



Queensland

Transport and Other Legislation Amendment Regulation (No. 1) 2014

Subordinate Legislation 2014 No. 8

made under the

Police Powers and Responsibilities Act 2000

Queensland Civil and Administrative Tribunal Act 2009

State Penalties Enforcement Act 1999

Tow Truck Act 1973

Transport Infrastructure Act 1994

Transport Operations (Passenger Transport) Act 1994

Transport Operations (Road Use Management) Act 1995

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Part 1 Preliminary

1 Short title

This regulation may be cited as the *Transport and Other Legislation Amendment Regulation (No. 1) 2014*.

2 Commencement

This regulation commences on 10 February 2014 on the commencement of the *Transport and Other Legislation (Heavy Vehicle National Law) Amendment Act 2013*, part 4.

Part 2 Amendment of Police Powers and Responsibilities Regulation 2012

3 Regulation amended

This part amends the *Police Powers and Responsibilities Regulation 2012*.

4 Amendment of s 19 (Prescribed type 2 vehicle related offence—Act, s 69A(2)(e))

(1) Section 19, heading, after ‘s 69A(2)(e)’—
insert—

—**Road Use Management Act**

(2) Section 19, ‘the offences are the contravention of’—
omit, insert—

offences against the Road Use Management Act that are prescribed are offences against

[s 5]

5 Insertion of new s 19A

After section 19—

insert—

19A Prescribed type 2 vehicle related offence—Act, s 69A(2)(e)—Heavy Vehicle National Law (Queensland)

- (1) For section 69A(2)(e) of the Act, offences against the Heavy Vehicle National Law (Queensland) that are prescribed are offences against any of the following provisions of that Law—
 - (a) section 60(1), if the offence involves—
 - (i) failing to fit a vehicle with equipment (*required equipment*) required for the vehicle in the heavy vehicle standards; or
 - (ii) fitting a vehicle with required equipment that does not comply with the requirements for the equipment stated in the heavy vehicle standards; or
 - (iii) fitting a vehicle with optional equipment that does not comply with the requirements for the equipment stated in the heavy vehicle standards; or
 - (iv) failing to comply with the stationary noise level for a vehicle stated in the heavy vehicle standards;
 - (b) section 85(2);
 - (c) section 90(1) or (3), if the offence involves an emission control system that reduces noise emission from a vehicle;
 - (d) section 91(1) or (2), if the offence involves an emission control system that reduces noise emission from a vehicle.

(2) In this section—

heavy vehicle standards see the Heavy Vehicle National Law (Queensland), section 5.

6 Amendment of sch 2 (Relevant law)

Schedule 2—

insert—

Heavy Vehicle National Law (Queensland)

7 Amendment of sch 3 (Prescribed Acts—Act, section 41(g))

Schedule 3—

insert—

Heavy Vehicle National Law (Queensland)

Part 3 Amendment of Queensland Civil and Administrative Tribunal Regulation 2009

8 Regulation amended

This part amends the *Queensland Civil and Administrative Tribunal Regulation 2009*.

9 Amendment of sch 1 (Enabling Acts and provisions)

(1) Schedule 1, part 2, ‘*Transport Operations (Road Use Management—Fatigue Management) Regulation 2008*’—

omit.

(2) Schedule 1, part 2—

12 Insertion of new s 8E

After section 8D—

insert—

8E Administering authority for HVNL(Q) or national regulation

To remove any doubt it is declared that the administering authority for an infringement notice offence against a provision of HVNL(Q) or a national regulation under that Law, or an infringement notice about the offence, is the department within which the *Heavy Vehicle National Law Act 2012* is administered.

13 Amendment of sch 3 (Transport legislation)

(1) Schedule 3—

insert—

Heavy Vehicle (Mass, Dimension and Loading) National Regulation

Column 1 Infringement notice offence	Column 2 For amount of infringement notice fine see section 4(3)
s 11(1)	
s 16(2)	
s 28.....	
s 34(2)	
s 36(2)	

Authorised person for service of infringement notices—an authorised officer under HVNL(Q)

[s 13]

Heavy Vehicle National Law Act 2012

Column 1 Infringement notice offence	Column 2 Infringement notice fine (penalty units)
s 39(2)	6

Authorised person for service of infringement notices—an authorised officer under HVNL(Q)

Heavy Vehicle National Law (Queensland)

Column 1 Infringement notice offence	Column 2 For amount of infringement notice fine see section 4(3)
s 60(1)	
s 79(2)	
s 81(1)	
s 81(2)	
s 81(3)	
s 82(2)	
s 82(3)	
s 83(1)	
s 83(2)	
s 83(3)	
s 85(1)	
s 85(2)	
s 86(2)	
s 89(1)	

s 90(1)	.....
s 90(2)	.....
s 90(3)	.....
s 92(2)	.....
s 96(1)	in the circumstances in paragraph (a) of the penalty.
s 96(1)	in the circumstances in paragraph (b) of the penalty.
s 102(1)	in the circumstances in paragraph (a) of the penalty.
s 102(1)	in the circumstances in paragraph (b)(i) of the penalty
s 102(1)	in the circumstances in paragraph (b)(ii) of the penalty
s 109(2)	.....
s 111(1)	in the circumstances in paragraph (a) of the penalty.
s 111(1)	in the circumstances in paragraph (b) of the penalty.
s 129(1)	.....
s 129(2)	.....
s 129(3)	.....
s 130(2)	.....
s 130(3)	.....
s 131(1)	.....
s 132(2)	.....
s 132(3)	.....
s 133(1)	.....
s 133(2)	.....
s 133(3)	.....
s 134(1)	.....
s 134(2)	.....
s 137	.....

[s 13]

s 150(1)	.....
s 151(2)	.....
s 151(3)	.....
s 152(1)	.....
s 152(2)	.....
s 152(3)	.....
s 153(1)	.....
s 153(2)	.....
s 181(3)	.....
s 183(2)	if section 183(2)(a), (b) or (c) applies and relates to a contravention of—
(a)	section 96(1) in the circumstances in paragraph (a) of the penalty for section 96(1); or
(b)	section 96(1) in the circumstances in paragraph (b) of the penalty for section 96(1); or
(c)	section 102(1) in the circumstances in paragraph (a) of the penalty for section 102(1); or
(d)	section 102(1) in the circumstances in paragraph (b)(i) or (ii) of the penalty for section 102(1); or
(e)	section 111(1) in the circumstances in paragraph (a) of the penalty for section 111(1); or
(f)	section 111(1) in the circumstances in paragraph (b) of the penalty for section 111(1)....
s 184(1)	.....
s 185(1)	.....
s 185(2)	.....
s 190(1)	.....
s 191(1)	.....

s 191(3)	.....
s 192(1)	.....
s 192(2)	.....
s 219(1)	other than in the circumstances in paragraphs (d)(ii) and (e)(ii) of the penalty.
s 250(1)	in the circumstances in paragraph (a) of the penalty.
s 250(1)	in the circumstances in paragraph (b) of the penalty.
s 251(1)	in the circumstances in paragraph (a) of the penalty.
s 251(1)	in the circumstances in paragraph (b) of the penalty.
s 254(1)	in the circumstances in paragraph (a) of the penalty.
s 254(1)	in the circumstances in paragraph (b) of the penalty.
s 256(1)	in the circumstances in paragraph (a) of the penalty.
s 256(1)	in the circumstances in paragraph (b) of the penalty.
s 258(1)	in the circumstances in paragraph (a) of the penalty.
s 258(1)	in the circumstances in paragraph (b) of the penalty.
s 260(1)	in the circumstances in paragraph (a) of the penalty.
s 260(1)	in the circumstances in paragraph (b) of the penalty.
s 263(1)	.....
s 284(2)	.....
s 286(1)	.....
s 287(2)	.....
s 287(3)	.....

[s 13]

s 288(1)	.....
s 288(2)	.....
s 288(3)	.....
s 293(1)	.....
s 296(1)	.....
s 297(2)	.....
s 298(1)	.....
s 299	.....
s 301	.....
s 302	.....
s 303	.....
s 305(1)	.....
s 305(2)
s 305(3)
s 306
s 307(2)
s 308(1)
s 309(2)
s 310(2)
s 319(1)
s 321(1)
s 321(2)
s 322(2)
s 323(2)
s 341(1)
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s 341(3)
s 341(4)
s 354(3)
s 354(5)
s 355(2)
s 355(4)

s 355(6)
s 373(2)
s 375
s 376(2)
s 376(3)
s 377
s 392(2)
s 395	.....
s 396(2)	.....
s 399(2)	.....
s 467	.....
s 468(1)	.....
s 468(3)	.....
s 469(2)	.....
s 470(3)	.....
s 470(8)	.....
s 471(2)	.....
s 471(3)	.....
s 476(2)	.....
s 488	.....
s 513(4)	.....
s 514(3)	.....
s 516(3)	.....
s 517(4)	.....
s 522(5)	.....
s 524(5)	.....
s 526(4)	.....
s 528(3)	.....
s 529	.....
s 533(7)	.....
s 534(5)	.....
s 567(4)	.....

[s 13]

s 568(3)	
s 568(7)	
s 569(2)	
s 569(7)	

Authorised person for service of infringement notices—an authorised officer under HVNL(Q)

- (2) Schedule 3, entry for *Traffic Regulation 1962*, entry for section 76—

omit, insert—

s 76(1)	1 ¹³ / ₁₅	9 ¹ / ₃
s 76(2)	1 ¹³ / ₁₅	9 ¹ / ₃

- (3) Schedule 3, entry for *Transport Operations (Road Use Management—Accreditation and Other Provisions) Regulation 2005*—

insert—

s 112B(2)	2
s 112B(3)	2
s 112C(1)	2
s 112C(2)	2
s 112C(4)	2

- (4) Schedule 3, entry for *Transport Operations (Road Use Management) Act 1995*, entries for sections 39E(7), 39F(5), 39G(5), 39O(1), 50(5), 57B(2) and 163A(1)—

omit.

- (5) Schedule 3, entry for *Transport Operations (Road Use Management) Act 1995*, column 1 entry for section 33(4), ‘suspected dangerous goods vehicle or a prescribed heavy vehicle’—

omit, insert—

heavy vehicle, a prescribed vehicle or a suspected dangerous goods vehicle

- (6) Schedule 3, entry for *Transport Operations (Road Use Management) Act 1995*, column 1 entry for section 37(2), ‘heavy’—

omit.

- (7) Schedule 3, entry for *Transport Operations (Road Use Management) Act 1995*, column 1 entry for section 38(3), ‘suspected dangerous goods vehicle or a prescribed heavy vehicle’—

omit, insert—

suspected dangerous goods vehicle, a heavy vehicle or a prescribed vehicle

- (8) Schedule 3, entry for *Transport Operations (Road Use Management) Act 1995*, column 1 entry for section 39(3), ‘prescribed heavy vehicle or’—

omit, insert—

heavy vehicle, a prescribed vehicle or

- (9) Schedule 3, entries for *Transport Operations (Road Use Management—Fatigue Management) Regulation 2008* and the *Transport Operations (Road Use Management—Mass, Dimensions and Loading) Regulation 2005*—

omit.

- (10) Schedule 3, entry for *Transport Operations (Road Use Management—Vehicle Registration) Regulation 2010*, entry for section 12(4)—

omit.

- (11) Schedule 3, entry for *Transport Operations (Road Use Management—Vehicle Registration) Regulation 2010*, entry for section 12(5), ‘12(5)’—

omit, insert—

12(4)

[s 13]

(12) Schedule 3, entry for <i>Transport Operations (Road Use Management—Vehicle Registration) Regulation 2010—</i> <i>insert—</i>		
s 59A(3).....	2	2
(13) Schedule 3, entry for <i>Transport Operations (Road Use Management—Vehicle Standards and Safety) Regulation 2010</i> , entries for sections 5(4), 5(5), 12(3), 30(2), 31, 32(1), 32(2) and 32(4)— <i>omit.</i>		
(14) Schedule (3), entry for <i>Transport Operations (Road Use Management—Vehicle Standards and Safety) Regulation 2010—</i> <i>insert—</i>		
s 13D		3
s 13E		3
s 13F		3
s 13G(1).....		1
s 13H(1).....		1
s 13I(1).....		1
s 13J(1).....		1
s 13M(2).....		2/3
s 13M(3).....		2/3
s 13N(2).....		2/3
s 13N(4).....		2/3
s 13O(1).....		2/3
s 13Q(1) for a private vehicle.....		2
for a prescribed vehicle.....		3
s 13R(1) for a private vehicle.....		2
for a prescribed vehicle.....		3
s 16A(1).....		2

14 Amendment of sch 5 (Other legislation)

- (1) Schedule 5, entry for *Police Powers and Responsibilities Act 2000*, column 2 heading, ‘(penalty units)’—

omit insert—

(penalty units (unless section 4(4) applies))

- (2) Schedule 5, entry for *Police Powers and Responsibilities Act 2000*, all entries from the entry for section 60(2) to the entry for section 68(3)—

omit.

- (3) Schedule 5, entry for *Police Powers and Responsibilities Act 2000*—

insert—

s 60(2)	in the circumstances in paragraph (a) of the penalty.	6
	in the circumstances in paragraph (b) of infringement notice fine the penalty. for HVNL(Q), section 513(4)	
	in the circumstances in paragraph (c) of the penalty.	15
s 61(4)	in the circumstances in paragraph (a) of the penalty.	6
	in the circumstances in paragraph (b) of infringement notice fine the penalty. for HVNL(Q), section 516(3)	
	in the circumstances in paragraph (c) of the penalty.	15
s 62(2)	in the circumstances in paragraph (a) of infringement notice fine the penalty. for HVNL(Q), section 514(3)	
	in the circumstances in paragraph (b) of the penalty.	6
s 65(3)	in the circumstances in paragraph (a) of infringement notice fine the penalty. for HVNL(Q), section 522(5)	

[s 15]

	in the circumstances in paragraph (b) of the penalty	6
s 66(3)	in the circumstances in paragraph (a) of the penalty	6
	in the circumstances in paragraph (b) of infringement notice fine the penalty for HVNL(Q), section 529	
	in the circumstances in paragraph (c) of the penalty	15
s 67(3)	in the circumstances in paragraph (a) of the penalty	6
	in the circumstances in paragraph (b) of the penalty	15
s 68(3)	in the circumstances in paragraph (a) of the penalty	6
	in the circumstances in paragraph (b) of the penalty	15
	in the circumstances in paragraph (c) of the penalty	15

15 Amendment of sch 6 (Dictionary)

Schedule 6—

insert—

HVNL(Q) means the Heavy Vehicle National Law (Queensland).

