



Road Transport (Mass, Loading and Access) Amendment (Road Trains and Other Vehicles) 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 amend the *Road Transport (Mass, Loading and Access) Regulation 1996*:

- (a) to transfer Regulations 113D–113G and Regulations 118–123A of the *Motor Traffic Regulations 1935* to the *Road Transport (Mass, Loading and Access) Regulation 1996* (with necessary drafting and other minor changes), and
- (b) to make other minor and consequential amendments.

This Regulation is made as a consequence of the repeal of the *Motor Traffic Regulations 1935* and their replacement by the *Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999*.

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

1999 No 621

Clause 1 Road Transport (Mass, Loading and Access) Amendment (Road Trains and Other Vehicles) Regulation 1999

**Road Transport (Mass, Loading and Access)
Amendment (Road Trains and Other Vehicles)
Regulation 1999**

1 Name of Regulation

This Regulation is the *Road Transport (Mass, Loading and Access) Amendment (Road Trains and Other Vehicles) Regulation 1999*.

2 Commencement

This Regulation commences on 1 December 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 5 Application

Omit “This Regulation (other than clauses 40 and 42)” from clause 5 (1).
Insert instead “Subject to subclause (4), (5) and (6), this Regulation”.

[2] Clause 5 (4)

Omit “Clause 40 applies”.
Insert instead “Clauses 40, 57 and 58, Part 8 and Division 3 of Part 9 apply”.

[3] Clause 5 (6)

Insert after clause 5 (5):

- (6) Clauses 55 and 56 and Division 2 of Part 9 apply to any vehicle or combination having a GVM or GCM not exceeding 4.5 tonnes.

[4] Clause 50 Short descriptions of offences

Omit the clause.

[5] Parts 8 and 9

Insert after Part 7:

Part 8 Road trains

51 Gross road train mass rating

- (1) Subject to subclause (2), the gross road train mass rating for the hauling unit of any road train is the lesser of:
 - (a) the GCM of the hauling unit, or
 - (b) the gross road train mass, as determined by the Authority, or

1999 No 621

Road Transport (Mass, Loading and Access) Amendment (Road Trains and Other Vehicles) Regulation 1999

Schedule 1 Amendments

- (c) the strength rating of the tow coupling, or fifth wheel assembly of the hauling unit, determined in accordance with Part 10 of Schedule 4 to the *Road Transport (Vehicle Registration) Regulation 1998*,
 - (d) for other road trains—the maximum gross mass of the drawing vehicle specified in the *Australian Design Rules (Third Edition)*.
- (2) The gross road train mass rating for the hauling unit of any road train which has a gross road train mass not exceeding 42.5 tonnes is the GCM of the hauling unit.
- (3) A person must not drive any road train upon a road or road related area, or cause or permit any road train to be driven upon a road or road related area, if the gross road train mass of that road train exceeds the gross road train mass rating for the hauling unit of that road train as determined in accordance with this clause.

Maximum penalty: 20 penalty units.

52 Tracking of component vehicles

A person must not drive any road train upon a road or road related area, unless every component vehicle (except the hauling unit) comprising the road train, when that road train is driven upon a level smooth surface, tracks in the path of the hauling unit of that road train without shifting or swerving in excess of 100 mm on either side of the path of that hauling unit when it is travelling in a straight line.

Maximum penalty: 20 penalty units.

53 Capacity of tow couplings

A person must not drive or cause or permit to be driven upon a road or road related area a road train:

- (a) fitted with a tow coupling or towing eye where the total mass of the road train components rearward of that tow coupling or towing eye exceeds the capacity of that tow coupling or towing eye determined in accordance with Part 10 of Schedule 4 to the *Road Transport (Vehicle Registration) Regulation 1998*, or

-
- (b) fitted with a fifth wheel assembly and turntable where the total mass of the road train components rearward of that fifth wheel assembly and turntable exceeds the capacity of that fifth wheel assembly and turntable determined in accordance with Part 10 of Schedule 4 to the *Road Transport (Vehicle Registration) Regulation 1998*, or
 - (c) fitted with a fifth wheel king pin where the total mass of the road train components rearward of that fifth wheel king pin exceeds the capacity of that fifth wheel king pin determined in accordance with Part 10 of Schedule 4 to the *Road Transport (Vehicle Registration) Regulation 1998*.

54 Length of road trains

- (1) Except as provided by subclauses (2) and (3), a person must not drive or cause or permit to be driven upon a road or road related area a road train that has a length greater than 53 m.

Maximum penalty: 20 penalty units.

