

Queensland



Subordinate Legislation 1998 No. 354

Transport Operations (Road Use Management) Act 1995

**TRANSPORT OPERATIONS (ROAD USE
MANAGEMENT) AMENDMENT
REGULATION (No. 1) 1998**

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AMENDED REGULATIONS

Short title

1. This regulation may be cited as the *Transport Operations (Road Use Management) Amendment Regulation (No. 1) 1998*.

Commencement

2. This regulation commences on 22 January 1999.

Regulation amended

3.(1) The schedule amends the regulations mentioned in it.

(2) The remainder of this regulation amends the *Transport Operations (Road Use Management) Regulation 1995*.

Omission of s 4D (Function of traffic controllers)

4. Section 4D—

omit.

Replacement of s 4E (Vehicles part applies to)

5. Section 4E—

omit, insert—

‘Definition for pt 2

‘4E. In this part—

“**vehicle**” means a vehicle with an MRC of more than 4.5t.

‘Fees generally

‘4F. The fees payable under the Act are in—

- (a) for the registration of a vehicle—schedule 1, chapter 1; and
- (b) otherwise—schedule 1, chapter 2.’

Amendment of s 5 (Fees)

6.(1) Section 5, heading—

omit, insert—

‘Registration fees’.

(2) Section 5(1)—

omit.

(3) Section 5(2), ‘the schedule’—

omit, insert—

‘schedule 1, chapter 1’.

(4) Section 5(5), after ‘schedule 1’—

insert—

‘, chapter 1’.

Insertion of new pts 2A and 2B

7. After section 11—

insert—

‘PART 2A—GUIDELINES AND PERMITS

‘Guidelines and permits for vehicles

‘11A.(1) The chief executive may issue—

- (a) a guideline, in an approved form, for the safe movement on a road of a type of vehicle; or
- (b) a permit for the safe movement on a road of a particular vehicle.

‘(2) The commissioner may issue only a permit for the safe movement on a road of a particular oversize vehicle.

‘(3) The chief executive or commissioner may issue a permit by phone, fax, radio or another form of communication if the chief executive or commissioner considers it necessary because of urgent circumstances.

‘(4) A guideline or permit can not allow a combination to be more than—

- (a) for a combination consisting of 1 motor vehicle—the motor vehicle’s GCM; or
- (b) for a combination consisting of more than 1 motor vehicle—the total of each motor vehicle’s GCM.

‘(5) The matters a guideline or permit may relate to include the following—

- (a) the roads on which the vehicle may be driven;
- (b) the maximum permissible dimensions of the vehicle together with any load;
- (c) the maximum permissible mass of—
 - (i) the vehicle together with any load; or
 - (ii) parts of the vehicle;
- (d) any permissible or requisite modifications to the vehicle;

Example of paragraph (d)—

Extra lighting may be required to be added to the side of a vehicle carrying a wide load.

- (e) the times when the vehicle may be driven;
- (f) signs and warning devices to be displayed on the vehicle;
- (g) when the vehicle must travel with a pilot vehicle or escort vehicle;
- (h) requirements for pilot vehicles and pilot vehicle drivers, and escort vehicles and escort vehicle drivers.

‘(6) The roads on which the vehicle may be driven may be shown on a map in the guideline.

‘Permit contents and conditions

‘11B.(1) A permit must state—

- (a) the registration number of the vehicle it relates to; and
- (b) the name and address of the person the permit is issued to; and

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- (c) how long the permit is in force for; and
- (d) the conditions of the permit.

‘(2) The conditions of a permit may include a condition requiring the permit holder—

- (a) to pay the reasonable costs incurred by the department in relation to the issue of the permit, including for example, the costs of—
 - (i) assessing the roads the vehicle is to be driven on; or
 - (ii) preparing any relevant plans and cost estimates; or
 - (iii) preparing or strengthening road transport infrastructure; or
 - (iv) repairing, replacing or reconstructing road transport infrastructure; or
 - (v) ensuring the permit conditions are observed; or
- (b) to deposit an amount reasonably required by the chief executive as security for the costs mentioned in paragraph (a).