Part 5 Amendment of Tow Truck Regulation 2009

16 Regulation amended

This part amends the *Tow Truck Regulation 2009*.

17 Amendment of s 10D (Codes on certificate notice)

- (1) Section 10D(2), ‘1999’—

omit, insert—

2010

- (2) Section 10D(2), editor’s note—

omit.

18 Amendment of s 38 (Tow truck specifications)

- (1) Section 38—

insert—

- (1A) However, if the tow truck is a heavy vehicle, subsection (1)(a) does not apply to the tow truck to the extent that the matters mentioned in that provision are covered by the Heavy Vehicle National Law (Queensland).

- (2) Section 38(1A) and (2)—

renumber as section 38(2) and (3).

19 Amendment of sch 1 (Tow truck specifications)

- (1) Schedule 1, part 4, item 2—

omit, insert—

- 2 A tow truck must be maintained in accordance with any requirements that apply to the tow truck under the *Transport Operations (Road Use Management—Vehicle Standards and Safety) Regulation 2010*.

- (2) Schedule 1, part 4, item 5(a)(ii)(A)—

omit, insert—

- (A) complying with any requirements that apply to the trailer under the *Transport Operations (Road Use*

[s 20]

Management—Vehicle Standards and Safety) Regulation 2010, part 2A, division 2 or schedule 1; and

- (3) Schedule 1, part 4, item 6, after ‘the tow truck’—
insert—
if the tow truck is not a heavy vehicle

20 Amendment of sch 5 (Dictionary)

- (1) Schedule 5—
insert—
heavy vehicle means a heavy vehicle for the purposes of the Heavy Vehicle National Law (Queensland), as provided for in section 6 of that Law.
- (2) Schedule 5, definition *class*, from ‘see’—
omit, insert—
see the *Transport Operations (Road Use Management—Driver Licensing) Regulation 2010*, schedule 9, definition *class*.
- (3) Schedule 5, definition *total mass*, paragraph (b)(ii), from ‘under’—
omit, insert—
under the Heavy Vehicle National Law (Queensland).

under the Heavy Vehicle National Law (Queensland).

- (2) Section 29(3), definition *road train*—

omit, insert—

road train see the Heavy Vehicle National Law (Queensland), section 5.

Part 8 Amendment of Transport Operations (Passenger Transport) Regulation 2005

25 Regulation amended

This part amends the *Transport Operations (Passenger Transport) Regulation 2005*.

26 Amendment of s 105A (Special purpose limousines—Act, sch 3, def *special purpose limousine*)

- (1) Section 105A(1), note—

omit, insert—

Note for paragraphs (a)(ii) and (b)(ii)—

For requirements about modifying a vehicle, including a passenger car or a stretched version of a passenger vehicle, that is to become a special purpose limousine see—

- 1 if the vehicle is a heavy vehicle—the Heavy Vehicle National Law (Queensland), Part 3.3; or
- 2 otherwise—the *Transport Operations (Road Use Management—Vehicle Standards and Safety) Regulation 2010*.

- (2) Section 105A(2)—

insert—

29 Insertion of new s 14A

After section 14—

insert—

14A Compliance with Heavy Vehicle National Law (Queensland)

A driver of a relevant vehicle that is a heavy vehicle must comply with all provisions of the Heavy Vehicle National Law (Queensland) imposing an obligation, prohibition, restriction or other requirement on the driver in relation to—

- (a) the vehicle, including, for example, its design, condition, equipment, mass, loading or signs; or
- (b) the driving, use or operation of the vehicle; or
- (c) being in charge of the vehicle.

30 Replacement of s 23 (Compliance with vehicle standards regulation, s 5)

Section 23—

omit, insert—

23 Compliance with relevant vehicle standards

- (1) An operator of a relevant service must ensure that each vehicle providing the service complies with the relevant vehicle standards for the vehicle.
- (2) In this section—
relevant vehicle standards, for a vehicle, means the following to the extent that they apply to the vehicle—
 - (a) the heavy vehicle standards under the Heavy Vehicle National Law (Queensland);
 - (b) the requirements stated in the vehicle standards regulation, section 5.

[s 31]

31 Amendment of s 25 (Design and construction of bus manufactured before 20 May 1992)

Section 25, note—

omit, insert—

Note—

- 1 The Code of Practice ‘Omnibus Licensing Evaluation S6’ forms part of the NHVR Code of Practice for the Approval of Heavy Vehicle Modifications and is available on the National Heavy Vehicle Regulator’s website. At the commencement of this note the website was <www.nhvr.gov.au>.
- 2 At the commencement of this note, the code was prescribed under the Heavy Vehicle (Vehicle Standards) National Regulation, section 12.

32 Amendment of s 27 (Type and age of vehicles etc.)

Section 27(2)—

omit, insert—

- (2) The operator is taken to comply with subsection (1) if—
 - (a) the vehicle complies with the requirements for the vehicle, if any, stated in schedule 1; and
 - (b) if the Heavy Vehicle (Vehicle Standards) National Regulation, schedule 2, part 6, division 16 (the *division*) applies to the vehicle—either of the following applies—
 - (i) the vehicle complies with the requirements for the vehicle, if any, stated in the division;
 - (ii) if the vehicle does not comply with a requirement mentioned in subparagraph (i)—the vehicle is the subject of a vehicle standards exemption under the Heavy Vehicle

National Law (Queensland), granted for the requirement.

33 Amendment of sch 1 (Vehicle requirements and operator's obligations)

Schedule 1, part 4—

insert—

18A Application of pt 4

This part does not apply to a heavy vehicle to which the Heavy Vehicle (Vehicle Standards) National Regulation, schedule 2, part 6, division 16 applies.

34 Amendment of sch 2 (Heavy bus service life extensions)

(1) Schedule 2, section 6(2), from 'vehicle'—

omit, insert—

Heavy Vehicle (Vehicle Standards) National Regulation, schedule 2, section 84(2).

(2) Schedule 2, section 6(3), from 'vehicle'—

omit, insert—

Heavy Vehicle (Vehicle Standards) National Regulation, schedule 2, section 87(5).

(3) Schedule 2, section 12(5), from 'vehicle'—

omit, insert—

Heavy Vehicle (Vehicle Standards) National Regulation, schedule 2, section 84(2).

(4) Schedule 2, section 16(2), definition *code*—

omit, insert—

code means the NHVR Code of Practice for the Approval of Heavy Vehicle Modifications.

Note—

[s 35]

- 1 The code is available on the National Heavy Vehicle Regulator's website. At the commencement of this definition the website was <www.nhvr.gov.au>.
- 2 At the commencement of this definition, the code was prescribed under the Heavy Vehicle (Vehicle Standards) National Regulation, section 12.

35 Amendment of sch 4 (Dictionary)

- (1) Schedule 4, definition *ADR*—

omit.

- (2) Schedule 4—

insert—

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

heavy vehicle means a heavy vehicle for the purposes of the Heavy Vehicle National Law (Queensland), as provided for in section 6 of that Law.

- (3) Schedule 4, definition *overloaded*, paragraph (a)—

omit, insert—

- (a) for a heavy vehicle—not complying with a mass requirement under the Heavy Vehicle National Law (Queensland); and

Part 10 **Amendment of Transport Operations (Road Use Management—Accreditation and Other Provisions) Regulation 2005**

36 Regulation amended

This part amends the *Transport Operations (Road Use Management—Accreditation and Other Provisions) Regulation 2005*.

37 Amendment of s 7 (Refusing application)

Section 7(1)(a)(iii)—

omit, insert—

(iii) convicted of an offence, within 5 years immediately before the application was made, against—

(A) the Act or a corresponding law; or

(B) the Heavy Vehicle National Law or a law of another State that corresponds to a provision of the Heavy Vehicle National Law; or

38 Amendment of s 20 (Offence to drive pilot vehicle)

(1) Section 20, heading, after ‘vehicle’—

insert—

**for oversize light vehicle other than as required
under guideline or permit**

(2) Section 20, after ‘a pilot vehicle’—

insert—

for an oversize light vehicle

[s 39]

- (3) Section 20, ‘Mass, Dimensions and Loading Regulation, part 6’—

omit, insert—

Vehicle Standards and Safety Regulation, part 3

39 Insertion of new s 20A

Part 2, division 2—

insert—

20A Requirement for pilot vehicle driver or escort vehicle driver to drive pilot vehicle

- (1) This section applies if—
- (a) either—
 - (i) a condition of a mass or dimension exemption under the Heavy Vehicle National Law (Queensland) requires a pilot vehicle, under that Law, to accompany an oversize vehicle; or
 - (ii) a condition of a guideline or permit under the Vehicle Standards and Safety Regulation, part 3, requires a pilot vehicle, under the Act, to travel with an oversize vehicle; and
 - (b) a vehicle (the *vehicle*) accompanies or travels with the oversize vehicle to warn other road users of the oversize vehicle’s presence.
- (2) A person must not drive the vehicle for the purposes of subsection (1)(b) unless the person is a pilot vehicle driver or an escort vehicle driver.

Maximum penalty—

- (a) if subsection (1)(a)(i) applies—the penalty for the contravention of the Heavy Vehicle

National Law (Queensland), section 130(2)
by an individual; or

(b) if subsection (1)(a)(ii) applies—the penalty
for the contravention of section 20 by an
individual.

(3) Subsection (2) is a requirement for the purposes
of the Act, schedule 4, definition *pilot vehicle*,
paragraph (b).

40 Amendment of s 23 (Offence to drive escort vehicle)

(1) Section 23, heading, after ‘vehicle’—

insert—

**for oversize light vehicle other than as required
under guideline or permit**

(2) Section 23, after ‘an escort vehicle’—

insert—

for an oversize light vehicle

(3) Section 23, ‘Mass, Dimensions and Loading Regulation, part
6’—

omit, insert—

Vehicle Standards and Safety Regulation, part 3

41 Insertion of new s 23A

Part 2, division 3—

insert—

23A Requirement for escort vehicle driver to drive escort vehicle

(1) This section applies if—

(a) either—

(i) a condition of a mass or dimension
exemption under the Heavy Vehicle

National Law (Queensland) requires an escort vehicle, under that Law, to accompany an oversize vehicle; or

- (ii) a condition of a guideline or permit under the Vehicle Standards and Safety Regulation, part 3, requires an escort vehicle, under the Act, to travel with an oversize vehicle; and
 - (b) a vehicle (the *vehicle*) accompanies or travels with the oversize vehicle to warn other road users of the oversize vehicle's presence.
- (2) A person must not drive the vehicle for the purposes of subsection (1)(b) unless the person is an escort vehicle driver.

Maximum penalty—

- (a) if subsection (1)(a)(i) applies—the penalty for the contravention of the Heavy Vehicle National Law (Queensland), section 130(2) by an individual; or
 - (b) if subsection (1)(a)(ii) applies—the penalty for the contravention of section 23 by an individual.
- (3) Subsection (2) is a requirement for the purposes of the Act, schedule 4, definition *escort vehicle*, paragraph (b).

42 Amendment of s 24 (Function)

Section 24(2) and (3)—

omit, insert—

- (2) The function of an accredited person who is an approved person is to inspect a vehicle that is a modified vehicle under the Vehicle Standards and

Safety Regulation to decide whether or not the modification makes the vehicle defective.

- (3) Subsection (4) applies if the Heavy Vehicle National Law (Queensland), Part 3.3 provides for a modification, to which that Part applies, to be approved by an approved vehicle examiner under that Law.
- (4) It is also the function of an accredited person who is an approved person to approve the modification.

43 Amendment of s 35 (Accrediting driver trainers)

Section 35(4)(a)(iii)—

omit, insert—

- (iii) convicted of an offence, within 5 years immediately before the application was made, against—
 - (A) the Act or a corresponding law; or
 - (B) the Heavy Vehicle National Law or a law of another State that corresponds to a provision of the Heavy Vehicle National Law; or

44 Amendment of s 36 (Accrediting rider trainers)

Section 36(4)(a)(iii)—

omit, insert—

- (iii) convicted of an offence, within 5 years immediately before the application was made, against—
 - (A) the Act or a corresponding law; or
 - (B) the Heavy Vehicle National Law or a law of another State that

corresponds to a provision of the
Heavy Vehicle National Law; or

45 Amendment of s 71 (Suitability for registration)

(1) Section 71(2)(a)(iii)—

omit, insert—

(iii) convicted of an offence, within 5 years
immediately before the application was
made, against—

(A) the Act or a corresponding law; or

(B) the Heavy Vehicle National Law
or a law of another State that
corresponds to a provision of the
Heavy Vehicle National Law; or

(2) Section 71(2)(b)(ii)—

omit, insert—

(ii) convicted of an offence, within 5 years
immediately before the application was
made, against—

(A) the Act or a corresponding law; or

(B) the Heavy Vehicle National Law
or a law of another State that
corresponds to a provision of the
Heavy Vehicle National Law; or

**46 Amendment of s 100C (Nominee required to notify chief
executive of particular events)**

Section 100C(b)—

omit, insert—

(b) the nominee is convicted of an offence
against—

(i) the Act or a corresponding law; or

- (ii) the Heavy Vehicle National Law or a law of another State that corresponds to a provision of the Heavy Vehicle National Law.