- (2) The Authority may determine a maximum length, being a length less than 53 m for:
 - (a) road trains with certain configurations, or
 - (b) road trains when in certain areas.

- (3) A person must not drive or cause or permit to be driven upon a road or road related area a road train in contravention of any determination of the Authority under subclause (2).

Maximum penalty: 20 penalty units.

Part 9 Loading and dimensions of vehicles

Division 1 General

55 Projection of loading or equipment of vehicles

- (1) A person must not drive or cause or permit to be driven upon a road or road related area:
 - (a) any motor vehicle (not being a motor bike or a mobile crane that is 9.5 m or less in length) if the loading or equipment upon the vehicle or any trailer drawn by the vehicle:
 - (i) projects more than 1.2 metres in front of the headlights of the motor vehicle if the motor vehicle is not a mobile crane, or
 - (ii) projects more than 3.5 metres in front of the steering wheel of the motor vehicle if the motor vehicle is a mobile crane, or
 - (iii) in the case of a vehicle not exceeding 9.5 metres in length or a trailer, projects more than 1.2 m to the rear of the motor vehicle or trailer, as the case may be, except as provided in subclause (2), or
 - (iv) in the case of a vehicle exceeding 9.5 metres in length, projects to the rear of the vehicle beyond a point which is 4 m from the rear overhang line, or
 - (v) projects more than 150 mm beyond the extreme outer portion of either side of the vehicle or trailer, but nothing in this subparagraph applies to any rear vision mirror, signalling device, side mounted lamp or tyre pressure monitoring system permitted by the *Road Transport (Vehicle Registration) Regulation 1998* to be fitted to the vehicle, or
 - (b) any motor bike without a sidecar attached if any loading or equipment on the motor bike projects more than 150 mm in front of the outer extremity of the front wheel or

more than 300 mm behind the outer extremity of the rear wheel or the loading projects beyond the extreme outer portion of the cycle on either side, or

- (c) any motor bike with a sidecar attached if:
 - (i) any part of the vehicle or its loading or equipment projects more than 600 mm in front of the outer extremity of the front wheel or more than 900 mm behind the outer extremity of the rear wheel of the motor bike, or
 - (ii) the loading projects beyond the extreme outer portion of the vehicle on either side, or
- (d) any articulated vehicle first registered on or after the 1st January 1960, not being a vehicle to which a pole type trailer is attached, if any part of the semi-trailer or its loading or equipment projects more than 1.9 m radially forward of the axis of the pivot pin, or
- (e) any articulated vehicle that exceeds 19 m in length, or
- (f) any motor vehicle and trailer combination that exceeds:
 - (i) 25 m in length—in the case of a combination (other than a B-double or road train) that is designed to carry vehicles on more than one deck, or
 - (ii) 19 m in length—in any other case.

Maximum penalty: 20 penalty units.

- (2) It is not an offence against subclause (1) (a) (iii) for any loading or equipment to project more than 1.2 m to the rear of a motor vehicle or any trailer drawn the vehicle if:
 - (a) the overall length of the vehicle or of the combination of vehicle and trailer, as the case may be, together with the loading or equipment thereon, is within the relevant limit fixed by Schedule 4 to the *Road Transport (Vehicle Registration) Regulation 1998*, and
 - (b) there is carried at the extreme rear of the loading or equipment a red flag or other suitable object, in either case not less than 300 mm square, and the flag or object is kept clearly visible as a warning to persons on the roadway in the near vicinity of the vehicle or trailer, and

- (c) between the hours of sunset and sunrise or when there is insufficient daylight to render a person dressed in dark clothing clearly discernible at a distance of 100 m, there is affixed at the extreme rear of such loading or equipment:
 - (i) a lighted lamp showing a clear red light to the rear, visible under normal atmospheric conditions at a distance of 200 m, or
 - (ii) not less than two reflectors capable of projecting a red reflection of light from the light of any following vehicle.
- (3) For the purpose of subclauses (1) (a) (iii) and (2) *equipment* includes the pole of a pole type trailer.
- (4) If any portion of the loading or equipment of a motor vehicle or of any trailer drawn the vehicle projects in such a manner that it would not be readily visible to any person following immediately behind the vehicle, the driver of the vehicle must:
 - (a) by means of a red flag or other suitable object, in either case not less than 300 mm square, mark the end of the loading or equipment so that it may be clearly visible to persons in its vicinity, and
 - (b) between the hours of sunset and sunrise or when there is insufficient daylight to render a person dressed in dark clothing discernible at a distance of 100 m, cause to be attached to the extreme rear of the loading or equipment a lighted lamp or reflectors as prescribed in subclause (2) (c).

