

Queensland



Subordinate Legislation 1996 No. 88

Traffic Act 1949

Transport Infrastructure (Roads) Act 1991

**TRAFFIC AND TRANSPORT AMENDMENT
REGULATION (No. 1) 1996**

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PART 1—PRELIMINARY

Short title

1. This regulation may be cited as the *Traffic and Transport Amendment Regulation (No. 1) 1996*.

Commencement

2. This regulation commences on 7 May 1996.

PART 2—AMENDMENT OF TRAFFIC REGULATION 1962

Regulation amended

3. This part and the schedule (other than section 53)¹ amends the *Traffic Regulation 1962*.

Amendment of s 4 (Definitions)

4.(1) Section 4, definitions “**approved form**”, “**excess dimension permission**”, “**excess dimension vehicle**”, “**over dimension vehicle**” and “**standard dimensions**”—

omit.

(2) Section 4—

insert—

‘**“approved form”** see section 14.

‘**“excess dimension vehicle”** means a vehicle or vehicle combination that does not comply with an overall height, length or width limit applying

¹ Section 53 repeals all subordinate legislation, other than the *Traffic Regulation 1962*, made under the *Traffic Act 1949*.

to it.

“excess dimension vehicle permit” means a permit under which an excess dimension vehicle may be driven even though it is too high, long or wide.

“indivisible article” means a single article not easily capable of being dismantled.

“limousine” has the meaning given by the *Transport Operations (Passenger Transport) Act 1994*.

“warning sign” means a sign with ‘road train’, ‘long vehicle’, ‘oversize’, ‘oversize load ahead’, ‘slow vehicle’ or other similar words on it.’.

Replacement of s 13 (Powers of chief executive and Commissioner)

5. Section 13—

omit, insert—

‘Powers of chief executive and commissioner

‘13.(1) The chief executive or commissioner (the **“relevant officer”**) may, by permit, exempt a person or vehicle from a stated provision of this regulation on stated reasonable conditions.²

‘(2) However, the relevant officer may grant the permit only if the relevant officer is reasonably satisfied granting the permit will not adversely affect public safety.

‘Approval of forms

‘14. The chief executive may approve forms for use under the Act.’.

Amendment of s 68 (Vehicles must comply with Schedule 1)

6.(1) Section 68, heading—

omit, insert—

² Some exempting permits must contain conditions stated in this regulation. For example, see section 205A(1) for indivisible articles. For the term of permits see section 107A.

‘Vehicles must comply with sch 1 and other requirements’.

(2) Section 68(1)(a)—

omit, insert—

- ‘(a) the vehicle has the equipment mentioned in or required by schedule 1 (other than optional equipment) that is appropriate to the vehicle; and’.

(3) Section 68(1)—

insert—

- ‘(e) optional equipment on the vehicle complies with the requirements in schedule 1 for the equipment; and
- (f) equipment mentioned in this subsection is securely fixed to the vehicle (unless schedule 1 states otherwise).’.

(4) Section 68(9) and (10)—

omit, insert—

(9) Despite schedule 1, section 58, a converter dolly may be towed with its braking control system disconnected if—

- (a) the dolly has no load on it; and
- (b) the braking system complies with schedule 1, section 58(2)(b).’.

Amendment of s 69 (Lighting of vehicles)

7. Section 69, penalty—

omit, insert—

‘**(3)** A person must not attach a lamp, another device able to show light or a reflector to a vehicle unless it is required to be fitted or is optional equipment under section 68(1).

Maximum penalty—20 penalty units.’.

Replacement of s 75B (Unauthorised use of warning signs prohibited)

8. Section 75B—

omit, insert—

‘Warning sign not to be displayed if not required by law

‘75B. A person must not drive a vehicle displaying a warning sign unless—

- (a) the person is required under this regulation to display the sign; or
- (b) the vehicle is temporarily in Queensland on a journey from another State and the sign must be displayed on the vehicle under the law of the other State.

Maximum penalty—20 penalty units.’.

Replacement of s 89 (Requirements for motorcycle drivers and pillion)

9. Section 89—

omit, insert—

‘Motorcycle drivers

‘89.(1) The driver of a motorcycle must, while it is moving—

- (a) sit astride its driver’s seat, facing forward; and
- (b) keep his or her feet on the driver’s footrests.³

Maximum penalty—20 penalty units.

‘(2) Subsection (1)(b) does not apply to the extent necessary for the driver to operate a foot operated brake or clutch or another foot operated device on the motorcycle or maintain the motorcycle’s stability at low speed.

‘(3) A person must not drive a motorcycle carrying a passenger unless the passenger is safely seated on the pillion or in a sidecar attached to the motorcycle.

Maximum penalty—20 penalty units.

‘(4) A person must not drive a motorcycle carrying a passenger unless the person has held a provisional or open licence, in force continuously for

³ If a driver is to use the motorcycle for pillion riding, it must be equipped as required by schedule 1, section 84.

at least 1 year, to drive that type of motorcycle.⁴

Maximum penalty—20 penalty units.

‘(5) A person must not drive a motorcycle with a sidecar if it has more than the following number of passengers in the sidecar—

- (a) 2 passengers over 12;
- (b) 1 passenger over 12 and 2 passengers under 12;
- (c) 4 passengers under 12.