‘(3) If, no later than 28 days after the permit ends, the chief executive decides an amount deposited as a condition of the permit is not sufficient security for the costs, the chief executive may require a further amount to be deposited within a reasonable stated time.

‘(4) The chief executive must, within 28 days after the permit ends—

- (a) calculate the costs incurred by the department; and
- (b) if the costs incurred are less than the amount deposited as security for costs, refund the difference to the permit holder.

‘Driving under guideline or permit

‘11C.(1) A person who is—

- (a) driving a vehicle in accordance with a current guideline, or a permit, issued for the vehicle; and
- (b) if a permit has been issued for the vehicle, carrying the permit in the vehicle;

is exempt from complying with the provisions of this regulation for which the guideline or permit states it is a means of alternative compliance.

‘(2) However, a guideline or permit that is a means of alternative compliance for section 62B need not state that fact.

‘(3) A person must ensure a sign or warning device that is required under a guideline or permit is not displayed on a vehicle being driven by the person unless the person is driving the vehicle for the purpose for which the guideline or permit was issued.

Maximum penalty—30 penalty units.

‘PART 2B—VEHICLE DIMENSIONS

‘Load and other things are part of vehicle’s dimensions for pt 2B

‘11D. In this part, a vehicle is taken to include anything on the vehicle, unless otherwise stated.

‘Length—motor vehicles

‘11E. A person must not drive a vehicle longer than—

- (a) for a combination (other than a B-double or road train)—19 m; or
- (b) for an articulated bus—18 m; or
- (c) for any other vehicle—12.5 m.

Maximum penalty—30 penalty units.

‘Width

‘11F.(1) A person must not drive a vehicle wider than 2.5 m.

Maximum penalty—30 penalty units.

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

‘Height

‘11G. A person must not drive a vehicle higher than—

- (a) for a vehicle built to carry cattle, horses, pigs or sheep—4.6 m; or
- (b) for a vehicle built with at least 2 decks for carrying vehicles, when carrying a vehicle on the upper deck—4.6 m; or
- (c) for a double-decker bus—4.4 m; or
- (d) for another vehicle—4.3 m.

Maximum penalty—30 penalty units.

‘Height—ground clearance

‘11H.(1) A person must not drive a vehicle with a ground clearance of less than—

- (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 to pass over a peak in the road if the gradient on either side of the peak is 1:15.

Maximum penalty—30 penalty units.

‘(2) In this section—

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

‘Length—trailers

‘11I.(1) A person must not drive a vehicle towing a semi trailer or dog trailer if the semi trailer or dog trailer does not comply with this section.

Maximum penalty—30 penalty units.

‘(2) On a semi trailer or dog trailer, the distance from the front articulation point to—

- (a) the rear overhang line must not be more than 9.5 m; and
- (b) the rear of the trailer must not be more than 12.3 m.

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

‘(4) 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.

‘(5) A semi trailer with more than 1 front articulation point must comply with subsections (2) and (3) when measured at each of the points.

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

‘(7) When measuring the trailer’s length for subsection (6), the trailer’s drawbar is not to be taken into account.

‘Length—rear overhang

‘11J.(1) A person must not drive a vehicle that does not comply with this section.

Maximum penalty—30 penalty units.

‘(2) The rear overhang of a vehicle must not be more than the lesser of 3.7 m and—

- (a) for a semi trailer or dog trailer—60% of the distance between the front articulation point and the rear overhang line; or
- (b) for any other trailer—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.

‘(3) A semi trailer with more than 1 front articulation point must comply with subsection (2)(a) when measured at each of the points.

‘(4) Despite subsection (2), 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.

‘Length—trailer drawbars

‘11K.(1) A person must not drive a vehicle towing a trailer if the trailer does not comply with this section.

Maximum penalty—30 penalty units.

‘(2) 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.

‘(3) On a trailer (other than a semi trailer) 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.

‘Information and liability offences

‘11L. An offence against this part involving a heavy vehicle is—

- (a) an information offence for the Act, section 50; and
- (b) a liability offence for the Act, section 57.’.