47 Amendment of s 100S (Prescribed approvals—Act, ss 17B and 18(1)(c)(ii))

- (1) Section 100S(1)(a)—

omit, insert—

- (a) convicted of an offence against—

- (i) the Act or a corresponding law; or
- (ii) the Heavy Vehicle National Law or a law of another State that corresponds to a provision of the Heavy Vehicle National Law; or

- (2) Section 100S(3)(a)—

omit, insert—

- (a) convicted of an offence against—

- (i) the Act or a corresponding law; or
- (ii) the Heavy Vehicle National Law or a law of another State that corresponds to a provision of the Heavy Vehicle National Law; or

- (3) Section 100S(4)(a)—

omit, insert—

- (a) convicted of an offence against—

- (i) the Act or a corresponding law; or
- (ii) the Heavy Vehicle National Law or a law of another State that corresponds to a provision of the Heavy Vehicle National Law; or

(4) Section 100S(5)(a)—

omit, insert—

(a) convicted of an offence against—

(i) the Act or a corresponding law; or

(ii) the Heavy Vehicle National Law or a law of another State that corresponds to a provision of the Heavy Vehicle National Law; or

48 Amendment of s 102 (Meaning of *special event* for pt 5)

(1) Section 102(1)(c)(i)—

omit.

(2) Section 102(1)(c)(ii) and (iii)—

renumber as section 102(1)(c)(i) and (ii).

49 Amendment of s 104 (Authority of special event permit)

Section 104(2), ‘the Mass, Dimensions and Loading Regulation,’

omit.

50 Amendment of s 106 (Issuing a special circumstances permit)

Section 106(2), example, paragraphs 1 and 2, ‘Mass, Dimensions and Loading Regulation’—

omit, insert—

Vehicle Standards and Safety Regulation, part 2A

51 Amendment of s 107 (Authority of special circumstances permit)

Section 107(2), ‘Mass, Dimensions and Loading Regulation’—

omit, insert—

Vehicle Standards and Safety Regulation, part 2A

52 Insertion of new pt 5A

After section 107—

insert—

Part 5A Protection of roads and structures

107A Definition for pt 5A

In this part—

State-controlled road means a road or land, or part of a road or land, declared to be a State-controlled road under the *Transport Infrastructure Act 1994*, section 24.

107B Damage to road transport infrastructure

- (1) A person must not use, or permit to be used, on a State-controlled road, whether with a gravel formation or sealed surface, any vehicle or equipment that may damage the road, other than under a permit issued under section 107C.

Maximum penalty—80 penalty units.

- (2) A person must not use, or permit to be used, on a State-controlled road, any vehicle or equipment that is not fitted with pneumatic or rubber tyres, other than—

- (a) under a permit issued under section 107C;
or
- (b) for the construction of works for, or the
maintenance of, road transport
infrastructure.

Maximum penalty—80 penalty units.

107C Application for, and issue of, permit

- (1) A person may apply to the chief executive for a
permit under this section.
- (2) The application must—
 - (a) be written; and
 - (b) be made to the chief executive at least 10
business days before the vehicle or
equipment is to be used on the
State-controlled road.
- (3) The chief executive may issue the permit, with or
without conditions, or refuse to issue the permit.
- (4) A permit may include conditions about any of the
following—
 - (a) the State-controlled roads on which the
vehicle or equipment may be used;
 - (b) the period for which the vehicle or
equipment may be used on State-controlled
roads;
 - (c) the maximum mass and dimensions for the
vehicle or equipment;
 - (d) preparing or strengthening road transport
infrastructure;
 - (e) the repair, replacement or reconstruction of
road transport infrastructure;
 - (f) other matters the chief executive considers
necessary or appropriate.

- (5) Before granting the permit, or as a condition of it, the chief executive may require the applicant to pay the chief executive's costs or estimated costs of any of the following—
 - (a) assessing the vehicle's route and preparing the relevant plans and estimates;
 - (b) preparing and strengthening road transport infrastructure on the route;
 - (c) repairing, replacing or reconstructing road transport infrastructure on the route;
 - (d) ensuring compliance with a condition or a proposed condition of the permit.
- (6) A permit issued under this section ceases to have effect if a condition included in the permit is contravened.

107D Restriction of loads on structures

- (1) The chief executive may—
 - (a) decide the maximum loaded mass for a vehicle that may use a bridge or culvert forming part of a State-controlled road; and
 - (b) erect on or in the vicinity of the bridge or culvert a conspicuous notice stating—
 - (i) the maximum loaded mass for a vehicle that may use the bridge or culvert; and
 - (ii) reasonable and relevant conditions the chief executive considers should apply for the safe use of the bridge or culvert by a vehicle.
- (2) A person must not drive a vehicle over a bridge or culvert if—

- (a) a notice has been erected under subsection (1)(b) for the bridge or culvert; and
- (b) either or both of the following apply—
 - (i) the loaded mass of the vehicle is greater than the mass stated on the notice as the maximum loaded mass for a vehicle that may use the bridge or culvert;
 - (ii) the vehicle is driven in a way that contravenes a condition stated in the notice as applying for the safe use of the bridge or culvert by a vehicle.

Maximum penalty—80 penalty units.

- (3) A person does not contravene subsection (2) if the person—
 - (a) before driving the vehicle over the bridge or culvert, obtains the written consent of the chief executive to drive the vehicle over the bridge or culvert; and
 - (b) in driving the vehicle over the bridge or culvert, complies with all conditions to which the chief executive subjects the written consent.

107E Part does not affect Heavy Vehicle National Law (Queensland), Ch 4

This part does not authorise a person to drive a heavy vehicle on a road other than in compliance with the requirements of the Heavy Vehicle National Law (Queensland), Chapter 4.

53 Insertion of new s 109A

After section 109—

insert—

109A Meaning of *oversize vehicle*

- (1) This section applies for the purposes of the Act, schedule 4, definition *oversize vehicle*.
- (2) An *oversize vehicle* is—
 - (a) an oversize heavy vehicle; or
 - (b) an oversize light vehicle.
- (3) In this section—

oversize heavy vehicle means an oversize vehicle under the Heavy Vehicle National Law (Queensland).

oversize light vehicle means a light vehicle that, together with any load, does not comply with the Vehicle Standards and Safety Regulation, part 2A, division 2 or 3.

54 Insertion of new ss 112A–112C

After section 112—

insert—

112A Way of stating GVM

- (1) For schedule 4 of the Act, definition *GVM*, the maximum loaded mass of the vehicle is the maximum loaded mass—
 - (a) if the GVM is not stated on the vehicle’s compliance plate, the compliance plate is illegible, or the vehicle has no compliance plate—stated in writing by the vehicle’s manufacturer; or
 - (b) if paragraph (a) does not apply and the vehicle is registered in Queensland—stated in the vehicle’s registration certificate issued under the Act; or
 - (c) if paragraph (a) does not apply and the vehicle is registered in another State—stated

in writing by the entity responsible for registering the vehicle in that State; or

- (d) if the maximum loaded mass has not been stated in a way mentioned in paragraph (a), (b) or (c)—stated by the entity responsible for registering the vehicle.
- (2) However, if a certificate of modification or a modification plate for a modification of the vehicle states the vehicle's maximum loaded mass, the vehicle's maximum loaded mass is the maximum loaded mass stated in the certificate or on the plate.
- (3) In this section—

certificate of modification means—

- (a) for the modification of a heavy vehicle—a certificate approving the modification given, or taken to have been given, under the Heavy Vehicle National Law (Queensland), section 86(2)(a) or 87(3)(a) or a corresponding law; or

Note—

See the Heavy Vehicle National Law (Queensland), section 748 for things taken to have effect under that Law.

- (b) for the modification of a light vehicle—a certificate approving the modification given under the Vehicle Standards and Safety Regulation, section 13(3)(a) or a corresponding law.

modification plate means—

- (a) for the modification of a heavy vehicle—a plate or label relating to the modification fitted or affixed, or taken to have been fitted or affixed, to the vehicle under the Heavy Vehicle National Law (Queensland), section

86(2)(b) or 87(3)(b) or a corresponding law;
or

Note—

See the Heavy Vehicle National Law (Queensland), section 748 for things taken to have effect under that Law.

- (b) for the modification of a light vehicle—a plate relating to the modification attached under the Vehicle Standards and Safety Regulation, section 13(3)(b) or a corresponding law.

112B Unused certificates, plates and labels

- (1) An approved person must immediately notify the chief executive if an unused certificate, plate or label issued to the person is destroyed, lost or stolen.

Maximum penalty—30 penalty units.

- (2) The person must confirm the notification by written notice within 7 days after the event happens.

Maximum penalty—30 penalty units.

- (3) If the proprietor of a modification business stops carrying on business, the proprietor must return to the chief executive unused certificates, plates or labels within 7 days after the proprietor stops carrying on the business.

Maximum penalty—30 penalty units.

- (4) In this section—

certificate means a document in a form intended for use as a certificate of modification for a vehicle.

plate or label means a plate or label intended for use as a modification plate for a vehicle.

112C Document keeping

- (1) The proprietor of a modification business must keep a copy of a certificate of modification for a vehicle for 7 years after it is given to an owner.

Maximum penalty—30 penalty units.

- (2) The proprietor of a modification business must keep a cancelled certificate of modification for a vehicle for 2 years after the certificate is cancelled.

Maximum penalty—30 penalty units.

- (3) The proprietor of a modification business must keep a document mentioned in subsection (1) or (2) at the proprietor's business premises during its ordinary business hours.

- (4) However, if the proprietor of a modification business stops carrying on business, the proprietor must return to the chief executive a document that the proprietor has kept under subsection (1) or (2) within 7 days after the proprietor stops carrying on the business.

Maximum penalty—30 penalty units.

55 Insertion of new pt 7, div 6

After section 131—

insert—

Division 6	Transitional provisions for Transport and Other Legislation Amendment Regulation (No. 1) 2014
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132 Permits for protection of roads and structures under former regulation

- (1) This section applies to a permit that—

- (a) was issued under part 5 of the former regulation; and
 - (b) was in force immediately before the commencement.
- (2) The permit continues in force according to its terms as if it were a permit issued under part 5A.
- (3) In this section—
- commencement* means the commencement of this section.
- former regulation* means the repealed *Transport Operations (Road Use Management—Mass, Dimensions and Loading) Regulation 2005*.

133 Transitional provision for new ss 112B and 112C

- (1) This section applies if—
- (a) before the commencement, a person was, under a former provision, required to do something within, or for, a stated period; and
 - (b) immediately before the commencement—
 - (i) the stated period was not completed; and
 - (ii) if the person was required to do the thing within the stated period—the thing had not yet been done.
- (2) The new provision that corresponds in substance to the former provision applies to the doing of the thing as if the new provision had been in force when the stated period started.
- (3) In this section—
- amended regulation* means the *Transport Operations (Road Use Management—Vehicle*

Standards and Safety) Regulation 2010, as in force before the commencement.

commencement means the commencement of this section.

former provision means any of the following provisions of the amended regulation—

- (a) section 30(2);
- (b) section 31;
- (c) section 32(1), (3) or (4).

new provision means any of the following provisions of this regulation—

- (a) section 112B(2);
- (b) section 112B(3);
- (c) section 112C(1), (2) or (4).

56 Amendment of sch 1 (Statutory conditions for appointment as accredited person)

- (1) Schedule 1, section 1(a), after ‘Act’—

insert—

or the Heavy Vehicle National Law (Queensland)

- (2) Schedule 1, section 1(b), after ‘7(1)(f)’—

insert—

or the Heavy Vehicle Inspection Manual

Note—

The ‘Heavy Vehicle Inspection Manual’ may be accessed on the National Heavy Vehicle Regulator’s website. At the commencement of this note the website was <www.nhvr.gov.au>.

- (3) Schedule 1, section 2(a), after ‘Act’—

insert—

or the Heavy Vehicle National Law (Queensland)

- (4) Schedule 1, section 2—

insert—

- (c) must not contravene the NHVR Code of Practice for the Approval of Heavy Vehicle Modifications.

Note—

- 1 The code is available on the National Heavy Vehicle Regulator’s website. At the commencement of this paragraph the website was <www.nhvr.gov.au>.
- 2 At the commencement of this paragraph, the code was prescribed under the Heavy Vehicle (Vehicle Standards) National Regulation, section 12.

- (5) Schedule 1, section 3(a), after ‘Act’—

insert—

or the Heavy Vehicle National Law (Queensland)

57 Amendment of sch 2 (Necessary expertise for vehicle safety inspections)

- (1) Schedule 2, section 3, heading, ‘Prescribed heavy vehicle’—

omit, insert—

Heavy vehicle or prescribed vehicle

- (2) Schedule 2, section 3, ‘prescribed heavy vehicles’—

omit, insert—

heavy vehicles or prescribed vehicles

58 Amendment of sch 5 (Statutory registration conditions for registered service providers)

Schedule 5, section 9(c)(iii)—

omit, insert—

- (iii) convicted of an offence, within 5 years immediately before the application was made, against—

- (A) the Act or a corresponding law; or
- (B) the Heavy Vehicle National Law or a law of another State that corresponds to a provision of the Heavy Vehicle National Law;

59 Amendment of sch 5A (Statutory conditions of AIS approval)

- (1) Schedule 5A, item 1, from ‘practice.’—

omit, insert—

practice when a light vehicle is inspected under the holder’s AIS approval and the Heavy Vehicle Inspection Manual when a heavy vehicle is inspected under the holder’s AIS approval.

Note—

The ‘Heavy Vehicle Inspection Manual’ may be accessed on the National Heavy Vehicle Regulator’s website. At the commencement of this note the website was <www.nhvr.gov.au>.

