of 6 m from the left-hand side or rear of the motorcycle; and
- (b) in relation to a trailer—to the trailer or by means of a holder attached to the trailer, so that the label is clearly visible at a distance of 6 m from the left-hand side or rear of the trailer; and
- (c) in relation to any other vehicle—
 - (i) to the lower left-hand corner of the vehicle's windscreen; or
 - (ii) to a fixed or pivoted window on the left-hand side of the vehicle;

so that the label is clearly visible at a distance of 6 m from the vehicle.

(3) If a motor vehicle (other than a motorcycle) does not have a windscreen, the registration label must be attached, by means of a holder, to the left-hand side of the motor vehicle as near as practicable to the position required by subsection (2)(c).

(4) The owner must remove from a vehicle and destroy a registration label—

- (a) issued by a person delegated to transact business on behalf of the Corporation—on receipt of a registration label subsequently issued by the Corporation; or
- (b) within 3 days after the expiry of the period of registration to which the registration label applies.

Attachment of number plates

4.12(1) The owner of a registered vehicle must attach a number plate issued for the vehicle to the vehicle within 1 day of receipt of the number plate.

(2) Each number plate must be attached to the vehicle in a location set out in Column 3 of Schedule 2 which corresponds to the type of number plate set out in Column 1 of the Schedule so that it is clearly visible at the distance from the vehicle set out in Column 4 of the Schedule.

(3) If a pair of number plates has been issued for a motorcycle, only 1 must be attached to the motorcycle, in accordance with subsection (2).

(4) A person must not attach anything, or permit anything to be attached, to a number plate unless it—

- (a) is approved by the Corporation; or
- (b) is required to be attached by the *Traffic Act 1949*.

‘Q’ plates

4.13(1) A person must not manufacture a replacement ‘Q’ plate except with the written approval of the Corporation and to the written specifications of the Corporation.

(2) A ‘Q’ plate that has been manufactured in accordance with subsection (1) is taken to have been issued by the Corporation.

Personalised number plates

4.14(1) The Corporation may issue a personalised number plate—

- (a) on receipt of an application in the approved form and payment of the prescribed plate fee; and
- (b) on a sale at public auction for an amount acceptable to the Corporation.

(2) When the Corporation issues a personalised number plate the Corporation must—

- (a) allocate a registration number; and

- (b) record information relating to an unattached personalised number plate in the register of vehicles; and
- (c) issue a certificate, setting out particulars of the personalised number plate, to the person making application.

(3) A personalised number plate may be—

- (a) retained without being attached to a vehicle; and
- (b) subject to subsection (5), attached to a vehicle; and
- (c) transferred by way of sale, gift or bequest; and
- (d) surrendered to the Corporation.

(4) A person to whom a personalised number plate is transferred, including a person administering an estate, must within 28 days after the transfer—

- (a) notify the Corporation in writing; and
- (b) pay the prescribed fee.

(5) A person must not attach a personalised number plate to a vehicle until the person has—

- (a) made application to the Corporation in the approved form; and
- (b) received a certificate of registration showing the number of the personalised number plate as the registration number for the vehicle.

(6) Personalised number plates issued as a pair must not be disposed of except as a pair.

(7) The Corporation may issue a personalised number plate with any combination of letters and numerals even though substantially similar to another personalised number plate issued, so long as an identical combination is not currently issued.

Change of particulars on register

4.15(1) A person whose name and address are currently in the register of vehicles must, by written notice within 14 days after a change of name or address, give full particulars of the change to the Corporation.

(2) An owner of a registered vehicle and a person who alters a registered vehicle (including the tare, carrying capacity, vehicle description, method of propulsion, or any of the other particulars recorded in the register of vehicles for the vehicle) must, by written notice within 14 days after the alteration, give full particulars of the alteration to the Corporation.

(3) The Corporation, on being satisfied as to the correctness of the information supplied in a notice under this regulation, must—

- (a) record the correct name, address or particulars in the register of vehicles; and
- (b) issue an updated certificate of registration.

Division 2—Renewal, transfer and cancellation of registration

Renewal of registration

4.16(1) Subject to sections 4.09 and 4.19, the owner of a registered vehicle must apply to renew its registration before the expiration of the period of registration.

(2) An application for renewal of registration must be made to the Corporation in the approved form and accompanied by—

- (a) the prescribed vehicle registration fee; and
- (b) the traffic improvement fee payable under the *Traffic Act 1949*; and
- (c)—
 - (i) the premium for renewal of the contract of insurance under the *Motor Vehicles Insurance Act 1936* for the vehicle; or
 - (ii) if the contract of insurance is not being renewed, a current certificate of insurance under the *Motor Vehicles Insurance Act 1936* for the vehicle; and
- (d) the nominal defendant fee payable under the *Motor Vehicles Insurance Act 1936*; and

- (e) a certificate under the *Motor Vehicles Safety Act 1980* for the vehicle; and
- (f) the inspection fee payable under section 29(3) of the *Motor Vehicles Safety Act 1980*;

whichever are applicable.

(3) On receipt of the application, the Corporation must update the records in the register of vehicles and issue to the owner—

- (a) an updated certificate of registration; and
- (b) a registration label (unless the vehicle is a tractor).

Transfer of registration

4.17(1) A person who sells, or otherwise disposes of, a registered vehicle must apply for the transfer of registration within 7 days after the sale or disposal of the vehicle.

(2) An application for the transfer of registration must be made to the Corporation in the approved form and accompanied by—

- (a) the prescribed fee; and
- (b) any other amounts due, including fees payable for the renewal of the vehicle's registration; and
- (c) the stamp duty payable under the *Stamp Act 1894*; and
- (d) a certificate of compliance under the *Gas Regulation 1989* for the vehicle; and
- (e) a certificate under the *Motor Vehicles Safety Act 1980* for the vehicle;

whichever are applicable.

(3) A dealer who acquires a registered vehicle must notify the Corporation of the acquisition in the approved form within 7 days after the acquisition.

(4) All amounts under subsection (2) are payable by the person who acquires a vehicle from the date of transfer appearing in the application form.

