

Queensland



Subordinate Legislation 1993 No. 470

Traffic Act 1949

**TRAFFIC AMENDMENT REGULATION (No. 6)
1993**

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MINOR AMENDMENTS

Short title

1. This regulation may be cited as the *Traffic Amendment Regulation (No. 6) 1993*.

Amended regulation

2. The *Traffic Regulation 1962* is amended as set out in this regulation.

Replacement of ss.1–3

3. Sections 1 to 3—

omit, insert—

‘Short title

‘1. This regulation may be cited as the *Traffic Regulation 1962*.’.

Amendment of s.4 (Interpretation)

4.(1) Section 4(1)—

omit from ‘the construction’ to ‘or requires—’,

insert ‘this regulation—’.

(2) Section 4(1)(e), definitions “**Compliance plate**”, “**Converter dolly**”, “**Police Officer**”, “**Rear overhang**”, “**Regulations**”, “**Schedule**” and “**The Act**”—

omit.

(3) Section 4(1)(e)—

insert—

“**axle group**” means a single axle group, tandem axle group, twinsteer axle group, triaxle group or quadaxle group;

“**controlled access bus**” means a rigid bus that—

(a) is longer than 12.5 m; and

(b) has its access to roads controlled by the chief executive under section 185;

“converter dolly” means a trailer that—

- (a) has 1 axle group and a fifth wheel coupling; and
- (b) is designed to convert a semitrailer into a dog trailer;

“dog trailer” means—

- (a) a semitrailer and converter dolly combination; or
- (b) a trailer that—
 - (i) is connected to a towing vehicle by a drawbar; and
 - (ii) is steered by the towing vehicle through 1 axle group at the front of the trailer; and
 - (iii) has 1 axle group at the rear of the trailer;

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

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

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

“independent brakes” of a trailer means brakes that are activated by the driver of the motor vehicle towing the trailer;

“over-run brakes” of a trailer means brakes that are activated by the movement of the trailer relative to the motor vehicle towing the trailer;

“quadaxle group” means a group of 4 or more axles if the distance between the centres of the outermost axles is more than 3.2 m but not more than 4.9 m;

“rear overhang” means the distance between the rear of the vehicle and the rear overhang line;

“rear overhang line” of a vehicle with an axle group at the rear of the vehicle means—

- (a) for a vehicle with 1 axle at the rear—a line running along the centre of the axle; or
- (b) for a vehicle with 2 axles at the rear, 1 of which is fitted with

twice the number of tyres as the other—a line running parallel to the axles at a distance one-third of the way from the axle carrying the greater number of tyres to the other axle (measured without taking into account any steerable or retractable axle in the group unless all axles in the group are steerable or retractable); or

- (c) for a vehicle with another type of axle group at the rear—a line running parallel to the axle group down the centre of the axle group (measured without taking into account any steerable or retractable axle in the group unless all axles in the group are steerable or retractable);

“single axle group” means—

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

“tandem axle group” means a group of 2 or more axles if the distance between the centres of the outermost axles is at least 1 m but not more than 2 m;

“toy vehicle” means a vehicle (other than a bicycle or tricycle) that is—

- (a) ordinarily used for sport or recreation; and
- (b) designed to be propelled by human power;

Example—

Scoters, skateboards, roller-skates and roller-blades are toy vehicles.

“triaxle group” means a group of 3 or more axles if the distance between the centres of the outermost axles is more than 2 m but not more than 3.2 m;

“twinsteer axle group” means a group of 2 axles that—

- (a) is fitted to a motor vehicle; and
- (b) has single tyres fitted to each axle; and
- (c) is connected to the same steering mechanism; and
- (d) has a distance between the centres of the axles of at least 1 m but not more than 2 m;

“vehicle combination” means—

- (a) an articulated motor vehicle; or
- (b) a B-Double; or
- (c) a road train; or
- (d) another rigid motor vehicle towing 1 or more trailers;’.

(4) Section 4(2)—

omit.

Omission of ss.15 and 15A

5. Sections 15 and 15A—

omit.

Replacement of s.73 (Only one vehicle to be drawn)

6. Section 73—

omit, insert—

‘Towing of vehicles

‘73.(1) In this section—

“car towing trailer” means a trailer with 1 axle that allows a passenger car to be towed by securing the wheels of 1 axle of the car to the trailer;

“nearest safe place” is a place—

- (a) where an articulated vehicle with mechanical failure may be parked without being a hazard to road users; and
- (b) that is not beyond a place, in the direction the vehicle was travelling before the failure, where there are adequate facilities for repairing the vehicle.

