

1993—No. 96

TRAFFIC ACT 1909—REGULATION

(Relating to overdimension vehicles and loads)

NEW SOUTH WALES



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HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Traffic Act 1909, has been pleased to make the Regulation set forth hereunder.

WAL MURRAY, M.P.,
Minister for Roads,

Commencement

1. This Regulation commences on 3 May 1993.

Amendments

2. The Motor Traffic Regulations 1935 are amended:
 - (a) by inserting after Regulation 92 (5) the following clause:

(5A) A person is not guilty of an offence under this Regulation by virtue of a motor vehicle's failure to comply with the dimension limits prescribed by Part 1 of Division 3 or Part 1 of Division 6 of Schedule F if the motor vehicle is the subject of a specific or general overdimension permit for the time being in force under Part 9A.
 - (b) by omitting Regulation 92AA (2) (a);
 - (c) by inserting in Regulation 114 (1) after the words "complied with" the words "or unless the motor vehicle is the subject of a specific or general overdimension permit for the time being in force under Part 9A";

(d) by inserting after Regulation 114 (3) the following clause:

(3A) This Regulation does not apply to:

- (a) a tractor-harvester-cutting head trailer combination; or
- (b) a tractor with multiple implements attached, where those implements are normally used as one unit when performing agricultural operations; or
- (c) a tractor and implement combination towing a fuel trailer or a laser tower; or
- (d) an articulated low-loader consisting of a prime mover towing a converter dolly and a semi-trailer.

(e) by inserting after Part 9 the following Part:

PART 9A—OVERDIMENSION VEHICLE PERMITS
Division 1—Preliminary

Definitions

117A. In this Part:

“authorised officer” means a person employed by the Authority as an enforcement officer for the purposes of this Part;

“motor vehicle” includes a combination of motor vehicles.

Vehicles to which this Part applies

117B. (1) This Part applies to a motor vehicle:

- (a) that exceeds the dimension limits prescribed by Part 1 of Division 3 of Schedule F; or
- (b) that exceeds the dimension limits contained in the Australian Design Rules (Third Edition) applying to the vehicle; or
- (c) that is not permitted to stand or be driven on a public street by virtue of Regulation 114; or
- (d) that exceeds the loading and dimension limits prescribed by Regulation 118.

Division 2—Specific overdimension permits

Issue of specific overdimension permits

117C. (1) The Authority may issue a specific overdimension permit authorising a motor vehicle or motor vehicles to which this

Part applies and which are identified in the permit to stand or be driven on a public street.

(2) The permit may only be issued to a natural person who satisfies the issuing officer that he or she has the competence and authority to control and direct the movement of the motor vehicle or motor vehicles to which the permit relates.

(3) The permit:

- (a) may be granted for a single journey or for all journeys during a period specified in the permit; and
- (b) may specify the routes, areas or streets to be used on that journey or those journeys.

Conditions of specific overdimension permits

117D. (1) A specific overdimension permit may be issued subject to conditions specified in the permit.

(2) Those conditions may include a requirement to display warning signs and conditions designed to secure payment for:

- (a) any damage caused by any motor vehicle or its load when being stood or driven pursuant to the permit; and
- (b) any road work or other work required to be undertaken specifically to allow a motor vehicle (or a motor vehicle together with any loading) to be stood or driven on the public street or public streets specified in the permit; and
- (c) any costs incurred by the Authority for evaluating any specific route proposed to be followed by the holder of the permit or for ascertaining in the public interest the best route to be followed; and
- (d) any costs incurred by the Authority for providing special escort services for the motor vehicle or motor vehicles to which the permit applies.

(3) An applicant for a specific overdimension permit and the Authority may, on or before the issue of the permit, agree on an amount as representing the cost:

- (a) of making good any damage referred to in clause (2) (a); and
- (b) of carrying out any work referred to in clause (2) (b).

and the terms of such an agreement displace the conditions of the permit to the extent of any inconsistency.

Applying for a specific overdimension permit

117E. A person applying for the issue of a specific overdimension permit must:

- (a) make a written application in the form approved by the Authority; and
- (b) pay the fee prescribed in Schedule A, unless the Authority exempts the person from the payment of the fee.

Form and content of a specific overdimension permit

117F. A specific overdimension permit must:

- (a) identify the motor vehicle or motor vehicles to which it applies; and
- (b) identify the person responsible for the movement of the motor vehicle or motor vehicles; and
- (c) specify any dimension limits with which the motor vehicle or motor vehicles must comply; and
- (d) specify the period of validity of the permit.

Permit to be carried in vehicle

117G. (1) A specific overdimension permit issued in relation to a motor vehicle must be carried in the vehicle whenever the vehicle stands or is driven on a public street.

(2) The following are each guilty of an offence if this Regulation is contravened:

- (a) the owner of the motor vehicle;
- (b) the holder of the permit;
- (c) the driver of the motor vehicle.

Maximum penalty: 20 penalty units.