Maximum penalty: 20 penalty units.

- (5) A person may apply to the Authority for a permit exempting the person from any of the provisions of subclause (1). Such an application must be in writing and in a form approved by the Authority.
- (6) The Authority may grant a permit exempting such an applicant from all or any of the provisions of subclause (1). A permit under this subclause may be granted subject to any conditions as the Authority sees fit.

Note. This clause does not apply to any vehicle or combination of vehicles with a GVM or GCM of greater than 4.5 tonnes. See clause 5 (6).

56 Requirements as to certain loadings

- (1) A load on a vehicle or a trailer must not be placed in a way that makes the vehicle unstable or unsafe.
- (2) A load on a vehicle or a trailer must be secured so that it is unlikely to fall or be dislodged from the vehicle.
- (3) An appropriate method must be used to restrain the load on a vehicle.
- (4) If a motor vehicle or a load on a motor vehicle does not comply with a loading requirement under this clause, each of the following persons is guilty of an offence:
 - (a) the owner of the motor vehicle,
 - (b) the driver of the motor vehicle.
- (5) If a trailer or a load on a trailer does not comply with a loading requirement under this clause, each of the following persons is guilty of an offence:
 - (a) the owner of the trailer,
 - (b) the owner of any motor vehicle towing the trailer,
 - (c) the driver of any motor vehicle towing the trailer.
- (6) If a combination does not comply with a loading requirement under this clause, each of the following persons is guilty of an offence:
 - (a) the owner of the motor vehicle included in the combination,
 - (b) the driver of the motor vehicle included in the combination,
 - (c) the owner of a trailer included in the combination.

Maximum penalty (subclauses (4)-(6)): 30 penalty units.

1999 No 621

Road Transport (Mass, Loading and Access) Amendment (Road Trains and Other Vehicles) Regulation 1999

Schedule 1 Amendments

- (7) In proceedings for a failure to comply with this clause, it is sufficient for the prosecution to prove that the load on the vehicle was not placed, secured or restrained (as the case requires) in a way that met the performance standards recommended in the *Load Restraint Guide—Guidelines for the safe carriage of loads on road vehicles* published by the Australian Government Publishing Service on 12 December 1994.

Note. Copies of the *Load Restraint Guide—Guidelines for the safe carriage of loads on road vehicles* are available from Commonwealth Government Bookshops, the Federal Office of Road Safety or the Roads and Traffic Authority.

- (8) In proceedings for a failure to comply with this clause, a document purporting to be the *Load Restraint Guide* referred to subclause (7) is taken to be the Load Restraint Guide, unless the document is proved by the defendant not to be the *Load Restraint Guide*.
- (9) If the prosecution in proceedings for a failure to comply with subclause (2) (relating to securing a load on a vehicle) proves that the load, or part of the load, had fallen off the vehicle, the burden of proof is on the defendant to show compliance.

Note. This clause does not apply to any vehicle or combination of vehicles with a GVM or GCM of greater than 4.5 tonnes. See clause 5 (6).

57 Driver to have sufficient control

A person must not drive upon a road or road related area any motor vehicle:

- (a) if the vehicle is so constructed, equipped or loaded or if anything is attached to the vehicle in such a manner as to prevent the driver from having a sufficient view of traffic on either side of the vehicle and in all directions in front of the vehicle to enable the driver to drive the vehicle with safety, or
- (b) that is a motor bike if the motor bike is so constructed, equipped or loaded or if anything is attached to the bike in such a manner as to prevent the driver from having a view of the approach of any overtaking vehicle, or

-
- (c) if the person is prevented from safely driving or controlling the vehicle or any trailer or other vehicle attached to the motor vehicle by reason of the weight or dimensions of the loading or equipment of the towing vehicle or trailer or other towed vehicle or the manner in which the loading or equipment is placed on or attached to the towing vehicle or trailer or other towed vehicle.

Maximum penalty: 20 penalty units.

58 Three-wheeled vehicles and cycles

A person must not drive upon a road or road related area any three-wheeled motor vehicle if the weight of the loading of the vehicle exceeds the weight that the vehicle is capable of carrying as stated in the certificate of registration for the vehicle.

Division 2 Mass limits for certain motor lorries and certain trailers

59 Definitions

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).

motor lorry means any motor vehicle (whether or not in combination with any trailer) that is constructed principally for the conveyance of goods or merchandise or for the conveyance of any kind of materials used in any trade, business or industry, or for use in any work other than the conveyance of persons, but does not include a motor bike or a tractor.

visiting motor lorry means a vehicle temporarily in New South Wales that is a motor lorry.

