



Queensland

# Transport Operations (Road Use Management—Accreditation and Other Provisions) Regulation 2005

Subordinate Legislation 2005 No. 187

made under the

*State Penalties Enforcement Act 1999*

*Transport Operations (Road Use Management) Act 1995*

## Contents

---

		Page
<b>Part 1</b>	<b>Preliminary</b>	
1	Short title . . . . .	8
2	Commencement . . . . .	8
3	Definitions . . . . .	8
<b>Part 2</b>	<b>Accredited persons</b>	
<b>Division 1</b>	<b>Accredited persons generally</b>	
4	Applying to be appointed as an accredited person . . . . .	8
5	Deciding application . . . . .	9
6	Granting application . . . . .	9
7	Refusing application . . . . .	9
8	Statutory conditions on appointment . . . . .	10
9	Accreditation documents and identity cards . . . . .	10
10	Display of accreditation document or identity card . . . . .	11
11	Replacement of accreditation document or identity card . . . . .	11
12	Resignation from appointment . . . . .	12
13	Surrender of accreditation document or identity card . . . . .	12
14	Accreditation is approval for the Act, s 18(c)(ii) . . . . .	12

*Transport Operations (Road Use Management—Accreditation and Other Provisions)* No. 187, 2005  
*Regulation 2005*

---

15	Employer's duty . . . . .	13
16	Only accredited person to be employed or engaged as traffic controller . . . . .	13
17	Powers of accredited persons . . . . .	13
<b>Division 2</b>	<b>Pilot vehicle drivers</b>	
18	Functions . . . . .	13
19	Necessary expertise for appointment. . . . .	14
20	Offence to drive pilot vehicle . . . . .	14
<b>Division 3</b>	<b>Escort vehicle drivers</b>	
21	Functions . . . . .	15
22	Necessary expertise for appointment. . . . .	15
23	Offence to drive escort vehicle . . . . .	15
<b>Division 4</b>	<b>Vehicle safety inspections</b>	
24	Function . . . . .	16
25	Necessary expertise—Act, s 21(1). . . . .	16
<b>Division 5</b>	<b>Traffic controllers</b>	
26	Function . . . . .	16
27	Necessary expertise for appointment. . . . .	17
28	Traffic controller to comply with condition of appointment . . . . .	17
29	Offence to perform traffic controller's function . . . . .	17
<b>Part 3</b>	<b>Accrediting driver trainers and rider trainers</b>	
<b>Division 1</b>	<b>Definitions and basic concepts</b>	
30	Definitions for pt 3. . . . .	18
31	Who is a driver trainer . . . . .	18
32	What is driver training. . . . .	18
33	Who is an accredited rider trainer . . . . .	18
34	What is Q-Ride training . . . . .	19
<b>Division 2</b>	<b>Accrediting driver trainers and rider trainers</b>	
35	Accrediting driver trainers. . . . .	19
36	Accrediting rider trainers . . . . .	20
<b>Division 3</b>	<b>Applying for accreditation</b>	
37	Definition for div 3. . . . .	21
38	Applying for accreditation . . . . .	22
39	Deciding application for accreditation. . . . .	22
40	Statutory conditions on accreditation . . . . .	22

*Transport Operations (Road Use Management—Accreditation and Other Provisions)*  
*Regulation 2005* *No. 187, 2005*

---

41	Notice of granting of accreditation . . . . .	22
42	Issue of identity card . . . . .	23
43	Notice of refusal to grant accreditation . . . . .	23
44	Duration of accreditation . . . . .	23
45	Renewal of accreditation . . . . .	24
46	Application of declared sections to renewal of accreditation . . . . .	24
47	Duration of renewal of accreditation . . . . .	24
48	Replacement of identity card . . . . .	25
<b>Division 4</b>	<b>Continuity of accreditation</b>	
49	Accreditation dependent on driver licence . . . . .	25
50	Accreditation as rider trainer dependent on continuation of accreditation as driver trainer . . . . .	25
51	Voluntary surrender of accreditation . . . . .	26
52	Return of identity card . . . . .	26
<b>Division 5</b>	<b>Accreditation as a driver trainer necessary to give pre-licence driver training</b>	
53	Driver trainer giving pre-licence driver training to be accredited . . . . .	27
<b>Division 6</b>	<b>Recommending issue of competency declaration</b>	
54	Employed accredited rider trainer may recommend learner be given competency declaration . . . . .	27
55	Requirement to issue competency recommendation notice . . . . .	28
56	Restriction on giving competency recommendation notice . . . . .	28
<b>Division 7</b>	<b>Other provisions</b>	
57	Definition for div 7 . . . . .	28
58	Code of conduct . . . . .	29
59	Requirements for car used to give training . . . . .	29
60	Requirements for motorbike used to give training . . . . .	30
61	Requirements for other motor vehicles used to give training . . . . .	31
62	Display of identity card . . . . .	31
63	Driver training records . . . . .	31
64	Q-ride training records . . . . .	32
65	How long records to be kept . . . . .	32
66	Records for registered service provider . . . . .	33
67	Accreditation is approval for the Act, s 18(c)(ii) . . . . .	33

<b>Part 4</b>	<b>Registration of service providers</b>	
<b>Division 1</b>	<b>Basic concepts</b>	
68	Who is an eligible person for Q-Ride training . . . . .	33
69	Who is a registered service provider . . . . .	34
<b>Division 2</b>	<b>Applying for registration</b>	
70	Applying for registration . . . . .	34
71	Suitability for registration . . . . .	35
72	Deciding application . . . . .	35
73	Granting registration . . . . .	35
74	Notice of refusal to grant registration . . . . .	36
75	Statutory conditions on registration . . . . .	36
76	Duration of registration . . . . .	36
77	Renewal of registration . . . . .	37
78	Application of declared sections to renewal of registration . . . . .	37
79	Duration of renewal of registration . . . . .	37
80	Voluntary surrender of registration . . . . .	37
81	Registration not transferrable . . . . .	38
82	Immediate cancellation . . . . .	38
83	Return of unused competency declarations . . . . .	38
<b>Division 3</b>	<b>Records</b>	
84	Records registered service provider must keep . . . . .	39
85	Where and how long training records to be kept . . . . .	39
<b>Division 4</b>	<b>Competency declarations</b>	
86	Registered service provider may give competency declarations . . . . .	40
87	Duration of competency declaration . . . . .	41
88	Requirement to give competency declaration . . . . .	41
89	Restriction on giving competency declaration . . . . .	41
90	Destroyed, lost or stolen competency declaration not given to learner . . . . .	42
91	Replacement of competency declaration given to learner . . . . .	42
<b>Division 5</b>	<b>Other provisions</b>	
92	False statements . . . . .	43
93	False advertising . . . . .	43
94	Registration is an approval for the Act, s 18(c)(ii) . . . . .	44
95	Registered service provider standards . . . . .	44

*Transport Operations (Road Use Management—Accreditation and Other Provisions)  
Regulation 2005* No. 187, 2005

---

96	Competency standards . . . . .	45
97	Auditor register . . . . .	45
98	Form of audit reports . . . . .	46
99	Registration notice prescribed for Act, s 26(1)(c) . . . . .	46
100	Reasonable excuse . . . . .	46
<b>Part 5</b>	<b>Special event and special circumstances permits</b>	
<b>Division 1</b>	<b>Definitions</b>	
101	Definitions for pt 5. . . . .	47
102	Meaning of special event for pt 5 . . . . .	47
<b>Division 2</b>	<b>Special event permits</b>	
103	Issuing a special event permit . . . . .	48
104	Authority of special event permit . . . . .	50
105	Responsibility of permit holder . . . . .	50
<b>Division 3</b>	<b>Special circumstances permits</b>	
106	Issuing a special circumstances permit . . . . .	50
107	Authority of special circumstances permit . . . . .	52
<b>Part 6</b>	<b>Moving vehicles on or from prescribed roads</b>	
108	Definitions for pt 6. . . . .	52
109	Moving abandoned vehicles. . . . .	53
110	Moving other stationary vehicles . . . . .	54
111	Recovering moving expenses . . . . .	55
112	Notice to owner . . . . .	55
113	Releasing removed vehicles. . . . .	56
114	Disposing of removed vehicles. . . . .	56
115	Expiry of pt 6 . . . . .	57
<b>Part 7</b>	<b>Administrative and other general provisions</b>	
<b>Division 1</b>	<b>General</b>	
116	Acts that are transport Acts . . . . .	57
117	Approval of random inspection program. . . . .	57
<b>Division 2</b>	<b>Provisions about exercise of authorised officers' powers</b>	
118	Regulation and control of powers of particular authorised officers . . . . .	58
119	Requirement to remain at a place . . . . .	59
120	Way to require vehicles to stop or move in preparation for stopping . . . . .	59
121	Moving loads before weighing . . . . .	60

*Transport Operations (Road Use Management—Accreditation and Other Provisions)* No. 187, 2005  
*Regulation 2005*

---

122	Expiry of ss 118, 119 and 121 . . . . .	60
<b>Part 8</b>	<b>Miscellaneous</b>	
123	Light or sign creating danger to traffic . . . . .	60
124	Review of decisions . . . . .	61
125	Fees . . . . .	61
<b>Part 9</b>	<b>Transitional provisions</b>	
126	Definition for pt 9 . . . . .	62
127	Accreditation. . . . .	62
128	Registered service providers . . . . .	62
129	Code of conduct . . . . .	63
130	Special event permits . . . . .	63
131	Special circumstances permits. . . . .	63
<b>Part 10</b>	<b>Amendment of other regulations</b>	
<b>Division 1</b>	<b>Amendment of State Penalties Enforcement Regulation 2000</b>	
132	Regulation amended in div 1 . . . . .	64
133	Amendment of sch 3 (Transport legislation) . . . . .	64
<b>Division 2</b>	<b>Amendment of Transport Operations (Road Use Management—Driver Licensing) Regulation 1999</b>	
134	Regulation amended in div 2 . . . . .	65
135	Amendment of s 14B (Definitions for pt 3A) . . . . .	65
136	Amendment of s 19B (Person must not direct a learner unless L plates are conspicuous) . . . . .	65
137	Amendment of sch 6 (Dictionary) . . . . .	66
<b>Division 3</b>	<b>Amendment of Transport Operations (Road Use Management—Vehicle Standards and Safety) Regulation 1999</b>	
138	Regulation amended in div 3 . . . . .	66
139	Amendment of sch 4 (Dictionary) . . . . .	66
<b>Division 4</b>	<b>Amendment of Transport Operations (Road Use Management—Road Rules) Regulation 1999</b>	
140	Regulation amended in div 4 . . . . .	67
141	Amendment of s 304 (Direction by police officer or traffic controller) . . . . .	67
<b>Schedule 1</b>	<b>Statutory conditions for appointment as accredited person</b>	68
1	Accredited person who is an approved examiner. . . . .	68
2	Accredited person who is an approved person . . . . .	68

*Transport Operations (Road Use Management—Accreditation and Other Provisions)  
Regulation 2005* No. 187, 2005

---

3	Accredited person who is a traffic controller. . . . .	68
<b>Schedule 2</b>	<b>Necessary expertise for vehicle safety inspections . . . . .</b>	<b>69</b>
1	Private vehicle . . . . .	69
2	Motorcycle . . . . .	69
3	Heavy vehicle . . . . .	70
4	Light trailer . . . . .	70
5	Heavy trailer . . . . .	71
<b>Schedule 3</b>	<b>Approved stop, go and slow hand signals for traffic controllers . . . . .</b>	<b>73</b>
<b>Schedule 4</b>	<b>Statutory accreditation conditions for accredited driver trainers or rider trainers . . . . .</b>	<b>74</b>
1	Compliance with code of conduct. . . . .	74
2	Maintaining competency. . . . .	74
3	Review by chief executive. . . . .	74
4	Random review. . . . .	74
5	Cooperation with chief executive . . . . .	75
6	Notifiable events . . . . .	75
<b>Schedule 5</b>	<b>Statutory registration conditions for registered service providers . . . . .</b>	<b>76</b>
1	Compliance with registered service provider standards. . . . .	76
2	Provider's place of business to be open for inspection. . . . .	76
3	Compliance with declared sections . . . . .	76
4	Establishing eligibility of person to be trained. . . . .	76
5	Scheduled compliance audits. . . . .	76
6	Audit for non-compliance with standards . . . . .	77
7	Restriction on engaging auditor . . . . .	78
8	Only accredited rider trainers to give Q-Ride training. . . . .	78
9	Notifiable events . . . . .	78
<b>Schedule 6</b>	<b>Stop and move signals by authorised officers other than police officers . . . . .</b>	<b>80</b>
<b>Schedule 7</b>	<b>Reviewable decisions . . . . .</b>	<b>83</b>
<b>Schedule 8</b>	<b>Fees . . . . .</b>	<b>84</b>
<b>Schedule 9</b>	<b>Dictionary . . . . .</b>	<b>85</b>

## **Part 1                      Preliminary**

### **1            Short title**

This regulation may be cited as the *Transport Operations (Road Use Management—Accreditation and Other Provisions) Regulation 2005*.