Maximum penalty—20 penalty units.

‘(6) Subsection (5) applies subject to section 76.5’.

‘Motorcycle passengers

‘89A.(1) A passenger (other than a passenger in a sidecar) must not ride on a motorcycle unless the motorcycle has a suitable pillion and suitable passenger footrests.

‘(2) A passenger on a moving motorcycle (other than a passenger in a sidecar) must sit astride the motorcycle’s pillion, facing forward, with his or her feet on the passenger footrests.

‘(3) A passenger carried on a motorcycle or in a sidecar must not do anything likely to interfere with the driver’s effective control of the motorcycle.

Maximum penalty—20 penalty units.’.

Amendment of s 90B (Compulsory wearing of seat belts)

10.(1) Section 90B(5) and (6)—

renumber as section 90B(6) and (7).

(2) Section 90B(3) and (4)—

⁴ See the Act, section 15(1) for the requirement to hold a current provisional or open licence. See section 109(5) for requirements on a holder of a learner’s permit to drive with or under the direction of an appropriately licensed person.

⁵ Section 76 (Loading exceeding normal carrying capacity)

omit, insert—

‘(3) This section does not apply to someone who—

- (a) is under 10; or
- (b) is reversing a vehicle; or
- (c) is driving a taxi under a taxi service licence; or
- (d) is in a vehicle travelling at not more than 25 km/h and doing work requiring the person to enter and leave the vehicle frequently; or
- (e) is carrying in the vehicle a current doctor’s certificate in the approved form stating, for a stated period, that the person cannot wear a seat belt for medical reasons; or
- (f) is a passenger and is carrying in the vehicle a current doctor’s certificate in the approved form stating, for a stated period, that because of a physical characteristic of the person, it would be unreasonable to require the person to wear a seat belt; or
- (g) is a driver and is carrying in the vehicle a current doctor’s certificate in the approved form stating, for a stated period, that because of a physical characteristic of the person, the person cannot drive a motor vehicle with safety while wearing a seat belt.

‘(4) However, subsection (3)(e), (f) and (g) do not apply if a police officer asks the person to produce the doctor’s certificate and the person does not immediately produce it to the police officer.

‘(5) A permit exempting a person from subsection (1) or (2) must state that the exemption does not apply if—

- (a) the person does not carry the permit when travelling in a vehicle fitted with a seat belt the person would have to wear but for the permit; or
- (b) the person does not immediately produce the permit to a police officer if the police officer asks for it.’

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

11. Section 90C(3)—

omit, insert—

‘(3) Subsection (2) does not apply to—

- (a) someone who is driving a taxi or limousine under a taxi or limousine service licence; or
- (b) a driver who—
 - (i) is carrying in the vehicle a current doctor’s certificate in the approved form stating, for a stated period, that it would be unreasonable to require the child or infant to be restrained because of a physical characteristic of the child or infant; and
 - (ii) immediately produces the certificate to a police officer if the police officer asks for it.’.

Amendment of s 102 (Permits certifying exemption from regulation)

12.(1) Section 102, heading—

omit, insert—

‘Superintendents’ permits giving exemptions from provisions of regulation’.

(2) Section 102(1)—

insert—

- ‘(c) seat belts; or
- (d) child or infant restraints; or
- (e) fitting a vehicle with red or blue flashing warning lights; or
- (f) fitting a vehicle with repeater horns or sirens.’.

(3) Section 102(2), ‘A certificate of an’—

omit, insert—

‘An’.

(4) Section 102(4), ‘Despite section 107A, an’—

omit, insert—

‘An’.

Amendment of s 104 (Determining applicant's fitness to hold licence)

13.(1) Section 104(2)(b)(i), 'section 55A of the Act or'—

omit.

(2) Section 104—

insert—

'(3) Subsection (2)(b)(i) does not apply to—

- (a) the issue of a provisional licence under section 20A of the Act; or
- (b) a learner's permit.

'(4) A superintendent may issue a licence without a test under section 107 if—

- (a) not more than 5 years before the application, the applicant has been authorised under the law of Queensland or anywhere else to drive the type of vehicle that may be driven under the licence; and
- (b) the superintendent is satisfied—
 - (i) to obtain the authorisation the applicant passed a practical driving test under section 107 or a corresponding law to that section; and
 - (ii) the test was taken using that type of vehicle.'

Amendment of s 104A (Licences—decision on application)

14. Section 104A—

insert—

'(4) Despite subsection (3), the superintendent may give an applicant oral notice of the information required to be given in a written notice under subsection (3) if the applicant failed a test of knowledge of traffic law or practical driving,⁶ but must give the applicant written notice under subsection (3) if the applicant asks for it.'

⁶ See section 107(2)(b) or (c)

Amendment of s 106 (Restrictions on issue of driver's licences)

15.(1) Section 106(4)(a)(i), 'prescribed in'—

omit, insert—

'under'.

(2) Section 106—

insert—

'**(8)** However, subsection (7) does not prevent a superintendent issuing a provisional or open class MC licence to a person who produces a declaration in the approved form demonstrating the person's ability to drive a B-double or road train.

