

Queensland



Explanatory Notes for SL 1999 No. 213

Transport Operations (Road Use Management) Act 1995

TRANSPORT OPERATIONS (ROAD USE MANAGEMENT—VEHICLE STANDARDS AND SAFETY) REGULATION 1999

CHAPTER 1—PRELIMINARY

Short title

Clause 1 sets out the short title of the regulation.

Commencement

Clause 2 cites the commencement date of the regulation.

Definitions—the dictionary

Clause 3 provides that the dictionary in schedule 4 defines particular words in the regulation.

Fees

Clause 4 provides that schedule 3 defines the fees payable under the regulation.

CHAPTER 2—VEHICLE STANDARDS

PART 1—VEHICLE STANDARDS

Vehicles must comply with the vehicle standards

Clause 5 details the offences for driving or parking on a road a vehicle that does not comply with the vehicle standards or is otherwise defective or unsafe. These offences are carried over from the *Traffic Regulation 1962*.

Modifying vehicle

Clause 6 details the offence for altering a vehicle without approval. This offence is carried over from the *Traffic Regulation 1962*.

Modifying motor vehicle after speeding conviction

Clause 7 details the requirement to speed limit certain heavy vehicles after the driver is convicted of an offence involving driving in excess of 115 km/h. It contains an offence for using the vehicle until it is speed limited. This offence is carried over from the *Traffic Regulation 1962*.

Unauthorised lights

Clause 8 details the offence for fitting to a vehicle, lights or reflectors that do not comply with the vehicle standards. This offence is carried over from the *Traffic Regulation 1962*.

Altering silencing devices

Clause 9 details the offence for modifying a vehicle's silencing device to reduce its effectiveness. This offence is carried over from the *Traffic Regulation 1962*.

PART 2—GUIDELINES AND PERMITS FOR SAFE MOVEMENT OF VEHICLES

Guidelines and permits for vehicles

Clause 10 explains that the Chief Executive may issue permits and guidelines and the Commissioner may issue permits about the safe movement on a road of a vehicle which does not fully comply with the vehicle standards. This clause reflects similar provisions in the *Traffic Regulation 1962* and the *Transport Operations (Road Use Management) Regulation 1995*.

Permit contents and conditions

Clause 11 explains the details that a permit must state and allows the issuing authority to recover reasonable costs incurred in issuing the permit.

Exemption while driving under guideline or permit

Clause 12 explains what a person must do when driving a vehicle in accordance with a permit.

CHAPTER 3—VEHICLE SAFETY

PART 1—VEHICLE INSPECTIONS

When is a vehicle defective

Clause 13 describes the way in which an Authorised Officer determines that a vehicle is defective.

Defect notices

Clause 14 allows an Authorised Officer to specify the actions to be taken by a vehicle owner or driver and describes the responsibilities of the vehicle owner and driver in ensuring the requirements of the defect notice are carried out.

Defect vehicle label

Clause 15 provides for a defective vehicle label to be applied to a vehicle that an Authorised Officer considers to have defects that make the vehicle unsafe to continue to be used and that specified action must be taken in relation to the defects.

Inspections by authorised officers

Clause 16 provides for an inspection certificate to be issued by an Authorised Officer following the inspection of a vehicle.

Inspections by approved examiners for inspection certificate

Clause 17 describes the types of vehicles an Approved Examiner may inspect for the purpose of the issue of an inspection certificate. The approved examiner must decide if a vehicle is defective or not defective under this section and issue the inspection certificate or a report on the defective items.

Reinspection by approved examiners for inspection certificate

Clause 18 describes the actions by an Approved Examiner when a vehicle owner returns a vehicle for a further inspection following the completion of stated repairs.

Action more than 14 days after inspection report issued

Clause 19 states what action must be taken if a vehicle is not returned for reinspection within 14 days.

SC vehicles for sale

Clause 20 details the requirements for a vehicle owner to ensure a current inspection certificate is displayed on a vehicle that is for sale. These requirements do not apply to registered motor dealers in certain circumstances.

Disposal of registered vehicles

Clause 21 states that the owner of a registered vehicle must not dispose of the vehicle without a current inspection certificate.

Registered COI vehicles always require certificate of inspection

Clause 22 details the requirements for certain vehicles, such as heavy vehicles, public passenger vehicles and vehicles operated under an authority, to have a current certificate of inspection at all times.

Currency of certificates

Clause 23 describes the frequency of inspections for certain vehicles.

Extension of time to comply

Clause 24 allows the chief executive to issue an “extension of time” to vehicle owners in circumstances where there are difficulties in complying with the requirements of a defect notice or for a Certificate of Inspection provided certain conditions are met.

