

2010

**THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY**

**ROAD TRANSPORT (MASS, DIMENSIONS AND
LOADING) REGULATION 2010**

SL2010-4

EXPLANATORY STATEMENT

Overview

The purpose of the *Road Transport (Mass, Dimensions and Loading) Regulation 2010* (the Regulation) is to set out the conditions under which heavy vehicles and heavy combinations may travel safely and efficiently on the ACT road network, including by issuing notices and permits to allow vehicles and combinations that exceed general mass and dimension limits access to the road network. The arrangements provided for under the Regulation are consistent with those in other jurisdictions that have adopted the national model provisions for heavy vehicle compliance and enforcement, which provide exemption from general access mass and dimension limits for specified areas or routes.

The Regulation is based on model regulations developed by the National Transport Commission (NTC) to support the heavy vehicle compliance and enforcement legislation which all states and territories have, through transport ministers, agreed to implement. The ACT implemented this nationally agreed legislation through the *Road Transport (Mass, Dimensions and Loading) Act 2009* (the Act), which will commence on 3 March 2010. The Regulation is made under part 5.2 of the Act.

It was recognised by the NTC that when implementing nationally consistent road transport laws some jurisdictions may need to modify provisions to satisfy local legal and policy requirements. The provisions of this Regulation depart from the national model regulations to the extent necessary to reflect ACT criminal law and human rights policy.

The Regulation has significant similarities to the New South Wales *Road Transport (Mass, Loading and Access) Regulation 2005* in terms of the adoption of the key NTC model provisions. This approach will ensure a high level of consistency between the provisions of the ACT with those of its only neighbouring jurisdiction. Nevertheless, there are some differences between the regulations of the two jurisdictions, most notably the ACT's exclusion of provisions for light vehicles that are contained in the NSW *Road Transport (Mass, Loading and Access) Regulation 2005*. In the ACT, requirements for light vehicles are contained in the *Road Transport (Vehicle Registration) Regulation 2000*.

The Regulation seeks to maintain administrative efficiency by allowing classes of vehicles or combinations of a stated kind to operate under a notice. The notice scheme allows classes, or stated kinds, of vehicles and combinations to be exempt from general access dimension and mass limits. Areas or routes of the road network provided in notices for these restricted access vehicles must be approved by the road transport authority for this purpose. Notices issued by the road transport authority must be notified on the legislation register.

The Regulation also provides a permit scheme for the operation of restricted access vehicles and combinations beyond the coverage of the road network

provided by notices. The permit scheme allows for an extension of access to the road network beyond the notice scheme for individual heavy vehicle operators on application to the road transport authority. Where approved, a permit will allow an individual operator additional access to the road network for the purpose of conducting its road transport operations. In some cases where a person applies for a permit the road transport authority may need to undertake a route assessment to determine if such access to the road network sought is appropriate or acceptable.

The Regulation is intended to increase road safety by providing a wider range of provisions applicable to the operation of heavy vehicles and combinations in the ACT than what was contained under the *Road Transport (Dimensions and Mass) Act 1990*. The Regulation gives effect to the chain of responsibility concept in the ACT, where anybody who has control in a transport operation can be held responsible for breaches of road laws including consignors and receivers. It is also intended to provide greater protection of the ACT road network asset by reducing the damage that excessively loaded vehicles and combinations cause to roads and related road infrastructure such as bridges.

For heavy vehicle operators and drivers the provisions largely replicate requirements previously contained in the *Road Transport (Dimensions and Mass) Act 1990* which are repealed upon the commencement of the Act. Further information about the commencement of the Regulation and associated requirements will be provided to the transport operations sector through the ACT Department of Territory and Municipal Services website.

Significant departures from the model provisions

One of the most significant departures of the Regulation from the NTC model provisions is the exclusion of an offence for a driver failing to carry an exemption notice. The provision was not adopted on the basis of ACT criminal law and human rights policies. All other offence provisions in the model regulations relevant to the Regulation have been adopted, along with some additional explanation of requirements specific to particular road transport entities at clauses 49 and 50 for pilot vehicle drivers and oversize vehicle operators.