Insertion of new s 19A

8. After section 19—

insert—

‘Axle mass—complying buses

‘19A.(1) This section applies despite schedule 4, section 1(6).

‘(2) The total mass on the axles of a complying bus must not be more than—

- (a) for a bus with 2 axles—16 t; or
- (b) for a bus with a rear tandem axle group fitted with single tyres on 1 axle and dual tyres on the other axle—20 t; or
- (c) for a bus with a rear tandem axle group fitted with dual tyres on both axles—22.5 t.

‘(3) The total mass on the axles of a complying bus with a trailer must not be more than the total of—

- (a) the mass for the bus allowed under subsection (2); and
- (b) the mass for the trailer allowed under schedule 5.

‘(4) In this section—

“air suspension system” of a vehicle means a suspension system in which—

- (a) vertical movement between each axle, and the body, of the vehicle is controlled by variations in the air pressure in an air spring; and
- (b) the proportion of the vehicle’s mass that is borne by the air spring remains substantially constant despite variations in the air pressure in the air spring.

“complying bus” means a bus with 2 or 3 axles (including a single steer axle) that—

- (a) for a bus manufactured before 1 July 1994—has been issued with a complying bus approval; or
- (b) for a bus manufactured on or after 1 July 1994 that does not have a compliance plate—has been issued with a complying bus approval; or
- (c) for a bus manufactured on or after 1 July 1994 that has a compliance plate—
 - (i) is fitted with an air suspension system; and

(ii) meets the occupant protection specifications in ADR 68.

“complying bus approval”, for a bus, means the chief executive’s approval under the *Transport Infrastructure (Roads) Regulation 1991*, section 44 that states the bus—

(a) meets—

(i) the emergency exit specifications in ADR 44; and

(ii) the rollover strength specifications in ADR 59; and

(iii) the occupant protection specifications in ADR 68; and

(b) is fitted with an air suspension system.’.

Amendment of s 21C (Proof of mass)

9.(1) Section 21C, ‘an inspector within the meaning of the *Trade Measurement Act 1990*’—

omit, insert—

‘a servicing licensee or trade measurement inspector’.

(2) Section 21C—

insert—

‘**(2)** In this section—

“servicing licensee” means a licensee under a servicing licence granted under the *Trade Measurement Act 1990*.

“trade measurement inspector” means an inspector under the *Trade Measurement Act 1990*.’.

Omission of ss 22 and 23

10. Sections 22 and 23—

omit.

Amendment of s 24 (Transport of livestock)

11. Section 24(2)(b), ‘part’—

omit, insert—

‘regulation’.

Insertion of new pt 4A

12. After section 33—

insert—

‘PART 4A—ACCREDITED PERSONS

‘Division 1—Accredited persons generally

‘Applying to be appointed as an accredited person

‘33A.(1) A person may apply to the chief executive to be appointed as an accredited person.

‘(2) The application must be—

- (a) made in the approved form; and
- (b) supported by enough information to enable the chief executive to decide the application; and
- (c) accompanied by the appropriate fee.

‘Deciding application

‘33B. The chief executive must consider the application within 28 days after receiving all necessary information relevant to the application and either—

- (a) grant the application; or
- (b) refuse the application.

‘Granting application

‘33C. If the chief executive decides to grant the application, the chief executive must, by written notice (the **“instrument of appointment”**) given to the applicant within 14 days after making the decision, appoint the applicant as an accredited person.¹

‘Refusing application

‘33D.(1) The chief executive may refuse the application if the applicant has been—

- (a) convicted of a disqualifying offence; or
- (b) charged with a disqualifying offence and the charge has not been finally disposed of.

‘(2) Subsection (1) does not limit the grounds on which the chief executive may refuse the application.²

‘(3) If the chief executive decides to refuse the application, the chief executive must give the applicant written notice of the decision within 14 days after making the decision.

‘(4) The notice must state—

- (a) the reasons for the decision; and
- (b) the applicant may apply, within 28 days after the giving of the notice, to have the decision reviewed; and
- (c) how the applicant may apply for the review.

‘Accreditation documents and identity cards

‘33E.(1) On appointing a person as an accredited person, the chief executive must give the person—

¹ The accredited person’s conditions of appointment are stated in the instrument of appointment—see s 23(1) of the Act.