- (2) Schedule 5A, item 2, ‘the Act or permit’—

omit, insert—

the Act, the Heavy Vehicle National Law (Queensland) or permit

- (3) Schedule 5A, item 2, after ‘to contravene the Act’—

insert—

or the Heavy Vehicle National Law (Queensland)

- (4) Schedule 5A, item 3, ‘The proprietor’—

omit, insert—

If the AIS approval relates to the inspection of light vehicles, the proprietor

- (5) Schedule 5A—

insert—

-
- 3A If the AIS approval relates to the inspection of heavy vehicles, the proprietor of the AIS must ensure a copy of the Heavy Vehicle Inspection Manual—
- (a) is kept in or at each AIS to which the approval relates; and
 - (b) is available for—
 - (i) use by an approved examiner for inspecting a vehicle; or
 - (ii) inspection by any other person at the AIS.
- (6) Schedule 5A, item 4(a), after ‘certificate for a’—
insert—
light
- (7) Schedule 5A, item 4(b), after ‘not a’—
insert—
light
- (8) Schedule 5A—
insert—
- 4A The proprietor of the AIS must ensure that—
- (a) the proprietor or an approved examiner operating from the AIS is familiar with the contents of the Heavy Vehicle Inspection Manual before undertaking an inspection for issuing a certificate of inspection for a heavy vehicle; and
 - (b) in deciding whether or not a heavy vehicle is defective, the proprietor or approved examiner has appropriate regard to the requirements of the Heavy Vehicle Inspection Manual.

(9) Schedule 5A, item 7(a)(iii)—

omit, insert—

(iii) convicted of an offence against—

(A) the Act or a corresponding law; or

(B) the Heavy Vehicle National Law
or a law of another State that
corresponds to a provision of the
Heavy Vehicle National Law;

60 Amendment of sch 9 (Dictionary)

(1) Schedule 9, definitions *escort vehicle, Mass, Dimensions and
Loading Regulation, oversize vehicle* and *pilot vehicle*—

omit.

(2) Schedule 9—

insert—

certificate of inspection see the Vehicle
Standards and Safety Regulation, schedule 4.

certificate of modification, for sections 112B
and 112C, means—

(a) for the modification of a heavy vehicle—

(i) if the Vehicle Standards and Safety
Regulation, section 13 applies to the
heavy vehicle—a certificate approving
the modification given under
subsection (3)(a) of that section; or

(ii) a certificate approving the modification
given under the Heavy Vehicle
National Law (Queensland), section
86(2)(a); or

(b) for the modification of a light vehicle—a
certificate approving the modification given
under the Vehicle Standards and Safety
Regulation, section 13(3)(a).

defective see the Vehicle Standards and Safety Regulation, schedule 4.

light vehicle means a vehicle (including a combination) that is not a heavy vehicle.

loaded mass see the Vehicle Standards and Safety Regulation, schedule 4.

modification business means a business at which inspections are carried out for the issue of certificates of modification.

modification plate, for sections 112B and 112C, means—

- (a) for the modification of a heavy vehicle—
 - (i) if the Vehicle Standards and Safety Regulation, section 13 applies to the heavy vehicle—a plate relating to the modification attached under subsection (3)(b) of that section; or
 - (ii) a plate or label relating to the modification fitted or affixed to the vehicle under the Heavy Vehicle National Law (Queensland), section 86(2)(b); or
- (b) for a light vehicle—a plate relating to the modification attached under the Vehicle Standards and Safety Regulation, section 13(3)(b).

oversize light vehicle see section 109A(3).

oversize vehicle see section 109A(2).

proprietor, of a modification business, means—

- (a) an approved person who carries on the business as a self-employed person; or
- (b) a person who carries on the business and, for the business, employs an approved person to inspect and approve modifications.

road transport infrastructure see the *Transport Infrastructure Act 1994*, schedule 6.

State-controlled road, for part 5A, see section 107A.

Part 11 Amendment of Transport Operations (Road Use Management—Driver Licensing) Regulation 2010

61 Regulation amended

This part amends the *Transport Operations (Road Use Management—Driver Licensing) Regulation 2010*.

62 Amendment of sch 3 (Demerit points)

(1) Schedule 3, part 3—

insert—

3C Failing to comply with maximum work and minimum rest requirements—critical risk breach

The number of points for a contravention, that is a critical risk breach, of the following provisions of the Heavy Vehicle National Law (Queensland) is 4—

- section 250(1)
- section 251(1)
- section 254(1)
- section 256(1)
- section 258(1)
- section 260(1).

-
- (2) Schedule 3, sections 5, 9 and 16—
omit.
- (3) Schedule 3, section 17, ‘76’—
omit, insert—
76(1) or (2)
- (4) Schedule 3, sections 21, 22, 27, 34 and 35—
omit.
- (5) Schedule 3, part 4—
insert—

34 Driving fatigue-regulated heavy vehicle while impaired by fatigue

The number of points for a contravention of the Heavy Vehicle National Law (Queensland), section 228(1) is 3.

35 Failing to comply with maximum work and minimum rest requirements—severe risk breach

The number of points for a contravention, that is a severe risk breach, of the following provisions of the Heavy Vehicle National Law (Queensland) is 3—

- section 250(1)
- section 251(1)
- section 254(1)
- section 256(1)
- section 258(1)
- section 260(1).

35A Using defective heavy vehicles contrary to vehicle defect notice—major defect notice

The number of points for a contravention, by the driver of a heavy vehicle, of the Heavy Vehicle National Law (Queensland), section 529 if a major defect notice is contravened is 3.

- (6) Schedule 3, part 6—

insert—

58 Using defective heavy vehicles contrary to vehicle defect notice—minor defect notice

The number of points for a contravention, by the driver of a heavy vehicle, of the Heavy Vehicle National Law (Queensland), section 529 if a minor defect notice is contravened is 1.

63 Amendment of sch 9 (Dictionary)

- (1) Schedule 9, definitions *critical risk breach*, *Fatigue Management Regulation* and *severe risk breach*—

omit.

- (2) Schedule 9—

insert—

critical risk breach, for a contravention of a provision of the Heavy Vehicle National Law (Queensland), means a contravention of the provision declared in that Law to be a critical risk breach.

major defect notice see the Heavy Vehicle National Law (Queensland), section 526(2)(a).

minor defect notice see the Heavy Vehicle National Law (Queensland), section 526(2)(b).

severe risk breach, for a contravention of a provision of the Heavy Vehicle National Law (Queensland), means a contravention of the

provision declared in that Law to be a severe risk breach.

Part 12 Amendment of Transport Operations (Road Use Management—Road Rules) Regulation 2009

64 Regulation amended

This part amends the *Transport Operations (Road Use Management—Road Rules) Regulation 2009*.

65 Amendment of s 24A (Speed limit for certain vehicles)

Section 24A(3), definition *sugar cane trailer*—
omit, insert—

sugar cane trailer means a trailer—

- (a) with an ATM within the meaning of the Standards and Safety Regulation of not more than 20t; and
- (b) designed for carrying sugar cane.

66 Amendment of s 127 (Keeping a minimum distance between long vehicles)

- (1) Section 127(2), definitions *required minimum distance* and *road train area*—
omit.
- (2) Section 127(2)—
insert—

required minimum distance means—

- (a) for a road train—200m; or
- (b) otherwise—60m.

67 Amendment of s 200 (Stopping on roads—heavy and long vehicles)

Section 200(3)—

insert—

heavy vehicle means a vehicle with a GVM of 4.5t or more.

68 Amendment of s 215 (Using lights when driving at night or in hazardous weather conditions)

- (1) Section 215(1)(a), ‘tail lights’—

omit, insert—

tail-lights

- (2) Section 215(4)—

omit, insert—

- (4) In subsection (1), a reference to a kind of light fitted to a vehicle is a reference to a light of that kind required to be fitted under—

- (a) the heavy vehicle standards under the Heavy Vehicle National Law (Queensland); or
- (b) the Standards and Safety Regulation.

69 Amendment of s 216 (Towing a vehicle at night or in hazardous weather conditions)

Section 216(1)(a)(i), ‘tail lights’—

omit, insert—

tail-lights

70 Amendment of s 217 (Using fog lights)

Section 217(2), definition *rear fog light*, ‘tail light’—
omit, insert—
tail-light

71 Amendment of s 220 (Using lights on vehicles that are stopped)

Section 220(3)—
omit, insert—

- (3) In subsection (1), a reference to a kind of light fitted to a vehicle is a reference to a light of that kind required to be fitted under—
- (a) the heavy vehicle standards under the Heavy Vehicle National Law (Queensland); or
 - (b) the Standards and Safety Regulation.

72 Amendment of s 222 (School bus not to be driven without warning lights and warning signs)

Section 222—
insert—

- (2) Subsection (1) does not apply to a school bus that is a heavy vehicle.

73 Amendment of s 222A (Use of warning lights—picking up or setting down school children)

(1) Section 222A(1), after ‘25(1)’—
insert—

or the *Heavy Vehicle (Vehicle Standards) National Regulation*, schedule 2, section 76

(2) Section 222A(2)(a), after ‘24(3)’—
insert—

or the *Heavy Vehicle (Vehicle Standards) National Regulation*, schedule 2, section 77(3)

- (3) Section 222A(3), ‘(2) or’—

omit, insert—

(2),

- (4) Section 222A(3), after ‘24(3)’—

insert—

or the *Heavy Vehicle (Vehicle Standards) National Regulation*, schedule 2, section 77(3)

- (5) Section 222A(4), after ‘24(3)’—

or the *Heavy Vehicle (Vehicle Standards) National Regulation*, schedule 2, section 77(3)

74 Amendment of s 294 (Keeping control of a vehicle being towed)

- (1) Section 294(4), after ‘a motor vehicle’—

insert—

, other than a heavy vehicle,

- (2) Section 294(5) and note—

omit, insert—

- (5) However, the driver may tow a car towing trailer with a vehicle secured to the trailer if—

- (a) the trailer has effective independent brakes or overrun brakes; and
(b) instructions for securing a vehicle to the trailer are attached to the trailer.

75 Amendment of s 311 (Exemption for oversize vehicles)

Section 311(1)(c)—

omit, insert—

-
- (c) the driver is complying with—
 - (i) any guideline or permit applying to the movement of the vehicle under the Standards and Safety Regulation; or
 - (ii) any mass or dimension exemption applying to the movement of the vehicle under the Heavy Vehicle National Law (Queensland); and

76 Amendment of s 312 (Exemption for tow truck drivers)

Section 312(3)(c), after ‘Act’—

insert—

or the Heavy Vehicle National Law (Queensland)

77 Amendment of sch 5 (Dictionary)

- (1) Schedule 5, definitions *hazard warning lights*, *heavy vehicle* and *mechanical signalling device*—

omit.

- (2) Schedule 5—

insert—

hazard warning lights means a pair of yellow direction indicator lights that—

- (a) are fitted to a vehicle under—
 - (i) the heavy vehicle standards under the Heavy Vehicle National Law (Queensland); or
 - (ii) the Standards and Safety Regulation; and
- (b) display regular flashes of light at the same time, and at the same rate, as each other.

mechanical signalling device means a mechanical signalling device complying with the requirements for a mechanical signalling device under—

- (a) the heavy vehicle standards under the Heavy Vehicle National Law (Queensland); or
- (b) the Standards and Safety Regulation.

Part 13 **Amendment of Transport Operations (Road Use Management—Vehicle Registration) Regulation 2010**

78 Regulation amended

This part amends the *Transport Operations (Road Use Management—Vehicle Registration) Regulation 2010*.

79 Insertion of new ss 5A and 5B

After section 5—

insert—

5A References to *vehicle law*

For the application of a provision of this regulation to a vehicle, a reference in the provision to a *vehicle law* is a reference to—

- (a) if the vehicle is a heavy vehicle—any of the following under the Heavy Vehicle National Law (Queensland) to the extent they apply to the vehicle—
 - (i) the heavy vehicle standards;
 - (ii) the mass requirements;

- (iii) the dimension requirements; or
- (b) otherwise—any of the following to the extent they apply to the vehicle—
 - (i) the Vehicle Standards and Safety Regulation, part 2A, divisions 2 and 3;
 - (ii) the vehicle standards under the Vehicle Standards and Safety Regulation.

5B Conforming with requirements of a vehicle law

For this regulation, a vehicle is taken to conform with the requirements applying to the vehicle under a vehicle law if it conforms with all the requirements other than those with which the vehicle is not required to conform because of—

- (a) an exemption under the Heavy Vehicle National Law (Queensland); or
- (b) a guideline or permit under the Vehicle Standards and Safety Regulation.

80 Replacement of s 9 (Compliance with vehicle law)

Section 9—

omit, insert—

9 Registration and conditional registration

- (1) A vehicle is eligible for registration under this regulation if it conforms with the requirements applying to the vehicle under a vehicle law.
- (2) However, if the chief executive is authorised under section 12 to conditionally register a vehicle, it is not eligible for registration other than conditional registration.
- (3) An unregistered vehicle that the chief executive is authorised to conditionally register under section 12 can be the subject of an authorisation under

section 107 or 108 for it to be used on a road, but it can not be the subject of an unregistered vehicle permit under section 60.

81 Amendment of s 12 (Conditional registration)

(1) Section 12(1)—

omit, insert—

(1) This section applies to a vehicle if the safe movement guideline or heavy vehicle standards exemption applies to the vehicle.

(2) Section 12(3), after ‘guideline’—

insert—

or heavy vehicle standards exemption

(3) Section 12(4)—

omit.

(4) Section 12(5), ‘A person must not permit a conditionally registered’—

omit, insert—

If this section applies to a vehicle because of the safe movement guideline and the chief executive registers the vehicle under subsection (2), a person must not permit the

(5) Section 12(5), as amended—

renumber as section 12(4).

82 Amendment of s 17 (Deciding applications)

Section 17(1)—

insert—

(1) all of the following apply—

(i) the vehicle is a heavy vehicle;

- (ii) a court has made an order against a person under the Heavy Vehicle National Law (Queensland), section 598(2) cancelling the registration of the vehicle;
- (iii) the court has also, under section 598(3) of that Law, made an order that the person, or an associate of the person, is disqualified from applying for the registration of the vehicle for a stated period;
- (iv) the applicant for registration is, under the order mentioned in subparagraph (iii), currently disqualified from applying for registration of the vehicle.