PART 2—APPROVED INSPECTION STATIONS

AIS approvals

Clause 25 provides for the chief executive to grant approvals to persons to operate and conduct business as an Approved Inspection Station (AIS), including a mobile AIS, for the purpose of issuing inspection certificates for certain vehicles. This section also provides for the persons that are to be employed and certain equipment that is necessary for the inspection of vehicles.

Nominees

Clause 26 provides for a proprietor to nominate a person to act as proprietor in certain circumstances.

Exhibiting AIS approval

Clause 27 requires the approval of the AIS premises to be displayed and produced at the request of any person, or in the case of a mobile AIS, carry the approval in the vehicle.

Keeping and maintaining equipment at AIS

Clause 28 requires a proprietor to maintain the equipment that was described in the application for approval.

Inspections permitted at an AIS

Clause 29 requires a proprietor to ensure approved examiners are employed at the site and that they are accredited to inspect the types of vehicles to be inspected. This section also requires the proprietor to supervise the work of examiners and to ensure they have a sound knowledge of the regulations and functions of an approved examiner.

PART 3—MODIFICATIONS

Approval of modified vehicle

Clause 30 requires the vehicle owner to ensure modifications made to a vehicle have been approved prior to the use of the vehicle on the road. This section also describes the standards to which a vehicle must comply and the issue of prescribed certificates and plates in respect of the modification.

PART 4—GENERAL

Notification of change

Clause 31 describes the administrative responsibilities of the proprietor of an AIS or a modification business in relation to notifying the chief executive of certain changes in the name or approved persons at the business.

Notification if certificate or plate destroyed, lost or stolen

Clause 32 requires the proprietor or a person to notify the chief executive if any certificate forms or plates have been destroyed, lost or stolen.

Returning unused forms and plates

Clause 33 requires a proprietor who stops carrying on business to return forms and plates to the chief executive.

Document keeping

Clause 34 requires the proprietor to keep certain documents for 2 years.

Making, possessing or using false or misleading documents

Clause 35 provides for a particular offence for making, possessing or using false documents.

Codes of practice

Clause 36 relates to the approval of various codes of practice for vehicle modification and vehicle inspection standards.

Prescribed approvals—Act, ss 17B and 18(c)(ii)

Clause 37 provides for the chief executive to refuse to grant or renew approvals under certain circumstances.

Seizing certain vehicles for sale—Act, s 46A

Clause 38 clarifies the Act provision for seizure of certain vehicles.

CHAPTER 4—OBTAINING APPROVALS

Applying for approval

Clause 39 explains how to apply for an approval (which includes a permit).

Deciding application

Clause 40 requires the issuing authority to decide on an application for an approval within 28 days.

Imposing conditions

Clause 41 allows the issuing authority to impose reasonable and relevant conditions on an approval.

Granting of approval

Clause 42 requires the issuing authority to promptly advise the applicant of an approved application.

Refusing to grant approval

Clause 43 requires the issuing authority to promptly advise the applicant of a refused application in writing stating the reasons for the refusal and advising of the applicant's right to review the decision.

Review of decisions

Clause 44 explains an applicant's rights to review a decision made by the issuing authority under the Act.

CHAPTER 5—TRANSITIONAL PROVISIONS

Existing guidelines and permits

Clause 45 allows guidelines and permits about vehicle standards issued under the *Traffic Regulation 1962* to continue after commencement of the regulation.

Clause 46 allows an appointment as an approval examiner or approved person issued under the *Transport Operations (Road Use Management—Motor Vehicles Safety) Transitional Regulation 1994* to continue under the regulation.

Clause 47 allows the holder of an approval issued under the *Transport Operations (Road Use Management—Motor Vehicles Safety) Transitional Regulation 1994* to continue to be a holder of an approval under the regulation.

Clause 48 allows a defect notice issued under the *Transport Operations (Road Use Management—Motor Vehicles Safety) Transitional Regulation 1994* to continue under the regulation.

CHAPTER 6—REPEAL

Repeal

Clause 49 repeals the *Transport Operations (Road Use Management—Motor Vehicles Safety) Transitional Regulation 1994*.

CHAPTER 7—OTHER AMENDMENTS

PART 1—AMENDMENT OF JUSTICES REGULATION 1993

Regulation amended

Clause 50 advises this part amends the *Justices Regulation 1993*.

Amendment of sch 1, pt 40 (Traffic Regulation 1962)

Clause 51 omits entries for various *Traffic Regulation 1962* provisions which are repealed and replaced by similar provisions in the regulation.

Insertion of sch 1, pt 45E

Clause 52 inserts a table of infringement notice penalties and defines an authorised officer for service of an infringement notice.