60 Application of Division

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).

Note. This Division does not apply to any vehicle or combination of vehicles with a GVM or GCM of greater than 4.5 tonnes. See clause 5 (6).

61 Roads Act provisions also apply

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 Act or of any regulation in force under the Act.

62 Mass limits not to be exceeded

- (1) A person must not drive a motor lorry, or cause a motor lorry to be driven, on a road or road related area if the combined mass of the motor lorry and its load exceeds the lorry's mass limit.

Maximum penalty: 20 penalty units.

- (2) A person does not commit an offence against this clause if:
 - (a) the motor lorry is driven in accordance with the prior written permission of the Authority and any conditions set out in the same document containing the permission, and
 - (b) a copy of that document is carried by the driver of the motor lorry when driving the lorry otherwise than in accordance with clause (1).

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

- (1) A person must not drive a motor lorry, or cause a motor lorry to be driven, on a road or road related area unless the lorry is marked in accordance with this clause. However, this clause does not apply to a lorry that has an unladen mass of 2 tonnes or less or that is a trailer.

Maximum penalty: 20 penalty units.

- (2) A motor lorry (except a motor lorry to which subclause (3) or (4) applies) is marked in accordance with this clause 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 clause 66) is marked in accordance with this clause 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 clause 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.

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

- (1) For the purposes of this Division, the mass limit of a motor lorry (except an existing motor lorry) is:
 - (a) the GVM of the lorry, except in the case of an articulated vehicle, or
 - (b) in the case of an articulated vehicle, the GCM of the motor lorry.
- (2) For the purposes of subclause (1), the GVM or GCM 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 GVM or GCM, respectively.
- (3) However, if the Authority has not recorded a GCM for a type of motor lorry that is an articulated vehicle, but the Authority has recorded a GVM for its type of prime mover as a standard table top motor lorry, for the purposes of subclause (1) the GCM of the articulated vehicle (if unaltered since manufacture) is 1.67 times the GVM 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 subclause (2) or (3), the mass limit of the lorry is that determined under clause 66 (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).

65 Mass limits for existing motor lorries

- (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 of the *Motor Traffic Regulations 1935* (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 clause 66.

66 Determination of different mass limits

- (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 clause 64 (2) or (3), or
 - (b) if the lorry is an existing motor lorry and has been altered as referred to in clause 65 (2), or
 - (c) if the mass limit of the motor lorry applying under an earlier determination under this clause 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 clause 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 clause in respect of the lorry or of any refusal by the Authority of an application by the owner under subclause (1) (d).
- (4) A determination under this clause 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.

67 Authority may require information or certificate

- (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 clause 66, 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 clause.

1999 No 621

Road Transport (Mass, Loading and Access) Amendment (Road Trains and Other Vehicles) Regulation 1999

Schedule 1 Amendments

- (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 clause 66. 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 must not fail to comply with a requirement under this clause without reasonable excuse.

Maximum penalty: 20 penalty units.

Division 3 Miscellaneous

68 Loading and dimensions: responsibilities of owners

Without affecting the liability of any other person, the owner of a motor vehicle or trailer who causes, permits or allows or fails to take reasonable precautions to prevent a contravention of any of the provisions of Division 1 or 2, is guilty of an offence.

Maximum penalty: 20 penalty units.

69 Vehicle to be weighed on request

The driver or person in charge of any motor vehicle or trailer must observe and comply with any reasonable directions given by any police officer (or an officer authorised by the Authority) for the purpose of determining the weight of the vehicle or any trailer together with the loading carried on the vehicle or trailer.

Maximum penalty: 20 penalty units.

[6] Schedule 4 Short descriptions of offences

Omit the Schedule.

[7] Dictionary

Insert in alphabetical order:

articulated vehicle has the same meaning as in the *Road Transport (Vehicle Registration) Regulation 1998*.

fifth wheel assembly has the same meaning as in the *Road Transport (Vehicle Registration) Regulation 1998*.

gross road train mass has the same meaning as in the *Road Transport (Vehicle Registration) Regulation 1998*.

motor bike has the same meaning as in the *Road Transport (Vehicle Registration) Regulation 1998*.

station waggon has the same meaning as in the *Road Transport (Vehicle Registration) Regulation 1998*.

tow coupling has the same meaning as in the *Road Transport (Vehicle Registration) Regulation 1998*.

towing eye means that portion of a drawbar that when connected to a towing attachment forms a tow coupling.

turntable has the same meaning as in the *Road Transport (Vehicle Registration) Regulation 1998*.

BY AUTHORITY