² The chief executive may also refuse the application if the applicant does not have the necessary expertise—see s 21(1) of the Act and sections 33N and 33P of this regulation.

- (a) an accreditation document; or
- (b) an identity card.

‘(2) The accreditation document must—

- (a) identify the person as an accredited person; and
- (b) state the person’s accreditation number; and
- (c) state an expiry date.

‘(3) The identity card must—

- (a) contain a recent photograph of the person; and
- (b) identify the person as an accredited person; and
- (c) state the person’s accreditation number; and
- (d) state an expiry date; and
- (e) be signed by the accredited person.

‘Display of accreditation document or identity card

‘33F. While performing the functions of an accredited person, the accredited person must display the accreditation document or identity card so it is clearly visible.

Examples of how document or card must be displayed—

1. Displaying the document on premises or in a vehicle being used by the person.
2. Wearing the card on the person’s clothing.

Maximum penalty—20 penalty units.

‘Replacement of accreditation document or identity card

‘33G.(1) An accredited person may apply to the chief executive for the replacement of an accreditation document or identity card if the document or card is lost, damaged, destroyed or stolen.

‘(2) The application must—

- (a) be made in the approved form; and

(b) be accompanied by the appropriate fee.

‘(3) If the chief executive is satisfied the accreditation document or identity card has been lost, damaged, destroyed or stolen, the chief executive must replace it.

‘Resignation from appointment

‘33H. If an accredited person resigns their appointment as an accredited person, the person stops being an accredited person—

- (a) on the day on which notice of resignation is given to the chief executive; or
- (b) if a later day is stated in the notice, the later day.

‘Surrender of accreditation document or identity card

‘33I.(1) A person who stops being an accredited person³ must return their accreditation document or identity card to the chief executive as soon as practicable (but within 7 days) after the person stops being an accredited person, unless the person has a reasonable excuse.

Maximum penalty—20 penalty units.

‘(2) If a person returns an accreditation document or identity card to the chief executive because the person’s appointment is suspended, the chief executive must return it to the person at the end of the suspension term.

‘Accreditation prescribed for the Act, ss 17B(2) and 18(c)(ii)

‘33J. An accreditation under this part is prescribed for sections 17B(2) and 18(c)(ii)⁴ of the Act.

³ In addition to resigning their appointment, an accredited person also stops being an accredited person if the person’s appointment is suspended or cancelled under part 1A of the Act.

⁴ Section 17B (Granting, renewing or refusing approval) of the Act
Section 18 (Grounds for amending suspending or cancelling approvals) of the Act

‘Employer’s duty

‘33K.(1) The employer of an accredited person must ensure the accredited person complies with the conditions of appointment stated in the person’s instrument of appointment.

Maximum penalty—80 penalty units.

‘(2) The employer does not commit an offence against subsection (1) if the employer exercised reasonable diligence and took reasonable steps to ensure the accredited person complied with the conditions.

‘Powers of accredited persons

‘33L. An accredited person has the power to do all things necessary or convenient to be done for, or in connection with, the performance of the accredited person’s functions.

‘Division 2—Pilot vehicle drivers

‘Functions

‘33M. The function of an accredited person who is a pilot vehicle driver is to drive a pilot vehicle in order to warn other road users of the presence of an oversize vehicle.

‘Necessary expertise for appointment

‘33N.(1) For section 21⁵ of the Act, a person has the necessary expertise to be appointed as a pilot vehicle driver if the person—

- (a) holds, and has held for the entire 3 year period before the day of application, a provisional or open licence for a motor car; and
- (b) either—
 - (i) passes a written competency test for pilot vehicle drivers approved and conducted by the chief executive; or

⁵ Section 21 (Appointment of accredited persons) of the Act

- (ii) has other qualifications that the chief executive is satisfied are equivalent to, or better than, those mentioned in subparagraph (i).

‘(2) The chief executive may approve a competency test for this section only if satisfied that a person who passes the test will have the skills and knowledge to perform the function of an accredited person who is a pilot vehicle driver.