PART 2—AMENDMENT OF TRAFFIC REGULATION 1962

Regulation amended

Clause 53 advises this part amends the *Traffic Regulation 1962*.

Amendment of s 46 (Use of signalling devices)

Clause 54 amends the reference to the standards for signalling devices.

Replacement of s 46A (School bus warning devices)

Clause 55 amends the reference to the standards for school bus warning devices.

Amendment of s 68 (Vehicles must comply with sch 1 and other requirements)

Clause 56 omits—the offence for altering vehicles; the requirement to speed limit heavy vehicles where the driver was convicted of exceeding 115 km/h; and the exemption for brakes on converter dollies. These provisions are now in the regulation.

A new subsection is inserted to define the vehicles referred to in section 68(1), (1A) and (1B) as only those propelled by human power or drawn by animals. Section 5 of the regulation now covers other vehicles such as motor vehicles and trailers.

Amendment of s 70 (Lights on stationary motor vehicles)

Clause 57 amends the reference to the standards for tail lights, clearance lights and optional lights.

Amendment of s 71 (Motor vehicle lamps-general provisions)

Clause 58 amends the reference to the standards for headlights.

Omission of s 81 (Altering mufflers)

Clause 59 omits the provision for altering mufflers now covered in s 9 of the regulation.

Amendment of s 82 (Warning devices)

Clause 60 amends the reference to the standards for audible warning devices.

Replacement of s 83 (Restricting certain warning devices)

Clause 61 omits the offence for vehicles equipped with bells or other specified warning devices now covered in schedule 1 of the regulation.

Omission of ss 87 to 88A

Clause 62 omits the provision for motor vehicles fuelled by LPG now covered in sch 1 of the regulation.

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

Clause 63 omits the provision for motor vehicle seat belts now covered in schedule 1 of the regulation.

Amendment of s 91 (Inspection of vehicles)

Clause 64 amends the reference to the vehicle standards now covered in schedule 1 of the regulation.

Amendment of sch 1 (Equipment, construction and loading of vehicles)

Clause 65 omits the parts of the *Traffic Regulation 1962*, schedule 1 dealing with motor vehicles and trailers now covered in schedule 1 of the regulation.

Amendment of sch 2 (Demerit points for certain offences)

Clause 66 insets demerit points for certain offences dealing with motor vehicles and trailers which have been transferred from the *Traffic Regulation 1962* to the regulation.

**PART 3—AMENDMENT OF TRANSPORT
OPERATIONS (ROAD USE MANAGEMENT)
REGULATION 1995**

Regulation amended

Clause 67 advises this part amends the *Transport Operations (Road Use Management) Regulation 1995*.

Amendment of s 10 (Axles)

Clause 68 amends the definition of 1 axle to exclude 2 axles 1 m apart so that it is consistent with the regulation.

Amendment of s 11F (Width)

Clause 69 allows for certain items to be excluded when measuring the width of a vehicle to align with national standards.

Amendment of s 11I (Length-trailers)

Clause 70 amends the way in which length of livestock trailers are measured to align with national standards.

Amendment of s 11J (Length-rear overhang)

Clause 71 amends the way in which length of a trailer's overhang is measured to align with national standards.

Amendment of s 33D

Clause 72 extends the reasons for the chief executive to refuse an application for an approval as an accredited person.

Amendment of pt 4A

Clause 73 describes the functions of accredited persons who are approved to inspect vehicles to ensure they comply with this regulation. It also details the expertise and qualifications necessary for approval as an approved examiner to conduct inspections on the various types of vehicle that require an inspection certificate.

Amendment of sch 1 (Fees)

Clause 74 amends existing fees by moving the approved examiner fee from another schedule and including it in this schedule for accredited persons.

SCHEDULE 1—VEHICLE STANDARDS

This schedule contains the standards for motor vehicle and trailers in accordance with the national standards approved by Ministerial Council. For the most part, the standards reflect previous Queensland standards and, of those standards which are different, most are a lowering of the previous standard. Where unique Queensland standards previously existed to cover Queensland vehicles such as sugar cane trailers, these standards have been retained unchanged.

SCHEDULE 2—EXEMPT AREAS

This schedule defines the areas of the state and particular vehicles that are exempt from certain inspection requirements of the regulation.

SCHEDULE 3—FEES

This schedule details the fees that are payable for vehicle inspections and other related matters under the regulation.

SCHEDULE 4—DICTIONARY

This schedule defines terms that are used throughout the regulation. In some cases the dictionary refers the reader to a section of the regulation in which the term is defined.

ENDNOTES

1. Laid before the Legislative Assembly on . . .
2. The administering agency is the Department of Transport.