### **2            Commencement**

This regulation commences on 1 September 2005.

### **3            Definitions**

The dictionary in schedule 9 defines particular terms used in this regulation.

## **Part 2                      Accredited persons**

### **Division 1                Accredited persons generally**

#### **4            Applying to be appointed as an accredited person**

- (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.



## 5 Deciding application

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, with or without conditions; or
- (b) refuse the application.

## 6 Granting application

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.

## 7 Refusing application

- (1) The chief executive may refuse the application if—
  - (a) the applicant has been—
    - (i) convicted of a disqualifying offence; or
    - (ii) charged with a disqualifying offence and the charge has not been finally disposed of; or
    - (iii) convicted of an offence against the Act, or a corresponding law, within 5 years immediately before the application was made; or
  - (b) the chief executive is satisfied public safety is likely to be endangered if the application is approved; or
  - (c) the chief executive considers it necessary in the public interest.

- (2) Subsection (1) does not limit the grounds on which the chief executive may refuse the application.<sup>1</sup>
- (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.

## **8 Statutory conditions on appointment**

The conditions on which an accredited person holds office include the conditions stated in schedule 1<sup>2</sup> for the accreditation.

## **9 Accreditation documents and identity cards**

- (1) On appointing a person as an accredited person, the chief executive must give the person—
  - (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

---

1 See section 21(1) (Appointment of accredited persons) of the Act and sections 19, 22, 25 and 27 of this regulation.

2 Schedule 1 (Statutory conditions for appointment as accredited person)

- (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.

## **10 Display of accreditation document or identity card**

- (1) An accredited person must, while performing the function of an accredited person, display the person's accreditation document or identity card so it is clearly visible.

*Examples of how document or card may 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.

- (2) However, if it is not practicable to display the accreditation document or identity card, including, for example, because of its size or because it can not be attached to the person's clothing, the person must—
- (a) carry the document or card while performing the person's function; and
  - (b) produce it for inspection if asked by a police officer or another authorised officer.

Maximum penalty—20 penalty units.

## **11 Replacement of accreditation document or identity card**

- (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.

## **12 Resignation from appointment**

If an accredited person resigns their appointment as an accredited person, the person stops being an accredited person—

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

*Note—*

An accredited person also stops being an accredited person if the person's appointment is suspended or cancelled under chapter 3, part 1A of the Act.

## **13 Surrender of accreditation document or identity card**

- (1) A person who stops being an accredited person must return the person's 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.

## **14 Accreditation is approval for the Act, s 18(c)(ii)**

An accreditation under this part is an approval for the Act, section 18(c)(ii).<sup>3</sup>

---

<sup>3</sup> Section 18 (Grounds for amending, suspending or cancelling approvals)

## **15 Employer's duty**

- (1) The employer of an accredited person must ensure the accredited person complies with the conditions stated in schedule 1 for the accreditation (*statutory conditions*) and with the conditions of appointment stated in the person's instrument of appointment (*appointment conditions*).

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 statutory conditions and appointment conditions.

## **16 Only accredited person to be employed or engaged as traffic controller**

A person must not employ, or otherwise engage, an individual to perform the function of a traffic controller unless the individual is a traffic controller.

Maximum penalty—20 penalty units.

## **17 Powers of accredited persons**

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**

## **18 Functions**

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

## **19 Necessary expertise for appointment**

- (1) For section 21 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 a total of at least 3 years during the 5 years before the day of application, a provisional or open driver licence for a car or an interstate driver licence or a driver licence granted in New Zealand that is of the same kind; and
  - (b) either—
    - (i) passes a written competency test for pilot vehicle drivers approved and conducted by the chief executive; or
    - (ii) has completed a pilot vehicle driver training course approved by the chief executive; or
    - (iii) has other qualifications the chief executive is satisfied are at least equivalent to a qualification mentioned in subparagraph (i) or (ii).
- (2) The chief executive may approve a pilot vehicle driver training course or a competency test for this section only if satisfied a person who passes the test or completes the course will have the skills and knowledge to perform the function of an accredited person who is a pilot vehicle driver.

## **20 Offence to drive pilot vehicle**

A person must not drive a pilot vehicle other than as required under a guideline or permit under the Mass, Dimensions and Loading Regulation, part 6.

Maximum penalty—40 penalty units.

## **Division 3                      Escort vehicle drivers**

### **21            Functions**

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

### **22            Necessary expertise for appointment**

- (1) For section 21 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 a total of at least 3 years during the 5 years before the day of application, a provisional or open driver licence for a car or an interstate driver licence or a driver licence granted in New Zealand that is of the same kind; and
  - (b) either—
    - (i) has completed a training course for escort vehicle drivers approved by the chief executive; or
    - (ii) has other qualifications the chief executive is satisfied are at least equivalent to completion of a training course mentioned in subparagraph (i).
- (2) The chief executive may approve a training course for this section only if satisfied 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.

### **23            Offence to drive escort vehicle**

A person must not drive an escort vehicle other than as required under a guideline or permit under the Mass, Dimensions and Loading Regulation, part 6.

Maximum penalty—40 penalty units.

## **Division 4                      Vehicle safety inspections**

### **24            Function**

- (1) The function of an accredited person who is an approved examiner is to inspect a vehicle under the Vehicle Standards and Safety Regulation to decide whether or not the vehicle is defective.
- (2) The function of an accredited person who is an approved person is to inspect a modified vehicle under the Vehicle Standards and Safety Regulation to decide whether or not the modification makes the vehicle defective.
- (3) In this section—  
*defective* see the Vehicle Standards and Safety Regulation.

### **25            Necessary expertise—Act, s 21(1)**

- (1) A person has the necessary expertise to be accredited for vehicle safety inspections for a type of vehicle, if the person has the expertise stated in schedule 2<sup>4</sup> for the type of vehicle.
- (2) A person has the necessary expertise to be accredited as an approved person to inspect and approve a type of modification of a vehicle if the person has successfully completed a training course approved by the chief executive for that type of modification.

## **Division 5                      Traffic controllers**

### **26            Function**

The function of an accredited person who is a traffic controller is to direct traffic in a way stated in the MUTCD, the TCASAP and schedule 3.<sup>5</sup>

---

4     Schedule 2 (Necessary expertise for vehicle safety inspections)

5     Schedule 3 (Approved stop, go and slow signals for traffic controllers)



## **27 Necessary expertise for appointment**

- (1) For section 21 of the Act, a person has the necessary expertise to be appointed as a traffic controller if the person—
  - (a) has successfully completed an approved training course; and
  - (b) has, within the last 5 years, held a qualifying driver licence for a continuous period of at least 1 year.
- (2) Subsection (1)(b) does not apply to the renewal of an accreditation as a traffic controller.
- (3) In this section—

***approved training course*** means—

- (a) a training course for traffic controllers approved by the chief executive of the department in which the *Transport Infrastructure Act 1994*, to the extent it relates to roads, is administered; or
- (b) another course the chief executive of that department is satisfied is at least the equivalent of a course mentioned in paragraph (a).

***qualifying driver licence*** means a driver licence other than a learner licence or a licence equivalent to a learner licence.

## **28 Traffic controller to comply with condition of appointment**

A traffic controller must not contravene a condition of the traffic controller's appointment.

Maximum penalty—20 penalty units.

## **29 Offence to perform traffic controller's function**

A person who is not a traffic controller must not perform the function of a traffic controller.

Maximum penalty—20 penalty units.

## **Part 3                      Accrediting driver trainers and rider trainers**

### **Division 1                Definitions and basic concepts**

#### **30        Definitions for pt 3**

In this part—

*council* means the Training and Employment Recognition Council established under the *Vocational Education, Training and Employment Act 2000*, section 167.

*driver trainer* see section 31.

*pre-licence driver training* means driver training for a learner who holds a driver licence authorising the learner to learn to drive the class of motor vehicle for which the training is being given.

*qualifications* includes experience.

*registered training organisation* means a registered training organisation under the *Vocational Education, Training and Employment Act 2000*.

#### **31        Who is a *driver trainer***

A *driver trainer* is a person who, for reward, whether as a self-employed person or as an employee for someone else, gives a learner driver training.

#### **32        What is *driver training***

*Driver training* is advice, demonstration, instruction or training for driving a motor vehicle.

#### **33        Who is an *accredited rider trainer***

An *accredited rider trainer* is a person who—

- (a) is granted accreditation as a rider trainer under this part; and
- (b) may, either as a registered service provider or as an employee of a registered service provider, give a learner Q-Ride training.

### **34 What is *Q-Ride training***

*Q-Ride training* is either of the following provided by a registered service provider—

- (a) advice, demonstration, instruction or training in the competencies for riding a class RE or R motorbike;
- (b) an assessment of the attainment of the competencies.

## **Division 2 Accrediting driver trainers and rider trainers**

### **35 Accrediting driver trainers**

- (1) A person may apply to the chief executive for the grant of an accreditation as a driver trainer.
- (2) The chief executive may grant the accreditation only if the applicant—
  - (a) holds, and has held for at least 1 year, an O type licence authorising the applicant to drive the class of motor vehicle stated in the application as the class of motor vehicle for which the applicant proposes to give training; and
  - (b) satisfies the chief executive the applicant is competent to give driver training by having successfully completed at least 1 of the following—
    - (i) a driver trainer course accredited by the council and conducted by a registered training organisation;

- (ii) a driver trainer competency assessment conducted by a registered training organisation;
  - (iii) a driver trainer course accredited by a training authority under a corresponding law to the *Vocational Education, Training and Employment Act 2000*.
- (3) Despite subsection (2)(b), the chief executive may be satisfied the applicant is competent to give driver training if the applicant has other qualifications as a driver trainer the chief executive is satisfied are at least equivalent to a qualification mentioned in subsection (2)(b).
- (4) Without limiting subsection (2) or (3), the chief executive may refuse to grant the accreditation if—
  - (a) the applicant has been—
    - (i) convicted of a disqualifying offence; or
    - (ii) charged with a disqualifying offence and the charge has not been finally disposed of; or
  - (b) the chief executive is satisfied public safety is likely to be endangered if the application is approved; or
  - (c) the chief executive considers it necessary in the public interest.
- (5) In this section—

*O type licence* see the *Transport Operations (Road Use Management—Driver Licensing) Regulation 1999*.