‘Division 3—Escort vehicle drivers

‘Functions

‘**330.** The function of an accredited person who is an escort vehicle driver is to drive an escort vehicle in order to warn other road users of the presence of an oversize vehicle.

‘Necessary expertise for appointment

‘**33P.(1)** For section 21⁶ of the Act, a person has the necessary expertise to be appointed as an escort vehicle driver if the person—

- (a) holds, and has held for the entire 3 year period before the day of application, a provisional or open licence for a motor car; and
- (b) either—
 - (i) completes a training course for escort vehicle drivers approved by the chief executive; or
 - (ii) has other qualifications that the chief executive is satisfied are equivalent to, or better than, those mentioned in subparagraph (i).

‘(2) The chief executive may approve a training course for this section only if satisfied that a person who completes the course will have the skills and knowledge to perform the function of an accredited person who is an escort vehicle driver.’.

⁶ Section 21 (Appointment of accredited persons) of the Act

Relocation and renumbering of pt 5 div 5 (Review of decisions)

13. Part 5, division 5—

relocate and renumber as part 6, division 1, section 62A.

Omission of s 56 (Fees for this part)

14. Section 56—

omit.

Amendment of pt 5 (Accrediting driver trainers)

15.(1) Part 5, division 7, heading, '*Transitional*'—

omit, insert—

'Motor Vehicle Driving Instruction School Act 1969'.

(2) Section 60(2), before 'division 2'—

insert—

'part 5,'.

(3) Section 61(3), 'Division'—

omit, insert—

'Part 5, division'.

(4) Part 5, division 7—

relocate and renumber as part 7, division 3, sections 66 to 70.

Insertion of new pt 6, div 2, and div 3 hdg

16. Part 6—

insert—

‘Division 2—Pilot and escort vehicles

‘Offence to drive pilot or escort vehicle

‘62B. A person must not drive a pilot or escort vehicle other than in accordance with a guideline or permit under part 2A.

Maximum penalty—30 penalty units.

‘Division 3—Continuation of certain subordinate legislation’.

Insertion of new pt 7

17. After section 63—

insert—

‘PART 7—TRANSITIONAL

‘Division 1—Oversize and overmass vehicles

‘Existing guidelines and permits continue

‘64.(1) A guideline issued by the chief executive under the repealed section 23 and in force immediately before the commencement of this section is taken to be a guideline issued under part 2A as an alternative means of complying with sections 14 to 16.

(2) A performance guideline issued by the chief executive under the *Traffic Regulation 1962*, section 185 and in force immediately before the commencement of this section is taken to be a performance guideline issued under this regulation as an alternative means of complying with sections 11E to 11K.

‘(3) An excess dimension vehicle permit issued by the chief executive under the *Traffic Regulation 1962*, section 13 or 102 and in force immediately before the commencement is taken to be a permit issued under this regulation as an alternative means of complying with sections 14 to 16.

‘(4) A permit issued by the chief executive under the *Transport Infrastructure (Roads) Regulation 1991*, section 8 and in force immediately before the commencement is taken to be a permit issued under this regulation as an alternative means of complying with sections 11E to 11K.

‘Division 2—Pilot vehicle drivers

‘Existing licences continue

‘**65.(1)** The holder of a pilot vehicle driver’s licence issued under the *Traffic Regulation 1962* and in force immediately before the commencement of this section is taken to be an accredited person with the functions of a pilot vehicle driver for the unexpired term of the licence.

‘(2) If a condition applied to the holder under the pilot vehicle driver’s licence, the condition continues to apply to the accredited person to the greatest practicable extent.

‘(3) If the accredited person’s provisional or open licence for a motor car is suspended, the person automatically stops being an accredited person for the suspension term.

‘(4) If the accredited person’s provisional or open licence for a motor car is cancelled or surrendered, the person automatically stops being an accredited person.’.

Amendment of sch 1 (Registration fees for 12 months)

18.(1) Schedule 1, heading—

omit, insert—

‘SCHEDULE 1

‘FEES

section 4F

‘CHAPTER 1—YEARLY REGISTRATION FEES’.