'**(9)** Subsection (8) expires on 8 April 1997.'

Amendment of s 107 (Testing applicant's fitness to hold driver's licence)

16. Section 107, from '**Testing applicant's fitness**' to 'shall include the following—'—

omit, insert—

'Tests of ability to drive

'**107.** For section 55A of the Act and section 104(2)(b), the tests are tests of the applicant's ability to drive the type of vehicle that may be driven under the licence applied for, including any of the following tests—'.

Replacement of s 107A (Term of licence)

17. Section 107A—

omit, insert—

'Term of licence

'**107A.(1)** A licence is for the term, of not longer than 5 years, stated in the licence.⁷

⁷ "Licence" includes a renewal of a licence. See the Act, section 9.

‘(2) Subsection (1) does not apply to the following⁸—

- (a) a driver’s licence;
- (b) a pilot vehicle driver’s licence;
- (c) a pilot vehicle licence;
- (d) a permit under section 13(1);
- (e) a permit under section 102 exempting a vehicle;
- (f) a permit mentioned in section 122, 126 or 126B.⁹

‘(3) A permit under section 13(1) is for the term stated in the permit, or if no term is stated, 5 years.

‘(4) A permit mentioned in section 122, 126 or 126B is for the term, of not longer than 1 year, stated in the permit.

‘(5) A licence may only be renewed before it expires.¹⁰

‘(6) The term of a licence includes any period when it is not in force under section 135.’

Amendment of s 108B (Allocation of demerit points)

18.(1) Section 108B(2)(a), ‘offence mentioned’—

omit, insert—

‘offence against a provision mentioned’.

(2) Section 108B(5) and (6)—

⁸ These licences have different terms. See the following—

- for driver’s licences—the Act, section 14(6)
- for pilot vehicle driver’s licences and pilot vehicle licences—section 189(1)
- for exemption permits for vehicles—section 102(4).

⁹ Section 122 (Amplification or reproduction of words, music etc.)
Section 126 (Advertising, placards, handbills etc.)
Section 126B (Carrying signs on roads)

¹⁰ If a licence has already expired, a person must apply for the issue of a new licence. Someone who, within 5 years of the application, has been authorised to drive may not need to be retested. See section 104(4)

renumber as section 108B(6) and (7).

(3) Section 108B(4)—

omit, insert—

‘**(4)** The number of demerit points to be allocated for an offence against a provision mentioned in schedule 2 is the number of points mentioned in schedule 2 for the offence.

‘**(5)** The number of demerit points to be allocated for a corresponding offence is the number of points mentioned in schedule 2 for the offence corresponding to the corresponding offence.’.

Amendment of s 109 (Learner’s permit)

19.(1) Section 109(3)(d)—

omit.

(2) Section 109(3), penalty—

omit.

(3) Section 109(5)—

omit, insert—

‘**(5)** A holder of a learner’s permit must not drive a motor vehicle unless—

- (a) for a vehicle (other than a motorcycle) with passenger seating capacity—
 - (i) a passenger who may drive the vehicle under a provisional or open licence sits next to the driver; and
 - (ii) the passenger has held a provisional or open licence, in force for at least 1 year, for the type of vehicle; or
- (b) for a vehicle (other than a motorcycle) without passenger seating capacity—the permit holder is driving under the direction of a person who may drive the vehicle under a provisional or open licence and has held a provisional or open licence, in force for at least 1 year, for the type of vehicle; or
- (c) for a motorcycle—

- (i) a passenger on the pillion or in a sidecar attached to the motorcycle may drive the motorcycle under a provisional or open licence and the passenger has held a provisional or open licence, in force for at least 2 years, for the type of motorcycle; or
- (ii) the permit holder is driving the motorcycle under the direction of a person who may drive the motorcycle under a provisional or open licence and the person has held a provisional or open licence, in force for at least 1 year, for the type of motorcycle.

Maximum penalty—20 penalty units.’.

(4) Section 109(7)—

omit.

Amendment of s 110A (Production of driver’s licences issued outside Queensland)

20. Section 110A, ‘driver’s licence, or an’—

omit, insert—

‘driver’s licence or’.

Omission of s 111

21. Section 111—

omit.

Insertion of new s 116A

22. After section 116—

insert—

‘Vehicle modification notices

‘**116A.(1)** This section applies if the chief executive, the commissioner or a superintendent considers it is necessary, in the interests of public safety, for a vehicle to be specially constructed, equipped or adapted.

‘(2) The chief executive, commissioner or superintendent may, by notice to a person, in the approved form, require a vehicle to be modified in a stated appropriate way while it is being driven by the person.’¹¹

Example—

A vehicle modification notice may require a vehicle to be specially constructed, equipped or adapted to make it easier for a physically disabled person to drive.’.

Amendment of s 134C (Reconsideration of decision by chief executive or Commissioner)

23. Section 134C(3)—

omit, insert—

‘(3) The application must be made within 28 days after—

- (a) the day the notice is given to the applicant; or
- (b) if the applicant is given oral notice of the decision and asks for written notice—the day the written notice is given to the applicant.’.