83 Amendment of s 18 (Registered vehicles register)

- (1) Section 18(2)(g), after ‘registered vehicle’—

insert—

that is not a heavy vehicle

- (2) Section 18(2)—

insert—

- (ga) for a conditionally registered vehicle that is a heavy vehicle, the conditions stated in the heavy vehicle standards exemption;

84 Amendment of s 19 (Registration certificates)

- (1) Section 19(2)(i), after ‘registered vehicle’—

insert—

that is not a heavy vehicle

- (2) Section 19(2)—

insert—

- (j) if the vehicle is a conditionally registered vehicle that is a heavy vehicle—
 - (i) the conditions stated in the heavy vehicle standards exemption; and
 - (ii) a separate code, for example a letter of the alphabet, for each of the conditions.

85 Amendment of s 51 (Refusing to record transfer of registration)

Section 51(1)(a), after ‘safe movement guideline’—

insert—

or heavy vehicle standards exemption

86 Amendment of s 57 (Cancellation for noncompliance with defect notice)

- (1) Section 57, heading, ‘defect notice’—

omit, insert—

notice about defective or unsafe vehicle

- (2) Section 57(1)—

omit, insert—

- (1) Grounds on which the registration of a registered vehicle may be cancelled are stated in schedule 7.

- (3) Section 57(2), from ‘the registration’ to ‘of the Act,’—

omit, insert—

the registration of a registered vehicle under section 19(2)(c) of the Act on a ground stated in schedule 7,

87 Insertion of new s 59A

Part 6, division 2—

insert—

59A Cancellation of heavy vehicle registration by court

- (1) This section applies if a court makes an order under the Heavy Vehicle National Law (Queensland), section 598(2) that the registration of a heavy vehicle is cancelled.
- (2) The chief executive must—
 - (a) record the cancellation in the register; and
 - (b) give a written notice to the person who, immediately before the cancellation took effect, was the registered operator of the heavy vehicle—
 - (i) advising the person that the cancellation has been recorded; and
 - (ii) requiring the person to return the vehicle's registration label and number plates to the chief executive within 14 days after the giving of the notice.
- (3) A person given a written notice under subsection (2)(b) must comply with the requirement mentioned in subsection (2)(b)(ii) unless the person has a reasonable excuse.

Maximum penalty—20 penalty units.

88 Amendment of s 60 (Unregistered vehicle permits)

Section 60(6)(a)—

omit, insert—

- (a) does not conform with the requirements applying to the vehicle under a vehicle law; or

89 Amendment of s 107 (Authorisation to use unregistered vehicle on roads)

(1) Section 107—

insert—

(1A) However, a person may not apply under subsection (1) for an authorisation to use on a road an unregistered vehicle that is a heavy vehicle, or a class of unregistered vehicle to the extent the class includes a heavy vehicle, if the heavy vehicle does not conform with the requirements applying to the vehicle under a vehicle law.

(2) Section 107—

insert—

(3A) Subsection (3) does not apply to an authorisation to use on a road—

- (a) an unregistered vehicle that is a heavy vehicle; or
- (b) a class of unregistered vehicle to the extent the class includes a heavy vehicle.

90 Amendment of s 108 (Permit to use intercepted unregistered vehicle on road)

Section 108(1)(b)—

insert—

(iii) the Heavy Vehicle National Law (Queensland).

91 Insertion of new sch 7

Before schedule 8—

insert—

Schedule 7 Grounds for cancellation of registration of registered vehicle

section 57

- 1 A ground exists to cancel the registration of a registered vehicle if—
 - (a) a defect notice is issued under the Vehicle Standards and Safety Regulation for the vehicle; and
 - (b) the vehicle’s registered operator contravenes the requirements of the defect notice; and
 - (c) the chief executive gives the registered operator a written notice (the **warning notice**) stating that a ground will exist to cancel the vehicle’s registration under section 19 of the Act at the end of 14 days after the date of the warning notice if the registered operator does not, within that time—
 - (i) comply with the defect notice; or
 - (ii) ask the chief executive to cancel the vehicle’s registration; and
 - (d) the chief executive is satisfied that the registered operator has not complied with all the requirements of the defect notice within the 14 days mentioned in paragraph (c); and
 - (e) the registered operator has not asked the chief executive to cancel the vehicle’s registration.

- 2 A ground exists to cancel the registration of a registered vehicle if—
 - (a) a requirement is made to the owner or registered operator of the vehicle by a notice under section 36 of the Act for the inspection of the vehicle; and
 - (b) the owner or registered operator fails to comply with the requirement; and
 - (c) the chief executive gives the registered operator a written notice (the **warning notice**) stating that a ground will exist to cancel the vehicle's registration under section 19 of the Act at the end of 14 days after the date of the warning notice if, within that time—
 - (i) the owner or registered operator does not comply with the requirement; or
 - (ii) the registered operator does not ask the chief executive to cancel the vehicle's registration; and
 - (d) the chief executive is satisfied the requirement has not been complied with within the 14 days mentioned in paragraph (c); and
 - (e) the registered operator has not asked the chief executive to cancel the registration.
- 3 A ground exists to cancel the registration of a registered vehicle if—
 - (a) a requirement is made to the owner, registered operator or person in control of the vehicle by a notice under section 37 of the Act not to use the vehicle, or permit it to be used, on a road or public place until the circumstance provided for in section 37(1)(a) or (b) of the Act is satisfied; and

-
- (b) the owner, registered operator or person in control of the vehicle contravenes the requirement.
- 4 A ground exists to cancel the registration of a registered vehicle if—
- (a) a vehicle defect notice is issued under the Heavy Vehicle National Law (Queensland), section 526 for the vehicle; and
- (b) the vehicle defect notice has not been cleared by the Regulator under section 530 of that Law; and
- (c) the chief executive gives the registered operator a written notice (the **warning notice**) stating that a ground will exist to cancel the vehicle’s registration under section 19 of the Act at the end of 14 days after the date of the warning notice if, within that time—
- (i) the vehicle defect notice is not cleared by the Regulator under section 530 of that Law; or
- (ii) the registered operator does not ask the chief executive to cancel the vehicle’s registration; and
- (d) the chief executive is satisfied the vehicle defect notice has not been cleared by the Regulator within the 14 days mentioned in paragraph (c); and
- (e) the registered operator has not asked the chief executive to cancel the registration.
- 5 A ground exists to cancel the registration of a registered vehicle if—
- (a) a requirement is made to the owner or registered operator of the vehicle by a notice under the *Police Powers and*

Responsibilities Act 2000, section 66 not to use the vehicle, or permit it to be used, on a road until the circumstance provided for in section 66(1)(a) or (b) of that Act is satisfied; and

- (b) the owner or registered operator of the vehicle contravenes the requirement.

92 Amendment of sch 8 (Dictionary)

- (1) Schedule 8, definitions *Road Use Management Regulation*, *safe movement guideline* and *vehicle law*—

omit.

- (2) Schedule 8—

insert—

heavy vehicle standards exemption means the vehicle standards exemption (notice) under the Heavy Vehicle National Law (Queensland) applying—

- (a) in relation to particular requirements under the heavy vehicle standards under that Law; and
- (b) for the purposes of conditional registration.

safe movement guideline means the guideline under the Vehicle Standards and Safety Regulation, section 14 for the safe movement of vehicles on a road applying—

- (a) in relation to particular requirements under the vehicle standards under that regulation; and
- (b) for the purposes of conditional registration.

vehicle law see section 5A.

- (3) Schedule 8, definition *limited access registration*, after ‘guideline’—

insert—

or heavy vehicle standards exemption

- (4) Schedule 8, definition *special purpose vehicle (type o)*, paragraph (b), ‘Road Use Management Regulation, schedule 2’—

omit, insert—

*Heavy Vehicle (Mass, Dimension and Loading)
National Regulation*, schedule 1, part 2, table 1

- (5) Schedule 8, definition *special purpose vehicle (type t)*, paragraph (b), ‘Road Use Management Regulation, schedule 2’—

omit, insert—

*Heavy Vehicle (Mass, Dimension and Loading)
National Regulation*, schedule 1, part 2, table 1

- (6) Schedule 8, definition *zone access registration*, after ‘guideline’—

insert—

or heavy vehicle standards exemption

Part 14 **Amendment of Transport Operations (Road Use Management—Vehicle Standards and Safety) Regulation 2010**

93 **Regulation amended**

This part amends the *Transport Operations (Road Use Management—Vehicle Standards and Safety) Regulation 2010*.

94 Insertion of new ss 3A and 3B

Part 1—

insert—

3A Application to light vehicle in heavy combination

Subject to section 13A, this regulation applies to a light vehicle even if the light vehicle forms part of a heavy combination under the Heavy Vehicle National Law (Queensland).

3B Measurements

- (1) For this regulation, the distance between axles is measured between the centres of the wheels mounted on the axles and parallel to the length of the vehicle.
- (2) For this regulation, other than part 2A, division 3, the width of a light vehicle is measured disregarding any anti-skid devices mounted on wheels, central tyre inflation systems, lights, mirrors, reflectors, signalling devices and tyre pressure gauges.

95 Amendment of s 4 (Vehicle standards)

Section 4(1), after ‘schedule 2’—

insert—

to the extent the rules apply to light vehicles

96 Amendment of s 5 (Compliance with vehicle standards)

- (1) Section 5(1), (2) and (3), ‘a vehicle’—

omit, insert—

a light vehicle

- (2) Section 5(1)(a)(i), ‘, but only to the extent subsection (4)(a) or (5)(a) does not apply’—

omit.

- (3) Section 5(1)(a)(ii), ‘, but only to the extent subsection (4)(b) or (5)(b) does not apply’—

omit.

- (4) Section 5(4) to (6)—

omit.

97 Amendment of s 6 (Identification and modification plates)

Section 6(1) and (2), ‘a vehicle’—

omit, insert—

a light vehicle

98 Amendment of pt 2, div 2, hdg (Defective vehicles)

Part 2, division 2, heading, before ‘vehicles’—

insert—

light

99 Amendment of s 7 (When a vehicle is defective)

- (1) Section 7, heading, before ‘vehicle’—

insert—

light

- (2) Section 7(1), ‘A vehicle’—

omit, insert—

A light vehicle

- (3) Section 7(1)(f), editor’s note—

omit, insert—

Note—

This code of practice is available on the department's website. At the commencement of this note the website was <www.tmr.qld.gov.au>.

- (4) Section 7(2), definition *part*, 'a vehicle'—

omit, insert—

a light vehicle

100 Amendment of s 8 (Defect notices)

- (1) Section 8(1)(a) and (b), 'a vehicle'—

omit, insert—

a light vehicle

- (2) Section 8(7), example—

omit, insert—

Example for subsection (7)—

If a light vehicle has faulty windscreen wipers, a person may be prohibited from driving the vehicle only while it is raining.

101 Amendment of s 9 (Defective vehicle label)

Section 9(1), 'a vehicle'—

omit, insert—

a light vehicle

102 Amendment of pt 2, div 3, sdiv 1, hdg

Part 2, division 3, subdivision 1, heading, before 'vehicle'—

insert—

light

103 Amendment of s 10 (Modifying vehicle)

- (1) Section 10, heading, before 'vehicle'—

insert—

light

- (2) Section 10(1)(a), ‘vehicle chassis’—

omit, insert—

chassis of a light vehicle

- (3) Section 10(1)(b) and (c), ‘a vehicle’—

omit, insert—

a light vehicle

- (4) Section 10(1)(d), ‘motor vehicle’s’—

omit, insert—

light motor vehicle’s

104 Amendment of s 11 (Modified silencing device)

Section 11, ‘a motor vehicle’—

omit, insert—

a light motor vehicle

105 Omission of s 12 (Action for compliance after speeding conviction)

Section 12—

omit.

106 Amendment of s 13 (Approval of modified vehicle)

- (1) Before section 13(1)—

insert—

(1AA) This section applies to the following vehicles
(each a *modified vehicle*)—

- (a) a modified light vehicle;

[s 107]

- (b) a modified heavy vehicle if the modification is covered by code S13 of the approved code of practice called the Queensland Code of Practice—Vehicle Modifications.
- (2) Section 13(7), definition *approved code of practice*, paragraph (c)—
omit.

107 Insertion of new pt 2A

After section 13—

insert—

Part 2A Light vehicle dimensions and loading

Division 1 Preliminary

13A Application of pt 2A

This part does not apply to a light vehicle that forms part of a heavy combination under the Heavy Vehicle National Law (Queensland).

Note—

For the dimension requirements and loading requirements applying to a heavy combination, see the Heavy Vehicle National Law (Queensland).

13B Meaning of *rear overhang* and *rear overhang line* for div 2

- (1) This section defines *rear overhang* and *rear overhang line* for division 2.

- (2) The **rear overhang** of a light vehicle is the distance between the rear of the vehicle and the rear overhang line of the vehicle.
- (3) For a light vehicle with a single axle at the rear, the **rear overhang line** is a line running along the centre-line of the axle.
- (4) For a light vehicle with an axle group at the rear comprising 2 axles, 1 of which is fitted with twice the number of tyres as the other, the **rear overhang line** is a line running parallel to the axles that is—
 - (a) closer to the axle carrying the greater number of tyres than it is to the other axle; and
 - (b) located at one-third of the distance between the 2 axles.
- (5) For a light vehicle with an axle group at the rear that is not an axle group mentioned in subsection (4), the **rear overhang line** is a line running parallel to the axles down the centre-line of the axle group.
- (6) For applying subsection (4) or (5)—
 - (a) an axle group is taken to comprise only the fixed and retractable axles in contact with the ground at the particular time the subsection is applied to the vehicle; and
 - (b) an axle group is taken not to comprise any steerable axle unless all the axles in the group are steerable axles.