Given that a large number of heavy vehicle movements in the ACT originate from outside the ACT, adoption of provisions consistent with those in the NSW *Road Transport (Mass, Loading and Access) Regulation 2005* will assist in bringing about consistency across ACT borders in implementing national road transport law for heavy vehicles.

The Regulation therefore adopts some NSW provisions that are in addition to the NTC model provisions. This includes section 11 which provides the road transport authority with a capacity to apply additional mass restrictions to protect vulnerable road assets in the ACT. The provision is consistent with Australian Road Rule 103 (Load limit signs). Again following NSW, at section 59 the road transport authority is provided with an additional capacity to

regulate access to the road network for vehicles that do not meet the requirements of the Regulation. These special cases, which are likely to occur on rare occasions, would be managed by the road transport authority issuing a permit.

Provisions relating to the operation of the Higher Mass Limits Scheme in the ACT are also contained in the Regulation similar to that under the NSW regulation. The Regulation gives recognition to mass management accreditation provided by other road transport authorities in Australia for the purposes of operating the Higher Mass Limits Scheme in the ACT, as the ACT does not provide this accreditation to heavy vehicle operators.

The inclusion of NSW provisions relating to road trains is also mirrored in the Regulation. These provisions require the road transport authority to make a determination on road network access for such vehicles or combinations. Without such a determination, which must be notified on the legislation register, road trains are not permitted in the ACT.

Strict liability offences

Strict liability offences engage the presumption of innocence under the *Human Rights Act 2004*. All strict liability offences are assessed by the Human Rights and Criminal Law Units in the Department of Justice and Community Safety. When assessing whether an offence is suitable to be a strict liability offence, the Department has regard to a number of criteria, including:

- whether the defendant was “put on notice” of a requirement to do an act, and that a failure to do so will result in the commission of an offence;
- whether the defendant can be reasonably expected, because of his or her admission to a particular profession or because the requirements of a regulatory regime to which he or she is subject to, to know of their legal obligations under that regime;
- whether the commission of the conduct constituting the offence is technical in nature, or whether the commission of the conduct is “morally blameworthy” or “repugnant”: see *Wholesale Travel Group Inc v R* [1991] 3 S.C.R. 154; whether the burden on the defendant to raise a mistake of fact defence is an evidential or legal one; whether requiring the prosecution to prove a subjective mental fault element or higher level of fault would impose a difficult or impossible burden on it, thereby undermining the legitimate regulatory objectives of the state; and
- the severity of the penalty for the offence. A penalty of imprisonment is very serious, and requires exceptional justification.

In *Travel Group Inc* a majority Court drew a distinction between ‘true crimes’ and regulatory offences. The Court observed the earlier distinction it had drawn in *R v City of Sault Ste. Marie* [1978] 2 S.C.R. 1299. In that case Dickson J (as he then was), writing on behalf of a unanimous Court, recognised:

public welfare offences as a distinct class. ... such offences, although enforced as penal laws through the machinery of the criminal law, ‘are in substance of a civil nature and might well be regarded as a branch of administrative law to which traditional principles of criminal law have but limited application.’

Cory J, writing for the majority in *Travel Group Inc*, observed that:

It has always been thought that there is a rational basis for distinguishing between crimes and regulatory offences. Acts or actions are criminal when they constitute conduct that is, in itself, so abhorrent to the basic values of human society that it ought to be prohibited completely. Murder, sexual assault, fraud, robbery and theft are all so repugnant to society that they are universally recognized as crimes. At the same time, some conduct is prohibited, not because it is inherently wrongful, but because unregulated activity would result in dangerous conditions being imposed upon members of society, especially those who are particularly vulnerable.