### **36 Accrediting rider trainers**

- (1) A person may apply to the chief executive for the grant of an accreditation as a rider trainer.
- (2) The chief executive may grant the accreditation only if the applicant—
  - (a) is an accredited driver trainer who is accredited to give driver training for a class R motorbike; and

- (b) satisfies the chief executive the applicant is competent to give Q-Ride training by having successfully completed at least 1 of the following—
  - (i) a certificate IV in assessment and workplace training issued by a registered training organisation;
  - (ii) a certificate corresponding to a certificate mentioned in subparagraph (i) issued under a corresponding law to the *Vocational Education, Training and Employment Act 2000*.
- (3) Despite subsection (2)(b), the chief executive may be satisfied the applicant is competent to give Q-Ride training if the applicant has other qualifications in training and assessment the chief executive is satisfied are at least equivalent to a qualification mentioned in subsection (2)(b).
- (4) Without limiting subsection (2) or (3), the chief executive may refuse to grant the accreditation if—
  - (a) the applicant has been—
    - (i) convicted of a disqualifying offence; or
    - (ii) charged with a disqualifying offence and the charge has not been finally disposed of; or
  - (b) the chief executive is satisfied public safety is likely to be endangered if the application is approved; or
  - (c) the chief executive considers it necessary in the public interest.

## **Division 3                      Applying for accreditation**

### **37                      Definition for div 3**

In this division—

***accreditation*** means accreditation as a driver trainer or rider trainer.

### **38 Applying for accreditation**

An application for accreditation must be—

- (a) made to the chief executive 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.

### **39 Deciding application for accreditation**

- (1) The chief executive must consider an application for accreditation within 14 days after receiving all information relevant to the application and decide either—
  - (a) to grant the accreditation, with or without conditions; or
  - (b) to refuse to grant the accreditation.
- (2) The chief executive may grant an accreditation on conditions the chief executive considers reasonable and relevant.

### **40 Statutory conditions on accreditation**

- (1) The conditions on which the accreditation of a driver trainer or rider trainer is granted include the conditions stated in schedule 4.<sup>6</sup>
- (2) This section does not limit section 39(2).

### **41 Notice of granting of accreditation**

- (1) If the chief executive decides to grant the accreditation, the chief executive must give the applicant a signed notice of the decision (an *accreditation notice*) within 14 days after making the decision.
- (2) If the chief executive imposes a condition on the accreditation, the chief executive must—

---

<sup>6</sup> Schedule 4 (Statutory accreditation conditions for accredited driver trainers or rider trainers)

- (a) state the condition in the accreditation notice; and
- (b) give the applicant an information notice for the condition.

#### **42 Issue of identity card**

- (1) If the chief executive decides to grant the accreditation, the chief executive must issue an identity card in the approved form to the applicant within 14 days after making the decision.
- (2) The identity card must—
  - (a) contain a recent photo of the person; and
  - (b) contain a copy of the person's signature; and
  - (c) identify the person as—
    - (i) an accredited driver trainer; or
    - (ii) an accredited driver trainer and rider trainer; and
  - (d) state—
    - (i) the person's accreditation number; and
    - (ii) the day the accreditation ends.

#### **43 Notice of refusal to grant accreditation**

If the chief executive decides to refuse to grant the accreditation, the chief executive must give the applicant an information notice within 14 days after making the decision.

#### **44 Duration of accreditation**

- (1) An accreditation as a driver trainer is granted for 1 year.
- (2) An accreditation as a rider trainer is granted for the term of the applicant's unexpired accreditation as a driver trainer.

#### **45 Renewal of accreditation**

- (1) An accredited driver trainer or rider trainer may apply to the chief executive to renew the accreditation.
- (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; and
  - (d) made at least 14 days before the accreditation ends.

#### **46 Application of declared sections to renewal of accreditation**

- (1) Each declared section applies with all necessary changes to the renewal of accreditation in the same way it applies to the grant of accreditation.
- (2) Also, in applying the declared sections, the chief executive may refuse an application for renewal of accreditation if the accreditation was issued—
  - (a) in error; or
  - (b) because of a document or representation that is—
    - (i) false or misleading; or
    - (ii) obtained or made in another improper way.
- (3) In this section—

*declared section* means section 35(2) to (4), section 36(2) to (4) and sections 39 to 43.

#### **47 Duration of renewal of accreditation**

The renewal of an accreditation is granted for 1 year.



#### **48 Replacement of identity card**

- (1) An accredited driver trainer or rider trainer may apply to the chief executive for the replacement of the trainer's identity card if the card is damaged, destroyed, lost or stolen.
- (2) The application must—
  - (a) be made in the approved form; and
  - (b) be accompanied by the appropriate fee for the application.
- (3) If the chief executive is satisfied the card has been damaged, destroyed, lost or stolen, the chief executive must replace it.

### **Division 4 Continuity of accreditation**

#### **49 Accreditation dependent on driver licence**

- (1) This section applies if—
  - (a) the driver licence held by an accredited driver trainer or rider trainer is suspended or cancelled; or
  - (b) the trainer surrenders the licence.
- (2) The trainer's accreditation under this part is—
  - (a) if the licence is suspended—automatically suspended on the day the licence is suspended and of no effect while the licence is suspended; or
  - (b) if the licence is cancelled or surrendered—automatically cancelled or surrendered on the day the licence is cancelled or surrendered.

#### **50 Accreditation as rider trainer dependent on continuation of accreditation as driver trainer**

- (1) This section applies if an accredited rider trainer's driver trainer accreditation is—
  - (a) amended so the driver trainer is no longer accredited to give driver training for a class R motorbike; or

- (b) suspended; or
  - (c) cancelled or surrendered.
- (2) The rider trainer accreditation is—
- (a) if subsection (1)(a) happens—automatically cancelled on the day the driver trainer accreditation is amended; or
  - (b) if the driver trainer accreditation is suspended—automatically suspended on the day the driver trainer accreditation is suspended and is of no effect while the driver trainer accreditation is suspended; or
  - (c) if the driver trainer accreditation is cancelled or surrendered—automatically cancelled or surrendered on the day the driver trainer accreditation is cancelled or surrendered.

## **51 Voluntary surrender of accreditation**

- (1) An accredited driver trainer or rider trainer may surrender the trainer's accreditation by written notice given to the chief executive.
- (2) To be effective, the notice must be accompanied by the trainer's identity card, unless the trainer has a reasonable excuse for not returning it.
- (3) The surrender of the accreditation takes effect—
  - (a) on the day the notice is given to the chief executive; or
  - (b) if a later day is stated in the notice, on the later day.

## **52 Return of identity card**

A person whose accreditation as a driver trainer or rider trainer is suspended, cancelled or surrendered under section 50 (*event*), must return the person's identity card to the chief executive immediately after the event, unless the person has a reasonable excuse.

Maximum penalty—40 penalty units.



**55 Requirement to issue competency recommendation notice**

- (1) This section applies if a learner—
  - (a) completes Q-Ride training; and
  - (b) is assessed as having attained the competencies by an accredited rider trainer who is an employee of the registered service provider.
- (2) The rider trainer must, no later than 1 day after assessing the learner as having attained the competencies, give the provider a competency recommendation notice for the learner for the class of motorbike for which the training is given.

Maximum penalty—40 penalty units.

**56 Restriction on giving competency recommendation notice**

An accredited rider trainer who is an employee of a registered service provider must not give the provider a competency recommendation notice for a learner to whom the provider is providing Q-Ride training unless the learner—

- (a) completes the training; and
- (b) is assessed by the rider trainer as having attained the competencies.

Maximum penalty—40 penalty units.

**Division 7 Other provisions**

**57 Definition for div 7**

In this division—

***L plate*** means a plate or sign with an area, measuring at least 146mm by 146mm, that shows only a black upper case letter ‘L’ clearly marked on a yellow background.

## 58 Code of conduct

- (1) The chief executive may make a code (*code of conduct*) for the conduct for accredited driver trainers and rider trainers when giving learners driver training or Q-Ride training.
- (2) The code may provide for any matter the chief executive considers appropriate.

*Examples of appropriate matters—*

- 1 What is inappropriate behaviour or misconduct by a driver trainer or rider trainer towards a learner.
  - 2 The non-disclosure or inappropriate use by a driver trainer or rider trainer of a learner's personal particulars.
- (3) The chief executive must—
    - (a) notify the making of the code by gazette notice; and
    - (b) make the code available for inspection at offices of the department during normal office hours.

## 59 Requirements for car used to give training

- (1) An accredited driver trainer must ensure that a car the driver trainer provides to give pre-licence driver training is fitted with the following equipment when the car is used to give the training on a road—
  - (a) training controls that are easily accessible for immediate use by a driver trainer sitting in the front passenger seat of the car;
  - (b) an internal rear view mirror for the trainer as well as the driver's rear view mirror;
  - (c) an external driving mirror on each side of the car.Maximum penalty—20 penalty units.
- (2) The driver trainer must also ensure the car has on it—
  - (a) L plates that are conspicuous to anyone else looking at the front and rear of the car; and
  - (b) a conspicuously displayed sign or plate showing—

- (i) the driver trainer's name and accreditation number as a driver trainer; or
- (ii) if the driver trainer carries on the business of driver training under a registered business name—the registered business name and the address of the driver trainer's principal place of business; or
- (iii) if the driver trainer gives the training as an employee of another person carrying on the business of driver training—the person's name and address or if the person carries on business under a registered business name, the registered business name and the address of the driver trainer's principal place of business.

Maximum penalty—20 penalty units.

- (3) In this section—

***training controls***, for a car, means—

- (a) if the car has automatic transmission—dual footbrake and accelerator controls; or
- (b) if the car has manual transmission—dual foot brake and clutch controls.

## **60 Requirements for motorbike used to give training**

- (1) This section applies to a person who—
  - (a) is—
    - (i) an accredited driver trainer giving pre-licence driver training for a motorbike; or
    - (ii) an accredited rider trainer; and
  - (b) provides a motorbike to give the training.
- (2) The person must ensure that the motorbike is fitted with an L plate that is conspicuous to anyone else looking at the rear of the motorbike when the motorbike is used to give the training on a road.

Maximum penalty—20 penalty units.

**61 Requirements for other motor vehicles used to give training**

An accredited driver trainer must ensure that a motor vehicle, other than a car or a motorbike, the driver trainer provides to give pre-licence driver training is fitted with L plates that are conspicuous to anyone else looking at the front or rear of the motor vehicle when the motor vehicle is used to give the training on a road.

Maximum penalty—20 penalty units.

**62 Display of identity card**

When an accredited driver trainer is giving pre-licence driver training or an accredited rider trainer is giving Q-Ride training, the trainer must display the trainer's identity card so as to be clearly visible to the learner.

Maximum penalty—20 penalty units.

**63 Driver training records**

- (1) An accredited driver trainer must keep a written record (a *driver training record*) of the pre-licence driver training the driver trainer gives to a learner.

Maximum penalty—20 penalty units.

- (2) The driver trainer must—
- (a) make the driver training record within 1 day of giving the training; and
  - (b) include in the record the following particulars about the training—
    - (i) the learner's name and address;
    - (ii) the date, time and duration of the training;
    - (iii) the registration number of the motor vehicle in which the training is given.

Maximum penalty—20 penalty units.

- (3) In this section—  
*pre-licence driver training* does not include Q-Ride training.

#### **64 Q-ride training records**

- (1) An accredited rider trainer who gives a learner Q-Ride training must make a written record (a *Q-Ride training record*) of the Q-Ride training the rider trainer gives to the learner.