(5) If a person who has acquired a registered vehicle has not received from the Corporation a certificate of registration bearing the person's name as the owner of the vehicle within 28 days after the transfer of the vehicle, the person must notify the Corporation of the transfer in the approved form within a further 7 days.

(6) If a person who acquires a registered vehicle cannot—

- (a) ascertain the full name and address; or
- (b) obtain the signature on an approved form;

of the person who sold or disposed of the vehicle, the person who acquires the vehicle must give a written statement to that effect to the Corporation.

(7) The Corporation, on receipt of an application under subsection (1) or on being satisfied as to the correctness of the information contained in a statement received under subsection (6), may—

- (a) record in the register of vehicles the date of the transfer appearing in the application form; and
- (b) substitute the name and address of the person who acquires the vehicle for those of the owner recorded in the register of vehicles; and
- (c) issue an updated certificate of registration.

(8) Until the Corporation receives notice of the transfer of a vehicle, the person in whose name the vehicle is registered is taken to be the owner of the vehicle for the purposes of this regulation.

Transfer of registration under legal process

4.18(1) A person who obtains a registered vehicle under a legal process must, within 7 days after obtaining the vehicle, notify the Corporation in the approved form.

(2) A person who repossesses a registered vehicle that is not redeemed within 28 days after the repossession must, within a further 7 days, notify the Corporation in the approved form.

(3) A person who cannot obtain the signature of the owner of the vehicle on an approved form, must give a written statement to that effect to the

Corporation.

(4) The Corporation, on being satisfied as to the correctness of the information contained in a statement received under subsection (3) and that the person is lawfully entitled to the vehicle, may—

- (a) record in the register of vehicles the date of the transfer appearing in the approved form; and
- (b) substitute the person's name and address for those of the owner recorded in the register of vehicles; and
- (c) issue an updated certificate of registration.

Cancellation of registration

4.19(1) The registration of a vehicle may be cancelled on the written application of the owner if the vehicle—

- (a) is owned by a dealer for sale; or
- (b) has been stolen or destroyed; or
- (c) has been removed from the State; or
- (d) has ceased to be used on a road.

(2) The Corporation may also by written notice to an owner cancel a vehicle's registration if application for renewal of registration is not made in accordance with section 4.16.

(3) When applying for cancellation or on receiving notice of cancellation from the Corporation, an owner must return to the Corporation—

- (a) the registration label; and
- (b) the number plate;

issued for the vehicle.

(4) The owner is not liable for a contravention of subsection (3) if the owner has notified the Corporation in writing of the loss, theft or destruction of the registration label or number plate.

(5) The Corporation must record a cancellation of the registration of a vehicle in the register of vehicles.

(6) Cancellation is effective—

- (a) in the case of the owner's application—on the date of receipt of the application and compliance with subsection (3); or
- (b) in the case of cancellation by the Corporation—on the date the Corporation records the cancellation in the register of vehicles.

Division 3—Visitors

Vehicles registered elsewhere

4.20(1) A person is not required to register a vehicle under this regulation if—

- (a) the vehicle is temporarily in Queensland, the onus of proof of which is on the person; and
- (b) the vehicle is registered in another State, a Territory, the Commonwealth or a foreign country; and
- (c) the person is not a permanent resident of Queensland; and
- (d) the current registration label and number plate issued for the vehicle in accordance with the law of the State, Territory, Commonwealth or foreign country are attached to the vehicle; and
- (e) the vehicle is insured—
 - (i) in the case of a vehicle registered in a foreign country—under a contract of insurance under the *Motor Vehicles Insurance Act 1936*; or
 - (ii) in the case of a vehicle registered in another State or Territory or the Commonwealth—under a contract of insurance made under a law of the State, Territory or Commonwealth that is substantially similar to the *Motor Vehicles Insurance Act 1936*; and
- (f) the person complies with the law of the State, Territory, Commonwealth or foreign country authorising the use of the vehicle on a road in so far as can be applied in Queensland; and

- (g) the person can produce for inspection on demand by an authorised officer—
 - (i) an overseas vehicle permit issued under subsection (2); or
 - (ii) the authority to use the vehicle on a road issued under the law of the State, Territory or Commonwealth.

(2) On the application of a person who is temporarily in Australia, the Corporation may issue an overseas vehicle permit in relation to a vehicle on being satisfied that—

- (a) the vehicle is registered in a foreign country; and
- (b) the requirements of subsection (1)(a), (d) and (e) have been met.

(3) If a commercial vehicle, bus, prime mover or trailer is used in Queensland for a continuous period of more than 3 months, it is not temporarily in Queensland.

(4) Subsection (1) ceases to apply on the owner or person in charge of the vehicle becoming a permanent resident of Queensland.

Visiting dealer's plates

4.21 The owner or person in charge of a vehicle to which is attached a dealer's plate or similar type of plate issued under the law of another State, a Territory or the Commonwealth is not required to make application for registration of the vehicle under this regulation if the vehicle is being used—

- (a) in accordance with the law of the State, Territory or Commonwealth; and
- (b) in a manner that would be permitted by section 4.26.

Division 4—Limited use permits and plates

Limited use permits

4.22(1) The Corporation may authorise the limited use of an unregistered vehicle on a road by issuing a limited use permit to the person making application.

(2) An application for a limited use permit must be made to the Corporation in the approved form and accompanied by—

- (a) the prescribed fee; and
- (b) a current certificate of insurance under the *Motor Vehicles Insurance Act 1936* for the vehicle.

(3) A limited use permit may be issued subject to terms and conditions as to—

- (a) the purpose of the use of the vehicle; and
- (b) the roads on which the vehicle may be used; and
- (c) the period of use on the roads.

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

(5) The owner of a vehicle to whom a limited use permit has been issued must, whenever the vehicle is on a road, cause the limited use permit—

- (a) in relation to a motorcycle or tractor—to be carried on the driver; or
- (b) in relation to a trailer—to be carried in the motor vehicle hauling the trailer; or
- (c) in relation to any other vehicle—to be attached as set out in section 4.11(2)(c) for a registration label.