The objective of regulatory legislation is to protect the public or broad segments of the public (such as employees, consumers and motorists, to name but a few) from the potentially adverse effects of otherwise lawful activity. Regulatory legislation involves a shift of emphasis from the protection of individual interests and the deterrence and punishment of acts involving moral fault to the protection of public and societal interests. While criminal offences are usually designed to condemn and punish past, inherently wrongful conduct, regulatory measures are generally directed to the prevention of future harm through the enforcement of minimum standards of conduct and care.

It follows that regulatory offences and crimes embody different concepts of fault. Since regulatory offences are directed primarily not to conduct itself but to the consequences of conduct, conviction of a regulatory offence may be thought to import a significantly lesser degree of culpability than conviction of a true crime. The concept of fault in regulatory offences is based upon a reasonable care standard and, as such, does not imply moral blameworthiness in the same manner as criminal fault. Conviction for breach of a regulatory offence suggests nothing more than that the defendant has failed to meet a prescribed standard of care.

The Court recognised that strict liability offences would be more readily justified when applied to regulatory offences which do not imply the same degree of moral blameworthiness as ‘true crimes’.

Having regard to the matters considered above, it is considered that the strict liability offences in this Regulation impose reasonable and proportionate limitations on the presumption of innocence in section 22 (1) of the of the Human Rights Act. The offences are essentially of a regulatory nature. The defence of mistake of fact is available to a defendant charged with a strict liability offence. The defence only imposes an evidential burden, as opposed to a legal or 'persuasive' burden, on the defendant: the defendant need only present or point to evidence which suggests that there is a 'reasonable possibility' that he or she acted under a mistake of fact (see the Criminal Code, section 58 (4) and (7)). If the defendant discharges this onus, the burden is then put back on the prosecution to disprove beyond reasonable doubt that the defendant did not act under a mistake of fact (see the Criminal Code, section 56 (2)).

Part 1 – Preliminary

Division 1.1 – Introduction

Clause 1 provides that the Regulation, when enacted, will be known as the *Road Transport (Mass, Dimensions and Loading) Regulation 2010*.

Clause 2 provides that the Regulation commences on the commencement of the *Road Transport (Mass, Dimensions and Loading) Act 2009*, section 3.

Clauses 3 to 5 are standard provisions about the dictionary, the status of notes in the Regulation and the application of the Criminal Code.

Clause 6 outlines what the Regulation is to regulate. The Regulation provides coverage of requirements relating to the mass, loading and dimensions of vehicles and combinations, including the conditions of access to roads for oversize and overmass vehicles and combinations.

It also makes it clear that one of the purposes of introducing the Regulation is to provide for consistent conditions with other jurisdictions in relation to the adoption of national road transport law in the ACT.

Clause 7 identifies that the Regulation applies to vehicles and combinations on roads and road related areas.

Division 1.2 – Important concepts

Clause 8 prescribes certain types of vehicles as a special purpose vehicle for the purpose of the Act. The clause also exempts certain types of vehicles as a special purpose vehicle for the purpose of the Act.

Clause 9 defines restricted access vehicle - a key term for the Regulation, including what classifies a heavy vehicle or heavy combination as a restricted access vehicle.

Part 2 – Mass, dimension, loading and other requirements for heavy vehicles

Division 2.1 – Mass loading and other requirements

Clause 10 sets out what vehicles are required to comply with mass and loading requirements in schedule 1. This schedule sets out mass and dimension limits applicable to different kinds of heavy vehicles and combinations and requirements relating to loads that may project from a vehicle.

Clause 11 allows the road transport authority to prohibit the driving of a stated kind of heavy vehicle on a road that is damaged or vulnerable to damage by displaying a notice on or near that road. The notice must state the mass limit allowable on the road and the length of time of the prohibition.

Division 2.2 – Class 1 vehicles

Clause 12 defines a class 1 vehicle for the purposes of the Regulation as a restricted access vehicle that is oversize or overmass, or a specific kind of vehicle or combination such as a special purpose vehicle or agricultural vehicle.