Maximum penalty—20 penalty units.

- (2) The rider trainer must—
- (a) make the record within 1 day of giving the training; and
  - (b) include in the record the following particulars—
    - (i) the learner's name and address;
    - (ii) the registered service provider's name;
    - (iii) the date, time and duration of the training;
    - (iv) the class of motorbike for which the training is given;
    - (v) the registration number of the motorbike on which the learner is given the training;
    - (vi) the results of assessments of the learner's achievements towards attaining the competencies.

Maximum penalty—20 penalty units.

#### **65 How long records to be kept**

An accredited driver trainer or a person who ceases to be an accredited driver trainer must keep a learner's driver training records for at least 2 years from the date the record was made.

Maximum penalty—20 penalty units.



## 66 Records for registered service provider

- (1) This section applies if an accredited rider trainer who is an employee of a registered service provider gives a learner Q-Ride training.
- (2) The rider trainer must, within 1 day of making the learner's Q-Ride training record, give the provider the record.  
Maximum penalty—20 penalty units.

## 67 Accreditation is approval for the Act, s 18(c)(ii)

Accreditation under this part is an approval for the Act, section 18(c)(ii).

# Part 4 Registration of service providers

## Division 1 Basic concepts

### 68 Who is an *eligible person* for Q-Ride training

- (1) A person is an *eligible person* to receive Q-Ride training for a class RE motorbike, if the person holds a class RE learner licence or a driver licence granted outside Queensland that corresponds to that licence.
- (2) Also, a person is an *eligible person* to receive Q-Ride training for a class R motorbike, if the person—
  - (a) holds, and has held for at least 1 year—
    - (i) a class RE provisional, probationary or an open licence; or
    - (ii) a driver licence granted outside Queensland that corresponds to a licence mentioned in subparagraph (i); or

- (b) holds a class RE licence granted by the chief executive because the person holds a competency declaration for a class RE motorbike; or
- (c) holds—
  - (i) a class RE learner licence; and
  - (ii) a class C, LR, MR, HR, HC or MC provisional, probationary or open licence or a driver licence granted outside Queensland that corresponds to that licence, and has held that licence for at least 3 years.
- (3) For calculating the period a person has held a licence, the period is taken to include the total of any periods, within the previous 5 years, that the person has held a valid licence of the same class.

## **69 Who is a *registered service provider***

A *registered service provider* is a person who—

- (a) under an arrangement for reward between the person and a learner, provides a program of Q-Ride training for the learner; and
- (b) is registered under this part.

## **Division 2 Applying for registration**

### **70 Applying for registration**

- (1) A person may apply to the chief executive in the approved form for registration as a registered service provider.
- (2) The application must be accompanied by—
  - (a) enough information to enable the chief executive to properly consider the application; and
  - (b) the appropriate fee.

## 71 Suitability for registration

- (1) The chief executive may register the applicant only if the chief executive is satisfied the applicant is able to conform with the registered service provider standards.
- (2) Without limiting subsection (1), the chief executive may refuse to grant the registration if—
  - (a) the applicant or, if the applicant is a corporation, an executive officer of the applicant, has been—
    - (i) convicted of a disqualifying offence; or
    - (ii) charged with a disqualifying offence and the charge has not been finally disposed of; or
    - (iii) convicted of an offence against this Act, or a corresponding law, within 5 years immediately before the application was made; or
  - (b) the chief executive is satisfied public safety is likely to be endangered if the application is approved; or
  - (c) the chief executive considers it necessary in the public interest.

## 72 Deciding application

- (1) The chief executive must consider an application for registration within 28 days after receiving all information relevant to the application and decide either—
  - (a) to grant the registration; or
  - (b) to refuse to grant the registration.
- (2) The chief executive may grant a registration on conditions the chief executive considers reasonable and relevant.

## 73 Granting registration

- (1) If the chief executive decides to grant the registration, the chief executive must give the applicant a signed notice of the decision (a *registration notice*), within 14 days after making the decision.

- (2) The registration notice must state the following—
  - (a) the registered service provider’s name and place of business;
  - (b) the registered service provider’s registration number;
  - (c) the commencement and expiry date for the registration;
  - (d) the place of business is required to be open to inspection by an authorised officer;
  - (e) any conditions imposed by the chief executive on the registration.
- (3) The registration notice may also include any other information the chief executive considers appropriate.
- (4) If the chief executive imposes a condition on the registration, the chief executive must also give the applicant an information notice for the condition with the registration notice.

#### **74 Notice of refusal to grant registration**

If the chief executive decides to refuse to grant the registration, the chief executive must give the applicant an information notice within 14 days after making the decision.

#### **75 Statutory conditions on registration**

- (1) The conditions on which the registration of a registered service provider is granted include the conditions stated in schedule 5.
- (2) This section does not limit section 72(2).

#### **76 Duration of registration**

Registration is for the term, not longer than 2 years, stated in the registration notice.

## **77 Renewal of registration**

- (1) A registered service provider may apply to the chief executive to renew the registration.
- (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; and
  - (d) made at least 28 days before the registration ends.

## **78 Application of declared sections to renewal of registration**

- (1) Each declared section applies to the renewal of a registration in the same way it applies to the grant of the registration.
- (2) Also, in applying the declared sections, the chief executive may refuse an application for renewal of a registration if the registration was issued—
  - (a) in error; or
  - (b) because of a document or representation that is—
    - (i) false or misleading; or
    - (ii) obtained or made in another improper way.
- (3) In this section—

*declared section* means sections 71 to 75.

## **79 Duration of renewal of registration**

The renewal of a registration is for the term, not longer than 5 years, stated in the registration notice.

## **80 Voluntary surrender of registration**

- (1) A registered service provider may surrender the provider's registration by written notice given to the chief executive.

- (2) The surrender takes effect—
  - (a) on the day the notice is given; or
  - (b) if a later day is stated in the notice, on the later day.
- (3) The provider must, before the surrender takes effect, ensure that any competency declaration forms issued by the chief executive to the provider that are unused are returned to the chief executive.

Maximum penalty—40 penalty units.

### **81 Registration not transferrable**

The registration of a registered service provider is not able to be assigned or transferred.

### **82 Immediate cancellation**

A registered service provider's registration is immediately cancelled on the happening of any of the following events—

- (a) if the provider is an individual—the individual dies or becomes an insolvent under administration;
- (b) if the provider is a body corporate—the corporation is being wound up.

### **83 Return of unused competency declarations**

- (1) This section applies if the registration of a registered service provider is not renewed or is cancelled.
- (2) The chief executive may, by signed notice to a responsible person require the person within the time stated in the notice, of at least 14 days, to return to the chief executive any competency declaration forms issued by the chief executive to the provider that are unused.
- (3) The responsible person must not contravene the requirement unless the person has a reasonable excuse.

Maximum penalty—40 penalty units.

(4) In this section—

*responsible person* means a person who ceases to be a registered service provider or, if the person is a deceased individual, the person's personal representative.

## **Division 3                      Records**

### **84            Records registered service provider must keep**

(1) A registered service provider must keep a written record (a *registered service provider's learner record*) of each learner to whom the provider provides Q-Ride training.

Maximum penalty—40 penalty units.

(2) The provider must include in the record the following particulars—

- (a) the learner's name and address;
- (b) the learner's driver licence number, licence type, class and expiry date;
- (c) the documents or information the learner produced to the provider to verify the learner's eligibility as an eligible person for Q-Ride training;
- (d) the date the provider starts providing the training;
- (e) the date a competency recommendation notice for the learner was received;
- (f) the serial number of a competency declaration given to the learner.

### **85            Where and how long training records to be kept**

(1) A registered service provider or a person who stops being a registered service provider must ensure that—

- (a) a learner's training records are kept for at least 2 years from the date the record was made or given to the provider; and

- (b) the training records are kept at—
  - (i) the provider’s place of business; or
  - (ii) if the provider stops being a registered service provider—the place stated by the provider in a signed notice to the chief executive.

Maximum penalty—40 penalty units.

- (2) In this section—

***training records***, for a learner, means the following—

- (a) the registered service provider’s learner record for the learner;
- (b) the learner’s Q-Ride training record given to the provider;
- (c) the competency recommendation notice for the learner given to the provider;
- (d) the copy of the competency declaration given to the learner.

## **Division 4                      Competency declarations**

### **86      Registered service provider may give competency declarations**

- (1) A registered service provider may give a learner who is undertaking Q-Ride training with the provider a competency declaration.
- (2) The declaration has no effect unless it is signed by—
  - (a) if the provider is an individual—the individual; or
  - (b) if the provider is a corporation—an officer or employee of the provider nominated by notice signed by the provider (***nominated officer***) and given to the chief executive.
- (3) A declaration given by a provider who is an individual or an entity other than a corporation may be signed for the provider



by a person nominated by the provider by signed notice given by the provider to the chief executive.

### **87 Duration of competency declaration**

A competency declaration for a learner is valid only for 1 year from the day the registered service provider completes it for giving to the learner.

### **88 Requirement to give competency declaration**

- (1) This section applies if a registered service provider that provides Q-Ride training to a learner reasonably believes the learner has—
  - (a) completed the training; and
  - (b) attained the competencies.
- (2) It is not a reasonable belief for subsection (1) unless the grounds for the belief include the happening of either of the following events—
  - (a) an accredited rider trainer who is an employee of the provider gives the provider a competency recommendation notice for the learner;
  - (b) the provider is also an accredited rider trainer and assesses the learner as having attained the competencies.
- (3) The provider must promptly, but in any event within 3 days after an event mentioned in subsection (2)(a) or (b) happens, complete and give to the learner a competency declaration.

Maximum penalty—40 penalty units.

### **89 Restriction on giving competency declaration**

- (1) A registered service provider that provides Q-Ride training to a learner must not give the learner a competency declaration the provider knows is false or misleading in a material particular.

Maximum penalty—80 penalty units.

*Example of how a competency declaration may be false or misleading in a material particular—*

The registered service provider gives the learner a competency declaration for a class of motorbike knowing that—

- (a) the learner has not attained the competencies to ride the class of motorbike; or
  - (b) no assessment of the learner's competence to ride the class of motorbike has been made; or
  - (c) the declaration is for a class of motorbike other than that for which the training has been provided.
- (2) It is enough for a complaint against the provider for an offence against subsection (1) to state that the declaration was 'false or misleading'.

## **90 Destroyed, lost or stolen competency declaration not given to learner**

- (1) This section applies if a competency declaration issued by the chief executive to a registered service provider but not given by the provider to a learner is destroyed, lost or stolen (*loss event*).
- (2) The provider must give the chief executive a signed notice of the loss event as soon as possible, but within 3 days, after becoming aware of the happening of the loss event.

Maximum penalty—40 penalty units.

- (3) The notice must state the following particulars—
  - (a) the provider's name and registration number;
  - (b) the serial number of the declaration;
  - (c) how and when the event happened.

## **91 Replacement of competency declaration given to learner**

- (1) A registered service provider who gives a learner a competency declaration (an *original declaration*) may give the learner a replacement declaration (a *replacement*

**declaration**) if the provider is satisfied the original declaration has been destroyed, lost or stolen.

- (2) If the provider gives a learner a replacement declaration, the provider must give the chief executive a signed notice of the giving of the declaration as soon as possible, but within 3 days, after giving it to the learner.

Maximum penalty—40 penalty units.

- (3) The notice must state the following particulars—
- (a) the provider's name and registration number;
  - (b) the serial numbers of the original declaration and the replacement declaration;
  - (c) the learner's name and driver licence number.