Replacement of s 170A (Prescribed places of courts and training programs)

24. Section 170A—

omit, insert—

‘Prescribed places of conviction

‘**170A.** The Magistrates Court at each place mentioned in schedule 5 is prescribed for section 16C of the Act.

‘Prescribed persons for training programs

‘**171.(1)** The persons who may conduct a training program under section 16C of the Act are—

¹¹ If a licence is subject to licence condition V, a licensee may only drive while carrying, and in accordance with, the vehicle modification notice. See sections 137(1) table and 116(2).

- (a) the Queensland University of Technology; and
- (b) the Vocational Education, Training and Employment Corporation.

‘(2) A community correctional officer under the *Corrective Services Act 1988* may give a written notice under section 16C of the Act.

‘Prescribed amount of property damage

‘172. The amount of property damage for section 31(1)(i) of the Act is \$2 500.’.

Insertion of new s 183A

25. After section 183—

insert—

‘Breath analysing instruments and breath testing devices

‘183A.(1) An instrument described in schedule 6, part 1 is a type of breath analysing instrument for section 16A(1) of the Act, definition “**breath analysing instrument**”, paragraph (b).

‘(2) A device described in schedule 6, part 2 is approved for section 16A(1) of the Act, definition “**breath test**”, paragraph (b).’.

Replacement of ss 185 and 185A

26. Sections 185 and 185A—

omit, insert—

‘Performance guidelines

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

‘(2) The guidelines may be issued about—

- (a) roads on which an excess 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 or another escort vehicle; and
- (g) the maximum permissible mass of the vehicle; and
- (h) the maximum permissible loading on an axle or another part of the vehicle; and
- (i) anything else relevant to the safe movement of the vehicle.

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

‘Excess dimension vehicle may be driven under performance guidelines

‘186. Section 68(1)(c) does not prevent a person driving an excess dimension vehicle if the person—

- (a) is using the vehicle in accordance with current performance guidelines for the type of vehicle; and
- (b) is carrying the guidelines in the vehicle.’.

Amendment of s 187 (Requirements for grant of pilot vehicle licences)

27. Section 187—

insert—

‘3A. Despite subsection (3), a condition about a warning sign above the roof of a pilot vehicle does not apply to a vehicle that—

- (a) is escorting a road train consisting of a motor vehicle towing 2 trailers on the Barkly Highway between Cloncurry and Mount Isa; and
- (b) complies with the requirements about warning signs for the

vehicle in the current performance guidelines for the road train.¹².

Amendment of s 190 (Who can operate pilot vehicles)

28.(1) Section 190(1)(c)—

omit, insert—

‘(c) any excess dimension vehicle permit or other permit needed for the escorted vehicle has been obtained; and’.

(2) Section 190(1)(d), ‘permission’—

omit, insert—

‘permits’.

(3) Section 190(2)(a)—

omit, insert—

‘(a) any excess dimension vehicle permit or other permit needed for the escorted vehicle has been obtained; and’.

(4) Section 190(2)(b), ‘any prior written permission’—

omit, insert—

‘a permit mentioned in paragraph (a)’.

Amendment of s 203 (Pilot vehicle escort record)

29.(1) Section 203, definition “**approved form**”—

omit.

(2) Section 203(2), ‘an excess dimension vehicle for which excess dimension permission’—

omit, insert—

‘a vehicle for which an excess dimension vehicle permit’.

¹² “**Drive**” includes stand. See section 4. If the guidelines cannot be complied with, an excess dimension vehicle permit may be applied for under section 13(1) or 102(1).

Replacement of ss 205 and 205A

30. Sections 205 and 205A—

omit, insert—

‘When excess dimension vehicle carrying indivisible article may be driven without a permit

‘205.(1) Section 68(1)(c) does not prevent a person driving a vehicle that is an excess dimension vehicle only because it is carrying an indivisible article if—

- (a) the vehicle is escorted by at least 1 licensed pilot vehicle and—
 - (i) the article is not more than 25 m long, 4 m wide or 5 m high; or
 - (ii) for an articulated vehicle that is a low loader—the article is not more than 30 m long, 3.5 m wide or 5 m high; or
- (b) the vehicle is escorted by at least 2 licensed pilot vehicles and the article is not more than 30 m long, 4.6 m wide or 5 m high.¹³

‘(2) However, subsection (1) applies to a loaded vehicle that is higher than 4.8 m only if the vehicle is a low loader or articulated vehicle of the type commonly known as a step deck trailer.

‘Permits for vehicles carrying indivisible articles—conditions

‘205A.(1) An excess dimension vehicle permit for a vehicle carrying an indivisible article must include the following conditions—

- (a) if the article is longer than 30 m, the vehicle must have a rear-end steering unit;
- (b) if the article is wider than 6.1 m, its edges must be defined by flashing amber lights;
- (c) a low loader or an articulated vehicle of the type commonly known as a step deck trailer must be used if the loaded vehicle is higher than 4.8 m;

¹³ Sections 205B to E impose additional requirements on vehicles driven without a permit under this subsection.