Limited use plates

4.23(1) The Corporation may authorise the limited use of an unregistered vehicle on a road by issuing a limited use plate to the person making application.

(2) An application for a limited use plate must be made to the Corporation in the approved form and accompanied by—

- (a) the prescribed fee; and
- (b) the prescribed plate fee; and
- (c) a current certificate of insurance under the *Motor Vehicles*

Insurance Act 1936 for the vehicle; and

- (d) the nominal defendant fee payable under the *Motor Vehicles Insurance Act 1936*; and
- (e) a certificate of compliance under the *Gas Regulation 1989* for the vehicle;

whichever are applicable.

(3) On the issue of a limited use plate, the Corporation must—

- (a) allocate a registration number; and
- (b) record information relating to the limited use plate in the register of vehicles; and
- (c) issue a certificate for limited use to the person making application.

(4) A limited use plate may be issued subject to terms and conditions as to—

- (a) the purpose of use of the vehicle; and
- (b) the roads on which the vehicle may be used; and
- (c) the period of use on the road.

(5) A failure to comply with a term or condition, subject to which a limited use plate is issued, renders the limited use plate void.

(6) The owner of a vehicle to whom a limited use plate has been issued must, whenever the vehicle is on a road, cause the limited use plate to be attached to the vehicle in the location set out in Column 3 of Schedule 2 so that it is clearly visible at a distance from the vehicle set out in Column 4 of the Schedule.

(7) A limited use plate—

- (a) is effective up to and including 30 June following issue; and
- (b) is not transferable.

(8) The Corporation may cancel the authority to use a limited use plate on the written application of a person to whom a limited use plate has been issued.

(9) The Corporation may also by written notice cancel an authority to use

a limited use plate if a person so authorised, when called on to do so, neglects to show cause or fails, in the Corporation's determination, to show sufficient cause why the authority should not be cancelled.

(10) When applying for cancellation or on receiving notice of cancellation from the Corporation, a person must return the limited use plate to the Corporation unless the person has notified the Corporation in writing of its loss, theft or destruction.

(11) The Corporation must record a cancellation of the authority to use a limited use plate in the register of vehicles.

(12) Cancellation is effective—

- (a) in the case of the application of a person to whom a limited use plate has been issued—on the date of receipt of the application and compliance with subsection (10); or
- (b) in the case of cancellation by the Corporation—on the date the Corporation records the cancellation in the register of vehicles.

Division 5—Dealer's plates

Issue of dealer's plates

4.24(1) The Corporation may authorise the use of an unregistered vehicle on a road by issuing a dealer's plate to a dealer or other person who satisfies the Corporation that a dealer's plate is required in the conduct of the person's business.

(2) An application for a dealer's plate must be made to the Corporation in the approved form and accompanied by—

- (a) the prescribed plate fee; and
- (b) a current certificate of insurance under the *Motor Vehicles Insurance Act 1936*; and
- (c) if the person making application is not a dealer, a written statement giving full particulars of the nature of the person's business and circumstances under which the dealer's plate is required to be used.

- (3) On the issue of a dealer's plate, the Corporation must—
- (a) allocate a registration number; and
 - (b) record information relating to the dealer's plate in the register of vehicles; and
 - (c) issue a certificate of assignment of the dealer's plate to the person making application.
- (4) A dealer's plate—
- (a) is effective up to and including 31 December following its issue; and
 - (b) is not transferable.

Attachment of dealer's plates

4.25(1) A dealer or person to whom a dealer's plate has been issued must ensure that the plate is attached to a vehicle as required by subsection (2).

(2) A dealer's plate must be attached to a vehicle in the location set out in Column 3 of Schedule 2 so that it is clearly visible at the distance from the vehicle set out in Column 4 of the Schedule.

Use of dealer's plates

4.26(1) A person must not use, or permit to be used, on a road, a vehicle with a dealer's plate attached unless the vehicle—

- (a) is being used for the purpose of demonstration of the vehicle with a view to its sale; or
- (b) is being delivered to a purchaser after sale; or
- (c) is travelling to or from a workshop for painting, repairs or motor body construction work or being used for subsequent testing; or
- (d) is being used for any other purpose approved by the Corporation.

(2) A person must not use, or permit to be used, on a road, a vehicle with a dealer's plate attached if the vehicle is carrying a load or hauling a vehicle

carrying a load, unless the vehicle with the dealer's plate attached is—

- (a) a boat trailer carrying a boat; or
- (b) hauling a motor vehicle travelling on its rear wheels only, with its front portion mounted on the hauling vehicle; or
- (c) carrying a load solely for the purpose of demonstration of the vehicle with a view to its sale, and not for hire or reward.

(3) A person must not use, on a road, a vehicle with a dealer's plate attached unless authorised by the person to whom the dealer's plate was issued.

Cancellation of dealer's plates

4.27(1) A person to whom a dealer's plate has been issued must notify the Corporation in writing within 7 days after—

- (a) the cessation of the business for which the dealer's plate was issued; or
- (b) a material change in particulars or circumstances from those stated to the Corporation in support of the application for the dealer's plate.

(2) On receipt of the notice, the Corporation may—

- (a) by written notice to the person, cancel the authority to use the dealer's plate; or
- (b) in the case of a notice under subsection (1)(b), authorise the continued use of the dealer's plate.

(3) The Corporation may also by written notice cancel an authority to use a dealer's plate if a person so authorised, when called on to do so, neglects to show cause or fails, in the Corporation's determination, to show sufficient cause why the authority should not be cancelled.

(4) The Corporation may also cancel an authority to use a dealer's plate on the application, in the approved form, of a person to whom a dealer's plate has been issued.

(5) When applying for cancellation, or on receiving notice of cancellation

from the Corporation, a person must return the dealer's plate to the Corporation, unless the person has notified the Corporation in writing of its loss, theft or destruction.

(6) The Corporation must record a cancellation of the authority to use a dealer's plate in the register of vehicles.