Division 2 Particular dimensions

13C Load and other things are part of light vehicle's dimensions for div 2

In this division, a light vehicle is taken to include anything on the vehicle, unless otherwise stated.

13D Length—light vehicles

A person must not drive a light vehicle on a road if—

- (a) for a light combination—the combination is longer than 19m; or
- (b) for any other light vehicle—the vehicle is longer than 12.5m.

Maximum penalty—30 penalty units.

13E Width

A person must not drive a light vehicle on a road if the vehicle is wider than 2.5m.

Maximum penalty—30 penalty units.

13F Height

A person must not drive a light vehicle on a road if the vehicle is higher than 4.3m.

Maximum penalty—30 penalty units.

13G Ground clearance

- (1) A person must not drive a light vehicle on a road if the vehicle has a ground clearance of less than—
 - (a) at a point within 1m of an axle—100mm; and

- (b) at the midpoint between two adjacent axles—one-thirtieth of the distance between the centres of the axles; and
- (c) at any other point—the distance that allows the vehicle to pass over a peak in the road if the gradient on either side of the peak is 1:15.

Maximum penalty—30 penalty units.

- (2) In this section—

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

13H Length—trailers

- (1) A person must not drive a light combination on a road if the combination includes a semitrailer or dog trailer that does not comply with this section.

Maximum penalty—30 penalty units.

- (2) On a semitrailer or dog trailer—
 - (a) the distance from the trailer's front articulation point to the rear overhang line must not be more than 9.5m; and
 - (b) the distance from the trailer's front articulation point to the rear of the trailer must not be more than 12.3m.
- (3) The part of a semitrailer, or anything attached to a semitrailer, in front of the trailer's front articulation point, other than another vehicle, must not protrude beyond the trailer's prescribed limit.
- (4) In this section—

prescribed limit, for a semitrailer, means an imaginary line created by drawing a semicircle of 1.9m radius from the centre of, and forward of, the trailer's front articulation point.

13I Length—rear overhang

- (1) A person must not drive a light vehicle on a road if the vehicle does not comply with this section.

Maximum penalty—30 penalty units.

- (2) The rear overhang of a light vehicle must not be more than the lesser of 3.7m and—
 - (a) for a semitrailer or dog trailer—60% of the distance between the front articulation point and the rear overhang line; or
 - (b) for any other trailer—the distance between the front of the body or load carrying area and the rear overhang line; or
 - (c) for another vehicle—60% of the distance between the centre-line of the front axle and the rear overhang line.

13J Length—trailer drawbars

- (1) A person must not drive a light combination on a road if the combination includes a trailer—
 - (a) of the type mentioned in subsection (2) or (3); and
 - (b) that does not comply with the requirements applying to the trailer under either of those subsections.

Maximum penalty—30 penalty units.

- (2) On a dog trailer, there must not be a distance of more than—

-
- (a) if the trailer has a single axle at the front—5m between the coupling pivot point on the drawbar and the centre of that axle; or
 - (b) if the trailer has an axle group at the front—5m between the coupling pivot point on the drawbar and the centre-line of that axle group.
- (3) On a trailer, other than a semitrailer, there must not be a distance of more than—
- (a) if the trailer has only a single axle—8.5m between the coupling pivot point on the drawbar and the centre of that axle; or
 - (b) if the trailer has only 1 axle group—8.5m between the coupling pivot point on the drawbar and the centre-line of that axle group.

Division 3 Projections

13K Meaning of *load* for div 3

In this division—

load includes equipment and the pole of a pole-type trailer or jinker.

13L Measuring width for div 3

When measuring a light vehicle's width for this division, a rear vision mirror, light or reflector attached to the vehicle is not to be taken into account.

13M Limits on projections of loads—motorbikes

- (1) This section applies in relation to loads on motorbikes.

- (2) A person must not drive, park or stop a motorbike on a road if any load on the motorbike projects—
- (a) for a motorbike without a sidecar—
 - (i) more than 150mm in front of the outer extremity of the motorbike’s front wheel; or
 - (ii) more than 300mm behind the outer extremity of the motorbike’s back wheel; or
 - (iii) past the outer extremity of the motorbike on either side; or
 - (b) for a motorbike with a sidecar—
 - (i) more than 600mm in front of the outer extremity of the motorbike’s front wheel; or
 - (ii) more than 900mm behind the outer extremity of the motorbike’s back wheel; or
 - (iii) past the outer extremity of the vehicle on either side; or
 - (c) for a motorbike trailer—
 - (i) more than 300mm behind the trailer; or
 - (ii) past the outer extremity of the trailer on either side.

Maximum penalty—20 penalty units.

- (3) If part of the load on a motorbike, or on a trailer towed by a motorbike, projects in a way that it would not be readily visible to a person following immediately behind the motorbike, the driver of the motorbike must ensure—
- (a) a brightly coloured red, red and yellow, or yellow flag at least 450mm by 450mm is fixed to the extreme back of the load; and

-
- (b) at night—
- (i) a light showing a clear red light to the back, visible under normal atmospheric conditions at a distance of at least 200m, is fixed to the extreme back of the load; or
 - (ii) at least 2 reflectors, capable of projecting a red reflection of light from the headlight of any following vehicle, are fixed to the extreme back of the load.

Maximum penalty—20 penalty units.

13N Limits on projection of loads—light motor vehicles other than motorbikes

- (1) This section applies in relation to loads on light motor vehicles other than motorbikes.
- (2) A person must not drive, park or stop a light motor vehicle on a road if any load on the vehicle projects—
 - (a) for a light motor vehicle without a trailer—
 - (i) more than 1.2m in front of the motor vehicle’s headlights; or
 - (ii) more than 1.2m behind the motor vehicle; or
 - (iii) more than 150mm past the outer extremity of the motor vehicle on either side; or
 - (b) for a light motor vehicle with a light trailer—
 - (i) more than 1.2m in front of the motor vehicle’s headlights; or
 - (ii) more than 1.2m behind either the motor vehicle or the trailer; or

- (iii) more than 150mm past the outer extremity of either the motor vehicle or the trailer on either side.

Maximum penalty—20 penalty units.

- (3) A person does not commit an offence against subsection (2) if, for a load that projects more than 1.2m behind either a light motor vehicle or a light trailer—
 - (a) a brightly coloured red, red and yellow, or yellow flag at least 450mm by 450mm is fixed to the extreme back of the load; and
 - (b) at night—
 - (i) a light showing a clear red light to the back, visible under normal atmospheric conditions at a distance of at least 200m, is fixed to the extreme back of the load; or
 - (ii) at least 2 reflectors, capable of projecting a red reflection of light from the headlight of any following vehicle, are fixed to the extreme back of the load.
- (4) If part of the load on a light motor vehicle, or on a light trailer towed by a light motor vehicle, projects in a way that it would not be readily visible to a person following immediately behind the vehicle, the driver of the vehicle must ensure—
 - (a) a brightly coloured red, red and yellow, or yellow flag at least 450mm by 450mm is fixed to the extreme back of the load; and
 - (b) at night—
 - (i) a light showing a clear red light to the back, visible under normal atmospheric conditions at a distance of at least

200m, is fixed to the extreme back of the load; or

- (ii) at least 2 reflectors, capable of projecting a red reflection of light from the headlight of any following vehicle, are fixed to the extreme back of the load.

Maximum penalty for subsection (4)—20 penalty units.

130 Limits on projections of loads—light vehicles drawn by an animal

- (1) A person must not drive, park or stop a light vehicle drawn by an animal on a road if any load on the vehicle projects—
 - (a) past the animal's head; or
 - (b) if the vehicle is a 2-wheeled vehicle—more than 1m behind the vehicle's body; or
 - (c) if the vehicle is a 4-wheeled vehicle—more than 1m behind the vehicle's body or the back wheels; or
 - (d) if the vehicle is a pole-type jinker—behind the back end of the pole; or
 - (e) more than 300mm past the outer extremity of the vehicle's body or wheels on either side.

Maximum penalty—20 penalty units.

- (2) A person does not commit an offence against subsection (1) if, for a load that projects more than 1m behind a light vehicle drawn by an animal—
 - (a) a brightly coloured red, red and yellow, or yellow flag at least 450mm by 450mm is fixed to the extreme back of the load; and

- (b) at night—
 - (i) a light showing a clear red light to the back, visible under normal atmospheric conditions at a distance of at least 200m, is fixed to the extreme back of the load; or
 - (ii) at least 2 reflectors, capable of projecting a red reflection of light from the headlight of any following vehicle, are fixed to the extreme back of the load.

13P Division does not affect div 2

Nothing in this division authorises a person to drive a light vehicle on a road other than in compliance with the requirements of a provision of division 2.

Division 4 Loading and coupling requirements

13Q Loads on light vehicles

- (1) The person in control of a light vehicle must ensure a load on it complies with this section.
Maximum penalty—
 - (a) for a private vehicle—20 penalty units; or
 - (b) for a prescribed vehicle—30 penalty units.
- (2) A load on a light vehicle must not be placed in a way that makes the vehicle unstable or unsafe.
- (3) A load on a light vehicle must be secured so it is unlikely to fall or be dislodged from the vehicle.
- (4) An appropriate method must be used to restrain the load on a light vehicle.

Note—

See the ‘Load restraint guide’ for examples of safe ways of loading vehicles. The ‘Load restraint guide’ is published by the National Transport Commission and may be accessed on the commission’s website. At the commencement of this note the website was <www.ntc.gov.au>.

13R Coupling of vehicles in light combinations

- (1) The person in control of a light combination must ensure couplings between vehicles forming part of the combination comply with this section.

Maximum penalty—

- (a) for a private vehicle—20 penalty units; or
 - (b) for a prescribed vehicle—30 penalty units.
- (2) A trailer in a light combination must be securely coupled to the vehicle in front of it.
 - (3) The components of a coupling used between vehicles in a light combination must be compatible and properly connected to each other.

13S Proof of offences under this division

In a proceeding for an offence against this division—

- (a) evidence that a load on a light vehicle was not placed, secured or restrained in a way that met a performance standard under the ‘Load restraint guide’ is evidence of a contravention of section 13Q; and
- (b) evidence that a load, or part of a load, has fallen off a light vehicle is evidence that the load was not properly secured; and
- (c) a court must presume a document purporting to be the ‘Load restraint guide’ is

the ‘Load restraint guide’, until the contrary is proved.

Note—

The ‘Load restraint guide’ is published by the National Transport Commission and may be accessed on the commission’s website. At the commencement of this section the website was <www.ntc.gov.au>.

108 Amendment of pt 3, hdg (Guidelines and permits for safe movement of vehicles)

Part 3, heading, before ‘vehicles’—

insert—

light

109 Amendment of s 14 (Guidelines and permits for vehicles)

(1) Section 14, heading, before ‘vehicles’—

insert—

light

(2) Section 14(1)(a), ‘type of vehicle’—

omit, insert—

type of light vehicle

(3) Section 14(1)(b) and (2), ‘particular vehicle or type of vehicle’—

omit, insert—

particular light vehicle or type of light vehicle

(4) Section 14(4)(b)—

insert—

Example for paragraph (b)—

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

(5) Section 14(4)—

insert—

- (e) the maximum permissible dimensions of the vehicle or type of vehicle together with any load;
- (f) the maximum permissible mass of—
 - (i) the vehicle or type of vehicle together with any load; or
 - (ii) parts of the vehicle or type of vehicle;
- (g) when the vehicle or type of vehicle must travel with a pilot vehicle or escort vehicle;
- (h) requirements for pilot vehicles and pilot vehicle drivers, and escort vehicles and escort vehicle drivers;
- (i) the maximum speeds at which the vehicle or type of vehicle may be driven;
- (j) other matters relevant to the safe movement of the vehicle or type of vehicle.

(6) Section 14(5)—

omit, insert—

- (5) The following may be shown on a map in the guideline or permit—
 - (a) for the guideline—the roads on which the type of vehicle may be driven; or
 - (b) for the permit—the roads on which the particular vehicle, or the type of vehicle, may be driven.
- (6) A guideline or permit can not allow a light combination to be more than the GCM for the combination's motor vehicle.

110 Amendment of s 15 (Permit contents and conditions)

(1) Section 15(1)(a)(i)—

omit, insert—

- (i) a particular light vehicle—
 - (A) the vehicle’s registration number, VIN or chassis number; or
 - (B) if the vehicle does not have any of the numbers mentioned in subparagraph (A)—another identification number that is unique to the vehicle; or

- (2) Section 15(1)(a)(ii), ‘a type of vehicle’—

omit, insert—

a type of light vehicle

- (3) Section 15(2), ‘particular vehicle’—

omit, insert—

particular light vehicle

- (4) Section 15(3)—

insert—

- (c) to ensure that the permit or a copy of the permit, is carried in any vehicle driven under the permit and is able to be produced for inspection if an authorised officer asks to see it.

Examples of reasonable costs that may be incurred by the issuing authority, another department or a local government in relation to the issue of the permit—

- the costs of assessing the roads the vehicle is to be driven on
- the costs of preparing any relevant plans and cost estimates
- the costs of preparing or strengthening road transport infrastructure
- the costs of repairing, replacing or reconstructing road transport infrastructure

- the costs of ensuring the permit conditions are observed

(5) Section 15—

insert—

(7) In this section—

VIN, of a light vehicle other than a light motor vehicle, means the unique vehicle identification number assigned to the vehicle.

111 Insertion of new ss 15A and 15B

After section 15—

insert—

15A Statutory condition on guidelines and permits for oversize light vehicles

- (1) If, under schedule 1A, section 1, the schedule applies to a guideline under this part for a type of oversize light vehicle, or a permit under this part for a particular oversize light vehicle or type of oversize light vehicle, the guideline or permit is subject to the conditions stated in schedule 1A, section 2.
- (2) A condition imposed under subsection (1)—
 - (a) applies despite any other provision of the guideline or permit; and
 - (b) subject to paragraph (a), applies in addition to any other conditions that may be included in the guideline or permit.

