



New South Wales

Road Transport (Mass, Loading and Access) Amendment (Short Descriptions and Other Matters) Regulation 1997

under the

Roads Act 1993

His Excellency the Governor with the advice of the Executive Council, has made the following Regulation under the *Roads Act 1993*.

CARL SCULLY, M.P.,

Minister for Roads

Explanatory note

The objects of this Regulation are:

- (a) to prescribe the short descriptions that, by virtue of section 145B of the *Justices Act 1902*, may be used in any information, complaint, summons, warrant, notice or other document to describe an offence under the *Road Transport (Mass, Loading and Access) Regulation 1996* (Schedule 1 [9]), and
- (b) to replace the definition of **combination** with a definition that defines the term by reference to a group of vehicles (Schedule 1 [12]), and
- (c) to put it beyond doubt that any notice erected before 1 July 1996 (the date on which the principal Regulation commenced) in accordance with clause 11 of the *Roads (Weight of Loads on Roads Other than Main Roads) Transitional Regulation 1993* continues to have effect under that clause as if the clause had not been repealed by the principal Regulation (Schedule 1 [5]), and

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Explanatory note

(d) to make some minor corrections by way of law revision.

This Regulation is made under section 264 (the general regulation-making power) of the *Roads Act 1993*, as extended by section 145B (3) of the *Justices Act 1902*, and section 264A of the *Roads Act 1993*.

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1 Name of Regulation

This Regulation is the *Road Transport (Mass, Loading and Access) Amendment (Short Descriptions and Other Matters) Regulation 1997*.

2 Commencement

This Regulation commences on 1 July 1997.

3 Amendment of Road Transport (Mass, Loading and Access) Regulation 1996

The *Road Transport (Mass, Loading and Access) Regulation 1996* is amended as set out in Schedule 1.

4 Notes

The explanatory note does not form part of this Regulation.

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Schedule 1 Amendments

Schedule 1 Amendments

(Clause 3)

[1] Clause 34 Punishment for failure to comply with this Regulation

Omit “an aggregate mass” from clause 34 (2) (d) (iv).
Insert instead “loaded mass”.

[2] Clause 35 Loading offences

Omit “(subclauses (1)–(6))” from clause 35 (6).
Insert instead “(subclauses (4)–(6))”.

[3] Clause 36 Failure to comply with a condition of a Class 1, 2 or 3 notice or permit

Omit “an aggregate mass” from clause 36 (2) (d) and (4) (c) wherever occurring.
Insert instead “a loaded mass”.

[4] Clause 42 Driver to comply with requirements

Omit “indicated” in clause 42 (1)
Insert instead “indicating”.

[5] Clause 49 Repeal, savings, transitional and other provisions

Insert after clause 49 (3):

- (4) Without limiting the generality of subclause (3), a notice erected before 1 July 1996 in accordance with clause 11 of the *Roads (Weight of Loads on Roads Other than Main Roads) Transitional Regulation 1993*, as in force immediately before its repeal on that date by this Regulation, continues to have effect under that clause as if the clause had not been repealed.

[6] Clause 50

Insert after clause 49:

50 Short descriptions of offences

- (1) For the purposes of section 145B of the *Justices Act 1902*, the prescribed expression for an offence created by a provision specified in Column 1 of Schedule 4 is:
 - (a) the expression specified opposite the provision in Column 2 of that Schedule, or
 - (b) if a choice of words is indicated in that expression, the words remaining after the omission of the words irrelevant to the offence.
- (2) For the purposes of any proceedings for an offence created by a provision specified in Column 1 of Schedule 4, the prescribed expression for the offence is taken to relate to the offence created by the provision, as the provision was in force when the offence is alleged to have been committed.
- (3) The amendment or repeal of a prescribed expression does not affect the validity of any information, complaint, summons, warrant, notice, order or other document in which the expression is used.
- (4) Subclause (3) applies to any information, complaint, summons, warrant, notice, order or other document (whether issued, given or made before or after the amendment or repeal) that relates to an offence alleged to have been committed before the amendment or repeal.

[7] Schedule 1 Mass and loading requirements for heavy vehicles

Omit paragraph (a) from the matter under the heading “Tandem axle groups” in Table 1.

Insert instead:

- (a) less than 375 mm

11.0

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Schedule 1 Amendments

[8] Schedule 1, clause 12 (3) (a)

Omit “centre line” wherever occurring. Insert instead “centre-line”.

