



New South Wales

Road Transport (Mass, Loading and Access) Amendment (Combinations) Regulation 1999

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 object of this Regulation is to regulate a **combination** (that is, a group consisting of a motor vehicle connected to one or more vehicles) that is not regulated either by Regulation 114 of the *Motor Traffic Regulations 1935* (because it has a gross combination mass of greater than 4.5 tonnes) or by the *Road Transport (Mass, Loading and Access) Regulation 1996* (because it is not a **restricted access vehicle** within the meaning of that Regulation). This Regulation achieves that objective by inserting a new Part 5A (Special towing provisions) in the latter Regulation.

This Regulation also makes miscellaneous amendments to the *Road Transport (Mass, Loading and Access) Regulation 1996* by way of law revision, most of those amendments being in consequence of the transfer of certain vehicle standards from the *Motor Traffic Regulations 1935* to the *Road Transport (Vehicle Registration) Regulation 1998*.

This Regulation is made under the *Roads Act 1993*, including sections 264 (the general regulation-making power) and 264A (National road transport regulations).

Road Transport (Mass, Loading and Access) Amendment (Combinations) Regulation 1999

1 Name of Regulation

This Regulation is the *Road Transport (Mass, Loading and Access) Amendment (Combinations) Regulations 1999*.

2 Commencement

This Regulation commences on 5 March 1999.

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.

Schedule 1 Amendments

(Clause 3)

[1] Clause 9 Application of this Division

Omit clause 9 (1) (e). Insert instead:

- (e) a dimension limit in Schedule 1 or the *Road Transport (Vehicle Registration) Regulation 1998* (other than a dimension limit from which it has been exempted under clause 14 of Schedule 4 to that Regulation).

[2] Clauses 18 (1) (b), 23 (1) (b) and 25 (b)

Insert “the *Road Transport (Vehicle Registration) Regulation 1998* or” after “dimension limit in” wherever occurring.

[3] Clause 11 What must be included in a Class 1 notice?

Insert “, the *Road Transport (Vehicle Registration) Regulation 1998*” after “this Regulation” in clause 11 (1) (c).

[4] Clauses 12 (1), 13 (1) (c), 24 (1), 26 (1) (b), 27 (1) (b), (2) and (4) (b) and 36 (2), (4) and (5)

Insert “, the *Road Transport (Vehicle Registration) Regulation 1998*” after “Schedule 1” wherever occurring.

[5] Clause 12 (3) (b)

Omit the paragraph. Insert instead:

- (b) a mass or dimension limit in Schedule 1 or the *Road Transport (Vehicle Registration) Regulation 1998* (other than a dimension limit from which it has been exempted under clause 14 of Schedule 4 to that Regulation).

[6] Clauses 12, 23 and 36 and Schedule 2, clause 30

Insert “Clause 90 of the *Road Transport (Vehicle Registration) Regulation 1998* is to similar effect in relation to exemptions from a dimension limit and other requirements of that Regulation.” at the end of the Note to each clause.

[7] Part 5 A (clauses 41A—41J)

Insert after clause 41:

Part 5A Special towing provisions

41A Definitions

In this Part:

articulated vehicle and *tractor* have the same meanings as they have in the *Motor Traffic Regulations 1935*.

41B Application of Part

This Part applies in respect of a combination consisting of:

- (a) an articulated vehicle drawing any other vehicle, or
- (b) any other motor vehicle drawing more than one other vehicle,

being a combination that (alone or together with its load) does not constitute a restricted access vehicle.

41C Certain combinations not to be used without permission

Except as provided by this Part, a combination to which this Part applies must not stand or be driven on a road or road-related area.

41D Exemptions

Clause 41C does not apply to or in respect of such of the following combinations as comply with the mass and dimension requirements specified in Schedule 1:

- (a) a tractor-harvester-cutting-head trailer combination,

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- (b) a tractor with multiple implements attached, if those implements are normally used as one unit when performing agricultural operations,
 - (c) a tractor and implement combination towing a fuel trailer or a laser tower,
 - (d) an articulated low-loader consisting of a prime mover towing a converter dolly and a semi-trailer,
 - (e) a B-double or a road train that complies with the applicable vehicle standards for B-doubles or road trains specified in Schedule 4 to the *Road Transport (Vehicle Registration) Regulation 1998*.