(2) Schedule 1, chapter 1, part 1, heading (as renumbered)—
omit, insert—

‘PART 1—TRUCKS AND PRIME MOVERS’.

(3) Schedule 1, after chapter 1, part 4 (as renumbered)—
insert—

‘CHAPTER 2—OTHER FEES

‘PART 1—OVERMASS VEHICLES

- 1.** Permit for an overmass vehicle—
 - (a) for a single trip \$55.00
 - (b) for a stated period \$209.00

‘PART 2—ACCREDITED PERSONS

- 1.** Application for appointment as accredited person \$60.00
- 2.** Application for replacement of accreditation document or
identity card \$13.00

‘PART 3—DRIVER TRAINERS

‘1. Application for grant, or renewal, of accreditation of driver trainers	\$130.00
2. Application for replacement of accreditation document or identity card	\$13.00
3. Application for renewal of provisional accreditation	\$130.00
4. Application for grant of interim accreditation	\$130.00’.

Amendment of sch 4 (Mass requirements)

19. Schedule 4, section 1(5)(a)(i) and (ii)—
omit, insert—

- ‘(i) for a tandem axle group fitted with single tyres of a section width of—
 - (A) less than 375 mm—4 t; or
 - (B) at least 375 mm—6.5 t; or
- (ii) for a tandem axle group fitted with dual tyres—6.5 t; or
- (iii) for a triaxle axle group fitted with single tyres of a section width of—
 - (A) less than 375 mm—10 t; or
 - (B) at least 375 mm—13 t; or
- (iv) for a triaxle axle group fitted with dual tyres—13 t; and’.

Amendment of sch 5 (Mass limits for single axles and axle groups)

20.(1) Schedule 5, entry for ‘Single steer axle on a motor vehicle’—
omit, insert—

- ‘Single steer axle on—
 - (a) a complying bus 6.5

(b) any other motor vehicle 6.0’.

(2) Schedule 5, entry for ‘Single axle or single axle group fitted with dual tyres’, paragraph (b), ‘bus licensed’—

omit, insert—

‘complying bus, or a bus allowed’.

(3) Schedule 5, entry for ‘ Tandem axle groups fitted with single tyres on 1 axle and dual tyres on the other axle’—

omit, insert—

‘Tandem axle group fitted with single tyres on 1 axle and dual tyres on the other axle on—

(a) a complying bus 14.0

(b) any other motor vehicle 13.0’.

Amendment of sch 11 (Review of and appeals against decisions)

21. Schedule 11—

insert—

‘33D Refusing application for appointment as Magistrates’.
accredited person

Omission of sch 12 (Fees for pt 5)

22. Schedule 12—

omit.

Amendment of sch 13 (Dictionary)

23. Schedule 13—

insert—

‘ “**ADR**” means a national standard under the *Motor Vehicle Standards Act 1989* (Cwlth), section 7.

“**compliance plate**” see the *Motor Vehicle Standards Act 1989* (Cwlth).

“escort vehicle” means a vehicle that—

- (a) travels with an oversize vehicle to warn other road users of the oversize vehicle’s presence; and
- (b) is required to be driven by an escort vehicle driver under a guideline or permit under part 2A.

“escort vehicle driver” means a person who holds an appointment under part 4A as an accredited person with the functions of an escort vehicle driver.

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

“overmass vehicle” means a vehicle that, together with any load, does not comply with part 3.

“oversize vehicle” means a vehicle that, together with any load, does not comply with part 6.

“pilot vehicle” means a vehicle that—

- (a) travels with an oversize vehicle to warn other road users of the oversize vehicle’s presence; and
- (b) is required to be driven by a pilot vehicle driver or an escort vehicle driver under a guideline or permit under part 2A.

“pilot vehicle driver” means a person who holds an appointment under part 4A as an accredited person with the functions of a pilot vehicle driver.

“rear overhang” see the *Traffic Regulation 1962*.

“rear overhang line” see the *Traffic Regulation 1962*.

“road transport infrastructure” see the *Transport Infrastructure Act 1994*.