## **Division 5                      Other provisions**

### **92            False statements**

A person (the **first person**) who is not a registered service provider must not state, either orally or in writing, anything to another person that is likely to induce the person to believe the first person—

- (a) is a registered service provider; or
- (b) may provide Q-Ride training; or
- (c) may give a person a competency declaration.

Maximum penalty—80 penalty units.

### **93            False advertising**

A person who is not a registered service provider must not publish, or cause to be published, an advertisement stating or implying the person—

- (a) is a registered service provider; or
- (b) may provide Q-Ride training; or

- (c) may give a person a competency declaration.  
Maximum penalty—80 penalty units.

**94 Registration is an approval for the Act, s 18(c)(ii)**

Registration under this part is an approval for the Act, section 18(c)(ii).

**95 Registered service provider standards**

- (1) The chief executive may make standards (*registered service provider standards*) for the provision of Q-Ride training by a registered service provider.
- (2) The standards must relate to the following—
  - (a) the provider developing its own code of practice for providing the training;
  - (b) the provider's management systems;
  - (c) the equipment necessary for providing the training;
  - (d) the training and assessment environment;
  - (e) the provider's employee training program;
  - (f) the procedures and practices for determining the eligibility of learners to undertake the training;
  - (g) procedures and practices the provider's accredited rider trainers must conform with in giving the training;
  - (h) the records the provider must keep for a matter mentioned in paragraph (a) to (g).
- (3) The chief executive must—
  - (a) notify the making of the standards by gazette notice; and
  - (b) make the standards available for inspection at offices of the department during normal office hours.

## 96 Competency standards

- (1) The chief executive may make standards (*competency standards*) about—
  - (a) the competencies a learner must attain under Q-Ride training to ride a motorbike competently (*competencies*); and
  - (b) the level of performance a learner must consistently achieve to attain the competencies; and
  - (c) the assessment of the learner's attainment of the competencies by an accredited rider trainer.
- (2) The standards must include provisions for the following units of competency—
  - (a) preparing the motorbike for operation;
  - (b) manoeuvring the motorbike at low speed;
  - (c) controlling the motorbike at road speeds;
  - (d) applying roadcraft for the safe and efficient operation of the motorbike.
- (3) The chief executive must—
  - (a) notify the making of the standards by gazette notice; and
  - (b) make the standards available for inspection at offices of the department during normal office hours.

## 97 Auditor register

- (1) The chief executive may keep a register of auditors.
- (2) The register may be kept in any way the chief executive considers appropriate.
- (3) The chief executive must record a person's name in the register as an auditor if the person—
  - (a) is registered with, and certified by, RABQSA International Inc ACN 112 238 169 as a quality management system auditor; and

- (b) completes an information session, conducted by the chief executive, about the scheme; and
  - (c) gives the chief executive a written request to record the person's name in the register.
- (4) Despite subsection (3)(a), the chief executive must record the person's name in the register as an auditor if the person has another registration or certification the chief executive is satisfied is at least equivalent to the registration and certification mentioned in subsection (3)(a).

## **98 Form of audit reports**

An audit report that a registered service provider must give to the chief executive under a statutory condition mentioned in schedule 5 must be in the approved form and include the following particulars (*mandatory particulars*)—

- (a) the auditor's name;
- (b) the day the audit started;
- (c) the day the report was completed;
- (d) the provider's name, address and registration number;
- (e) the type of audit conducted;
- (f) details of the particular registered service provider standards examined by the auditor and the provider's compliance or non-compliance with those standards.

## **99 Registration notice prescribed for Act, s 26(1)(c)**

A registration notice is prescribed for the Act, section 26(1)(c).

## **100 Reasonable excuse**

It is a reasonable excuse for a registered service provider to fail to comply with a requirement under schedule 5, section 5(3) or (4) or section 6(1)(b) or (2) if the auditor's report or

notice tends to incriminate the provider in an offence against this regulation.

## Part 5                      **Special event and special circumstances permits**

### Division 1                **Definitions**

#### 101    **Definitions for pt 5**

In this part—

*authorising officer* means the chief executive or the commissioner.

*event* includes a happening or activity.

*special circumstances permit* means a permit issued under division 3 under which the permit holder is allowed to use roads in a particular way.

*special event* see section 102.

*special event permit* means a permit issued under division 2 to conduct a special event described in the permit.

*take part in*, a special event, includes help with the running of the special event.

#### 102    **Meaning of *special event* for pt 5**

- (1) For this part, an event is a *special event* if—
- (a) the event is wholly, or generally, of a public nature; and
  - (b) the event requires the use of roads for its conduct; and
  - (c) the conduct of the event involves, or may reasonably be expected to involve, some inconsistency with the requirements of any of the following—

- (i) the Mass, Dimensions and Loading Regulation;
  - (ii) the Vehicle Standards and Safety Regulation;
  - (iii) the Queensland Road Rules.
- (2) Without limiting subsection (1), a *special event* would ordinarily, though not necessarily, be expected to be unique or occasional in nature.

*Examples of special events—*

charity collections at traffic lights, fun runs, group bicycle rides for charity, walkathons

## **Division 2                      Special event permits**

### **103      Issuing a special event permit**

- (1) A person proposing to conduct a special event may apply to an authorising officer for a special event permit for the event.
- (2) The authorising officer may issue the special event permit only if the authorising officer is satisfied, on reasonable grounds—
  - (a) generally, that the issue of the permit will not compromise public safety; and
  - (b) more particularly, that the person conducting the event will ensure that appropriate arrangements will be put in place—
    - (i) to minimise danger for persons taking part in the special event; and
    - (ii) to manage the impact of the special event on road users not taking part in the event.
- (3) A special event permit must include the following—
  - (a) a description of the special event to be conducted under the permit;
  - (b) requirements about how the special event is to be conducted.



*Transport Operations (Road Use Management—Accreditation and Other Provisions)*  
*Regulation 2005*

*No. 187, 2005*

---

- (4) The requirements about how the special event is to be conducted may include conditions that must be complied with in the conduct of the special event.
- (5) Without limiting subsection (4), conditions included in a special event permit may impose requirements, if relevant, about any of the following—
  - (a) advising persons about the special event, including, for example, emergency service organisations, local governments, passenger transport providers and members of the public likely to be affected by the special event;
  - (b) liaison with relevant police officers before the special event takes place, and obeying police directions during the conduct of the event;
  - (c) having the permit available for inspection at the site of the special event;
  - (d) management and use of vehicles providing support for the special event;
  - (e) the display of warning signs and warning lights;
  - (f) what parts of roads may be used;
  - (g) limitations about where fundraising may be conducted;
  - (h) erecting and dismantling appropriate signs and barricading;
  - (i) available routes for emergency vehicles;
  - (j) minimising or avoiding obstruction of exits from and access to places where, or near where, the special event is to be conducted;
  - (k) the provision and placement of adequate marshals to supervise the special event with safety;
  - (l) the employment of police officers to monitor safety;
  - (m) advising persons taking part in the event of the conditions included in the special event permit.

#### **104 Authority of special event permit**

- (1) This section applies if a special event permit has been issued for the conduct of a special event.
- (2) A person taking part in the special event is not required to comply with a provision of the Mass, Dimensions and Loading Regulation, the Vehicle Standards and Safety Regulation or the Queensland Road Rules to the extent that compliance with the provision—
  - (a) is excused under the special event permit; or
  - (b) is inconsistent with the conduct of the special event described in the permit in the way permitted or required under the permit.
- (3) However, subsection (2) applies to a person taking part in the special event only if the person is taking part in the special event, as described in the permit, in the way permitted or required under the permit, including under the conditions stated in the permit.

#### **105 Responsibility of permit holder**

A person to whom a special event permit is issued must ensure that the conditions of the permit are complied with.

Maximum penalty—20 penalty units.

### **Division 3 Special circumstances permits**

#### **106 Issuing a special circumstances permit**

- (1) A person may apply to an authorising officer for a special circumstances permit.
- (2) The authorising officer may issue the special circumstances permit only if the authorising officer is satisfied on reasonable grounds—
  - (a) that special circumstances apply to the person; and

*Transport Operations (Road Use Management—Accreditation and Other Provisions)*  
*Regulation 2005* *No. 187, 2005*

---

- (b) that it would be unreasonable if, because of the special circumstances, the person were to be excluded from using roads; and
- (c) it is reasonable that the person be permitted to use roads in a particular way that allows for the person's special circumstances; and
- (d) generally, that the issue of the permit will not compromise public safety; and
- (e) more particularly, that appropriate arrangements will be in place—
  - (i) to minimise danger for the permit holder; and
  - (ii) to manage the impact of a permit holder's use of roads, in the way permitted under the permit, on other road users.

*Examples of special circumstances applying to a person—*

The person has a disability, and use of the roads in a way that adequately allows for the disability would involve some inconsistency with the requirements of this regulation or the Queensland Road Rules.

The person has a particular task to perform, and performance of the task effectively would involve some inconsistency with the requirements of this regulation or the Queensland Road Rules.

- (3) The permit must—
  - (a) include a description of the particular way the permit holder is to be permitted to use roads; and
  - (b) state the period for which the permit applies.
- (4) The permit must not be issued for a period lasting more than 2 years.
- (5) The permit may include conditions that must be complied with by the permit holder.
- (6) Without limiting subsection (5), conditions included in the permit may impose requirements, if relevant, about any of the following—
  - (a) having the permit available for inspection when using roads under the authority of the permit;

- (b) the display of warning signs and warning lights;
- (c) what parts of roads may be used;
- (d) limitations about which roads may be used;
- (e) minimising or avoiding interference with other road users.

### **107 Authority of special circumstances permit**

- (1) This section applies if a special circumstances permit has been issued under this division for a person's use of roads.
- (2) The person, when using a road, is not required to comply with a provision of the Mass, Dimensions and Loading Regulation or the Queensland Road Rules to the extent that compliance with the provision—
  - (a) is excused under the special circumstances permit; or
  - (b) is inconsistent with the person's use of the road in the way permitted or required under the permit.
- (3) However, subsection (2) applies to the person only if the person is using the road in the way permitted or required under the permit, including under the conditions stated in the permit.

## **Part 6 Moving vehicles on or from prescribed roads**

### **108 Definitions for pt 6**

In this part—

*moving expenses* mean reasonable expenses relating to 1 or more of the following acts—

- (a) calling a service or towing vehicle to a vehicle on a prescribed road;

- (b) moving the vehicle on the prescribed road;
- (c) removing the vehicle from the prescribed road;
- (d) storing the vehicle after it has been removed;
- (e) releasing the vehicle from storage;
- (f) if the vehicle is disposed of other than by being sold—disposing of the vehicle.

***prescribed road*** means a franchised road or a State-controlled road under the *Transport Infrastructure Act 1994*.

## 109 Moving abandoned vehicles

- (1) This section applies if—
  - (a) the chief executive reasonably believes that a vehicle on a prescribed road has been abandoned; and
  - (b) the chief executive—
    - (i) can not immediately find the person in charge of the vehicle; or
    - (ii) if the person can be found—reasonably believes that the person is unable or unwilling to move the vehicle immediately.
- (2) The chief executive may take the steps that are reasonable and necessary to—
  - (a) move the vehicle on the prescribed road; or
  - (b) remove the vehicle from the prescribed road.

*Examples of reasonable and necessary steps—*

  - pushing the vehicle
  - towing the vehicle
- (3) If the chief executive requests a service or towing vehicle operator to move or remove the vehicle, the operator may take the steps that are reasonable and necessary to move or remove the vehicle, as requested.