(3) The owner of the motor vehicle is not guilty of an offence under this Regulation if the owner:

- (a) satisfies the court that the owner did not know of the contravention and could not reasonably be expected to have known of it; and
- (b) is not the holder of the permit.

(4) The holder of the permit is not guilty of an offence under this Regulation if the holder satisfies the court that the holder:

- (a) did not know of the contravention and could not reasonably be expected to have known of it; and

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(b) had taken all reasonable steps to prevent such a contravention.

Permit to be produced on demand

117H. When a motor vehicle is standing or being driven on a public street pursuant to a specific overdimension permit the person driving the vehicle must produce the permit to a member of the police force or an authorised officer if requested to do so. Maximum penalty: 20 penalty units.

Contravention of conditions of permit

117I. (1) If a motor vehicle that is the subject of a specific overdimension permit stands or is driven on a public street in contravention of the conditions of the permit, the following are each guilty of an offence:

- (a) the owner of the motor vehicle; and
- (b) the holder of the permit; and
- (c) the driver of the motor vehicle.

Maximum penalty: 20 penalty units.

(2) The owner of the motor vehicle is not guilty of an offence under this Regulation if the owner satisfies the court that the owner did not know of the contravention and could not reasonably be expected to have known of it.

(3) The holder of the permit is not guilty of an offence under this Regulation if the holder satisfies the court that the holder:

- (a) did not know of the contravention and could not reasonably be expected to have known of it; and
- (b) had taken all reasonable steps to prevent such a contravention.

Division 3—General overdimension permits**Grant of general overdimension permit**

117J. (1) The Authority may, by order published in the Gazette, grant a general overdimension permit authorising motor vehicles to which this Part applies to stand or be driven on a public street.

(2) Such a permit may be granted so as to apply to all vehicles to which this Part applies or so as to apply only to a specified class of them.

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(3) The permit must:

- (a) specify any dimension limits permitted by the permit; and
- (b) specify any public street or areas on which the motor vehicle or motor vehicles must not stand or be driven; and
- (c) specify any particular class of motor vehicles to which it applies.

Conditions of general overdimension permit

117K. (1) A general overdimension permit may be granted subject to conditions specified in the permit.

(2) Those conditions may include a requirement to display warning signs.

Guidelines

117L. (1) The Authority may publish guidelines in connection with any general overdimension permit and may amend those guidelines from time to time.

(2) The Authority is to make the guidelines available to any person who owns, drives or has custody of a vehicle to which the permit applies and who requests a copy of the guidelines.

Copy of order or guidelines to be carried in vehicle

117M. (1) A copy of the order granting a general overdimension permit in relation to a motor vehicle, or of any relevant guidelines in force under this Division in relation to the permit, must be carried in the vehicle whenever the vehicle stands or is driven on a public street.

(2) A copy of an order or guidelines carried pursuant to this Regulation must be legible and up-to-date.

(3) The following are each guilty of an offence if this Regulation is contravened:

- (a) the owner of the motor vehicle;
- (b) any person having custody or control of the motor vehicle at the time of the contravention;
- (c) the driver of the motor vehicle.

Maximum penalty: 20 penalty units.

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(4) The owner of the motor vehicle is not guilty of an offence under this Regulation if the owner satisfies the court that the owner did not know of the contravention and could not reasonably be expected to have known of it.

Permit or guidelines to be produced on demand

117N. (1) When a motor vehicle is being driven or is standing on a public street under the authority of a general overdimension permit, the person driving the vehicle must show evidence of that authority to a member of the police force or an authorised officer if requested to do so.

(2) A person shows such evidence by producing either a copy of the order granting the general overdimension permit relating to the vehicle or a copy of any guidelines in force under this Division in relation to that permit.

Maximum penalty: 20 penalty units.

Contravention of conditions of permit

117O. (1) If a motor vehicle that is the subject of a general overdimension permit stands or is driven on a public street in contravention of the conditions of the permit, the following are each guilty of an offence:

- (a) the owner of the motor vehicle; and
- (b) any person having custody or control of the motor vehicle at the time of the contravention; and
- (c) the driver of the motor vehicle.

Maximum penalty: 20 penalty units.

(2) The owner of the motor vehicle is not guilty of an offence under this Regulation if the owner satisfies the court that the owner did not know of the contravention and could not reasonably be expected to have known of it.

Division 4—General**Revocation of permit**

117P. (1) A specific overdimension permit may be revoked by the Authority, by notice in writing served on the holder of the permit, if the Authority is satisfied that:

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- (a) the conditions of the permit are not being complied with; or
- (b) for some other reason, the permit should be revoked in the public interest.

(2) A general overdimension vehicle permit may be revoked by the Authority at any time by notice published in the Gazette.

Unauthorised display of warning signs

117Q. (1) A motor vehicle being stood or driven on a public street must not have affixed to it a sign:

- (a) displaying the word “OVERSIZE”; and
- (b) generally resembling a sign, bearing any words required to be used on a sign required by a general overdimension permit,

unless it is a vehicle to which any such permit applies.