- (d) the vehicle must be escorted by the number of pilot vehicles or police vehicles stated in the permit.¹⁴

‘(2) However, a permit for a vehicle (including its load) not more than 25 m long, 3.5 m wide and 5 m high must not include a condition that it be escorted by a pilot vehicle or a police vehicle if—

- (a) the indivisible article is not longer than 21.4 m; or
- (b) the exempted vehicle is an articulated vehicle that is a low loader; or
- (c) the indivisible article is carried on—
- (i) a drawn trailer longer than 16 m; or
- (ii) an articulated self steering trailer longer than 16 m from the point of articulation to the further of the rear end of the article or trailer.

‘Permits for vehicles carrying indivisible articles—minimum number of escort vehicles

‘205AA.(1) The number of pilot vehicles and police vehicles stated in a permit mentioned in section 205A must not be less than—

- (a) if the loaded vehicle is not wider than 4.6 m or higher than 5 m and the indivisible article is—
- (i) longer than 30 m but not longer than 35 m—1 pilot vehicle and 1 police vehicle; or
- (ii) longer than 35 m—2 police vehicles; or
- (b) if the loaded vehicle is wider than 4.6 m but not wider than 6.1 m—2 pilot vehicles and 1 police vehicle; or
- (c) if the loaded vehicle is wider than 6.1 m—1 pilot vehicle and 2 police vehicles.

‘(2) Despite subsection (1), the person granting the permit may reduce the number of police or pilot vehicles, or omit the condition requiring a

¹⁴ See subsection (2) and section 205AA for when this condition must or may be omitted and also for the minimum number of escort vehicles.

police or pilot vehicle escort, if—

- (a) the permit relates only to movement of the vehicle in—
 - (i) the Cairns police district north of Mossman; or
 - (ii) the Charleville, Longreach, Mareeba, Mount Isa or Roma police district; or
 - (iii) the Townsville police district west of Pentland; and
- (b) the person considers the vehicle will be adequately escorted, or no escort is needed, because of the nature of the roads, the likely amount of traffic on the journey and the nature of the vehicle's load.'.

Amendment of s 205B (Requirements for an excess dimension vehicle being escorted)

31.(1) Section 205B(1)—

omit, insert—

'**205B.(1)** This section applies only to an excess dimension vehicle to which section 205(1) applies'.

(2) Section 205B(2)(b)—

omit, insert—

'(b) 1 warning sign with 'oversize'¹⁵ on it attached to—

- (i) the front of the vehicle, so as to be clearly visible to approaching traffic; and
- (ii) the rear of the vehicle, so as to be clearly visible to following traffic; and'.

(3) Section 205B(3)—

omit.

¹⁵ See section 206A for the requirements that apply to a sign that must have 'oversize' on it.

Amendment of s 205C (Times that excess dimension vehicles may be driven)

32. Section 205C(1)—

omit, insert—

‘**205C.(1)** This section applies only to an excess dimension vehicle to which section 205(1) applies.’.

Amendment of s 205D (Requirements for excess dimension vehicle being driven out of daylight hours)

33. Section 205D(1)—

omit, insert—

‘**205D.(1)** This section applies only to an excess dimension vehicle to which section 205(1) applies.’.

Amendment of s 205E (Restrictions on driving an excess dimension vehicle in certain areas)

34. Section 205E(1)—

omit, insert—

‘**205E.(1)** This section applies only to an excess dimension vehicle to which section 205(1) applies.’.

Amendment of s 206 (Agricultural implements)

35.(1) Section 206, from ‘Notwithstanding’ to ‘**2.** The sign referred to in condition 1 shall’—

omit, insert—

‘Section 68(1)(c) does not prevent a person driving an agricultural implement that is an excess dimension vehicle if—

(a) the implement is not higher than 5 m; and

(b) the implement is not wider than—

(i) for the Cairns police district north of Mossman, the

Charleville, Longreach, Mareeba, Mount Isa or Roma police district, or the Townsville police district west of Pentland—3.66 m; or

- (ii) for anywhere else—3.5 m; and
- (c) the implement is not carrying a load (other than items used in performing the implement's function); and
- (d) the conditions in schedule 7 are complied with.

1. A warning sign with 'oversize' or 'slow vehicle' on it must be attached to the rear of the implement, so as to be clearly visible to following traffic.

2. A sign with 'oversize' on it must comply with section 206A and a sign with 'slow vehicle' on it must'.

(2) Section 206, from **1.** A warning sign' to 'Gateway Arterial Road.'—*relocate* to schedule 7.

Insertion of new pt 21, div 2

36. Part 21, after section 206—

insert—

Division 2—Oversize and pilot vehicle warning signs

'Oversize warning signs

'206A.(1) This section applies to a warning sign that must have 'oversize' on it.

'(2) The word 'oversize' must be in black, upper-case and non-reflective letters at least 200 mm high and at least 125 mm from the top and bottom of the sign.

'(3) The letters must be in typeface series C(N) and comply with Australian Standard 1744 Forms of Letters and Numerals for Road Signs.

'(4) The name or trademark of the sign's manufacturer must be permanently marked on a visible part of the sign in letters at least 3 mm but no more than 10 mm high.

‘(5) The sign must not be split unless it has ‘over’ on 1 part of the sign and ‘size’ on the other part, and the parts are at the same height.