SCHEDULE

AMENDED REGULATIONS

section 3(1)

PART 1—JUSTICES REGULATION 1993

1. Schedule 1, part 40, table—

insert—

‘s 20(14)	For a contravention by—	
	(a) a cyclist	30
	(b) anyone else	40’.

2. Schedule 1, part 40, table, ‘s 68(1)(a), (b), (c)(ii) or (e)’—

omit, insert—

‘s 68(1)(a), (b), (c) or (e)’.

3. Schedule 1, part 40, table, entry for s 68(1)(c)(i)—

omit.

4. Schedule 1, part 40, table, entry for s 184—

omit.

5. Schedule 1, part 45B, table—

insert—

SCHEDULE (continued)

‘s 11E	4
s 11F(1)	4
s 11G	4
s 11H(1)	1
s 11I(1)	1
s 11J(1)	1
s 11K(1)	1’.

PART 2—TRAFFIC REGULATION 1962

1. Section 4, definitions “excess dimension vehicle”, “excess dimension vehicle permit”, “front articulation point”, “ground clearance”, “indivisible article”, “O.D. route 2”, “pilot vehicle”, “pilot vehicle driver’s licence”, “pilot vehicle escort record” and “pilot vehicle licence”—

omit.

2. Section 4—

insert—

‘ **“escort vehicle”** see the *Transport Operations (Road Use Management) Regulation 1995*.

“oversize vehicle” see the *Transport Operations (Road Use Management) Regulation 1995*.

“pilot vehicle” see the *Transport Operations (Road Use Management) Regulation 1995*.

“road transport infrastructure” see the *Transport Infrastructure Act 1994*.’.

SCHEDULE (continued)

3. Section 13(1), footnote, second sentence—

omit.

4. Section 20—

insert—

‘(14) A person must not walk, drive a vehicle, or ride or lead an animal, on a freeway contrary to a no ... beyond this point sign.

Maximum penalty—20 penalty units.’.

5. Section 37A, heading, ‘pilot vehicle’—

omit.

6. Section 37A, ‘vehicle as referred to in part 21’—

omit, insert—

‘or escort vehicle’.

7. Section 46A(1)(a) and (b), ‘amber’—

omit, insert—

‘yellow’.

8. Section 50(3)(a)—

omit, insert—

‘(a) an oversize vehicle, that is required under the *Transport Operations (Road Use Management) Regulation 1995* to travel with a pilot or escort vehicle, at a speed greater than 80 km/h; or’.

SCHEDULE (continued)

9. Section 68(1)(a), ‘and’—

omit, insert—

‘or’.

10. Section 68(1)(c)—

omit, insert—

‘(c) it is otherwise constructed, equipped and loaded so that it complies with schedule 1; or’.

11. Section 75B(a), ‘this regulation’—

omit, insert—

‘the Act or another Act’.

12. Section 92AA(2), ‘, other than a pilot vehicle driver’s licence,’—

omit.

13. Section 107A(2)(b) and (c)—

omit.

14. Section 134(1)(a), ‘or pilot vehicle driver’s licence’—

omit.

15. Section 138(5)—

omit.

SCHEDULE (continued)

16. Section 156(6)—

omit, insert—

‘(6) Subsection (5)(b) and (c) does not apply to—

- (a) a person giving a signal under part 8; or
- (b) the driver of a pilot vehicle or escort vehicle travelling with an oversize vehicle who is giving a signal under the *Transport Operations (Road Use Management) Regulation 1995*.’.

17. Part 20—

omit, insert—

‘PART 20—GUIDELINES AND PERMITS

‘Guidelines and permits for vehicles

‘184.(1) The chief executive may issue—

- (a) a guideline, in an approved form, for the safe movement on a road of a type of vehicle; or
- (b) a permit for the safe movement on a road of a particular vehicle.

‘(2) The commissioner may issue only a permit for the safe movement on a road of a particular oversize vehicle.

‘(3) The chief executive or commissioner may issue a permit by phone, fax, radio or another form of communication if the chief executive or commissioner considers it necessary because of urgent circumstances.