## **110 Moving other stationary vehicles**

- (1) This section applies if—
  - (a) a vehicle on a prescribed road is—
    - (i) immobilised by a breakdown, collision or fuel shortage; or
    - (ii) otherwise stationary; and
  - (b) section 109(1)(a) does not apply to the vehicle; and
  - (c) the chief executive—
    - (i) can not immediately find the person in charge of the vehicle; or
    - (ii) if the person can be found—reasonably believes the person is unable or unwilling to move the vehicle immediately; and
  - (d) the chief executive reasonably believes it is necessary for the safety or convenience of people using the prescribed road to—
    - (i) move the vehicle on the prescribed road; or
    - (ii) remove the vehicle from the prescribed road.
- (2) The chief executive may take the steps that are reasonable and necessary to—
  - (a) if the chief executive reasonably believes it is necessary for the safety or convenience of people using the prescribed road to move the vehicle—move the vehicle; or
  - (b) if the chief executive reasonably believes it is necessary for the safety or convenience of people using the prescribed road to remove the vehicle—remove the vehicle.

*Examples of reasonable and necessary steps—*

- pushing the vehicle
- towing the vehicle

- (3) If the chief executive requests a service or towing vehicle operator to move or remove the vehicle, the operator may take the steps that are reasonable and necessary to move or remove the vehicle, as requested.

### **111 Recovering moving expenses**

The chief executive may recover the moving expenses from—

- (a) the person who was in charge of the vehicle immediately before it was moved or removed; or
- (b) if the person's identity can not be discovered—the vehicle's owner, unless the vehicle was being used without the owner's consent.

### **112 Notice to owner**

- (1) As soon as practicable, but within 14 days after removing a vehicle from a prescribed road, the chief executive must give its owner a written notice—
  - (a) stating that it has been removed; and
  - (b) explaining how it may be recovered; and
  - (c) stating that it may be sold if it is not recovered.
- (2) If the owner can not be identified or located within the 14 days, the notice may be given by publishing it in a newspaper circulating generally in the State.
- (3) The chief executive need not give the notice required by this section if—
  - (a) the proceeds of the vehicle's sale are not likely to cover—
    - (i) the moving expenses; and
    - (ii) the expenses reasonably incurred by the chief executive in selling the vehicle (the *sale expenses*);  
or
  - (b) it is otherwise impracticable to give the notice.

(4) In this section—

*owner*, of a registered vehicle, means the person in whose name the vehicle is registered.

### 113 Releasing removed vehicles

The chief executive must release a vehicle that was removed from a prescribed road to its owner—

- (a) if the vehicle was used, immediately before it was removed, by a person without the owner's consent; or
- (b) if—
  - (i) the vehicle was used, immediately before it was removed, by the owner or a person with the owner's consent; and
  - (ii) the moving expenses have been paid.

### 114 Disposing of removed vehicles

- (1) The chief executive may dispose of a vehicle removed from a prescribed road if—
  - (a) the person notified of the vehicle's whereabouts does not pay the moving expenses within 2 months of the notification; or
  - (b) if the chief executive decides not to give a notice about its removal—at least 2 months have passed since the decision.
- (2) The chief executive may only dispose of the vehicle—
  - (a) by selling it; or
  - (b) if the proceeds of its sale are not likely to cover the moving expenses and sale expenses—in the way the chief executive considers appropriate.
- (3) If the vehicle is sold, the sale proceeds must be applied in making payments in the following order—
  - (a) the sale expenses;





- (b) requires an authorised officer to wear a uniform approved by the chief executive when the authorised officer is on duty at the checkpoint; and
- (c) requires a police officer in uniform to be present at the checkpoint at night; and
- (d) establishes particular objective criteria for the random selection of motor vehicles for stopping at checkpoints.

*Examples of objective criteria for random selection of motor vehicles—*

- 1 Every fifth motor vehicle passing the checkpoint is to be checked.
  - 2 Every second motor vehicle passing the checkpoint that appears to the authorised officer to be older than 5 years is to be checked.
- (2) The program may include other matters the chief executive considers appropriate.
  - (3) The exercise of a power under the Act, section 31(1)(a) is not invalid only because the authorised officer did not tell the driver the particular objective criterion used to select the driver's vehicle for stopping the vehicle at a checkpoint.
  - (4) A training course mentioned in subsection (1) must educate authorised officers about the powers and duties of authorised officers under the Act and the appropriate way of exercising the powers and duties.

## **Division 2                      Provisions about exercise of authorised officers' powers**

### **118      Regulation and control of powers of particular authorised officers**

- (1) This section applies to an authorised officer, who is not a police officer, when exercising powers to stop a private vehicle.
- (2) An authorised officer may only require the driver of a private vehicle to stop the vehicle during daylight.
- (3) In addition, an authorised officer who is not wearing a uniform approved by the chief executive may only exercise

the powers of an authorised officer in relation to a private vehicle that the authorised officer reasonably believes is so dangerous as to be likely to cause loss of life or bodily injury to a person.

### **119 Requirement to remain at a place**

- (1) This section applies if the person in control of a vehicle is required to—
  - (a) stop the vehicle under section 31 or 32 of the Act; or
  - (b) move the vehicle to a place under section 33 of the Act.
- (2) The person must ensure it remains at the place where the vehicle is stopped or moved to, for the time reasonably necessary to enable the authorised officer to perform a function or exercise a power under those sections.

Maximum penalty—

- (a) for a private vehicle—60 penalty units; or
- (b) for a heavy vehicle—80 penalty units.

### **120 Way to require vehicles to stop or move in preparation for stopping**

- (1) For section 31(2) or 32(2) of the Act, an authorised officer may require the person in control of a motor vehicle to stop the vehicle or for section 33(2) to move the vehicle in preparation for stopping it—
  - (a) by signalling in a way stated in schedule 6; or
  - (b) by a sign displayed—
    - (i) by the authorised officer; or
    - (ii) on or in the vicinity of the road.

*Examples of paragraph (b)(ii)—*

- a sign indicating that trucks must stop at a weighbridge when it is open

- a sign indicating that trucks must use left lane
  - a sign indicating that trucks must exit
- (2) To help in attracting the attention of the person in control of the motor vehicle to the authorised officer's signal or sign, an authorised officer who is not a police officer may, on the officer's vehicle—
- (a) display flashing magenta coloured lights; or
  - (b) operate a horn.

### **121 Moving loads before weighing**

- (1) This section applies if the person in control of a heavy vehicle is required to—
- (a) stop the vehicle under section 32 of the Act; or
  - (b) move the vehicle to a place, under section 33 of the Act, to enable the vehicle to be weighed.
- (2) The person must not unload or alter the position of any part of the load on the vehicle, for the time reasonably necessary to enable the authorised officer to perform a function or exercise a power under those sections.

Maximum penalty—80 penalty units.

### **122 Expiry of ss 118, 119 and 121**

Sections 118, 119 and 121 expire on 31 December 2006.

## **Part 8 Miscellaneous**

### **123 Light or sign creating danger to traffic**

- (1) This section applies if the chief executive or commissioner considers a light or sign in, on, or near a road, or attached to a

building or other structure in the vicinity of a road, may create a danger to traffic.

- (2) The chief executive or commissioner may give the owner of the light or sign a written notice requiring the owner, within the time stated in the notice, to—
  - (a) remove the light or sign; or
  - (b) modify the light or sign, in the way stated in the notice, so it does not create a danger to traffic.
- (3) The owner must comply with the notice unless the owner has a reasonable excuse.  
Maximum penalty—40 penalty units.
- (4) If the owner does not comply with the notice, the chief executive or commissioner may—
  - (a) remove the light or sign; and
  - (b) recover the removal costs from the owner as a debt.

## **124 Review of decisions**

- (1) A person whose interests are affected by a decision stated in schedule 7 may apply, under chapter 4 of the Act, for a review of the decision as if the decision were stated in schedule 3 of the Act.
- (2) A person who may seek a review of a decision is entitled to receive a statement of reasons for the decision.
- (3) An appeal may be made against a reviewed decision to the court stated in schedule 7 for the decision.
- (4) Chapter 4 of the Act applies to a review and an appeal under this section.

## **125 Fees**

Schedule 8 states fees payable for this regulation.

## **Part 9** **Transitional provisions**

### **126** **Definition for pt 9**

In this part—

*former regulation* means the repealed *Transport Operations (Road Use Management) Regulation 1995*.

### **127** **Accreditation**

An accreditation for a purpose under the former regulation and in force immediately before 1 September 2005 continues to be an accreditation for this regulation according to its terms.

### **128** **Registered service providers**

- (1) A registered service provider under the former regulation whose registration was in force immediately before 1 September 2005 continues to be a registered service provider for this regulation according to the terms of the registration under the former regulation.
- (2) A person who was a nominated executive officer under the former regulation immediately before 1 September 2005 continues to be a nominated officer for this regulation.
- (3) A registered service provider standard issued under the former regulation and in force immediately before the commencement day continues to have effect as a registered service provider standard issued under this regulation.
- (4) A competency standard issued under the former regulation and in force immediately before the commencement day continues to have effect as a competency standard issued under this regulation.

**129 Code of conduct**

- (1) A code of conduct made under the former regulation in relation to driver trainers and rider trainers before 1 September 2005 and in force immediately before that day continues to be a code of conduct about driver trainers or rider trainers for this regulation.
- (2) A code of conduct made by the chief executive under the former regulation in relation to Q-Ride training before 1 September 2005 and in force immediately before that day continues to be a code of conduct about Q-Ride training for this regulation.

**130 Special event permits**

A special event permit issued under the former regulation and in force immediately before 1 September 2005 continues in force according to its terms as if it were a special event permit issued under this regulation.

**131 Special circumstances permits**

A special circumstances permit issued under the former regulation and in force immediately before 1 September 2005 continues in force according to its terms as if it were a special circumstances permit issued under this regulation.

**Part 10 Amendment of other regulations**

**Division 1 Amendment of State Penalties Enforcement Regulation 2000**

**132 Regulation amended in div 1**

This division amends the *State Penalties Enforcement Regulation 2000*.

**133 Amendment of sch 3 (Transport legislation)**

Schedule 3—

*insert—*

**‘Transport Operations (Road Use Management—Accreditation and Other Provisions) Regulation 2005**

	Column 1 Infringement notice offence	Column 2 Infringement notice fine (penalty units)
s 10(1) .....		2
s 10(2) .....		2
s 13(1) .....		2
s 16.....		2
s 20.....		4
s 23.....		4
s 28.....		2
s 29.....		2
s 123(3) .....		4



**Authorised person for service of infringement notices**—an authorised officer under the *Transport Operations (Road Use Management) Act 1995*, section 20<sup>7</sup>.

## **Division 2                      Amendment of Transport Operations (Road Use Management—Driver Licensing) Regulation 1999**

### **134      Regulation amended in div 2**

This division amends the *Transport Operations (Road Use Management—Driver Licensing) Regulation 1999*.

### **135      Amendment of s 14B (Definitions for pt 3A)**

Section 14B, definition *principal regulation*—  
*omit, insert—*

*‘principal regulation* means the *Transport Operations (Road Use Management—Accreditation and Other Provisions) Regulation 2005*.’.

### **136      Amendment of s 19B (Person must not direct a learner unless L plates are conspicuous)**

Section 19B(1)—  
*omit, insert—*

‘(1) This section does not apply to a driver trainer who is giving pre-licence driver training in relation to a vehicle provided by the driver trainer.’.

---

<sup>7</sup> *Transport Operations (Road Use Management) Act 1995*, section 20 (Appointment of authorised officers)

### 137 Amendment of sch 6 (Dictionary)

Schedule 6, definition *driver trainer*—

*omit, insert—*

‘***driver trainer*** means a person accredited as a driver trainer under the *Transport Operations (Road Use Management—Accreditation and Other Provisions) Regulation 2005*.’.