‘(6) The sign must be at least 450 mm high and at least 1200 mm long, whether or not it is split, and be fitted upright above the height of the bumper bar, or if there is no bumper bar, at least 500 mm from the ground.

‘(7) The side of the sign that has ‘oversize’ on it must have—

- (a) a yellow background whose surface is made of a material complying with the requirements under Australian/New Zealand Standard 1906 Retroreflective Materials and Devices for Road Traffic Purposes, part 1 Retroreflective Materials for class 1 or 2 materials; and
- (b) a black non-reflective border at least 20 mm wide and, if the sign is not framed or does not have a raised rim, at least 10 mm from the edge of the sign.

‘(8) However, a split sign must not have a border between the 2 parts of the sign.

‘(9) The sign (other than the part of its surface required to be made of retroreflective material) must be made of rigid, flat and weatherproof material.

‘(10) However, a sign attached to the rear of a vehicle (other than the part of the sign’s surface required to be made of retroreflective material) may be made of flexible material if the vehicle’s load makes it impractical to have a rigid warning sign.

‘(11) The sign must always be clean enough to be easily read by other road users.

‘Oversize load ahead warning signs on pilot vehicles

‘**206B.(1)** This section applies to a warning sign that must have ‘oversize load ahead’ on it.

‘(2) The word ‘oversize’ must be on the front and rear of the sign in black, upper-case and non-reflective letters at least 200 mm high and at least 300 mm from the bottom of the sign.

‘(3) Also, the words ‘load ahead’ must be on the front and rear of the

sign in black, upper-case and non-reflective letters at least 100 mm high and at least 100 mm from the bottom of the sign.

‘(4) The letters of ‘oversize’ must be in typeface series C(N) and comply with Australian Standard 1744 Forms of Letters and Numerals for Road Signs.

‘(5) The letters of ‘load ahead’ must be in typeface series D(N), at least 100 mm from the bottom of the sign, and comply with Australian Standard 1744 Forms of Letters and Numerals for Road Signs.

‘(6) The words ‘load ahead’ must be at least 100 mm below the word ‘oversize’.

‘(7) The name or trademark of the sign’s manufacturer must be permanently marked on a visible part of the sign (other than a bottom corner) in letters at least 3 mm but no more than 10 mm high.

‘(8) The sign must not be split.

‘(9) The sign must be at least 600 mm high and at least 1200 mm long, and securely fixed to the vehicle in a position centrally above the vehicle’s roof so the sign’s top edge is not more than 200 mm from the upright.

‘(10) The front and rear of the sign must have—

- (a) a yellow background whose surface is made of a material complying with the requirements under Australian/New Zealand Standard 1906 Retroreflective Materials and Devices for Road Traffic Purposes, part 1 Retroreflective Materials for class 1 or 2 materials; and
- (b) a black non-reflective border at least 20 mm wide and, if the sign is not framed or does not have a raised rim, at least 10 mm from the edge of the sign.

‘(11) The sign (other than the part of its surface required to be made of retroreflective material) must be made of rigid, flat and weatherproof material.

‘(12) A piece no higher than 100 mm or wider than 150 mm may be cut from a bottom corner of the sign if it is necessary to make the cut to fit a warning light required under this regulation to be fitted at each end of the sign.

‘(13) The sign must always be clean enough to be easily read by other road users.’.

Replacement of s 207 (Prescribed offence—traffic control light)

37. Section 207—

omit, insert—

‘Prescribed offences for the Act, pt 6B

‘207. A contravention of section 11(1)(a) in relation to an indication mentioned in section 19(1)(c) or (db) is an offence for part 6B of the Act.’.

Insertion of new s 210

38. After section 209—

insert—

‘Approved photographic detection devices

‘210. A Gatso redlight camera, model 36M-MC is approved as a photographic detection device for section 44P of the Act, definition “photographic detection device”.’.

Amendment of sch 1 (Schedule to part 13)

39. Schedule 1, heading, ‘SCHEDULE TO PART 13’—

omit, insert—

‘EQUIPMENT, CONSTRUCTION AND LOADING OF VEHICLES’.

Omission of sch 1, pt 1

40. Schedule 1, part 1—

omit.

Amendment of sch 1, pt 3, div 1, heading

41. Schedule 1, part 3, division 1, heading, '*Dimensions of vehicles*'—
omit, insert—

'Limits on overall length, height and width of vehicles'.

Replacement of sch 1, s 43 (Use of noncomplying vehicles on roads)

42. Section 43—

omit, insert—

'Load is taken into account for working out vehicle's dimensions

'43. For this division, a vehicle's load is taken into account for working out the vehicle's dimensions.'

Amendment of sch 1, s 44B (Length—rear overhang)

43. Schedule 1, section 44B—

insert—

'(3) Despite subsection (1), if a vehicle built to carry vehicles has at least 2 decks and a vehicle it is carrying overhangs its rear, the rear overhang of the vehicle built to carry vehicles must not be more than 4.9 m.'

Amendment of sch 1, s 46 (Height)

44. Schedule 1, section 46(b) and (c)—

omit, insert—

- '(b)** for a vehicle built to carry vehicles, with at least 2 decks—4.6 m;
or
- (c)** for a double-decker bus—4.4 m; or
- (d)** for another vehicle—4.3 m.'