[9] Schedule 4

Insert after Schedule 3:

Schedule 4 Short descriptions of offences

(Clause 50)

Column 1	Column 2
Provision	Short description
Clause 16—drive or operate a Class 2 vehicle except in accordance with a notice issued, or permit granted, under Division 2 of Part 3	drive/operate Class 2 vehicle contrary to notice/permit
Clause 30 (1)—be driver of vehicle or combination who fails to carry in the driving compartment a copy of any notice or permit under which vehicle or combination is operating or a copy of an information sheet issued by the Authority setting out obligations imposed under the notice	fail to carry copy of notice/permit/ sheet in driving compartment
Clause 31 (1) (a)—be owner of motor vehicle or a motor vehicle with a load where that vehicle or load fails to comply with a requirement in Schedule 1	vehicle/load fail to comply with Sch 1 (motor vehicle owner)
Clause 31 (1) (b)—be driver of a motor vehicle or a motor vehicle with a load where that vehicle or load fails to comply with a requirement in Schedule 1	vehicle/load fail to comply with Sch 1 (motor vehicle driver)
Clause 32 (1) (a)—be owner of a trailer or a trailer with a load where that trailer or load fails to comply with a requirement in Schedule 1	trailer/load fail to comply with Sch 1 (trailer owner)

Column 1	Column 2
Provision	Short description
Clause 32 (1) (b)—be owner of a motor vehicle towing a trailer or a trailer with a load where that trailer or load fails to comply with a requirement in Schedule 1	trailer/load fail to comply with Sch 1 (towing vehicle owner)
Clause 32 (1) (c)—be driver of a motor vehicle towing a trailer or a trailer with a load where that trailer or load fails to comply with a requirement in Schedule 1	trailer/load fail to comply with Sch 1 (towing vehicle driver)
Clause 33 (1) (a)—be owner of a motor vehicle included in a combination where that combination fails to comply with a requirement in Schedule 1	combination fail to comply with Sch 1 (motor vehicle owner)
Clause 33 (1) (b)—be driver of a motor vehicle included in a combination where that combination fails to comply with a requirement in Schedule 1	combination fail to comply with Sch 1 (motor vehicle driver)
Clause 33 (1) (c)—be owner of a trailer included in a combination where that combination fails to comply with a requirement in Schedule 1	combination fail to comply with Sch 1 (trailer owner)
Clause 35 (4) (a)—be owner of a motor vehicle or a motor vehicle with a load where that vehicle or load fails to comply with a loading requirement	vehicle/load fail to comply load requirement (owner)
Clause 35 (4) (b)—be driver of a motor vehicle or a motor vehicle with a load where that vehicle or load fails to comply with a loading requirement	vehicle/load fail to comply load requirement (driver)
Clause 35 (5) (a)—be owner of a trailer or a trailer with a load where that trailer or load fails to comply with a loading requirement	trailer/load fail to comply load requirement (trailer owner)

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Schedule 1 Amendments

Column 1	Column 2
Provision	Short description
Clause 35 (5) (b)—be owner of a motor vehicle towing a trailer or trailer with a load where that trailer or load fails to comply with a loading requirement	trailer/load fail to comply load requirement (vehicle owner)
Clause 35 (5) (c)—be driver of a motor vehicle towing a trailer or a trailer with a load where that trailer or load fails to comply with a loading requirement	trailer/load fail to comply load requirement (vehicle driver)
Clause 35 (6) (a)—be owner of a motor vehicle included in a combination where that combination fails to comply with a loading requirement	combination fail to comply load requirement (vehicle owner)
Clause 35 (6) (b)—be driver of a motor vehicle included in a combination where that combination fails to comply with a loading requirement	combination fail to comply load requirement (vehicle driver)
Clause 35 (6) (c)—be owner of a trailer included in a combination where that combination fails to comply with a loading requirement	combination fail to comply load requirement (trailer owner)
Clause 36 (1) (a)—be person who breaches a condition of a notice, permit or exemption under clause 39	breach condition notice/permit/exemption
Clause 36 (1) (b)—be the driver of a combination where that Combination breaches a condition of a notice, permit or exemption under clause 39	breach condition notice/permit/exemption (combination driver)
Clause 36 (1) (c)—be driver of a motor vehicle that is not part of a combination where that vehicle breaches a condition of a notice, permit or exemption under clause 39	breach condition notice/permit/exemption (external vehicle driver)