## Division 3 Amendment of Transport Operations (Road Use Management—Vehicle Standards and Safety) Regulation 1999

### 138 Regulation amended in div 3

This division amends the *Transport Operations (Road Use Management—Vehicle Standards and Safety) Regulation 1999*.

### 139 Amendment of sch 4 (Dictionary)

- (1) Schedule 4, definition *approved examiner*, from ‘under’—

*omit, insert—*

‘under the *Transport Operations (Road Use Management—Accreditation and Other Provisions) Regulation 2005*.’.

- (2) Schedule 4, definition *approved person*, from ‘under’—

*omit, insert—*

‘under the *Transport Operations (Road Use Management—Accreditation and Other Provisions) Regulation 2005*.’.

**Division 4**                    **Amendment of Transport  
Operations (Road Use  
Management—Road Rules)  
Regulation 1999**

**140**    **Regulation amended in div 4**

This division amends the *Transport Operations (Road Use Management—Road Rules) Regulation 1999*.

**141**    **Amendment of s 304 (Direction by police officer or traffic controller)**

(1) Section 304(1)(b)—

*omit, insert—*

‘(b) by a traffic controller carrying out the functions of a traffic controller under the *Transport Operations (Road Use Management—Accreditation and Other Provisions) Regulation 1995*, section 26.

(2) Section 304(2)—

*omit, insert—*

‘(2) In this section—

***traffic controller*** means a person who holds an appointment under the *Transport Operations (Road Use Management—Accreditation and Other Provisions) Regulation 2005*, part 2 as an accredited person with the function of a traffic controller.’.

## **Schedule 1      Statutory conditions for appointment as accredited person**

section 8

### **1      Accredited person who is an approved examiner**

An accredited person who is an approved examiner—

- (a) must not contravene the Act; and
- (b) must not contravene the Code of Practice—Vehicle Inspection Guidelines mentioned in the Vehicle Standards and Safety Regulation, section 13(e).

### **2      Accredited person who is an approved person**

An accredited person who is an approved person—

- (a) must not contravene the Act; and
- (b) must not contravene the Codes of Practice mentioned in the Vehicle Standards and Safety Regulation, section 30(2).<sup>8</sup>

### **3      Accredited person who is a traffic controller**

An accredited person who is a traffic controller—

- (a) must not contravene the Act; and
- (b) must not contravene the TCASAP.

---

<sup>8</sup> Section 30 (Approval of modified vehicle)

## **Schedule 2      Necessary expertise for vehicle safety inspections**

section 25

### **1      Private vehicle**

A person has the necessary expertise to perform vehicle safety inspections for private vehicles if the person—

- (a) holds a certificate the chief executive considers to be at least equal to a certificate for motor mechanics issued under—
  - (i) the *Vocational Education, Training and Employment Act 2000*; or
  - (ii) the *Tradesmen’s Rights Regulation Act 1946* (Cwlth); or
- (b) has successfully completed a motor mechanic’s apprenticeship.

### **2      Motorcycle**

A person has the necessary expertise to perform vehicle safety inspections for motorcycles if—

- (a) the person holds a certificate the chief executive considers to be at least equal to a certificate for motorcycle mechanics issued under—
  - (i) the *Vocational Education, Training and Employment Act 2000*; or
  - (ii) the *Tradesmen’s Rights Regulation Act 1946* (Cwlth); or
- (b) the person has successfully completed a motorcycle mechanic’s apprenticeship; or
- (c) the person—

### Schedule 2 (continued)

- (i) holds a certificate the chief executive considers to be at least equal to a certificate for motor mechanics issued under—
  - (A) the *Vocational Education, Training and Employment Act 2000*; or
  - (B) the *Tradesmen’s Rights Regulation Act 1946* (Cwlth); and
- (ii) has at least 1 year’s continuous experience in repairing or maintaining motorcycles.

## 3 Heavy vehicle

A person has the necessary expertise to perform vehicle safety inspections for heavy vehicles if—

- (a) the person holds a certificate the chief executive considers to be at least equal to a certificate for motor mechanics issued under—
  - (i) the *Vocational Education, Training and Employment Act 2000*; or
  - (ii) the *Tradesmen’s Rights Regulation Act 1946* (Cwlth); or
- (b) the person has successfully completed a motor mechanic’s apprenticeship; or
- (c) the person—
  - (i) holds a certificate the chief executive considers to be at least equal to a certificate of Engineering Trades Person (Heavy Commercial Vehicle); and
  - (ii) has at least 1 year’s continuous experience in repairing or maintaining heavy vehicles.

## 4 Light trailer

- (1) A person has the necessary expertise to perform vehicle safety inspections for light trailers if the person—

### Schedule 2 (continued)

- (a) holds a certificate the chief executive considers to be at least equal to a certificate for motor mechanics issued under—
    - (i) the *Vocational Education, Training and Employment Act 2000*; or
    - (ii) the *Tradesmen’s Rights Regulation Act 1946* (Cwlth); or
  - (b) has successfully completed a motor mechanic’s apprenticeship; or
  - (c) holds a certificate the chief executive considers to be at least equal to a certificate of competency to examine trailers approved by the National Training Board under the National Competency Standards.
- (2) In this section—
- light trailer*** means a trailer with an ATM of more than 0.75t but not more than 3.5t.

## 5 Heavy trailer

- (1) A person has the necessary expertise to perform vehicle safety inspections for heavy trailers if—
  - (a) the person—
    - (i) holds a certificate the chief executive considers to be at least equal to a certificate—
      - (A) for motor mechanics issued under the *Vocational Education, Training and Employment Act 2000*; or
      - (B) for motor mechanics issued under the *Tradesmen’s Rights Regulation Act 1946* (Cwlth); or
      - (C) of Engineering Trades Person (Heavy Commercial Vehicle); or

Schedule 2 (continued)

- (ii) has successfully completed a motor mechanic's apprenticeship; and
  - (b) the person has at least 1 year's continuous experience in repairing or maintaining heavy trailers.
- (2) In this section—
- heavy trailer*** means a trailer with an ATM of more than 3.5t.



---

### Schedule 3      **Approved stop, go and slow hand signals for traffic controllers**

section 26

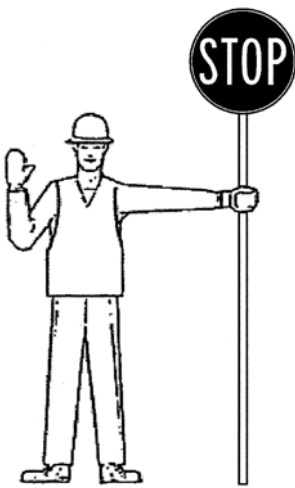


figure 1  
to stop

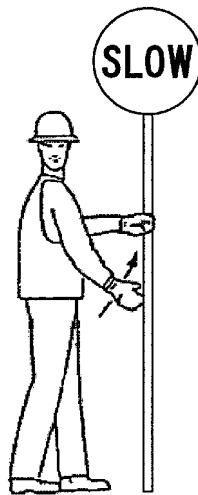


figure 2  
to go

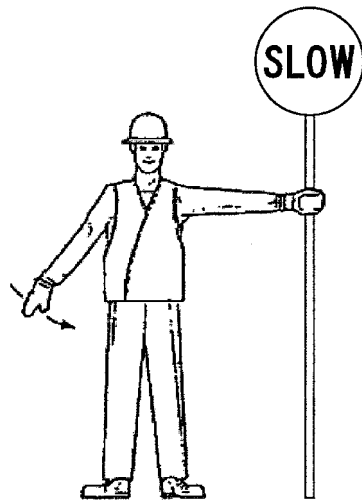


figure 3  
to slow

## **Schedule 4      Statutory accreditation                                  conditions for accredited driver                                  trainers or rider trainers**

section 40

### **1      Compliance with code of conduct**

The trainer must not contravene the code of conduct.

### **2      Maintaining competency**

The trainer must, throughout the accreditation, maintain at least the level of competence required under section 35(2) or (3) or 36(2) or (3) for accreditation.

### **3      Review by chief executive**

If the chief executive reasonably believes the trainer is not competent to give the training and gives the trainer at least 7 days written notice requiring the trainer to demonstrate the trainer's competence to give the training, the trainer must demonstrate to the reasonable satisfaction of the chief executive that the trainer is competent to give the training.

### **4      Random review**

- (1) If the chief executive selects the trainer by random selection and gives the trainer at least 7 days written notice requiring the trainer to demonstrate the trainer's competence to give the training, the trainer must demonstrate to the reasonable satisfaction of the chief executive that the trainer is competent to give the training.
- (2) However, the chief executive may not make a requirement under subsection (1) on the trainer more than once every 6 months.

#### Schedule 4 (continued)

- (3) Despite subsection (2), if, after reviewing the trainer's competence, the chief executive is not satisfied the trainer is competent to give the training, the chief executive may further review the trainer's competence within the 6 months after the completion of earlier review.

### 5 Cooperation with chief executive

To enable the chief executive to carry out a review under section 3 or 4 the trainer must cooperate with every reasonable requirement of the chief executive in carrying out the review.

*Example of a reasonable requirement—*

The chief executive may require the trainer to allow the chief executive to observe the trainer giving a learner training.

### 6 Notifiable events

The trainer must give the chief executive signed notice of any of the following events within 14 days after the event happens—

- (a) the trainer changes the trainer's name;
- (b) the trainer is—
  - (i) convicted of a disqualifying offence; or
  - (ii) charged with a disqualifying offence and the charge has not been finally disposed of.

## **Schedule 5      Statutory registration conditions for registered service providers**

section 75

### **1      Compliance with registered service provider standards**

The registered service provider (*provider*) must not contravene the registered service provider standards (*standards*).

### **2      Provider's place of business to be open for inspection**

The provider's place of business must be open for inspection by an authorised officer when the place is open for the conduct of business or otherwise open for entry.

### **3      Compliance with declared sections**

(1) The provider must not contravene a declared section.

(2) In this section—

*declared section* means section 84, 85, 88(3) or 89.

### **4      Establishing eligibility of person to be trained**

The provider must, before providing or agreeing to provide Q-Ride training to a person, be reasonably satisfied the person is an eligible person for the training.

### **5      Scheduled compliance audits**

(1) The provider must, at the provider's cost, ensure that within the times mentioned in subsection (2) or (3)—

### Schedule 5 (continued)

- (a) an auditor undertakes and completes the audits, mentioned in subsection (2) or (3), of the provider's compliance with the standards; and
  - (b) the auditor gives the provider a report of the audit; and
  - (c) the report includes the mandatory particulars.<sup>9</sup>
- (2) The audit must be started no sooner than 28 days before the anniversary day for the provider and completed no later than 28 days after the anniversary day.
- (3) The provider must give the chief executive a copy of the auditor's report within 14 days after the day the audit report is completed unless the provider has a reasonable excuse.
- (4) If the auditor's report identifies non-compliance with the standards, the report must, unless the provider has a reasonable excuse, be accompanied by a signed notice from the provider stating the action the provider has taken to—
- (a) rectify the non-compliance; or
  - (b) ensure that it does not continue or reoccur.
- (5) In this section—
- anniversary day* means the date in each year that is the anniversary of the provider's registration.

## 6 Audit for non-compliance with standards

- (1) If the chief executive reasonably believes the provider is not complying with the standards, the chief executive may, by signed notice to the provider, require the provider to—
- (a) arrange for an auditor to audit the provider's compliance with the standards within the time stated in the notice, not less than 14 days; and

---

<sup>9</sup> See also the Act, chapter 3 (Road user performance and compliance), part 3 (Powers of authorised officers) for the powers of authorised officers to monitor and enforce compliance with the Act.