Renumbering of sch 1, part 3, div 2 (Trailer couplings)

45. Schedule 1, part 3, division 2—

renumber as schedule 1, part 3, division 3.

Insertion of heading before sch 1, s 46A

46. Schedule 1, before section 46A—

insert—

‘Division 2—Ground clearance, rear overhang and trailer dimensions’.

Relocation and renumbering of sch 1, s 44A (Length—trailers)

47. Section 44A—

relocate and renumber as schedule 1, section 46B.

Relocation and renumbering of sch 1, s 44B and 44C

48. Section 44B as amended, and section 44C—

relocate and renumber as schedule 1, sections 46C and 46D.

Replacement of sch 1, s 84 (Pillion riding)

49. Schedule 1, section 84—

omit, insert—

‘Pillion riding

‘84. A motorcycle carrying a pillion passenger must have a suitable pillion and suitable pillion passenger footrests.’.

Replacement of sch 2 (Offences under section 108B of the regulation)

50. Schedule 2—

omit, insert—

‘SCHEDULE 2**‘DEMERIT POINTS FOR CERTAIN OFFENCES**

section 108B

‘PART 1—6 DEMERIT POINT OFFENCES**‘Speeding—at least 45 km/h over the speed limit**

‘1. The number of points for a contravention of each of the following provisions by driving at least 45 km/h over the speed limit is 6—

- (a) section 50(2) or (3);
- (b) section 52(1);
- (c) section 52A.

‘PART 2—4 DEMERIT POINT OFFENCES**‘Speeding—30–45 km/h over the speed limit**

‘2. The number of points for a contravention of each of the following provisions by driving at least 30 km/h, but less than 45 km/h, over the speed limit is 4—

- (a) section 50(2) or (3);
- (b) section 52(1);
- (c) section 52A.

‘PART 3—3 DEMERIT POINT OFFENCES

‘Careless driving

‘3. The number of points for a contravention of section 17 of the Act is 3.

‘Disobeying certain red light signals

‘4.(1) The number of points for a contravention of section 11(1)(a) in relation to an indication mentioned in section 19(1)(c) or (db) is 3.

‘(2) The number of points for a contravention of section 19(2)(a) or 48(1)(d) is 3.

‘Disobeying emergency traffic sign installed under the Act, s 12D(1)

‘5. The number of points for a contravention of section 12F(1) of the Act relating to an indication given by a sign installed under section 12D(1) of the Act is 3.

‘Disobeying police signal, order or direction

‘6. The number of points for a contravention of section 21(1)(a) or (b) is 3.

‘Disobeying stop, give way and certain other traffic signs

‘7. The number of points for a contravention of each of the following provisions is 3—

- (a) section 20(1A), (1B), (1C), (2), (3), (4), (5), (6), (6A), (6B), (7), (7A), (8), (8AA), (9), (10), (12), (13), (14), (15), (17), (18) or (19);
- (b) section 39(2)(b);
- (c) section 47(c);
- (d) section 48(1)(c) or (4).

‘Failing to give way, other than by disobeying a sign

‘8. The number of points for a contravention of each of the following provisions is 3—

- (a) section 34(1) or (2A);
- (b) section 34A;
- (c) section 35(1), (2) or (3);
- (d) section 36(1);
- (e) section 36A;
- (f) section 38(1), (2) or (3);
- (g) section 38B;
- (h) section 39(1) or (2)(a).

‘Failing to keep left of double lines

‘9. The number of points for a contravention of section 30 is 3.

‘Failing to wear helmet, seat belt or restraint

‘10. The number of points for a contravention of each of the following provisions is 3—

- (a) section 90A(1);
- (b) section 90B(1);
- (c) section 90C(2).

‘Speeding—15–30 km/h over the speed limit

‘11. The number of points for a contravention of each of the following provisions by driving at least 15 km/h, but less than 30 km/h, over the speed limit is 3—

- (a) section 50(2) or (3);
- (b) section 52(1);
- (c) section 52A.

‘Using vehicle in bad or unserviceable condition

‘12. The number of points for a contravention of section 68(1)(d) is 3.

‘PART 4—2 DEMERIT POINT OFFENCES**‘Failing to keep as far left as practicable**

‘13. The number of points for a contravention of section 22 is 2.

‘Failing to kept left of centre island at roundabout

‘14. The number of points for a contravention of section 29 is 2.

‘Failing to give proper signal

The 15 number of points for a contravention of section 45(2) or (6) is 2.

‘Improper overtaking or passing or driving to the right of centre-line

‘16. The number of points for a contravention of each of the following provisions is 2—

- (a) section 23(1), (3), (4), (5) or (6);
- (b) section 25;
- (c) section 26.

‘Improper turn

‘17. The number of points for a contravention of each of the following provisions is 2—

- (a) section 43(1) or (3);
- (b) section 44(1), (2), (3) or (4);
- (c) section 47(a) or (b).

‘PART 5—1 DEMERIT POINT OFFENCES**‘Failing to have lamp lit or dip headlamp**

‘18. The number of points for a contravention of section 69(1) or (2) is 1.