‘(2) A person must not drive a rigid motor vehicle towing—

- (a) more than 1 vehicle; or
- (b) a bicycle, tricycle or toy vehicle.

‘(3) Despite subsection (2)(a), a person may drive a motor vehicle towing—

- (a) more than 1 vehicle, if the motor vehicle and towed vehicles combine to form a B-Double or road train; or
- (b) an articulated vehicle (other than a B-Double or road train) with mechanical failure to the nearest safe place if—
 - (i) the articulated vehicle’s brakes can stop the vehicle and hold the vehicle stationary; and
 - (ii) a licensed and qualified driver is in control of the articulated vehicle; or
- (c) a vehicle secured to a car towing trailer if—
 - (i) the trailer has effective independent brakes or over-run brakes; and
 - (ii) instructions for securing a vehicle to the trailer are attached to the trailer.’.

Amendment of s.88A

7.(1) Section 88A—

insert (as a heading)—

‘Gas emissions’.

(2) Section 88A(1)—

omit from “‘The Main’ to ‘Regulations thereunder’,

insert ‘State law’.

(3) Section 88A(3)—

omit, insert—

‘(3) A vehicle to which clause 100 or 101 of the Schedule to this Part applies must comply with the *Clean Air Regulation 1982*.

‘(4) In this section—

“State law” means a law providing for the registration of motor vehicles for use on roads.’.

Amendment of s.90C (Child and infant restraining devices)

8.(1) Section 90C(1), definition “**Child restraint**”, paragraph (a)—

omit, insert—

‘(a) a device fitted to a motor vehicle that complies with—

- (i) Parts 1 and 4 of Australian Standard 1754–1989; or
- (ii) the provisions of Australian Standard 1754–1991 dealing with child restraint devices; or
- (iii) another standard that the chief executive decides is at least equal to a standard mentioned in subparagraph (i) or (ii); or’.

(2) Section 90C(1), definition “**Infant restraint**”—

omit, insert—

‘“**infant restraint**” means a device fitted to a motor vehicle that complies with—

- (a) Parts 1 and 2 of Australian Standard 1754–1989; or
- (b) the provisions of Australian Standard 1754–1991 dealing with infant restraint devices; or
- (c) another standard that the chief executive decides is at least equal to a standard mentioned in paragraph (a) or (b).’.

Amendment of Part 13 (Construction of vehicles, and equipment, loading, use and inspection of vehicles)

9.(1) Part 13, Schedule, clause 18A—

omit, insert—

‘Flashing warning lights

‘**18A.(1)** The following vehicles must have at least 1 flashing light fitted to the top of the vehicle—

- (a) a vehicle marked as a department vehicle and used by the department for enforcement purposes;
- (b) a tow truck;
- (c) a public utility service truck (including, for example, a garbage

truck);

- (d) another special purpose vehicle, other than an emergency vehicle, that may be required to stop in hazardous positions on a road (including, for example, road making equipment).

‘(2) The light on a vehicle mentioned in subclause (1)(b) to (d) must not be lit if the vehicle is being driven at more than 10 km/h.

‘(3) When lit, the light must emit—

- (a) for a vehicle mentioned in subclause (1)(a)—purple light (of the P group in AS 2700); and
- (b) for a vehicle mentioned in subclause (1)(b) to (d)—amber light.

‘(4) When lit, the light must emit light that is visible, in normal sunlight, at a distance of 200 m from the vehicle.’.

(2) Part 13, Schedule, clause 24(3), after ‘reflecting’—

insert ‘white or’.

(3) Part 13, Schedule, clauses 44 to 46—

omit, insert—

‘Length—motor vehicles

‘44. A motor vehicle must not be longer than—

- (a) for a vehicle combination (other than a B-Double or road train) designed to carry vehicles on more than 1 level—23 m; and
- (b) for another vehicle combination (other than a B-Double or road train)—19 m; and
- (c) for an articulated motor omnibus—18 m; and
- (d) for a controlled access bus—14.5 m; and
- (e) for another rigid motor vehicle—12.5 m.