41E Exemption by notice in Gazette

- (1) The Authority may, by notice published in the Gazette, exempt a combination to which this Part applies from the operation of clause 41C.
- (2) Any such notice must specify:
 - (a) the conditions (if any) to which the exemption is subject, and
 - (b) the period for which the exemption is to remain in force.

41F Exemption by permit

- (1) A person may apply to the Authority for a permit granting a particular combination full or limited exemption from the operation of clause 41C.
- (2) The Authority may issue such a permit, whether conditional or unconditional.
- (3) An application for a permit under this Part must be in writing and in a form approved by the Authority.

41G Contents of permit

A permit issued under this Part must specify the following:

- (a) the combination to which it applies,
- (b) the registration number (if any) of the front prime mover of that combination,

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- (c) any conditions to which the permit is subject,
- (d) the period for which the permit is to remain in force.

41H Application fee for permit

The fee for the issue of permit under this Part is \$52.

41I Offence

- (1) If a combination stands or is driven on a road or road-related area in contravention of clause 41C, or in contravention of the conditions of a notice or permit under this Part, each of the following persons is guilty of an offence:
 - (a) the owner of any vehicle included in the combination concerned,
 - (b) the driver of any vehicle included in the combination concerned.

Maximum penalty: 30 penalty units.

- (2) A person may not be punished more than once (for example, firstly as owner and secondly as driver of a vehicle included in the combination concerned) in relation to the same contravention of clause 41C.

41J Documents to be carried

Clause 30 applies in respect of a combination to which this Part applies in the same way as it applies in respect of a Class 1, Class 2 and Class 3 vehicle.

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

Insert “the *Road Transport (Vehicle Registration) Regulation 1998* or” after “combination in” in clause 7 (1).

[9] Schedule 1, clause 7 (2)

Omit “the *Motor Traffic Regulations 1935*”.

Insert instead “the *Road Transport (Vehicle Registration) Regulation 1998*”.

[10] Schedule 4, diagram following clause 7 (2)

Omit the text to the diagram.
Insert instead “Illustration of the rear overhang limit permitted by the *Road Transport (Vehicle Registration) Regulation 1998* and the front projection limit and the maximum rear projection of a load allowed without a warning signal”.

[11] Schedule 2 Oversize and overmass vehicles

Insert “the *Road Transport (Vehicle Registration) Regulation 1998*. .. after “corresponding limit in” in clause 2 (1).

[12] Schedule 2, Table 3

Omit “clause 25” from the first Note to the Table.
Insert instead “clause 24”.

[13] Schedule 2, clauses 6 and 30

Omit “the *Motor Traffic Regulations 1935*” wherever occurring.
Insert instead “the *Road Transport (Vehicle Registration) Regulation 1998*”.

[14] Schedule 4 Short description of offences

Insert after the matter relating to clause 41 (3):

Clause 41I (a)—be owner of vehicle in combination standing or being driven on road or road-related area in contravention of clause 41C	combination standing/driven in breach of clause 41C (vehicle owner)
Clause 41I (a)—be owner of vehicle in combination standing or being driven on road or road-related area in contravention of conditions of notice	combination standing/driven in breach of notice (vehicle owner)

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Clause 41I (a)—be owner of vehicle in Combination standing or being driven on road or road-related area in contravention of conditions of permit	combination standing/driven in breach of permit (vehicle owner)
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Clause 41I (b)—be driver of vehicle in combination standing or being driven on road or road-related area in contravention of clause 41C	vehicle driver stand/drive combination in breach of clause 41C
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Clause 41I (b)—be driver of vehicle in combination standing or being driven on road or road-related area in contravention of conditions of notice	vehicle driver stand/drive combination in breach of notice
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Clause 41I (b)—be driver of vehicle in combination standing or being driven on road or road-related area in contravention of conditions of permit	vehicle driver stand/drive combination in breach of permit
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[15] Dictionary

Insert “, the *Road Transport (Vehicle Registration) Regulation 1998*” after “Schedule 1” in paragraph (e) of the definition of ***Class 1 vehicle***.

[16] Dictionary, definition of “controlled access bus”

Omit paragraph (b) of the definition. Insert instead:

- (b) an articulated bus within the meaning of the *Road Transport (Vehicle Registration) Regulation 1998*.

[17] Dictionary, definition of “oversize”

Insert “, the *Road Transport (Vehicle Registration) Regulation 1998*” after “this Regulation”.

[18] Dictionary, definition of “restricted access vehicle”

Insert “, the *Road Transport (Vehicle Registration) Regulation 1998*” after “this Regulation” in paragraph (b) (iv).