### Schedule 5 (continued)

- (b) give the chief executive a copy of the auditor's report within 14 days after the report is completed, unless the provider has a reasonable excuse.
- (2) If the auditor's report identifies non-compliance with the standards, the report must, unless the provider has a reasonable excuse, be accompanied by a signed notice from the provider stating the action the provider has taken to—
  - (a) rectify the non-compliance; or
  - (b) ensure that it does not continue or reoccur.
- (3) If the auditor's report identifies material non-compliance with the standards, the provider must pay the cost of the audit and the report otherwise the cost is to be paid by the chief executive.

## **7 Restriction on engaging auditor**

The provider must not engage the same auditor for more than 2 consecutive audits.

## **8 Only accredited rider trainers to give Q-Ride training**

The provider must, when providing Q-Ride training to a learner, ensure that the training is given by—

- (a) an accredited rider trainer who is an employee of the service provider; or
- (b) if the provider is an individual who is also an accredited rider trainer—the individual as an accredited rider trainer.

## **9 Notifiable events**

The provider must give the chief executive signed notice of any of the following events within 14 days after the event happens—

**Schedule 5 (continued)**

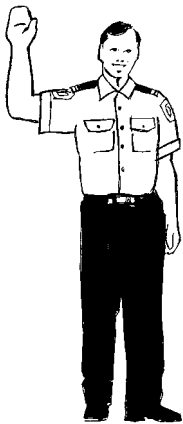
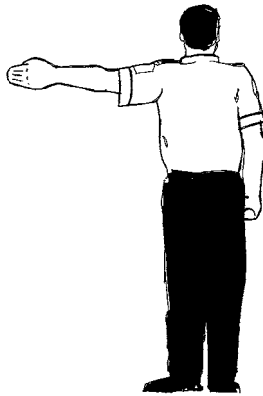
- (a) the provider changes the provider's name or place of business;
- (b) the provider changes its nominated officer or the provider's nominated officer changes the officer's name;
- (c) the provider changes the person nominated under section 86(3) to give declarations for the provider or the person nominated changes the person's name;
- (d) the provider, or if the provider is a corporation an executive officer of the provider, has been—
  - (i) convicted of a disqualifying offence; or
  - (ii) charged with a disqualifying offence and the charge has not been finally disposed of; or
  - (iii) convicted of an offence against this Act, or a corresponding law, within 5 years immediately before the application was made.

**Schedule 6****Stop and move signals by  
authorised officers other than  
police officers**

section 120

**1. 'Stop' signal—for persons facing signal**

Figure 1

figure 1(a)  
from the frontfigure 1(b)  
from the rearfigure 1(c)  
from left side



Schedule 6 (continued)



figure 1(d)  
from right side

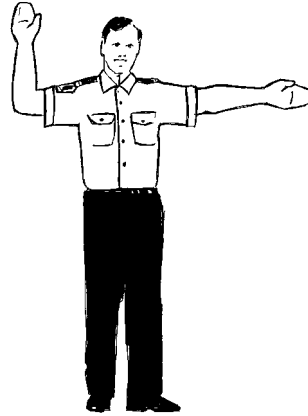


figure 1(e)  
combination from front and rear

**2. 'Move vehicle in preparation for stopping' signal—for person facing signal**

Figure 2

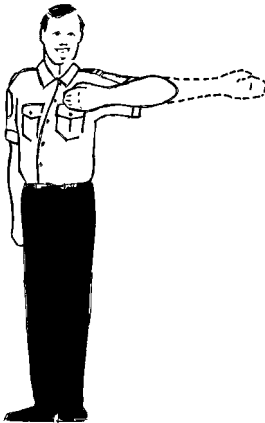


figure 2(a)  
from left side

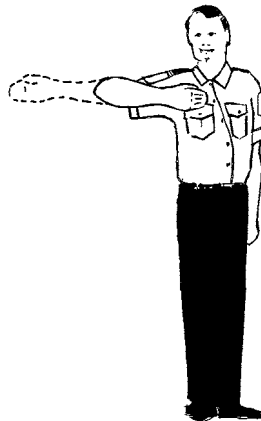


figure 2(b)  
from right side

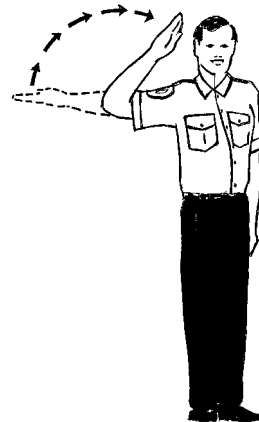


figure 2(c)  
from right side

Schedule 6 (continued)

**3. 'Move vehicle to stop at place indicated' signal—for  
person facing signal**

Figure 3



figure 3(a)  
in front



figure 3(b)  
behind

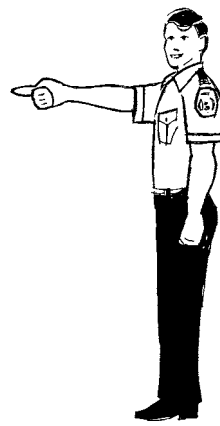


figure 3(c)  
at kerb etc.

## **Schedule 7      Reviewable decisions**

section 124

<b>Section</b>	<b>Description of decision</b>	<b>Court</b>
7	Refusing application for appointment as accredited person	Magistrates
39	Refusing to grant accreditation or granting accreditation on a condition imposed by the chief executive	Magistrates
39, 45 and 46	Refusing to grant renewal of accreditation or granting renewal of accreditation on a condition imposed by the chief executive	Magistrates
72	Refusing to grant registration or granting registration on a condition imposed by the chief executive	Magistrates
72, 77 and 78	Refusing to grant renewal of registration or granting renewal of registration on a condition imposed by the chief executive	Magistrates

## Schedule 8      Fees

section 125

\$

1	Application for appointment as accredited person—	
	(a) escort vehicle driver or pilot vehicle driver . . .	70.85
	(b) approved examiner . . . . .	20.10
	(c) traffic controller . . . . .	74.15
2	Application for replacement of accreditation document or identity card . . . . .	15.85
3	Application for grant, or renewal, of accreditation as a driver trainer . . . . .	153.55
4	Application for replacement of accreditation notice or identity card . . . . .	15.85

## Schedule 9      Dictionary

### section 3

***accreditation*** for part 3, division 3, see section 37.<sup>10</sup>

***accredited***, for a driver trainer, means accredited under this regulation.

***accredited rider trainer*** see section 33.<sup>11</sup>

***advertisement*** includes circular, notice, sign and matter that is not in writing but which conveys a message because of the form or context in which it appears.

***approved examiner*** means a person who holds an appointment under part 2<sup>12</sup> as an accredited person with the function of an approved examiner.

***auditor*** means a person whose name is recorded in the register required to be kept under section 97.<sup>13</sup>

***authorising officer***, for part 5, see section 101.

***code of conduct*** see section 58.<sup>14</sup>

***commercial vehicle*** means a motor vehicle built—

- (a) in accordance with an Australian Design Rule for Motor Vehicles and Trailers as endorsed by the Australian Transport Advisory Council and issued by the Commonwealth Department of Transport; and
- (b) mainly to—
  - (i) carry goods; or
  - (ii) tow a trailer.

---

10 Section 37 (Definition for div 3)

11 Section 33 (Who is an *accredited rider trainer*)

12 Part 2 (Accredited persons)

13 Section 97 (Auditor register)

14 Section 58 (Code of conduct)

### Schedule 9 (continued)

**competencies** see section 96.<sup>15</sup>

**competency declaration**, for riding a class RE or R motorbike, means a declaration, in the approved form, by a registered service provider that the learner named in the declaration has attained the competencies to ride the class of motorbike stated in the declaration.

**competency recommendation notice** see section 54.<sup>16</sup>

**competency standards** see section 96.

**council**, for part 3, see section 30.

**driver** means the person driving or in control of a motor vehicle.

**driver trainer** see section 31.

**driver training** see section 32.

**driver training record** see section 63.

**eligible person** see section 68.

**employee** includes agent or contractor.

**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 the Mass, Dimensions and Loading Regulation, part 6.

**escort vehicle driver** means a person who holds an appointment under part 2 as an accredited person with the functions of an escort vehicle driver.

**event**, for part 5, see section 101.

---

15 Section 96 (Competency standards)

16 Section 54 (Employed accredited rider trainer may recommend learner be given competency declaration)

### Schedule 9 (continued)

**information notice**, for a decision of the chief executive, means a signed notice stating the following—

- (a) the decision;
- (b) the reasons for the decision;
- (c) the day the decision has effect;
- (d) the person to whom the notice is given may, under section 124, ask for the decision to be reviewed and may appeal against the reviewed decision.

**insolvent under administration** see the Corporations Act, section 9.

**learner** means—

- (a) for a person who is undertaking driver training—a person who holds a driver licence authorising the person to learn to drive the class of motor vehicle for which the training is given; or
- (b) for a person who is undertaking Q-Ride training—an eligible person for the class of motorbike.

**L plate**, for part 3, division 7, see section 57.

**mandatory particulars** see section 98.

**Mass, Dimensions and Loading Regulation** means the *Transport Operations (Road Use Management—Mass, Dimensions and Loading) Regulation 2005*.

**motorbike**, for parts 3 and 4, means a 2 wheeled motor vehicle that does not have a sidecar attached to it.

**nominated officer** see section 86.

**oversize vehicle** means a vehicle that, together with any load, does not comply with the Mass, Dimensions and Loading Regulation, part 3.

**pilot vehicle** means a vehicle that—

- (a) travels with an oversize vehicle to warn other road users of the oversize vehicle's presence; and

### Schedule 9 (continued)

- (b) under a guideline or permit under the Mass, Dimensions and Loading Regulation, part 6, is required to be driven by—
- (i) a pilot vehicle driver; or
  - (ii) an escort vehicle driver; or
  - (iii) another person stated in the guideline or permit.

***pilot vehicle driver*** means a person who holds an appointment under part 2 as an accredited person with the functions of a pilot vehicle driver.

***pre-licence driver training***, for part 3, see section 30.

***Q-Ride training*** see section 34.

***Q-Ride training record*** see section 64.

***qualifications***, for part 3, see section 30.<sup>17</sup>

***registered service provider*** see section 69.

***registered service provider's learner record*** see section 84.

***registered service provider standards*** see section 95.

***registered training organisation***, for part 3, see section 30.

***registration notice*** see section 73.<sup>18</sup>

***reward*** includes benefit, commission, fee, salary and wage.

***scheme*** means the scheme for Q-Ride training provided for in parts 3 and 4.

***special circumstances permit***, for part 5, see section 101.

***special event***, for part 5, see section 101.

***special event permit***, for part 5, see section 101.

***take part in***, for part 5, see section 101.

---

17 Section 30 (Definitions for pt 3)

18 Section 73 (Granting registration)



### Schedule 9 (continued)

***TCASAP*** means the document called Traffic Controller Accreditation Scheme Approved Procedure published by the department.<sup>19</sup>

***traffic controller*** means a person who holds an appointment under part 2 as an accredited person with the function of a traffic controller.

***vehicle*** includes anything the vehicle carries that is essential for its operation.

***Vehicle Standards and Safety Regulation*** means the *Transport Operations (Road Use Management—Vehicle Standards and Safety) Regulation 1999*.

---

#### ENDNOTES

- 1 Made by the Governor in Council on 11 August 2005.
- 2 Notified in the gazette on 12 August 2005.
- 3 Laid before the Legislative Assembly on . . .
- 4 The administering agency is the Department of Transport.

© State of Queensland 2005

---

<sup>19</sup> A copy of this document may be obtained during business hours from any Queensland Transport Customer Service Centre.