

1994—No. 678

**TRAFFIC ACT 1909—REGULATION**

(Relating to mass limits for motor lorries)

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.

BRUCE BAIRD, M.P.  
Minister for Transport and Minister for Roads.

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**Commencement**

1. This Regulation commences on 1 January 1995.

**Amendment**

2. The Motor Traffic Regulations 1935 are amended:

- (a) by omitting the definition of “Aggregate Weight” from Regulation 2 (1);
- (b) by omitting from the definition of “Heavy Trailer Combination” in Regulation 2 (1) the words “an aggregate weight” and by inserting instead the words “a mass limit”;
- (c) by omitting from the definition of “Heavy Trailer Combination” in Regulation 2 (1) the words “exempt from aggregate weight requirements under Regulation 120A (6)” and by inserting instead the words “one to which Division 2 of Part 10 does not apply”;
- (d) by inserting in Regulation 2 (1) in alphabetical order the following definition:

“Mass Limit” means:

- (a) in relation to a motor lorry to which Division 2 of Part 10 applies, the mass limit of the lorry as provided by that Division; or

- (b) in relation to any other motor vehicle, the manufacturer's gross vehicle mass of the vehicle.
- (e) by inserting after the heading to Part 10 the following heading:

**Division 1—General**

- (f) by omitting Regulations 120A–122 and by inserting instead the following Division:

**Division 2—Mass limits for motor lorries**

**Definitions**

121. In this Division:

**“existing motor lorry”** means any motor lorry for which a New South Wales registration was in force on 1 January 1995 (as long as that registration has continued in force from that day without a break, including continuation by renewal or re-issue of such registration);

**“visiting motor lorry”** means a visiting motor vehicle that is a motor lorry.

**Application of Division**

121A. This Division applies to motor lorries (including articulated vehicles), but does not apply to any of the following:

- (a) a caravan;
- (b) a station wagon;
- (c) a trailer that weighs not more than 250 kilograms when unladen, is used principally or solely for the carriage of camping equipment, a boat or other materials used in connection with tours for recreational purposes, and is not used in the course of trade or business;
- (d) an excavator, road grader, road roller, bulldozer, or other machinery or apparatus, that cannot carry a load (other than any tools, spare parts, fuel, water, oil, or other accessories, used in connection with the vehicle).

**Roads Act provisions also apply**

121B. Nothing in this Division authorises a person to drive or use a motor lorry, or cause a motor lorry to be driven or used, in contravention of any provision of the Roads Act 1993 or of any Regulation in force under that Act.

**Mass limits not to be exceeded by more than 10 percent**

121C. (1) A person must not drive or use a motor lorry, or cause a motor lorry to be driven or used, on a public street in contravention of either of the following prohibitions:

- (a) The combined mass of a motor lorry and its load must not exceed the lorry's mass limit by more than 10 per cent. A reference to a motor lorry in this paragraph includes a trailer.
- (b) In the case of a motor lorry that is a trailer, the combined mass of the trailer and its load must not exceed by more than 10 per cent a mass that equals 67 per cent of the mass limit of the lorry's hauling unit.

(2) A person does not commit an offence against this Regulation if the lorry is driven or used in accordance with the prior written permission of the Authority and any conditions set out in that permission.

**Mass limits to be marked on motor lorries over 2 tonnes (except trailers)**

121D. (1) A person must not drive or use a motor lorry, or cause a motor lorry to be driven or used, on a public street unless the lorry is marked in accordance with this Regulation. However, this Regulation does not apply to a lorry that has an unladen mass of 2 tonnes or less or that is a trailer.

(2) A motor lorry (except a motor lorry to which clause (3) or (4) applies) is marked in accordance with this Regulation if

- (a) the word Tare or the letter T, followed by the unladen mass (in kilograms) of the lorry, is displayed on the right hand side (the off-side) of the lorry; and
- (b) there are displayed immediately under that matter the words gross vehicle mass or letters GVM (or, in the case of an articulated vehicle, the words gross combination mass or letters GCM) followed by the mass limit in kilograms that applies to the lorry; and
- (c) the displayed matter is displayed in numerals, and block letters, at least 50 millimetres high, and clearly legible at a distance of 5 metres.

(3) An existing motor lorry (except one for which a mass limit has been determined under Regulation 121G) is marked in accordance with this Regulation if:

- (a) the word Tare or the letter T, followed by the unladen mass (in kilograms) of the lorry, is displayed on the right hand side (the off-side) of the lorry; and
- (b) the word Aggregate or the letter A is displayed immediately under that matter, followed by the mass limit in kilograms that applies to the lorry; and

(c) the displayed matter is displayed in numerals, and block letters, at least 50 millimetres high, and clearly legible at a distance of 5 metres.

(4) A visiting motor lorry is marked in accordance with this Regulation if its tare mass and maximum laden mass are displayed in accordance with the law for the time being in force in the State or Territory where the lorry is registered.

**Mass limits for motor lorries (except existing motor lorries)**

121E. (1) For the purposes of this Division, the mass limit of a motor lorry (except an existing motor lorry) is:

- (a) the gross vehicle mass of the lorry, except in the case of an articulated vehicle; or
- (b) in the case of an articulated vehicle, the gross combination mass of the motor lorry.

(2) For the purposes of clause (1), the gross vehicle mass or gross combination mass of a motor lorry that has not been altered since manufacture is the mass recorded for that type of motor lorry by the Authority as the manufacturer's gross vehicle mass or manufacturer's gross combination mass, respectively.