Column 1	Column 2
Provision	Short description
Clause 36 (1) (d)—be driver of a vehicle forming part of a combination where that vehicle breaches a condition of a notice, permit or exemption under clause 39	breach condition notice/permit/ exemption (internal vehicle driver)
Clause 36 (1) (e)—be owner of a combination who allows another person to drive that combination in circumstances where it breaches a condition of a notice, permit or exemption under clause 39	breach condition notice/permit/ exemption (combination owner)
Clause 36 (1) (e)—be owner of a motor vehicle that does not form part of a combination who allows another person to drive that motor vehicle in circumstances where it breaches a condition of a notice, permit or exemption under clause 39	breach condition notice/permit/ exemption (external vehicle owner)
Clause 36 (1) (e)—be owner of vehicle that forms part of a combination who allows another person to drive that vehicle in circumstances where it breaches a condition of a notice, permit or exemption under clause 39	breach condition notice/permit/ exemption (internal vehicle owner)
Clause 36 (3) (a)—be person who fails to meet a condition of a Class 3 notice, Class 3 permit or exemption under clause 39	fail meet Class 3 condition notice/ permit/exemption
Clause 36 (3) (b)—be driver or operator of a combination that fails to meet a condition of a Class 3 notice, Class 3 permit or exemption under clause 39	fail meet Class 3 condition notice/ permit/exemption (combination driver/operator)

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Schedule 1 Amendments

Column 1	Column 2
Provision	Short description
Clause 36 (3) (c)—be driver or operator of a single motor vehicle that fails to meet a condition of a Class 3 notice, Class 3 permit or exemption under clause 39	fail meet Class 3 condition notice/ permit/exemption (vehicle driver/ operator)
Clause 38 (1) (a)—be driver of a pilot vehicle that accompanies an oversize vehicle or combination in any of the circumstances described in clause 36 (2) (a), (b) or (c)	pilot accompany oversize vehicle/ combination wrong area/time/number (driver)
Clause 38 (1) (a)—be owner of an oversize vehicle or combination that is being accompanied by a pilot vehicle in any of the circumstances described in clause 36 (2) (a), (b) or (c)	vehicle/combination accompanied by pilot wrong area/time/number (owner)
Clause 38 (1) (b)—be driver of a pilot vehicle that fails to comply with a requirement of Part 5 of Schedule 2	pilot vehicle fail to comply with Sch 2 (driver)
Clause 38 (1) (b)—be owner of an oversize vehicle or combination that is being accompanied by a pilot vehicle where that pilot vehicle fails to comply with a requirement of Part 5 of Schedule 2	pilot vehicle fail to comply with Sch2(owner—vehicle/combination)
Clause 38 (2)—be driver of an escort vehicle where that escort vehicle fails to comply with a requirement of Part 5 of Schedule 2	escort vehicle fail to comply with Sch 2 (driver)
Clause 38 (2)—be owner of an oversize vehicle or combination that is being accompanied by an escort vehicle where that escort vehicle fails to comply with a requirement of Part 5 of Schedule 2	escort vehicle fail to comply with Sch 2 (owner—vehicle/combination)
Clause 41 (3)—failure to comply with maximum axle load fixed by roads authority	fail to comply with maximum axle load

Column 1	Column 2
Provision	Short description
Clause 41 (3)—failure to comply with maximum loaded mass fixed by roads authority	fail to comply with maximum loaded mass
Clause 41 (3)—failure to comply with other load limit fixed by roads authority	fail to comply with load limit
Clause 47—failure to comply with a notice of a roads authority prohibiting the driving of a vehicle that exceeds specified axle load or sum of axle loads for the class of vehicle concerned	failure to comply with axle (single/group) load notice

[10] Dictionary, definition of “Australian/NewZealand Standard”

Omit “a” where firstly occurring.

[11] Dictionary, definition of “centre line”

Omit “centre line”. Insert instead “centreline”.

[12] Dictionary, definition of “combination”

Omit the definition. Insert instead:

combination means a group consisting of a motor vehicle connected to one or more vehicles.

[13] Dictionary, definition of “wheel”

Omit “centre line”. Insert instead “centre-line”.

[14] Dictionary, definition of “wheelbase”

Omit “centre line”. Insert instead “centre-line”.