(7) Cancellation is effective—

- (a) in the case of the application of a person to whom a dealer's plate has been issued—on the date of receipt of the application and compliance with subsection (5); or
- (b) in the case of cancellation by the Corporation—on the date the Corporation records the cancellation in the register of vehicles.

Division 6—General

Replacements

4.28(1) A person must make written application to the Corporation for a replacement, when a current certificate, a current registration label or a number plate of any type set out in Column 1 of Schedule 2 that was issued to the person by the Corporation is—

- (a) lost; or
- (b) stolen; or
- (c) destroyed; or
- (d) damaged in such a way that any letter or numeral is not clearly legible.

(2) An application must be made within 14 days after discovery of the loss, theft, destruction or damage and, in the case of an application for a replacement number plate, must be accompanied by—

- (a) the prescribed fee; and
- (b) a damaged number plate.

(3) On receipt of the application, the Corporation may—

- (a) record the loss, theft, destruction or damage in the register of vehicles; and
- (b) record the date of receipt of the application in the register of vehicles; and
- (c) issue—
 - (i) a replacement or updated certificate of registration; and
 - (ii) a replacement registration label; and
 - (iii) a replacement number plate;whichever are applicable.

(4) Until the issue of a replacement number plate, the owner must attach any remaining plate to the rear of the vehicle.

(5) The certificate, registration label or number plate being replaced ceases to be effective on the issue of a replacement which becomes the certificate, registration label or number plate.

(6) A person must immediately return to the Corporation a registration label or number plate recovered after a replacement has been issued.

Exchange or surrender of number plates

4.29(1) The Corporation may, at any time by written notice setting out the Corporation's reasons, require a person, to whom a number plate of any type set out in Column 1 of Schedule 2 has been issued, to deliver the number plate to the Corporation within the time specified in the notice so that the Corporation may exchange the number plate for a different number plate if—

- (a) the number plate is in any way obscene or indecent; or
- (b) the Corporation alters the specifications to which the number plate is manufactured.

(2) The Corporation may, without liability for compensation or damages, at any time by written notice, require a person to whom a number plate of any type set out in Column 1 of Schedule 2 has been issued, to surrender

the number plate to the Corporation within the time specified in the notice if—

- (a) the number plate is being or has been used in contravention of this regulation; or
- (b) in the case of a number plate that is a taxi plate or a private hire vehicle plate issued in relation to a vehicle licensed under the *State Transport Act 1960*—the licence for the vehicle has been cancelled.

(3) The Corporation must record the exchange or surrender of a number plate in the register of vehicles.

Property in number plates

4.30 A number plate of any type set out in Column 1 of Schedule 2 remains the property of the Corporation.

Sale of unregistered vehicles by dealers

4.31(1) A dealer or a person acting on the dealer's behalf must not deliver a vehicle (other than to another dealer) on a sale unless an application for registration has been made in accordance with section 4.03.

(2) Subsection (1) does not apply, and a dealer may deliver the vehicle to a purchaser under the authority of a limited use permit or dealer's plate issued under this regulation, if the dealer obtains a written statement from the purchaser certifying that—

- (a) the vehicle is not to be used on a road; or
- (b) the purchaser is a permanent resident of another State or a Territory in which the vehicle is to be registered.

(3) A dealer who acts on a statement received under subsection (2) must retain the statement for a period of 1 year after the date of delivery of the vehicle to the purchaser.

Penalty notices

4.32(1) An authorised officer may serve a penalty notice if the authorised officer believes on reasonable grounds that an offence against a section set out in column 1 of Schedule 3 or 4 has been committed.

(2) A penalty notice must—

- (a) be in an approved form; and
- (b) be identified by a serial number; and
- (c) subject to subsection (5), specify the full name, or surname and initials, and address of the person on whom it is served; and
- (d) specify the day and place of the commission of the alleged offence; and
- (e) clearly indicate the nature of the alleged offence; and
- (f) contain a notification to the person on whom it is served that, if the person does not wish the matter to be dealt with by a court, the person may pay to the Corporation the amount of the prescribed penalty set out in the notice within—
 - (i) 28 days after service of the notice; or
 - (ii) such further time as the Corporation, whether before or after the end of that period of 28 days, allows; and
- (g) clearly indicate the place at which the prescribed penalty may be paid.

(3) The prescribed penalty for an offence against a section set out in column 1 of Schedule 3, according to the percentage of mass by which the prescribed mass is exceeded as set out in column 2, is the corresponding amount set out—

- (a) in column 3 for a first offence; or
- (b) in column 4 for a second offence committed within 5 years after the commission of the first offence; or
- (c) in column 5 for a subsequent offence committed within 5 years after the commission of a second or subsequent offence.

(3A) The prescribed penalty for an offence against a section set out in

column 1 of Schedule 4 is the corresponding amount set out—

- (a) in column 2 for a first offence; or
- (b) in column 3 for a subsequent offence committed within 5 years after the commission of another such offence.

(4) A penalty notice may be served—

- (a) by serving the notice personally or by post on the alleged offender; or
- (b) by securely placing the notice on, or attaching the notice to, the vehicle in a conspicuous position.

(5) When a penalty notice is served in the manner referred to in subsection (4)(b), the notice—

- (a) is taken to have been served on the owner of the vehicle; and
- (b) may be addressed to ‘the owner’ of the vehicle without further description of the owner.

(6) A person other than the owner or person in charge of a vehicle must not remove, deface or interfere with a penalty notice attached to a vehicle by an authorised officer.

(7) When a penalty notice has been served and, within—

- (a) the period of 28 days referred to in the notice; or
- (b) such further time as the Corporation, whether before or after the end of that period, allows;

the amount of the prescribed penalty is paid in accordance with the notice, any liability of a person in relation to the alleged offence is discharged and no further proceedings may be taken.

(8) For the purposes of determining if a second or subsequent offence has been committed, an alleged offender is taken to have committed another such offence on the day on which—

- (a) the prescribed penalty for the offence is paid to the Corporation;
or
- (b) the alleged offender is convicted of the offence.