15B Alternative arrangements for oversize light vehicle permits

- (1) The chief executive may enter into an arrangement with a person for the issue to the person of an oversize light vehicle permit other

than in accordance with the requirements of sections 14 and 15.

- (2) The arrangement—
 - (a) may only be made in circumstances in which it is impracticable for the requirements of sections 14 and 15 to be fully complied with; and
 - (b) must provide for compliance with sections 14 and 15 to the greatest practicable extent.

- (3) In this section—

oversize light vehicle permit means a permit that affects the application of part 2A, division 2 or 3 to a light vehicle.

112 Amendment of s 16 (Driving under guideline or permit)

- (1) Section 16(1)—

omit, insert—

- (1) Subsection (2) applies to a person who drives a light vehicle in accordance with a current guideline, or a permit, issued for the vehicle.

- (2) Section 16(2), ‘particular vehicle or type of vehicle’—

omit, insert—

particular light vehicle or type of light vehicle

- (3) Section 16(3), ‘a vehicle’—

omit, insert—

a light vehicle

113 Insertion of new s 16A

Part 3—

insert—

16A Contravention of guideline or permit condition

- (1) A person who drives a light vehicle on a road under the authority of a guideline or permit issued under this part must not contravene a condition of the guideline or permit.

Maximum penalty—20 penalty units.

- (2) If a person commits an offence against subsection (1)—

(a) the guideline or permit does not operate in the person's favour while the contravention continues; and

(b) section 16(2) must be disregarded in deciding whether the person has contravened a provision of this regulation.

- (3) If, because of the operation of subsection (2), a person commits an offence against a provision of this regulation (the *other offence provision*) the person—

(a) may be charged with an offence against either subsection (1) or the other offence provision; and

(b) must not be charged with both offences.

- (4) In this section—

condition, of a guideline or permit, includes any term or condition stated in, or otherwise applicable to, the guideline or permit.

114 Amendment of s 19 (Inspections by approved examiners for inspection certificate)

- (1) Section 19(4)(d), 'the vehicle is a modified vehicle'—

omit, insert—

section 13 applies to the vehicle

- (2) Section 19(4)—

insert—

- (e) if the vehicle is a modified heavy vehicle—
 - (i) the owner produces to the approved examiner an HVNL(Q) certificate for the modification; or
 - (ii) the vehicle has an HVNL(Q) plate for the modification.

(3) Section 19—

insert—

(10) In this section—

HVNL(Q) certificate, for the modification of a heavy vehicle, means a certificate approving the modification given, or taken to have been given, under the Heavy Vehicle National Law (Queensland), section 86(2)(a) or 87(3)(a) or a corresponding law.

Note—

See the Heavy Vehicle National Law (Queensland), section 748 for things taken to have effect under that Law.

HVNL(Q) plate, for the modification of a heavy vehicle, means a plate or label relating to the modification fitted or affixed, or taken to have been fitted or affixed, to the vehicle under the Heavy Vehicle National Law (Queensland), section 86(2)(b) or 87(3)(b) or a corresponding law.

Note—

See the Heavy Vehicle National Law (Queensland), section 748 for things taken to have effect under that Law.

modified heavy vehicle means a heavy vehicle that has undergone a modification that the Heavy Vehicle National Law (Queensland), Part 3.3 applies to.

115 Amendment of s 20 (Issue of replacement inspection certificate if registration refused)

Section 20(1), ‘section 17(1)(h)’—

omit, insert—

section 17(1)(g)

116 Amendment of s 24 (Disposal of registered vehicles—inspection certificate requirement)

Section 24(3)—

insert—

(c) a vehicle being disposed of if—

- (i) the owner of the vehicle and the person to whom it is being disposed of are each operating under a maintenance management accreditation granted, or taken to have been granted, under the Heavy Vehicle National Law (Queensland), section 458(a) or a corresponding law; and

Note—

See the Heavy Vehicle National Law (Queensland), section 748 for things taken to have effect under that Law.

- (ii) the vehicle is, and will continue to be, maintained under a maintenance management system under the Heavy Vehicle National Law (Queensland), Chapter 8 or a corresponding law.

117 Amendment of s 25 (Registered COI vehicles—requirement for certificate of inspection)

(1) Section 25(2)(d), ‘a vehicle’—

omit, insert—

a light vehicle

(2) Section 25(2)—

insert—

- (g) a vehicle operating under a maintenance management accreditation granted, or taken to have been granted, under the Heavy Vehicle National Law (Queensland), section 458(a) or a corresponding law.

Note—

See the Heavy Vehicle National Law (Queensland), section 748 for things taken to have effect under that Law.

118 Amendment of s 26 (Alternative compliance scheme—maintenance)

(1) Section 26(1), ‘Section 25 is’—

omit, insert—

Section 25, to the extent it relates to light vehicles, is

(2) Section 26(2), ‘section 25 is to ensure that a vehicle’—

omit, insert—

section 25, to the extent it relates to light vehicles, is to ensure that a light vehicle

119 Amendment of s 28 (Currency of certificates)

(1) Section 28(3)(c)—

omit, insert—

- (c) the vehicle is modified and the modification is not approved under—
- (i) for a vehicle to which section 13 applies—that section; or
- (ii) for a modified heavy vehicle—the Heavy Vehicle National Law

(Queensland), section 86 or 87 or a corresponding law.

(2) Section 28(4)—

insert—

modified heavy vehicle means a heavy vehicle that has undergone a modification that the Heavy Vehicle National Law (Queensland), Part 3.3 applies to.

120 Amendment of s 29 (Extension of time to comply)

Section 29(1)(a)—

omit, insert—

(a) if the vehicle is a light vehicle—a defect notice; or

121 Omission of ss 30–32

Sections 30 to 32—

omit.

122 Replacement of s 36 (Deciding application)

Section 36—

omit, insert—

36 Deciding application

- (1) The issuing authority must, within 28 days after the relevant date for an application for a permit, decide—
 - (a) to grant the permit; or
 - (b) to refuse to grant the permit.
- (2) In this section—

relevant date, for an application for a permit,
means—

- (a) the date the issuing authority receives the application; or
- (b) if the application is not supported by enough information for the issuing authority to decide the application—the date the issuing authority receives any additional information it reasonably requires.

123 Amendment of s 38 (Granting a permit)

- (1) Section 38, ‘in the approved form’—

omit.

- (2) Section 38—

insert—

- (2) The issuing authority may give a permit to the applicant by phone, fax, radio or another form of communication if the issuing authority considers it necessary because of urgent circumstances.

124 Insertion of new pt 7, div 4

After section 50—

insert—

Division 4 Transitional provisions for Transport and Other Legislation Amendment Regulation (No. 1) 2014

51 Definitions for div 4

In this division—

commencement means the commencement of this section.

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

52 Guidelines

- (1) This section applies to a guideline that—
 - (a) was issued under part 6, division 1 of the former regulation; and
 - (b) was in force immediately before the commencement.
- (2) This section applies to the guideline to the extent that, immediately before the commencement, the guideline applied to vehicles that, on the commencement, are light vehicles.
- (3) The guideline—
 - (a) continues in force as a guideline issued under part 3; and
 - (b) in doing so, is subject to the same conditions that applied to the guideline immediately before the commencement.

53 Permits

- (1) This section applies to a permit that—
 - (a) was issued under part 6, division 2 of the former regulation; and
 - (b) was in force immediately before the commencement.
- (2) This section applies to the permit to the extent that, immediately before the commencement, the permit applied to a vehicle that, on the commencement, is a light vehicle.

- (3) The permit—
 - (a) continues in force according to its terms as if it were a permit issued under part 3; and
 - (b) in doing so, is subject to the same conditions that applied to the permit immediately before the commencement.

54 References to former regulation

In an instrument, if the context permits—

- (a) a reference to the former regulation may be taken to be a reference to this regulation; and
- (b) a reference to a provision of the former regulation may be taken to be a reference to an equivalent provision of this regulation.

125 Amendment of sch 1 (Vehicle standards)

- (1) Schedule 1, section 13, example—

omit, insert—

Example—

Section 32 adopts Australian Standard AS R1-1965 *Safety Glass for Land Transport* and other standards.

- (2) Schedule 1, section 16(1) and (2)—

omit, insert—

- (1) A motor vehicle must have a right-hand drive if the vehicle is less than 30 years old.

- (3) Schedule 1, section 16(3) to (6)—

renumber as schedule 1, section 16(2) to (5).

- (4) Schedule 1, section 22, heading, ‘and spray suppression’—

omit.

- (5) Schedule 1, section 22(1)—

omit, insert—

- (1) A vehicle must have a mudguard firmly fitted for each wheel or for adjacent wheels.

- (6) Schedule 1, section 22(2), ‘subsection (1)(a)’—

omit, insert—

subsection (1)

- (7) Schedule 1, section 22(3) and (6)—

omit.

- (8) Schedule 1, section 22(4), ‘However, a’—

omit, insert—

A

- (9) Schedule 1, section 22(4), as amended, and (5)—

renumber as schedule 1, section 22(3) and (4).

- (10) Schedule 1, section 24(5), ‘or combination’—

omit, insert—

or, if the vehicle forms part of a combination, the combination

- (11) Schedule 1, section 30(4)—

omit.

- (12) Schedule 1, section 30(5)—

renumber as section 30(4).

- (13) Schedule 1, section 34, heading, ‘and washers’—

omit.

- (14) Schedule 1, section 34(3) and (4)—

omit.

- (15) Schedule 1, section 37(1), ‘with a GVM not over 4.5t’—

omit.

- (16) Schedule 1, sections 40 and 41(1)(c)—

omit.

- (17) Schedule 1, section 43(2)(a)—

omit, insert—

(a) across the tyre width that normally comes into contact with the road; and

- (18) Schedule 1, section 49(2)—

omit.

- (19) Schedule 1, section 49(3)—

renumber as schedule 1, section 49(2).

- (20) Schedule 1, section 50—

omit.

- (21) Schedule 1, section 51(1) and (2)—

omit, insert—

A road train warning sign or a long vehicle warning sign must not be displayed on a vehicle unless the sign is required to be displayed on the vehicle under the *Heavy Vehicle (Vehicle Standards) National Regulation*, schedule 3, section 5.

- (22) Schedule 1, sections 52 and 53—

omit.

- (23) Schedule 1, section 54(1), ‘, other than an articulated bus,’—

omit.

- (24) Schedule 1, section 54(2)—

omit.

- (25) Schedule 1, section 54(3) and (4)—

renumber as schedule 1, section 54(2) and (3).

- (26) Schedule 1, sections 55, 66(9), 67(6), 69 and 73(2)—

omit.

- (27) Schedule 1, section 73(3) and (4)—

-
- renumber* as schedule 1, section 73(2) and (3).
- (28) Schedule 1, section 77(6)—
omit.
- (29) Schedule 1, section 81(1) and (2)(c), ‘, other than a sugar cane trailer,’—
omit.
- (30) Schedule 1, sections 82, 87(4) and 93(2)—
omit.
- (31) Schedule 1, section 93(3) to (7)—
renumber as schedule 1, section 93(2) to (6).
- (32) Schedule 1, section 93(4), as renumbered, ‘subsection (4)’—
omit, insert—
 subsection (3)
- (33) Schedule 1, section 93(6), as renumbered, ‘or (3)’—
omit, insert—
 or (2)
- (34) Schedule 1, section 96(1), ‘, other than a sugar cane trailer’—
omit.
- (35) Schedule 1, sections 97, 98(4) and 99(1)(c)—
omit.
- (36) Schedule 1, section 99(4), ‘, a special use vehicle or a sugar cane trailer or a vehicle towing it’—
omit, insert—
 or a special use vehicle,
- (37) Schedule 1, section 99(6), definition *special use vehicle*, paragraph (b)—
omit, insert—

- (b) an oversize light vehicle authorised to be driven on a road under a guideline or permit issued under part 3;
- (38) Schedule 1, section 99(6), definition *special use vehicle*, paragraph (c), ‘, or combination,’—
omit.
- (39) Schedule 1, section 100—
omit.
- (40) Schedule 1, section 101—
omit, insert—

101 Rear marking plates

- (1) Rear marking plates may be fitted to a motor vehicle or a trailer.
- (2) If a rear marking plate is fitted to a motor vehicle or a trailer it must comply with VSB 12.
- (3) In this section—

VSB means the Vehicle Standards Bulletin.

Note—

The VSB is published by the Commonwealth Department of Infrastructure and Transport and may be accessed on that department’s website. At the commencement of this note, the website was <www.infrastructure.gov.au>.

- (41) Schedule 1, sections 107(2) and 109(1)(b)—
omit.
- (42) Schedule 1, section 109(1)(c) and (d)—
renumber as schedule 1, section 109(1)(b) and (c).
- (43) Schedule 1, section 113(5), ‘with a GVM of 4.5t or less’—
omit.
- (44) Schedule 1, sections 113(7) and (8) and 114(3)—
omit.

-
- (45) Schedule 1, section 115(3), ‘, other than a sugar cane trailer,’—
omit.
- (46) Schedule 1, section 116(4), ‘or a sugar cane trailer’—
omit.
- (47) Schedule 1, part 8, division 4—
omit.
- (48) Schedule 1, section 130(3) to (6)—
omit.
- (49) Schedule 1, section 137(2), table, items 2 and 5, column 2, ‘but ≤12’—
omit.
- (50) Schedule 1, section 137(2), table, items 3 and 6—
omit.
- (51) Schedule 1, section 137(2), table, items 4 and 5—
renumber as schedule 1, section 137(2), table, items 3 and 4.
- (52) Schedule 1, part 11—
omit.
- (53) Schedule 1, part 12, division 1, heading—
omit.
- (54) Schedule 1, section 143(5)—
omit.
- (55) Schedule 1, part 12, division 2—
omit.
- (56) Schedule 1, section 157(2)—
omit.