‘Following too closely

‘19. The number of points for a contravention of section 31(2) or 49 is 1.

‘Improper vehicle equipment, construction or loading

‘20. The number of points for a contravention of section 68(1)(a), (b), (c), (e) or (f) or 69(3) is 1.

‘Speeding—less than 15 km/h over the speed limit

‘21. The number of points for a contravention of each of the following provisions by driving less than 15 km/h over the speed limit is 1—

- (a) section 50(2) or (3);
- (b) section 52(1);
- (c) section 52A.’.

Amendment of sch 3 (Pilot vehicle requirements)

51. Schedule 3, sections 1 and 2—

omit, insert—

‘1. The vehicle must have a warning sign with ‘oversize load ahead’ on it that is clearly visible to approaching and following traffic.’.

Insertion of new schs 5 to 7

52. After schedule 4—

insert—

‘SCHEDULE 5**‘PRESCRIBED PLACES**

section 170A

Baralaba

Biloela

Blackwater

Brisbane

Bundaberg

Caboolture

Calen

Caloundra

Capella

Carmila

Childers

Clermont

Duarina

Emerald

Finch Hatton

Gayndah

Gladstone

Gympie

Hervey Bay

Holland Park

Inala

Kingaroy

Landsborough

Mackay

Maroochydore

Maryborough

Miriam Vale

Moranbah

Mount Larcom

Moura

Murgon

Nambour

Nanango

Noosa

Petrie

Pomona

Proserpine

Redcliffe

Rockhampton

Rolleston

Sandgate

Sarina

Springsure

St Lawrence

Theodore

Toogoolawah

Woorabinda

Wynnum

Yeppoon

‘SCHEDULE 6

‘BREATH ANALYSING INSTRUMENTS AND BREATH TEST DEVICES

section 183A

‘PART 1—TYPES OF BREATH ANALYSING INSTRUMENTS

1. A Drager Alcotest 7110, whether or not including the following—
 - (a) a keyboard;
 - (b) an appropriate software program;
 - (c) an external printer.

‘PART 2—BREATH TESTING DEVICES

2. A solid state electronic fuel cell detector with ‘Lion alcolmeter S-D2’ on it and a mouth piece.

‘SCHEDULE 7**‘CONDITIONS UNDER SECTION 206(d) FOR
AGRICULTURAL IMPLEMENTS**

section 206(d)’.

Repeals

53. The subordinate legislation made under the *Traffic Act 1949* (other than the *Traffic Regulation 1962*) is repealed.

**PART 3—AMENDMENT OF TRANSPORT
INFRASTRUCTURE (ROADS) REGULATION 1991****Regulation amended in pt 3**

54. This part amends the *Transport Infrastructure (Roads) Regulation 1991*.

Amendment of s 11 (Over dimension vehicles)

55. Section 11, from ‘**Over dimension vehicles**’ to ‘chief executive.’—
omit, insert—

‘Approval to use vehicle wider than 4.6 m

‘11.(1) A person must not use, or permit the use of, a vehicle wider than 4.6 m on a road without the chief executive’s written approval.¹⁶

Maximum penalty—20 penalty units.’.

¹⁶ Approvals and permits under other legislation, for example, the *Traffic Regulation 1962* may also be needed.

SCHEDULE**MINOR AMENDMENTS OF TRAFFIC REGULATION
1962**

section 3

1. Section 11(2)(a)—*omit.***2. Section 20(8A)—***omit.***3. Section 32—***omit.***4. Section 32D(1), ‘motor vehicle, other than a motor truck,’—***omit, insert—*

‘vehicle of not more than 4.5 t GVM or a bus’.

5. Section 33, ‘vehicle or person’—*omit, insert—*

‘vehicle, train or person’.

6. Section 50(3)(a), ‘or over dimension vehicle’—*omit.*

SCHEDULE (continued)

7. Section 126(2)—*omit.***8. Section 126B(2)—***omit.***9. Section 128—***omit.***10. Section 137(1), table, column 2, opposite code LR in column 1, 'built or fitted to carry not more than 30 adult passengers,'—***omit.***11. Section 164, heading, 'for supervisors'—***omit, insert—*

'and supervisors'.

12. Section 177, 'by the Minister'—*omit, insert—*

'under a regulation'.

13. Part 21, division 1, heading before section 185, 'Over'—*omit, insert—*

'Excess'.

14. Part 21, division 2, heading before section 187—*omit.*

SCHEDULE (continued)

15. Schedule 1, section 66A, ‘Rear overhang and loading space 66A.— (1)’—*omit, insert—***‘Loading space****‘66A.’.****16. Schedule 1, section 66A(2)—***omit.***17. Schedule 1, section 82(5)(ea)—***omit.***18. Schedule 1, section 82—***insert—***‘(5A) In subsection 5(e)—****“approved organisation” means any of the following—**

- Wheel Industries Association (Australia)
- Standards Association Australia
- Technischer Uberwachungen, Verein
- Japanese Industrial Standards.’.

ENDNOTES

1. Made by the Governor in Council on 2 May 1996.
2. Notified in the gazette on 3 May 1996.
3. Laid before the Legislative Assembly on . . .
4. The administering agency is the Department of Transport.