‘Length—trailers

‘44A.(1) On a semitrailer or dog trailer, the distance from the front articulation point to—

- (a) the rear overhang line must not be longer than 9.5 m; and

(b) the rear of the trailer must not be longer than 12.3 m.

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

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

‘(4) A semitrailer with more than 1 front articulation point must comply with subclauses (1) and (2) when measured at each of the points.

‘(5) A trailer built to carry cattle, horses, pigs or sheep must not be longer than 12.5 m.

‘(6) When measuring the trailer’s length for subclause (5), the trailer’s drawbar must not be taken into account.

‘Length—rear overhang

‘44B.(1) The rear overhang of a vehicle must not exceed the lesser of 3.7 m and—

- (a) for a semitrailer and converter dolly combination or a semitrailer—60% of the distance between the front articulation point and the rear overhang line; or
- (b) for a trailer (other than a semitrailer) with only a single axle group—the distance between the front of the body or load carrying area and the rear overhang line; or
- (c) for another vehicle—60% of the distance between the centre of the front axle and the rear overhang line.

‘(2) A semitrailer with more than 1 front articulation point must comply with subclause (1)(a) when measured at each of the points.

‘Length—trailer drawbars

‘44C.(1) On a dog trailer, the distance between the coupling pivot point on the drawbar and the centre of the front axle group—

- (a) must not be more than 5 m; and

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

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

‘Width

‘45.(1) A vehicle must not be wider than 2.5 m.

‘(2) When measuring a vehicle’s width for subclause (1), a rear-vision mirror, light or reflector attached to the vehicle must not be taken into account.

‘Height

‘46. A vehicle must not be higher than—

- (a) for a vehicle built to carry cattle, horses, pigs or sheep—4.6 m; or
- (b) for a double-decker bus—4.4 m; or
- (c) for another vehicle—4.3 m.

‘Height—ground clearance

‘46A. A vehicle or vehicle combination must have a ground clearance of at least—

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

(4) Part 13, Schedule, Division 3, Part 3 (clauses 49 to 51)—

omit.

(5) Part 13, Schedule, clause 66A(1) to(4)—

omit.

(6) Part 13, Schedule, clause 80—

omit.

(7) Part 13, Schedule, clause 82(4)—

omit from ‘any passenger’ to ‘each case—’,

insert ‘a passenger car or passenger car derivative need not comply with clause 100(1) or 101(1) if—’.

(8) Part 13, Schedule, clause 82(4)(a)(i)—

omit, insert—

‘(i) has a diameter that is—

(A) not more than 15 mm more than the diameter specified by the vehicle’s manufacturer; or

(B) not more than 25 mm less than the diameter specified by the vehicle’s manufacturer; and’.

(9) Part 13, Schedule, clause 82(4)(c)—

omit, insert—

‘(c) the tyre’s speed category is at least—

(i) if the category specified by the vehicle’s manufacturer is less than 140 km/h—the specified category; or

(ii) if the category specified by the vehicle’s manufacturer is 140 km/h or more—140 km/h; and’.

(10) Part 13, Schedule, clause 82—

insert—

‘**(4A)** If a vehicle is fitted with tyres that have a speed category not lower than 140 km/h but lower than the category specified by the vehicle’s manufacturer, a label must be attached to the vehicle stating—

This vehicle is fitted with tyres that have a speed category less than the category specified by the vehicle’s manufacturer.

‘**(4B)** The label must be clearly visible to a person sitting in the driver’s seat of the vehicle.’.

(11) Part 13, Schedule, clause 86D—

omit, insert—

‘Compliance or personal import vehicle plates

‘86D.(1) In this clause—

“compliance plate” means a compliance plate within the meaning of the *Motor Vehicle Standards Act 1989* (Cwlth);

“identification plate” means an identification plate within the meaning of the *Motor Vehicle Standards Act 1989* (Cwlth).

‘(2) A compliance plate must be attached, in a conspicuous place, to a motor vehicle built from 1 January 1972 to 31 August 1989 (both inclusive).

‘(3) A compliance plate or identification plate must be attached, in a conspicuous place, to a motor vehicle built after 31 August 1989.

‘(4) Subclauses (2) and (3) do not apply to a vehicle that—

- (a) may be imported into Australia without a compliance plate under the *Motor Vehicle Standards Act 1989* (Cwlth); and
- (b) complies with each Australian Design Rule that applies to it under clause 100 or 101.