Clause 13 requires that class 1 vehicles and any pilot or escort vehicle accompanying a class 1 vehicle must comply with requirements in schedule 2 (Oversize and overmass vehicles). This schedule sets out requirements for oversize and overmass vehicles and combinations, including mass and dimension limits, for vehicles travelling under class 1 notices, and requirements for warning devices to warn other road users of the presence of an oversize vehicle of combination.

Clause 14 provides that the road transport authority can issue a class 1 notice which exempts a class 1 vehicle from a mass or dimension requirement in the Regulation or a dimension limit in the *Road Transport (Vehicle Registration) Regulation 2000*. A class 1 notice is a notifiable instrument.

Clause 15 sets out the required content of a class 1 notice. The notice must state whether it applies to all or a stated kind of class 1 vehicle, the areas or routes to which the notice applies and the provisions of the Regulation or the *Road Transport (Vehicle Registration) Regulation 2000* from which the exemption is given. A class 1 notice must include the conditions mentioned in schedule 2 that apply to the exemption. The clause also provides a height limit restriction where a height limit may be imposed as a condition of a class 1 notice.

Clause 16 creates a strict liability offence for failing to comply with a condition of a class 1 notice. It provides that a person commits an offence if the person is the driver or operator of the class 1 vehicle and that vehicle is driven in contravention of a condition of a class 1 notice that the vehicle is required to comply with.

Clause 17 provides that the road transport authority may issue a permit to a person, on application by the person, exempting a stated class 1 vehicle from a mass or dimension requirement in schedule 1 of the Regulation or the *Road Transport (Vehicle Registration) Regulation 2000*. It also provides for particular circumstances where the road transport authority may issue a class 1 permit exempting a combination from the application of gross combination mass (GCM) limits.

The clause makes it clear that a class 1 permit may apply to a stated area or stated route not included in a class 1 notice that is relevant to the vehicle in respect of which the permit is issued. It also states that a class 1 permit may be conditional.

The clause also provides that where the class 1 vehicle is a mobile crane it may be exempt from the prohibition against towing in schedule 2 of the Regulation where the vehicle can demonstrate compliance with requirements in subsection 17(5) (a) to (g).

Clause 18 sets out the required content of a class 1 permit. It must state the name and address of the person to whom the permit is issued, the vehicle or vehicles to which the permit applies, the areas or routes to which the permit applies, any conditions and when the permit ends.

Clause 19 creates a strict liability offence for failing to comply with a condition of a class 1 permit. It provides that a person commits an offence if the person is the driver or operator of the class 1 vehicle and that vehicle is driven in contravention of a condition of a class 1 permit that the vehicle is required to comply with.

Division 2.3 – Class 2 vehicles

Clause 20 defines a class 2 vehicle for the purposes of the Regulation as a restricted access vehicle that complies with the mass and dimension limits in schedule 1 of the Regulation and in the *Road Transport (Vehicle Registration) Regulation 2000* and is one of following types of vehicles:

- B-double;
- road train;
- controlled access buses longer than 12.5m but no longer than 14.5m;
- two or more deck loaded car carrier (meeting specified dimensions);
- livestock vehicle (meeting specified dimensions).

Clause 21 provides the road transport authority may issue a class 2 notice declaring areas or routes in which all or a stated kind of class 2 vehicles may operate. A class 2 notice is a notifiable instrument.

Clause 22 sets out the required content of a class 2 notice. This includes whether the notice applies to all or stated kinds of class 2 vehicles, the areas or routes that may be used, including the times when a vehicle or combination must not operate in an area or on a route and the speed limit in the areas or on the routes. It also provides for the application of specific conditions relating to route crossings such as bridges and culverts.

Clause 23 creates a strict liability offence for failing to comply with a condition of a class 2 notice. It provides that a person commits an offence if the person is the driver or operator of the class 2 vehicle and that vehicle is driven in contravention of a condition of a class 2 notice that the vehicle is required to comply with.

Clause 24 provides that the road transport authority may issue a class 2 permit to a person, on application by the person, allowing a stated class 2 vehicle or vehicles to operate in a stated area or on a stated route.