(9) Except as provided by subsection (7), nothing in this section—

- (a) prejudices or affects the institution or prosecution of proceedings in relation to an alleged offence; or
- (b) limits the amount of the penalty that may be imposed by a court in relation to an offence.

(10) Nothing in this section is to be construed as requiring the service of a penalty notice or as affecting the liability of a person to be prosecuted in a court for an alleged offence in relation to which a notice has not been served.

(11) The owner of a vehicle is not to be taken to have committed an offence as set out in section 9.17 of the Act if, within 10 days after the service on the owner of a penalty notice in relation to the alleged offence, the owner or, if the owner is a corporation, a director, manager or secretary of the corporation, makes and gives to the Corporation a statutory declaration that complies with subsections (12) and (13).

(12) A statutory declaration must state—

- (a) that the declaration is made for the purposes of this section; and
- (b) that—
 - (i) when the owner is a natural person—he or she was not in charge of the vehicle at the time of the alleged offence; and
 - (ii) when the owner is a corporation—the vehicle was not being used for the purposes of the corporation at the time of the alleged offence.

(13) The statutory declaration must also state—

- (a) the name and address of the person who was in charge of the vehicle at the time of the alleged offence; or
- (b) that the declarant has not been able to ascertain who was in charge of the vehicle at the time of the alleged offence, setting out the nature of the inquiries made for that purpose; or
- (c) facts that establish that the vehicle was, at the time of the alleged offence, stolen or illegally taken or used.

(14) When a statutory declaration is given under this section naming a person as being the person in charge of the vehicle at the time of the alleged

offence, proceedings in relation to the offence must not be instituted against the person unless and until a copy of the declaration has been served on the person in the same manner as a summons may be served under the *Justices Act 1886*.

(15) In any proceedings instituted in relation to the offence—

- (a) the statutory declaration is admissible in evidence; and
- (b) is evidence that the person was in charge of the vehicle at that time, or was the owner of the vehicle at that time, as the case may be.

(16) A document that purports to be a statutory declaration given under this section is a statutory declaration, duly made and given, unless the contrary is proved.

(17) In addition to the prescribed penalty, a penalty notice may also advise that an amount (determined by the Corporation), up to but not more than double the amount of any fee or fees due for any purpose under Act, may be paid within the time specified for payment of the prescribed penalty without involving Court proceedings.

PART 5—MISCELLANEOUS

Authorisation by Corporation to use a vehicle that does not comply with the regulation

5.01(1) When a vehicle is used on a road in accordance with the prior approval of the Corporation, the use of the vehicle does not contravene the provisions of such of sections 3.02, 3.03, 3.04, 3.08 and 4.01 as are specified in the approval.

(2) The approval must be in writing and specify—

- (a) the vehicle or the class of vehicles to which it applies; and
- (b) the roads on which the vehicle may be used; and
- (c) the period of use on the roads; and

(d) such other terms and conditions as the Corporation determines.

(3) The Corporation may require the payment of the costs or estimated costs, to be incurred by the Corporation, of—

- (a) assessing the route and preparing the relevant plans and estimates; and
- (b) preparing and strengthening road transport infrastructure; and
- (c) the repair, replacement or reconstruction of road transport infrastructure; and
- (d) ensuring observance of the terms and conditions of the approval.

Security deposits

5.02(1) The Corporation may require a person, when making application for a permit or approval under Part 2, 3 or 5, to deposit an amount reasonably required by the Corporation as security for—

- (a) compliance with the terms and conditions of the permit or approval; and
- (b) compliance with this regulation; and
- (c) the repair, reconstruction or reinstatement of road transport infrastructure that may be necessary because of damage caused by any person while purporting to act under the authority of the permit or approval.

(2) If, at any time during the term of the permit or authority, or within 28 days after the expiration of the term of the permit or authority—

- (a) any part of the amount deposited is utilised; or
- (b) the Corporation determines that the amount deposited is insufficient in view of the damage caused or likely to be caused;

the Corporation may require a further amount to be deposited by the person to whom the permit or approval was issued within the time specified by the Corporation.

(3) The Corporation must refund any amount that is deposited but is not utilised, within 28 days after the expiration or termination of the permit or

approval.

Payments

5.03(1) The Corporation may forward a written notice to a person if it ascertains that the correct amount required under Part 4 has not been paid by the person.

(2) The notice must—

- (a) specify the correct amount to be paid; and
- (b) require the person to pay an amount by which the correct amount exceeds the amount previously paid.

(3) If the amount specified in the notice is not paid within 28 days after the date of the notice—

(a) the person must not use—

- (i) the vehicle specified in the notice or, in the case of a dealer's plate, a vehicle with the dealer's plate attached, on a road; or
- (ii) the certificate, registration label, number plate or permit issued for the vehicle in connection with a vehicle; and

(b) the person must return to the Corporation—

- (i) the registration label; and
- (ii) the number plate;

unless the person notifies the Corporation in writing of the loss, theft or destruction of the registration label or number plate.

(4) A person must pay a proportion of any prescribed fee for the period up to the day the person complies with subsection (3)(b) even though the person has not paid the excess amount by the date specified in the notice.

Recovery of costs and damages

5.04(1) Costs incurred or damages suffered by the Corporation because of a breach of this regulation, or in the execution of work required by this regulation to be executed by a person and not executed, must be paid by the

person committing the breach or failing to execute the work.

(2) If the costs or damages are not paid by the person within 28 days after the service of a notice of demand by the Corporation, the amount may be recovered by action in a court of competent jurisdiction as a debt due to the Corporation.

Powers of authorised officers

5.05(1) An authorised officer may require a person in charge of a vehicle to state, to the best of the person's knowledge, the name and address of the vehicle's owner.

(2) An authorised officer may require an owner or person in charge of a vehicle to remove a certificate, registration label, number plate or permit from the vehicle, and to deliver it to the authorised officer, if the authorised officer believes on reasonable grounds that—

- (a) the use of the vehicle is not authorised under this regulation or under the law of another State, a Territory, the Commonwealth or a foreign country; or
- (b) the certificate, registration label, number plate or permit was not issued for the vehicle by the Corporation or under the law of another State, a Territory, the Commonwealth or a foreign country; or
- (c) the certificate, registration label, number plate or permit is recorded in the register of vehicles as having been cancelled, lost, stolen, destroyed or damaged.