‘(5) A compliance plate or identification plate must not be modified, defaced or removed from a vehicle without the chief executive’s approval.’.

(12) Part 13, Schedule, clause 86H(2)—

omit, insert—

‘(2) Subject to subclause (4), a rear marking plate must be attached to—

- (a) each side of the rear of a motor vehicle; or
- (b) if a motor vehicle is towing a trailer or semitrailer—each side of the rear of the trailer or semi trailer.

‘(2A) A rear marking plate must comply with—

- (a) Diagram 1; or
- (b) Australian Standard 4001.’.

(13) Part 13, Schedule, clause 86H(3)(a)—

omit ‘constructed such that’,

insert ‘built in accordance with Australian Standard 4001.1 or so that’.

(14) Part 13, Schedule, clause 86H(3)(b)—

omit ‘, as the case may be such that’,

insert ‘in accordance with Australian Standard 4001.2 or so that’.

(15) Part 13, Schedule, clauses 99 and 99A—

omit, insert—

‘Definitions

‘99. In this Division—

“ADR (2nd ed)” means an Australian Design Rule in the document entitled ‘Australian Design Rules for Motor Vehicle Safety, Second Edition’ issued by the Commonwealth Department of Transport;

“ADR (3rd ed)” means an Australian Design Rule in the document entitled ‘Australian Design Rules for Motor Vehicles and Trailers, Third Edition’ issued by the Commonwealth Department of Transport and Communications.

‘Application of ADR (2nd ed)

‘100.(1) A vehicle must comply with an ADR (2nd ed) that applies to it.

‘(2) An ADR (2nd ed) applies to a vehicle if the ADR contains a recommendation from the Australian Transport Advisory Council that the vehicle—

- (a) comply, or be designed to comply, with the ADR; or
- (b) be equipped with a thing that complies with the ADR; or
- (c) have instruments located in a way that complies with the ADR.

‘Application of ADR (3rd ed)

‘101.(1) A vehicle must comply with an ADR (3rd ed) that applies to it.

‘(2) If an ADR (3rd ed) permits a vehicle to be equipped with a thing, the

vehicle may be equipped with the thing, irrespective of when the vehicle was manufactured.

‘Non-application of ADRs

‘102.(1) Despite clause 100(1), a vehicle need not comply with a requirement of an ADR (2nd ed) if—

- (a) the requirement has been replaced by, or is inconsistent with, a requirement of an ADR (3rd ed); and
- (b) the vehicle complies with the requirement of the ADR (3rd ed).

‘(2) Despite clauses 100(1) and 101(1), a vehicle need not comply with a requirement of an ADR (2nd) or ADR (3rd) if the vehicle has been exempted from the requirement under the *Motor Vehicle Standards Act 1989* (Cwlth).

‘(3) Despite clauses 100(1) and 101(1), a vehicle must comply with the tyre speed category requirements in clause 82 rather than the relevant tyre speed category requirements in the ADR (2nd ed) or ADR (3rd ed).’.

Amendment of s.140

10.(1) Section 140—

insert (as a heading)—

‘Traffic offence penalties’.

(2) Section 140(1A)(c), after ‘159C(1) 30’—

insert—

‘159D(2) 50’.

Insertion of new s.159D

11. After section 159C—

insert—

‘Machine propelled bicycles, tricycles or toy vehicles prohibited

‘159D.(1) In this section—

“propellant” means a machine (other than a lever, wheel and axle, pulley, screw, wedge or inclined plane) capable of propelling a bicycle, tricycle or toy vehicle.

‘(2) A person must not ride a bicycle, tricycle or toy vehicle on a road or bicycle path if a propellant is attached to—

- (a) the person; or
- (b) the bicycle, tricycle or toy vehicle.’.

Insertion of new s.185

12. In Part 21—

insert—

‘Controlling access to roads by long vehicles

‘185.(1) The chief executive may, because of the length of a controlled access bus or articulated motor omnibus, decide the roads on which they may be driven.

‘(2) A person must not drive a controlled access bus or articulated motor omnibus on another road.’.