(3) However, if the Authority has not recorded a manufacturer's gross combination mass for a type of motor lorry that is an articulated vehicle, but the Authority has recorded a manufacturer's gross vehicle mass for its type of prime mover as a standard table top motor lorry, for the purposes of clause (1) the gross combination mass of the articulated vehicle (if unaltered since manufacture) is 1.67 times the manufacturer's gross vehicle mass recorded for that type of standard table top motor lorry.

(4) In the case of a motor lorry (except an existing motor lorry) that has been altered since manufacture or (though unaltered since manufacture) is one to which no mass applies as referred to in clause (2) or (3), the mass limit of the lorry is that determined under Regulation 121G (or, in the case of a visiting motor lorry, in accordance with the law for the time being in force in the State or Territory where the lorry is registered).

**Mass limits for existing motor lorries**

121F. (1) For the purposes of this Division, the mass limit of an existing motor lorry is its aggregate weight, taken as the aggregate weight which was in force for the lorry immediately before 1 January 1995 under Regulation 120A (as in force immediately before that date).

(2) However, if since that aggregate weight was determined, the lorry has been altered (whether before, on or after 1 January 1995), the mass limit of the lorry is to be the mass limit determined under Regulation 121G.

#### **Determination of different mass limits**

121G. (1) The Authority may determine a mass limit for a motor lorry (except a visiting motor lorry):

- (a) if the lorry is not an existing motor lorry and no mass limit applies to the lorry under Regulation 121E (2) or (3); or
- (b) if the lorry is an existing motor lorry and has been altered as referred to in Regulation 121F (2); or
- (c) if the mass limit of the motor lorry applying under an earlier determination under this Regulation is no longer in accordance with the safe working limits of the motor lorry (for example, if the lorry has been altered since that determination was made); or
- (d) on application by the owner of the motor lorry if the Authority is satisfied that the motor lorry has been so altered as to alter its safe loading limits.

(2) A determination under this Regulation must be based on the construction and componentry of the lorry.

(3) The Authority must serve on the owner of a motor lorry notice of any determination made under this Regulation in respect of the lorry or of any refusal by the Authority of an application by the owner under clause (1) (d).

(4) A determination under this Regulation takes effect when notice of it is served by the Authority on the owner of the motor lorry or from such later date as may be specified in the notice.

#### **Authority may require information or certificate**

121H. (1) The Authority may, by written notice to the owner of a motor lorry, require the owner to provide the Authority within a period specified in the notice with such information in respect of the motor lorry or its equipment as the Authority requires in the notice.

(2) If the Authority determines a mass limit for a motor lorry under Regulation 121G, it may require the owner of the lorry to forward to the Authority the certificate of registration of the lorry for endorsement (or cancellation and re-issue) under this Regulation.

(3) The Authority may endorse on a certificate of registration of a motor lorry (or cancel and re-issue such a certificate with) a mass limit determined by the Authority under Regulation 121G. The Authority is to forward the certificate to the owner once it has so endorsed or re-issued it.

(4) An owner of a motor lorry who fails to comply with a requirement under this Regulation without reasonable excuse is guilty of an offence.

(g) by inserting before Regulation 123 the following heading:

### **Division 3—Miscellaneous**

- (h) by omitting from Regulation 123 the words “Regulations 118, 118A, 119, 120, 120A, 121 and 122” and by inserting instead the words “Division 1 or 2”;
- (i) by inserting in Regulation 123A after the words “Police Force” the words “(or an officer authorised by the Authority)”;
- (j) by omitting from paragraph 57 (e) of Schedule F, Table A of paragraph 63 (1) of Schedule F, and Table B of paragraph 63 (2) of Schedule F the words “aggregate weight” wherever occurring and by inserting instead the words “mass limit”;
- (k) by omitting from paragraph 58 (b) of Schedule F the words “an aggregate weight” and by inserting instead the words “a mass limit”;
- (l) by omitting from paragraph 66A of Schedule F the words “the aggregate weight (as determined in accordance with Regulation 120A)” wherever occurring and by inserting instead the words “the lorry’s mass limit”;
- (m) by omitting from Table A of Part 2 of Schedule K the matter “120A (1) (a) or (b)” wherever occurring and by inserting instead the matter “121C”;
- (n) by omitting from Table A of Part 2 of Schedule K the matter “120A (1) (c) ” where firstly occurring and by inserting instead the matter “121D”;
- (o) by omitting from Table A of Part 2 of Schedule K the matter “120A (1) (c), 121 and 122” and by inserting instead the matter “and 121D”.

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**EXPLANATORY NOTE**

The object of this Regulation is to insert in the Motor Traffic Regulations 1935 a new series of gross mass limits for trucks. The new limits cannot lawfully be exceeded by more than 10 per cent in normal cases.

The new mass limits replace the current aggregate weight limits (unique to New South Wales and Tasmania) which themselves incorporate a margin of excess over the weight limits recommended by manufacturers of trucks. (The aggregate weight system, in effect, provides for a double margin to be exceeded before an offence is committed.)

The current limits are continued for existing vehicles for as long as they remain registered or until they are structurally modified. The new system will apply only to vehicles that are registered on or after 1 January 1995 or, although previously registered, are registered again after a break or are modified in such a way as to require a new mass limit to be determined.

The Regulation also makes consequential amendments to the Motor Traffic Regulations 1935.

This Regulation is made under section 3 (and in particular section 3 (1) (b) , (g1), (r) and (u)) of the Traffic Act 1909.

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