(2) The following are each guilty of an offence if this Regulation is contravened:

- (a) the owner of the motor vehicle;
- (b) any person having custody or control of the motor vehicle at the time of the contravention;
- (c) the driver of the motor vehicle.

Maximum penalty: 20 penalty units.

(3) The owner of the motor vehicle is not guilty of an offence under this Regulation if the owner satisfies the court that the owner did not know of the contravention and could not reasonably be expected to have known of it.

Operation of Regulations 80A, 80B, 80D and 92AA

117R. (1) Neither a general nor a specific overdimension permit may be granted so as to authorise any contravention of Regulation 80B or 92AA.

(2) This Part does not limit or affect the operation of Regulations 80A and 80D.

Permits do not authorise contravention of weight limits

117S. Neither a general nor a specific overdimension permit may be granted so as to authorise any person to act in contravention of any provision made by or under the State Roads Act 1986 or Ordinance No. 30C or 30D made under the Local Government Act 1919.

Savings

117T. (1) This Regulation applies to a written permission of the Commissioner of Police or the Authority, issued under Regulation 118 (2) or under paragraph 43 or 161 of Schedule F, authorising a motor vehicle or motor vehicles or their loads to exceed prescribed dimension limits.

(2) A permission to which this Regulation applies that was given before 3 May 1993 is taken to be a specific overdimension permit issued so as to be in force until the date of its expiry or until 2 May 1994, whichever is earlier.

- (f) by omitting Regulation 118 (2) and by inserting instead the following clause:
 - (2) A person is not guilty of an offence under this Regulation if the vehicle is the subject of a specific or general overdimension permit for the time being in force under Part 9A.
- (g) by inserting in Schedule A after item 30 the following item:
 - 31. Specific overdimension permit—Regulation 117C \$70
- (h) by omitting paragraph 43 of Schedule F and by inserting instead the following paragraph:
 - 43. Except where otherwise provided, the limits prescribed in this Part refer to the motor vehicle together with any loading or equipment on the vehicle.
- (i) by inserting after paragraph 860A of Schedule F the following paragraph:
 - 860B. Dimensions of vehicles regulated by permit:
 - (1) The limits prescribed by this Division for the dimensions of motor vehicles do not apply to a vehicle that is the subject of a specific or general overdimension vehicle permit for the time being in force under Part 9A of these Regulations.
 - (2) Nothing in this clause precludes the imposition, as a condition of a permit referred to in subparagraph (1), of the requirements of this Division (with or without modification).
- (i) by omitting paragraph 161 of Schedule F and by inserting instead the following paragraph
 - 161. Dimensions of vehicles regulated by permit:
 - (1) The limits prescribed by this Division for the dimensions of motor vehicles do not apply to a vehicle that is the subject of a specific or general overdimension vehicle permit for the time being in force under Part 9A of these Regulations.

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(2) Except where otherwise provided in this Division or in the Australian Design Rules (Third Edition), such limits refer to the motor vehicle together with any loading or equipment on the vehicle.

(3) Nothing in this clause precludes the imposition, as a condition of a permit referred to in subparagraph (l), of the requirements of this Division (with or without modification).

(k) by inserting in Table A of Part 2 of Schedule K after the matter relating to Regulation 116 (a) to (e) the following matter:

Regulation 117G	\$100
Regulation 117H	\$100
Regulation 117M	\$100
Regulation 117N	\$100

EXPLANATORY NOTE

Currently, the Motor Traffic Regulations 1935 require a person to obtain written permission from the Commissioner of Police to stand or drive on a public street

- any articulated vehicle drawing any motor vehicle or any vehicle drawing more than one motor vehicle (under Regulation 114);
- any vehicle which exceeds certain limits, relating to the dimension and load of vehicles, set out in Regulation 118;
- any vehicle which exceeds the dimension limits set out in Part 1 of Division 3 of Schedule F to the Regulations relating to vehicles not subject to the Australian Design Rules (Third Edition) (see paragraph 43 of Schedule F);
- in case of motor vehicle manufactured on or after 1.1.89., any vehicle which exceeds the limits in the Australian Design Rules (Third Edition).

The object of this Regulation is to amend the Motor Traffic Regulations 1935 to transfer the power to issue permits to overdimension vehicles from the Police to the Roads and Traffic Authority. The Commissioner of Police retains the power to permit the towing of certain vehicles.

The Regulation inserts Part 9A (**Overdimension vehicle permits**) which applies to motor vehicles exceeding one or more of the relevant dimension or load limits applicable to them.

The Regulation will provide for two types of permits to be issued by the Roads and Traffic Authority allowing overdimension vehicles to stand or be driven on a public street:

- a specific overdimension permit may be issued in relation to a particular vehicle. Such a permit may be granted for a single journey or all journeys in a period and may specify the route to be used on a journey.

- a general overdimension permit may be published by order in the Gazette. Such a permit may apply to all vehicles to which Part 9A applies or to a specified class of vehicles only. Guidelines may also be published in relation to vehicles the subject of a general overdimension permit

Either type of permit may be granted subject to conditions and each must be carried in the vehicle when it stands or is driven on a public street