(3) An authorised officer may remove and take possession of a certificate, registration label, number plate or permit from a vehicle on a road if the person does not comply with a direction given under subsection (2).

(4) If a vehicle's number plate is damaged to the extent that it is not legible, an authorised officer may require the owner of the vehicle to apply to the Corporation for a replacement in accordance with section 4.28.

(5) If a vehicle's number plate is not sufficiently clean to be legible an authorised officer may require the owner or person in charge of the vehicle

to clean the number plate.

(6) An owner or person to whom an authorised officer makes a requirement under this section must comply with the requirement.

Offences

5.06(1) A person who contravenes this regulation commits an offence against this regulation.

(2) A person must not falsely represent himself or herself to be an authorised officer, or an employee, agent or delegate of the Corporation.

(3) A person must not without lawful authority or excuse—

- (a) make, sell or have in the person's possession anything that purports to be, but is not, a certificate, registration label, number plate or permit; or
- (b) alter or deface a certificate, registration label, number plate or permit; or
- (c) use, or permit to be used, on a road, a vehicle if—
 - (i) the certificate, registration label, number plate or permit for the vehicle has been unlawfully altered; or
 - (ii) the certificate, registration label, number plate or permit for the vehicle has been defaced; or
 - (iii) any writing, mark, or colour on the certificate, registration label, number plate or permit for the vehicle is not clearly legible; or
 - (iv) the registration label, number plate or permit was issued to another vehicle; or
 - (v) the registration label or number plate has been recorded in the register of vehicles as having been cancelled, lost, stolen, destroyed or damaged; or
 - (vi) a registration label, number plate or permit is not attached to the vehicle in accordance with this regulation; or
 - (vii) the registration label for the vehicle has expired and has not

been removed in accordance with section 4.11(4).

(4) For the purposes of this section, a certificate, registration label, number plate or permit refers to a certificate, registration label, number plate or permit issued by the Corporation or under the law of another State, a Territory, the Commonwealth or a foreign country.

(5) A person must not make a false or misleading statement in a document given under this regulation.

Evidentiary provisions

5.07 In proceedings under this regulation, a certificate issued by an inspector under the *Trade Measurement Act 1990*, stating that a weighing device was tested on a specified day, is evidence that the mass indicated by the weighing device, within 1 year after that day, is accurate to the extent specified in the certificate.

SCHEDULE 1

FEES

section 1.04

PART 1

Vehicle Registration Fees for a 12 month period

(Fees for a greater or lesser period to be adjusted accordingly)

	\$
1. Passenger car—	
(a) 1, 2 or 3 cylinders, electric or steam	112.60
(b) 4 cylinders or 2 rotors . . .	144.00
(c) 5 or 6 cylinders	223.00
(d) 7 or 8 cylinders	313.80
(e) 9, 10, 11 or 12 cylinders .	368.50
2. Commercial vehicle—	
(a) RGVM not exceeding 4 t .	Fee as prescribed for a passenger car
(b) RGVM exceeding 4 t	254.50 plus \$97.40 for each tonne, or part of a tonne, by which the RGVM exceeds 4 t
3. Truck tractor, prime mover, B-Double or road train—	
(a) RGCM not exceeding 6.67 t	Fee as prescribed for a passenger car
(b) RGCM exceeding 6.67 t but not exceeding 7 t	487.20

*Transport Infrastructure (Roads) Regulation
1991*

SCHEDULE 1 (continued)

(c) RGCM exceeding 7 t but not exceeding 24 t	487.20 plus \$82.60 for each tonne, or part of a tonne, by which the RGCM exceeds 7 t
(d) RGCM exceeding 24 t but not exceeding 41 t	1 891.40 plus \$35.10 for each tonne, or part of a tonne, by which the RGCM exceeds 24 t
(e) RGCM exceeding 41 t but not exceeding 42.5 t	2 488.10 plus \$49.50 for each 0.1 of a tonne, or part of 0.1 of a tonne, by which the RGCM exceeds 41 t
(f) RGCM exceeding 42.5 t .	3 230.60 plus \$23.80 for each tonne, or part of a tonne, by which the RGCM exceeds 42.5 t
4. Motorised caravan or bus—	
(a) RGVM not exceeding 4 t .	Fee as prescribed for a passenger car
(b) RGVM exceeding 4 t	288.00 plus \$62.90 for each tonne, or part of a tonne, by which the RGVM exceeds 4 t
5. Mobile machinery or equipment	77.40 plus \$29.90 for each tonne, or part of a tonne, by which the loaded mass exceeds 1 t
6. Tractor	41.30
7. Motorcycle	46.50
8. Trailer or caravan—	
(a) loaded mass not exceeding 1.02 t	41.80

SCHEDULE 1 (continued)

(b) loaded mass exceeding 1.02 t with tare—	
(i) not exceeding 5 t . . .	82.60
(ii) exceeding 5 t	270.50

PART 2

Concessional Vehicle Registration Fees for a 12 month period

	\$
1. Ambulance	37.10
2. A motor vehicle with a load capacity exceeding 4 t owned by a primary producer and used only in that person's business as a primary producer	25% of the fee calculated under Part 1
3. A vehicle owned by a primary producer used only in that person's business as a primary producer subject to terms and conditions that may be imposed by the Corporation limiting the distance and roads on which the vehicle may be used	38.20
4. 1 motor vehicle (other than a motorcycle or mobile machinery or equipment) registered in the name of a holder of a Queensland Government Seniors Card, in	

SCHEDULE 1 (continued)

	circumstances determined in writing by the Corporation . . .	50% of the fee calculated under Part 1	
5.	A motor vehicle (other than a commercial vehicle, motorised caravan or bus each with a RGVM or RGCM exceeding 4 t or mobile machinery or equipment), in circumstances determined in writing by the Corporation		37.10
6.	A commercial vehicle, motorised caravan or bus each with a RGVM or RGCM exceeding 4 t or mobile machinery or equipment, in circumstances determined in writing by the Corporation . . .	25% of the fee calculated under Part 1 or \$37.10, whichever is the greater amount	