SCHEDULE**MINOR AMENDMENTS**

section 2

1. Section 32A—*insert* (as a heading)—**‘Transit lanes’.****2. Section 32B—***insert* (as a heading)—**‘Bus lanes’.****3. Section 73A—***insert* (as a heading)—**‘Use of bumper bars for towing’.****4. Section 75A—***insert* (as a heading)—**‘Portable warning signs for heavy motor vehicles’.****5. Section 92A—***insert* (as a heading)—**‘Evidence—vehicle’s weight’.**

SCHEDULE (continued)

6. Section 92B—*insert* (as a heading)—**‘Evidence—date of manufacture’.****7. Section 92C—***insert* (as a heading)—**‘Evidence—Australian Design Rules’.****8. Section 107A—***insert* (as a heading)—**‘Open licence—maximum term’.****9. Section 107B—***insert* (as a heading)—**‘Retesting of applicant after licence cancellation’.****10. Section 108A—***insert* (as a heading)—**‘Term of provisional licences’.****11. Section 108C—***insert* (as a heading)—**‘Licence cancellation periods’.****12. Section 108E—***insert* (as a heading)—**‘Application for s.20A licence’.**

SCHEDULE (continued)

13. Section 108F—*insert* (as a heading)—**‘Application to amend the restrictions on a provisional licence’.****14. Section 126B—***insert* (as a heading)—**‘Carrying signs on roads’.****15. Section 142—***insert* (as a heading)—**‘References to Act for s.140’.****16. Section 144B—***insert* (as a heading)—**‘Brisbane city driving restrictions’.****17. Section 149A—***insert* (as a heading)—**‘Painting or construction on carriageways prohibited’.****18. Section 174—***insert* (as a heading)—**‘Testing breath analysing instruments’.****19. Section 175—***insert* (as a heading)—**‘Evidence—breath analysing instruments’.**

SCHEDULE (continued)

20. Section 176—*insert* (as a heading)—**‘Evidence—reagent ampoules’.****21. Section 177—***insert* (as a heading)—**‘Evidence—police officers’.****22. Section 178—***insert* (as a heading)—**‘Blood specimens’.****23. Section 178A—***insert* (as a heading)—**‘Evidence—certificates about breath and blood specimens’.****24. Section 178B—***insert* (as a heading)—**‘Evidence—certificates’.****25. Section 179—***insert* (as a heading)—**‘Evidence—authority to operate breath analysing instrument’.****26. Section 180—***insert* (as a heading)—**‘Failure to comply with Part’.**

SCHEDULE (continued)

27. Section 181—*insert* (as a heading)—**‘Dealing with blood specimens’.****28. Section 184—***insert* (as a heading)—**‘Animals on freeway’.****29. Section 186—***insert* (as a heading)—**‘Applications for pilot vehicle licences’.****30. Section 187—***insert* (as a heading)—**‘Requirements for grant of pilot vehicle licences’.****31. Section 188—***insert* (as a heading)—**‘Requirements for grant of pilot vehicle driver’s licences’.****32. Section 189—***insert* (as a heading)—**‘Term of pilot licences’.****33. Section 190—***insert* (as a heading)—**‘Who can operate pilot vehicles’.**

SCHEDULE (continued)

34. Section 192—*insert* (as a heading)—**‘Operation of pilot vehicles’.****35. Section 193—***insert* (as a heading)—**‘Return of pilot vehicle driver’s licences’.****36. Section 194—***insert* (as a heading)—**‘Cancellation or suspension of pilot licences’.****37. Section 195—***insert* (as a heading)—**‘Cancellation or suspension—show cause procedure’.****38. Section 196—***insert* (as a heading)—**‘Change of licensee’s name or address’.****39. Section 197—***insert* (as a heading)—**‘Surrender of pilot licences’.****40. Section 198—***insert* (as a heading)—**‘Production of pilot vehicle driver’s licences’.**

SCHEDULE (continued)

41. Section 199—*insert* (as a heading)—**‘Defacing pilot licences prohibited’.****42. Section 200—***insert* (as a heading)—**‘Duplicate pilot licences’.****43. Section 201—***insert* (as a heading)—**‘Expired pilot licences must be returned’.****44. Section 202—***insert* (as a heading)—**‘Removal of pilot vehicle markings’.****45. Section 204—***insert* (as a heading)—**‘Offences’.****46. Section 205—***insert* (as a heading)—**‘Carrying indivisible articles’.**

ENDNOTES

1. Made by the Governor in Council on 16 December 1993.
2. Notified in the Gazette on 17 December 1993.
3. Laid before the Legislative Assembly on . . .
4. The administering agency is the Department of Transport.