

Queensland



Subordinate Legislation 1994 No. 275

Traffic Act 1949

**TRAFFIC AMENDMENT REGULATION (No. 5)
1994**

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Short title

1. This regulation may be cited as the *Traffic Amendment Regulation (No. 5) 1994*.

Regulation amended

2. This regulation amends the *Traffic Regulation 1962*.

Insertion of new s 2

3. After section 1—

insert—

‘Fees

‘2. The fees payable under the Act are set out in Schedule E (Fees).’.

Amendment of s 4 (Definitions)

4.(1) Section 4, definitions “**controlled access bus**” and “**excess dimension vehicle**”—

omit.

(2) Section 4—

insert—

‘ “**excess dimension vehicle**” means a vehicle or vehicle combination and its load (if any) that exceeds the dimensions for—

(a) width mentioned in clause 45 of Schedule A (Schedule to Part 13); or

(b) height mentioned in clause 46 of Schedule A (Schedule to Part 13);

“**over dimension vehicle**” means a vehicle or vehicle combination and its load (if any) that exceeds the dimensions for length mentioned in clauses 44, 44A, 44B and 44C of Schedule A (Schedule to Part 13);

Example—

B-doubles and road trains are over dimension vehicles.’.

Omission of s 7 (Obedience to police officers)

5. Section 7—

omit.

Amendment of s 13 (Powers of Commissioner)

6. Section 13(3)—

omit.

Omission of s 14 (Issue of permits generally)

7. Section 14—

omit.

Amendment of s 50 (Speed limits)

8. Section 50(3)—

omit, insert—

‘(3) Despite subsection (2), a person must not drive—

- (a) an excess dimension vehicle or over dimension vehicle, that is required to be escorted by a pilot vehicle, at a speed greater than 80 km/h; or
- (b) a road train at a speed greater than 90 km/h.’

Insertion of new s 92AA

9. After section 92—

insert—

‘Authorised officer’s power to require production of documents

‘92AA.(1) An authorised officer may require a person to produce a document required to be kept by the person under the Act to the officer for inspection.

‘(2) However, an authorised officer may not require the production of a

driver's licence, other than a pilot vehicle driver's licence, unless the authorised officer is a police officer.

‘(3) The person must produce the document, unless the person has a reasonable excuse.

Maximum penalty—20 penalty units.

‘(4) The officer may keep the document to copy it or information from it.

‘(5) If the officer needs to take the document from the place where the document is produced, the officer must give a receipt for it to the person who produced it.

‘(6) The officer must return the document to the person as soon as practicable after making the copy.’.

Insertion of new s 102

10. In Part 16—

insert—

‘Permits certifying exemption from regulation

‘**102.(1)** A superintendent may exempt a person or vehicle from a provision of this regulation, other than a provision relating to—

- (a) a driver's licence; or
- (b) payment of a fee or penalty.

‘(2) A certificate of an exemption may be given in the form of a permit (an “**exemption permit**”).¹

‘(3) In deciding whether to grant an exemption permit, a superintendent must have regard to the safety of the public.

‘(4) Despite section 107A, an exemption permit for a vehicle expires when the vehicle's registration is first transferred after the grant of the permit.

‘(5) A permit exempting a person or vehicle from a provision of this regulation and issued under section 14 (as in force immediately before the

¹ A “licence” is defined in the Act to include a permit, so the provisions of this regulation applying to licences apply equally to permits.

commencement of this section) continues in force as if it were an exemption permit issued under this section.

‘(6) However, a permit mentioned in subsection (5) that is—

- (a) unlimited by time; and
- (b) in force immediately before the commencement of this section;

expires 18 months after the commencement.

‘(7) Subsections (5) and (6) and this subsection expire 18 months after the commencement.’.

Insertion of new s 107A

11. After section 107—

insert—

‘Term of licence

‘**107A.** A licence, other than a driver’s licence, is for the period (not longer than 5 years) specified in the licence.²

Amendment of s 131 (Licence lost, stolen, etc.)