PART 3

Plate fees

		\$
1.	Issue of—	
	(a) ordinary personalised number plates	250.00
	(b) traditional personalised number plates	270.00

*Transport Infrastructure (Roads) Regulation
1991*

SCHEDULE 1 (continued)

	(c) prestige personalised number plates	1 500.00
		plus manufacturing costs
	(d) a dealer's plate	237.40
	(e) any other number plate . .	14.90
2.	Replacement of—	
	(a) a dealer's plate	54.70
	(b) any other number plate . .	14.90
3.	Replacement of a number plate, or pair of number plates, bearing the same registration number as the replaced plate or plates	14.90
		plus manufacturing costs

PART 4

Miscellaneous Fees

		\$
1.	Transfer of registration	13.90
2.	Transfer of personalised number plates	51.70
3.	Issue of limited use permit, for each day	13.90
4.	Issue of a certificate for limited use	38.20
5.	Issue of a permit under section 3.06—	
	(a) for a single trip	49.50
	(b) for a specified period	187.90

*Transport Infrastructure (Roads) Regulation
1991*

SCHEDULE 1 (continued)

6. Supply of an extract from the register of vehicles by electronic tape exchange—
- (a) a full extract 5.20
- (b) an extract excluding—
- (i) the owner's name and address; and
- (ii) the insurer of the vehicle under the *Motor Vehicles Insurance Act 1936* 2.00
- plus computer run costs of \$150.00 per hour and an administration fee of \$100.00 per tape, irrespective of the number of extracts on a particular tape
- (c) an extract excluding—
- (i) the owner's name and address; and
- (ii) the insurer of the vehicle under the *Motor Vehicles Insurance Act 1936*; and
- (iii) the expiry date of the registration 1.00
- plus computer run costs of \$150.00 per hour and an administration fee of \$100.00 per tape, irrespective of the number of extracts on a particular tape
- (d) an extract to be used in recalling vehicles for safety purposes 1.00
- plus an administration fee of \$100.00 per tape, irrespective of the number of extracts on a particular tape

*Transport Infrastructure (Roads) Regulation
1991*

SCHEDULE 1 (continued)

7.	Supply of an extract from the register of vehicles through Citec's Public Access System ¹ —			
	(a) if the extract relates to information as at the date of the application	\$9.20 ²	\$7.00 ³	\$5.10 ⁴
	(b) if the extract relates to information as at any other date	\$14.20 ²	\$12.50 ³	\$10.00 ⁴
	(c) if the request is to search using the name and address of a person in whose name a vehicle is registered	\$14.20 ²	\$12.50 ³	\$10.00 ⁴
8.	Supply of a declaration by the Corporation verifying the information recorded in the register of vehicles supplied to an applicant under item 6		14.40	
9.	Supply of an extract from the register of vehicles, other than to an applicant under items 6 or 7—			
	(a) if the extract relates to information as at the date of the application		9.30	
	(b) if the extract relates to information as at any other date		14.40	
10.	Surcharge for processing an application for registration for less than 1 year (other than an application for registration up to a common expiry date) . . .			25.80

SCHEDULE 1 (continued)

- 1 To determine the fee payable by a person for an extract supplied in a particular week the total number of extracts supplied in the week is taken to be the total number of extracts of any type supplied to the person in the week.
- 2 per extract if less than 50 extracts per week (Monday to Sunday)
- 3 per extract if 50 to 200 extracts per week (Monday to Sunday)
- 4 per extract if more than 200 extracts per week (Monday to Sunday)

SCHEDULE 2

NUMBER PLATES

Column 1 Type	Column 2 Composition	Column 3 Location	Column 4 Visibility (metres)
Motor vehicle plate	3 letters followed by 3 numerals or 3 numerals followed by 3 letters	front and rear	30
'Q' plate	the letter 'Q' followed by up to 6 numerals	rear	30
Taxi plate	the letter 'T' followed by 5 numerals	front and rear	30
Private hire vehicle plate	the letters 'PVH' followed by 3 numerals or 3 numerals followed by the letters 'PVH'	front and rear	30
Veteran, Vintage or Classic and Historic vehicle plate	the words 'Veteran', 'Vintage' or 'Historic' followed by 3 or 4 numerals	front and rear	30
Consulate vehicle plate	the letters 'C de C' followed by 3 numerals	front and rear	30

*Transport Infrastructure (Roads) Regulation
1991*

SCHEDULE 2 (continued)

Ordinary personalised number plate	3 letters followed by 2 numerals	front and rear of a motor vehicle and rear of a trailer	30
Traditional personalised number plate	the letter 'Q' followed by up to 6 numerals	front and rear of a motor vehicle and rear of a trailer	30
Prestige personalised number plate	any combination of up to 6 letters and numerals including at least 1 letter with the first and only letter not being the letter 'Q'	front and rear of a motor vehicle and rear of a trailer	30
Farm plate	the letter 'F' followed by 5 numerals	front and rear	30
Dealer's plate	1 letter followed by 6 numerals	rear	15
Limited use plate	1 letter followed by 5 numerals	rear	15
Motorcycle plate	2 letters followed by 3 numerals or 3 numerals followed by 2 letters	rear	15
Tractor plate	1 letter followed by 4 numerals	front or rear	15

SCHEDULE 2 (continued)

Trailer plate			
(a)(i)	from 1 December 1963, a trailer with a carrying capacity not exceeding 0.51 t; and	2 letters followed by 4 numerals	rear 15
(ii)	from 24 September 1976, a trailer with a gross vehicle mass not exceeding 1.02 t		
(b)(i)	a trailer with a carrying capacity exceeding 0.51 t; and	3 letters followed by 3 numerals or 3 numerals followed by 3 letters	rear 30
(ii)	from 24 September 1976, a trailer with a gross vehicle mass exceeding 1.02 t		