‘(4) The matters a guideline or permit may relate to include the following—

- (a) the roads on which the vehicle may be driven;
- (b) any permissible or requisite modifications to the vehicle;
- (c) the times when the vehicle may be driven;
- (d) signs and warning devices to be displayed on the vehicle.

SCHEDULE (continued)

‘(5) The roads on which the vehicle may be driven may be shown on a map in the guideline.

‘Permit contents and conditions

‘185.(1) A permit must state—

- (a) the registration number of the vehicle it relates to; and
- (b) the name and address of the person the permit is issued to; and
- (c) how long the permit is in force for; and
- (d) the conditions of the permit.

‘(2) The conditions of a permit may include a condition requiring the permit holder—

- (a) to pay the reasonable costs incurred by the department in relation to the issue of the permit, including for example, the costs of—
 - (i) assessing the roads the vehicle is to be driven on; or
 - (ii) preparing any relevant plans and cost estimates; or
 - (iii) preparing or strengthening road transport infrastructure; or
 - (iv) repairing, replacing or reconstructing road transport infrastructure; or
 - (v) ensuring the permit conditions are observed; or
- (b) to deposit an amount reasonably required by the chief executive as security for the costs mentioned in paragraph (a).

‘(3) If, no later than 28 days after the permit ends, the chief executive decides an amount deposited as a condition of the permit is not sufficient security for the costs, the chief executive may require a further amount to be deposited within a reasonable stated time.

‘(4) The chief executive must, within 28 days after the permit ends—

- (a) calculate the costs incurred by the department; and

SCHEDULE (continued)

- (b) if the costs incurred are less than the amount deposited as security for costs—refund the difference to the permit holder.

‘Driving under guideline or permit

‘186.(1) A person who is—

- (a) driving a vehicle in accordance with a current guideline, or a permit, issued for the vehicle; and
- (b) if a permit has been issued for the vehicle—carrying the permit in the vehicle;

is exempt from complying with the provisions of this regulation for which the guideline or permit states it is a means of alternative compliance.

‘(2) A person must ensure a sign or warning device that is required under a guideline or permit is not displayed on a vehicle being driven by the person unless the person is driving the vehicle for the purpose for which the guideline or permit was issued.’

18. Part 21, heading—

omit, insert—

‘PART 21—AGRICULTURAL IMPLEMENTS’.

19. Part 21, division 1, heading—

omit.

20. Sections 185 to 205E—

omit.

SCHEDULE (continued)

21. Section 206, from ‘Section’ to ‘excess dimension vehicle’—

omit, insert—

‘Section 68(1)(c) does not apply to a person driving an agricultural implement’.

22. Part 21, division 2, heading—

omit, insert—

‘PART 21A—OVERSIZE WARNING SIGNS’.

23. Section 206B—

omit.

24. Schedule 1, sections 11(3)(a), 12(3) to (6), 13, 14(2), 18A(2A) and (3), 18B, 24, 26, 36(1), 40(3), 72C, 72D, 72E(2) to (4), 90(1) and schedule 7, section 3, ‘amber’—

omit, insert—

‘yellow’.

25. Schedule 1, section 18A—

insert—

‘(2B) An escort vehicle travelling with a vehicle that is wider than 4.5 m must be fitted with 2 alternating flashing yellow lights.’.

26. Schedule 1, section 18A(3) and (4), ‘the light’—

omit, insert—

‘a light mentioned in this section’.

SCHEDULE (continued)

27. Schedule 1, part 3, divisions 1 and 2—

omit.

28. Schedule 3—

omit.

29. Schedule 4, items 9 to 12—

omit.

30. Schedule 7, section 4, ‘Red flags at least 300 mm by 300 mm’—

omit, insert—

‘Yellow, red and yellow, or red flags at least 450 mm by 450 mm’.

**PART 3—TRANSPORT INFRASTRUCTURE (ROADS
REGULATION 1991**

1. Section 8—

omit.

2. Section 11—

omit.

3. Section 45—

omit.

ENDNOTES

1. Made by the Governor in Council on 17 December 1998.
2. Notified in the gazette on 18 December 1998.
3. Laid before the Legislative Assembly on . . .
4. The administering agency is the Department of Transport.