12.(1) Section 131(3), ‘by means of a code specified on the licence’—

omit.

(2) Section 131—

insert—

‘(4) If a person has notified the chief executive that a licence has been lost, stolen or destroyed but the licence later comes into the person’s possession, the person must return the licence to the chief executive.’.

Amendment of s 138 (Change of name or address)

13. Section 138—

insert—

² Drivers’ licences are dealt with in section 14(6) of the Act.

‘(5) In this section—
“address”, for a pilot vehicle licence, means residential address and
business address.’.

Omission of s 172 (Fees)

14. Section 172—

omit.

Replacement of s 185 (Controlling access to roads by long vehicles)

15. Section 185—

omit, insert—

‘Division 1—Over dimension vehicles

‘Over dimension vehicles—use on roads

‘185.(1) A person must not drive an over dimension vehicle on a road unless, when driving the vehicle, the person—³

- (a) complies with the current performance guidelines; and
- (b) carries the guidelines in the vehicle.

Maximum penalty—20 penalty units.

‘(2) However, a person unable to comply with the guidelines may apply to a superintendent under section 103 (Licences—applications) for a permit to drive an over dimension vehicle on a road.

‘(3) If the superintendent grants the permit, the person may drive the vehicle on a road in accordance with the permit.

‘(4) A person who, when driving the vehicle for which the permit has been granted, contravenes a condition of the permit commits an offence.

Maximum penalty—20 penalty units.

³ Section 4 defines “drive” to include “stand” when used in relation to a vehicle.

‘Performance guidelines

‘185A.(1) The chief executive may issue, in an approved form, performance guidelines about the movement of over dimension vehicles.

‘(2) The guidelines may be issued about—

- (a) roads on which an over dimension vehicle may or may not be driven; and
- (b) the maximum permissible dimensions of the vehicle and its load (if any); and
- (c) the times when the vehicle may or may not be driven; and
- (d) signs and warning devices to be displayed on the vehicle; and
- (e) the speed at which the vehicle may be driven; and
- (f) when the vehicle must be escorted by a pilot vehicle; and
- (g) another matter relevant to the safe movement of the vehicle.

‘(3) The roads on which an over dimension vehicle may or may not be driven may be marked on a map in the guidelines.

‘Division 2—Excess Dimension Vehicles’.**Omission of ss 194–201**

16. Sections 194 to 201—

omit.

Amendment of s 204 (Offences)

17.(1) Section 204(3)—

omit.

(2) Section 204, at the end—

insert—

‘Maximum penalty—5 penalty units.’.

Amendment of Sch A (Schedule to Part 13)

18.(1) Schedule A, clauses 43 and 44—

omit, insert—

‘Use of noncomplying vehicles on roads

‘43.(1) In this clause—

“permit” for a vehicle means a current permit that allows the vehicle to be driven on a road despite the dimensions of the vehicle and its load (if any).

‘(2) A person must not drive a vehicle on a road if the vehicle and its load (if any) exceeds the dimensions set out in this Part unless—

- (a) for an over dimension vehicle—the person complies with section 185 (Over dimension vehicles—use on roads); or
- (b) otherwise—a permit has been granted for the vehicle under section 102 (Permits certifying exemption from regulation).

‘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)—19 m; and
- (b) for an articulated motor omnibus—18 m; and
- (c) for a rigid motor vehicle, B-Double or road train—12.5 m.’.

(2) Schedule A, clause 44B(a), ‘and converter dolly combination or a semitrailer’—

omit, insert—

‘or dog trailer’.

(3) Schedule A, clause 44B(b), from ‘a trailer’ to ‘single axle group’—

omit, insert—

‘any other trailer’.

ENDNOTES

1. Made by the Governor in Council on 21 July 1994.
2. Notified in the Gazette on 22 July 1994.
3. Laid before the Legislative Assembly on . . .
4. The administering agency is the Department of Transport.

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