SCHEDULE 3

PENALTIES—MASS

section 4.32

Column 1 Section	Column 2 Excess mass	Column 3 First offence	Column 4 Second offence	Column 5 Subsequent offence
3.03(3), 3.04(2)(a), (b), (c) and (d)	not more than 10%	\$200	\$300	\$400
	more than 10% but not more than 15%	\$275	\$375	\$500
	more than 15% but not more than 20%	\$350	\$450	\$600

SCHEDULE 4

PENALTIES—OTHER

section 4.32

Column 1 Section	Column 2 First offence	Column 3 Subsequent offence
9.8(a) to (c) of the Act	\$600	\$1 200
9.9 of the Act)	\$400	\$800
9.10(2) and (3) of the)		
Act)		
9.11 of the Act)		
3.07(1), (2), (3)(a) and)	\$600	\$1 200
(c) and (4))		
4.01—		
• tractor or trailer	\$100	\$160
• any other vehicle	\$250	\$400
4.04(4)and (5)(b)	\$120	\$200
4.11(1)	\$50	\$75
4.11(4))	\$30	\$45
4.12)		
4.14(4) and (5)	\$130	\$200
4.15(1) and (2)	\$30	\$45

*Transport Infrastructure (Roads) Regulation
1991*

SCHEDULE 4 (continued)

4.16(1)		\$100	\$160
4.17(1), (3) and (5)	)	\$130	\$200
4.18(1) and (2))		
4.25)		
4.26	)	\$250	\$400
4.27(1) and (5))		
4.28(6)		\$130	\$200
4.31(1)	)	\$150	\$250
5.03(2)(b))		
5.05(6))		
5.06(3)(a), (b), (c)(i), (ii) and (iv))		
5.06(3)(c)(iii)		\$40	\$60
5.06(3)(c)(v)		\$150	\$250
5.06(3)(c)(vi)		\$50	\$75
5.06(3)(c)(vii)		\$30	\$45
5.06(5)		\$200	\$250

ENDNOTES

1 Index to Endnotes

		Page
2	Date to which amendments incorporated	85
3	Table of reprints	85
4	List of legislation	85
5	List of annotations	86

2 Date to which amendments incorporated

This is the day mentioned in section 5(c) of the *Reprints Act 1992*. Accordingly, this reprint includes all amendments that commenced operation on or before 30 July 1993. Future amendments of the *Transport Infrastructure (Roads) Regulation 1991* may be made in accordance with this reprint because of section 49 of the *Reprints Act 1992*.

3 Table of reprints

Reprint No.	Amendments included	Reprint date
1	to SL No. 289 of 1992	13 October 1992

4 List of legislation

Transport Infrastructure (Roads) Regulation 1991 SL No. 15

pubd Gaz 13 July 1991 pp 1455–523
commenced on date of publication

as amended by—

Transport Infrastructure (Roads) Amendment Regulation 1991 SL No. 97

pubd Gaz 12 October 1991 pp 574–7
commenced on date of publication

Transport Infrastructure (Roads) Amendment Regulation (No. 1) 1992

SL No. 138 (as amd by 1992 SL No. 200)
pubd Gaz 19 June 1992 pp 1339–46
ss 1–2 commenced on date of publication

remaining provisions commenced on 22 July 1992 (see s 2)

**Transport Infrastructure (Roads) Amendment Regulation (No. 3) 1992
SL No. 289**

notfd Gaz 9 October 1992 pp 446–7
commenced on date of notification

Transport Infrastructure (Roads) Amendment Regulation (No. 1) 1993 SL No. 5

notfd Gaz 29 January 1993 pp 262–5
commenced on date of notification

**Department of Transport (Variation of Fees) Regulation 1993 SL No. 166 s 3
Sch 19**

notfd Gaz 28 May 1993 pp 646–51
commenced 1 July 1993 (see s 2)

**Transport Infrastructure (Roads) Amendment Regulation (No. 2) 1993 SL
No. 268**

notfd Gaz 23 July 1993 pp 1512–5
commenced on date of notification

5 List of annotations

Key to abbreviations in list of annotations

RA	=	<i>Reprints Act 1992</i>
amd	=	amended
ins	=	inserted
om	=	omitted
renum	=	renumbered
sub	=	substituted
Chap	=	Chapter
Pt hdg	=	Part heading
Div hdg	=	Division heading
Sdiv hdg	=	Subdivision heading
hdg prec	=	heading preceding
prov hdg	=	provision heading
cl	=	clause
prev	=	previous
pres	=	present

Provisions not included in reprint, or amended by
amendments not included in reprint, are underlined

Short title

s 1.01 sub 1991 SL No. 97 s 4

Definitions

s 1.02 def “weighing device” om 1991 SL No. 97 s 5

Damage to road transport infrastructure

s 2.02 amd 1991 SL No. 97 s 6

Regulation of animals on declared roads

s 2.08 amd 1991 SL No. 97 s 7

Axle mass

s 3.03 amd 1991 SL No. 97 s 8

Checking sites

s 3.07 amd 1993 SL No. 268 s 3

Attachment of registration labels

s 4.11 amd 1993 SL No. 268 s 4

Renewal of registration

s 4.16 amd 1992 SL No. 289 s 3

Attachment of dealer's plates

s 4.25 sub 1993 SL No. 268 s 5

Exchange or surrender of number plates

s 4.29 amd 1993 SL No. 5 s 3

Penalty notices

s 4.32 amd 1991 SL No. 97 s 9; 1992 SL No. 289 s 4

Powers of authorised officers

s 5.05 amd 1993 SL No. 268 s 6

Repeal

s 5.08 om (see s 40 RA)

SCHEDULE 1—FEES

sub 1992 SL No. 138 s 4; 1993 SL No. 166 s 3 Sch 19

SCHEDULE 3—PENALTIES—MASS

sub 1992 SL No. 289 s 5; 1993 SL No. 268 s 7

SCHEDULE 4—PENALTIES—OTHER

ins 1992 SL No. 289 s 6

sub 1993 SL No. 268 s 8