126 Insertion of new sch 1A

After schedule 1—

insert—

Schedule 1A Statutory conditions on guidelines and permits for oversize light vehicles

section 15A

1 Application of schedule to guideline or permit

This schedule applies to a guideline for a type of oversize light vehicle, or a permit for a particular oversize light vehicle or type of oversize light vehicle, issued by the chief executive or the commissioner (the *issuer*) under part 3 if the issuer—

- (a) reasonably believes that driving the type of vehicle under the guideline, or the particular vehicle or type of vehicle under the permit, during a particular period or particular periods or along a particular road or particular roads would, because of its dimensions—
 - (i) unduly hinder or obstruct other road users; or
 - (ii) compromise road safety; and
- (b) publishes a gazette notice (the *restriction notice*) identifying the following—
 - (i) the permit or guideline;
 - (ii) the vehicle or type of vehicle;
 - (iii) the dimensions of the vehicle or type of vehicle;
 - (iv) if applicable under paragraph (a)—the period or periods;

- (v) if applicable under paragraph (a)—the road or roads;
- (vi) the restrictions applying under the restriction notice.

2 Conditions applying under section 15A

- (1) A person must not drive the vehicle or type of vehicle identified in the restriction notice contrary to the restrictions identified in the notice.
- (2) However, the issuer may, by signed notice (a *waiver notice*) given to an eligible person for the guideline or permit identified in the restriction notice, waive a restriction if the issuer is satisfied that—
 - (a) special circumstances exist; and
 - (b) in the circumstances, the driving of the type of vehicle under the guideline, or the vehicle or type of vehicle under the permit, without regard to the restriction would not compromise road safety.
- (3) The issuer may impose reasonable and relevant conditions in the waiver notice for driving the type of vehicle under the guideline, or the vehicle or type of vehicle under the permit, in addition to the conditions, if any, in the guideline or permit.
- (4) The waiver notice is taken to be included in, and a part of, the guideline or permit.
- (5) In this section—

eligible person means—

 - (a) for a guideline—a person who, apart from the restriction notice, would be authorised to drive the type of oversize light vehicle under the guideline; or

- (b) for a permit—
- (i) the holder of the permit; or
 - (ii) a person, other than the holder of the permit, who, apart from the restriction notice, would be authorised to drive the oversize light vehicle or type of oversize light vehicle under the permit.

issuer see section 1(a).

restriction notice see section 1(b).

127 Amendment of sch 3 (Fees)

- (1) Schedule 3, item 1(a), ‘motor vehicle with a GVM not more than 4.5t’—

omit, insert—

light motor vehicle other than a motor bike

- (2) Schedule 3, item 2(c), ‘motor vehicle with a GVM not more than 4.5t’—

omit, insert—

vehicle if it is a light motor vehicle

- (3) Schedule 3, items 4 and 5, before ‘vehicle’—

insert—

light

128 Amendment of sch 4 (Dictionary)

- (1) Schedule 4, definitions *50mm kingpin*, *75mm kingpin*, *90mm kingpin*, *articulated bus*, *axle group*, *B-double*, *defective*, *defect notice*, *modification business*, *motorbike*, *park*, *proprietor*, *road tank vehicle*, *sugar cane trailer* and *vehicle*—

omit.

- (2) Schedule 4—

insert—

axle group means a single axle group, tandem axle group, twinsteer axle group, tri-axle group or quad-axle group.

defective, in relation to a vehicle—

- (a) for a heavy vehicle—means that the vehicle is a defective heavy vehicle under the Heavy Vehicle National Law (Queensland), Part 9.3, Division 6; or
- (b) for a light vehicle—see section 7.

defect notice means a notice given under section 8(2).

dimension and loading provision means each of the following provisions—

- (a) part 2A;
- (b) a provision of any of the following relating to a guideline or permit to the extent that the guideline or permit affects the application of part 2A to a light vehicle—
 - (i) part 3 and schedule 1A;
 - (ii) part 5;
 - (iii) part 7, division 4;
- (c) a definition in this schedule affecting the application of a provision mentioned in paragraph (a) or (b).

front articulation point, of a trailer, means the point of articulation at the front of the trailer.

GCM (gross combination mass), of a motor vehicle, means the maximum loaded mass of the motor vehicle and any vehicles it may lawfully tow—

- (a) stated by the motor vehicle's manufacturer—

-
- (i) on the motor vehicle's compliance plate; or
 - (ii) if there is no compliance plate—in another place; or
- (b) stated by the registration authority for the motor vehicle if—
- (i) the manufacturer has not stated the maximum loaded mass of the motor vehicle and any vehicles it may lawfully tow; or
 - (ii) the manufacturer can not be identified; or
 - (iii) the motor vehicle has been modified and the maximum loaded mass of the motor vehicle and any vehicles it may lawfully tow, as stated by the manufacturer, is no longer appropriate.

gross mass means—

- (a) for a vehicle that is not included in a combination, the total of—
 - (i) the unladen mass of the vehicle; and
 - (ii) the mass of the load, if any, in the vehicle; or
- (b) for a combination, the total of—
 - (i) the unladen mass of all the vehicles in the combination; and
 - (ii) the total mass of the load, if any, in the vehicles.

light combination means a combination that is a light vehicle.

light motor vehicle means a motor vehicle that is a light vehicle.

light trailer means a trailer that is a light vehicle.

light vehicle means a vehicle (including a combination) that is not a heavy vehicle.

load, of a vehicle, for a dimension and loading provision, includes—

- (a) all the goods, passengers, drivers and other persons in the vehicle; and
- (b) all fuel, water, lubricants and readily removable equipment carried in the vehicle and required for its normal use; and
- (c) personal items used by the vehicle's driver or someone else necessary for the normal use of the vehicle; and
- (d) anything normally removed from the vehicle when it is not in use; and
- (e) anything that may fall from the vehicle when it is in motion.

load carrying vehicle means a vehicle designed and built to carry goods in addition to any fuel, water, lubricants and readily removable equipment carried in the vehicle and required for its normal use.

loaded mass, of a vehicle, means the vehicle's mass together with the mass of the vehicle's load that is transmitted to the ground.

motorbike—

- (a) for a dimension and loading provision—see definition *motorbike* in schedule 4 of the Act; or
- (b) for a provision other than a dimension and loading provision—means a light motor vehicle with 2 wheels, and includes a 2-wheeled light motor vehicle with a sidecar attached to it that is supported by a third wheel.

oversize light vehicle means a light vehicle that, together with any load, does not comply with part 2A, division 2 or 3.

proprietor, of an AIS, means—

- (a) if the holder of the AIS approval to operate the AIS is required to have a nominee—the nominee; or
- (b) otherwise—the holder of the AIS approval to operate the AIS.

rear overhang, of a vehicle, for part 2A, division 2, see section 13B.

rear overhang line, of a vehicle, for part 2A, division 2, see section 13B.

registration authority, for a vehicle, means the authority that is responsible for registering vehicles in the State in which the vehicle is, or is required to be, registered.

retractable axle means an axle, in an axle group, with a means of adjustment enabling it to be raised or lowered relative to the other axles in the axle group.

road transport infrastructure see the *Transport Infrastructure Act 1994*, schedule 6.

semitrailer means a trailer (including a pole-type trailer) that has—

- (a) 1 axle group towards the rear; and
- (b) a way of attaching to a prime mover that results in some of the load being imposed on the prime mover.

trailer, for a dimension and loading provision, does not include a vehicle that is not a load carrying vehicle.

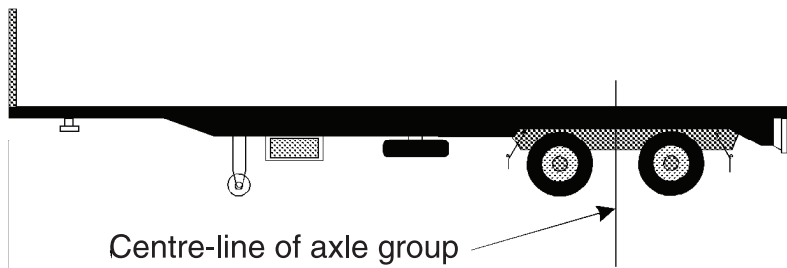
vehicle—

- 1 *Vehicle* includes the equipment fitted to, or forming part of, a vehicle.
- 2 However, for a provision other than a dimension and loading provision, *vehicle* does not include—
 - (a) a vehicle designed to be controlled by a person walking next to it; or
 - (b) a vehicle propelled or designed to be propelled by human power; or
 - (c) a vehicle drawn by animal power; or
 - (d) a vehicle propelled by a motor with a maximum power output of not more than 200W; or
 - (e) a motorised wheelchair that can not travel at more than 10km an hour; or
 - (f) a pedelec within the meaning of the *Vehicle Standard (Australian Design Rule—Definitions and Vehicle Categories) 2005* (Cwlth); or
 - (g) a vehicle being repaired, or being tested in the course of being repaired, to comply with the vehicle standards; or
 - (h) an aircraft; or
 - (i) a personal mobility device within the meaning of the *Transport Operations (Road Use Management—Vehicle Registration) Regulation 2010*, schedule 8;
 - (j) for sections 17 to 28—
 - (i) a vehicle that is an agricultural implement, agricultural machine or mobile machinery under the *Transport Operations (Road Use*

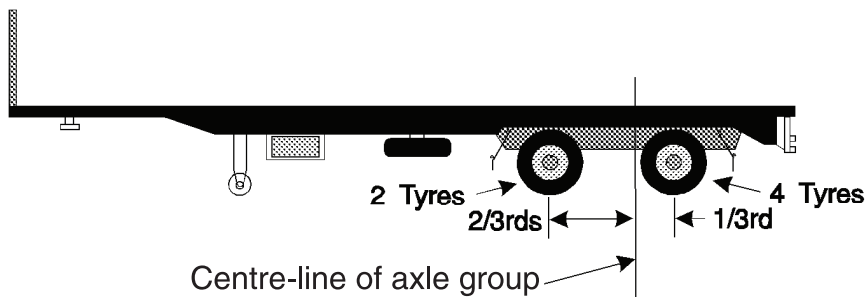
*Management—Vehicle
Registration) Regulation 2010; or*

- (ii) a straddle truck; or
- (iii) a mobile crane; or
- (iv) a mobile dump truck; or
- (v) a tractor.

(3) Schedule 4, definition *centre-line*, after paragraph (b)—
insert—

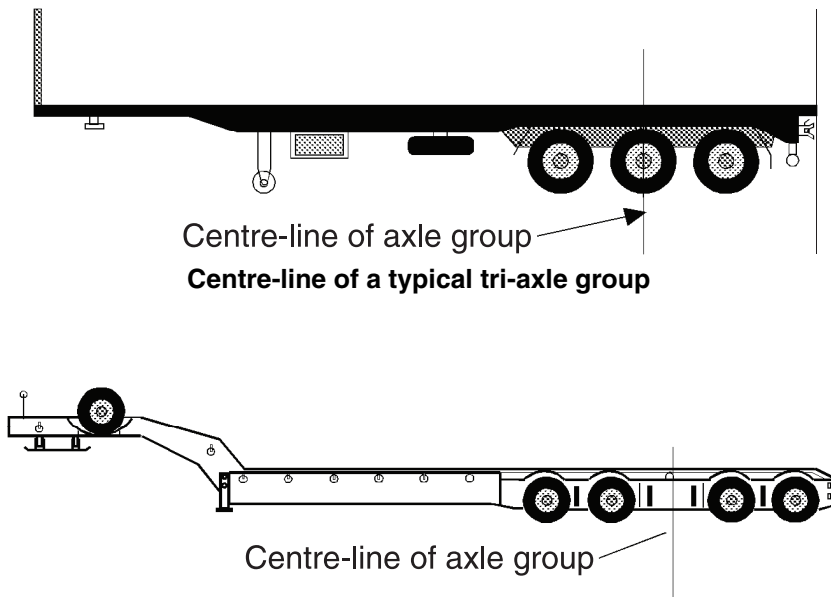


**Centre-line of a typical tandem axle group fitted with an equal number of
tyres on each axle**



**Centre-line of a typical tandem axle group fitted with a different number of
tyres on each axle**

[s 128]



Centre-line of a typical quad-axle group

- (4) Schedule 4, definition *dog trailer*, from ‘means’ to ‘rear’—
omit, insert—
means a trailer that has 2 axle groups with the front axle group being steered by connection to the towing vehicle
- (5) Schedule 4, definition *major defect*, ‘a vehicle’—
omit, insert—
a light vehicle
- (6) Schedule 4, definition *minor defect*, ‘a vehicle’—
omit, insert—
a light vehicle
- (7) Schedule 4, definition *motortrike*, before ‘motor vehicle’—
insert—
light

-
- (8) Schedule 4, definition *SC vehicle*, paragraph (c), ‘vehicle with a GVM of not more than 4.5t’—
omit, insert—
light vehicle
- (9) Schedule 4, definition *twinsteer axle group*, from ‘of 2 axles’ to ‘than 2m.’—
omit, insert—
of 2 axles that is fitted to a motor vehicle if—
(a) each axle is fitted with single tyres; and
(b) both axles are connected to the same steering mechanism; and
(c) the horizontal distance between the centre-lines of the 2 axles is at least 1m but not more than 2m.
- (10) Schedule 4, definition *yellow*, before ‘includes’—
insert—
, for a provision other than a dimension and loading provision,

Part 15 Repeal provision

129 Repeal of regulations

The following regulations are repealed—

- (a) the Transport Operations (Road Use Management—Fatigue Management) Regulation 2008, SL No. 296;
- (b) the Transport Operations (Road Use Management—Mass, Dimensions and Loading) Regulation 2005, SL No. 188.

ENDNOTES

- 1 Made by the Governor in Council on 30 January 2014.
- 2 Notified on the Queensland Legislation website on 3 February 2014.
- 3 The administering agency is the Department of Transport and Main Roads.

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Authorised by the Parliamentary Counsel