Clause 25 sets out the required content of a class 2 permit. It must include the name and address of the person to whom the permit is issued, the vehicle or vehicles to which the permit applies, the areas or routes to which the permit applies and when the permit ends. It may also include times when a vehicle or combination must not operate in an area or on a route and the speed limit in the areas or on the routes and other conditions where necessary.

Clause 26 creates a strict liability offence for failing to comply with a condition of a class 2 permit. It provides that a person commits an offence if the person is the driver or operator of the class 2 vehicle and that vehicle is driven in contravention of a condition of a class 2 permit that the vehicle is required to comply with.

Division 2.4 – Class 3 vehicles

Clause 27 defines a class 3 vehicle for the purposes of the Regulation as a restricted access vehicle that is not a class 1 or class 2 vehicle. This would include, for example, oversize or overmass class 2 restricted access vehicles such as a 26m B-double combination, concessionally loaded or a vehicle which doesn't meet the Australian Vehicle Standards Rules (AVSRs).

Clause 28 provides that the road transport authority may issue a class 3 notice which exempts a vehicle from a mass or dimension requirement in schedule 1 of the Regulation or a dimension limit in the *Road Transport (Vehicle Registration) Regulation 2000*.

A class 3 notice may declare areas or routes in which all or a stated kind of class 3 vehicle may operate. The notice may include other conditions. A class 3 notice is a notifiable instrument.

Clause 29 sets out the required content of a class 3 notice. The notice must state the kinds of class 3 vehicle to which it applies, the areas or routes to which it applies and the provisions of schedule 1 of the Regulation or the *Road Transport (Vehicle Registration) Regulation 2000* to which the notice applies.

Clause 30 creates a strict liability offence for failing to comply with a condition of a class 3 notice. It provides that a person commits an offence if the person is the driver or operator of the class 3 vehicle and that vehicle is driven in contravention of a condition of a class 3 notice that the vehicle is required to comply with.

Clause 31 provides that the road transport authority may issue a class 3 permit to a person, on application by a person, exempting a stated class 3 vehicle from a mass or dimension requirement in schedule 1 of the Regulation or a dimension limit in the *Road Transport (Vehicle Registration) Regulation 2000*. A class 3 permit may be conditional.

Clause 32 sets out the required content of a class 3 permit. It must include the name and address of the person to whom the permit is issued, the areas or routes to which it applies, the vehicle or vehicles to which the permit applies and when the permit ends.

Clause 33 provides that in some circumstances, a condition relating the configuring or loading of a vehicle subject to a class 3 notice, must be included in the notice to limit the extent by which the vehicle may exceed axle mass and dimension limits.

Clause 34 creates a strict liability offence for failing to comply with a condition of a class 3 permit. It provides that a person commits an offence if the person is the driver or operator of the class 3 vehicle and that vehicle is driven in contravention of a condition of a class 3 permit that the vehicle is required to comply with.

Clause 35 provides that the road transport authority must consult with a corresponding road transport authority of another State if a class 3 notice or class 3 permit is likely to affect road transport to, from or within the other State. Where a class 3 notice or class 3 permit is to remain in force for more than 6 months the road transport authority must give details of the notice or permit to other States and the National Transport Commission.

Division 2.5 – Towing restrictions for certain combinations

Clause 36 defines the term *certain combination* for the purposes of the division. A *certain combination* means an articulated vehicle towing another vehicle and a non-articulated vehicle towing 2 or more other vehicles.

Clause 37 defines the term *exempt combination* for the purposes of the division. An *exempt combination* is defined as a particular type of *certain combination*, including a harvester combination, a tractor with two or more implements attached, an articulated low-loader consisting of a prime mover towing a converter dolly and a semitrailer; and a B-double or a road train that complies with relevant vehicle standards.

Clause 38 creates a strict liability offence for driving or standing a certain combination on a road or road related area. It also provides that a person commits an offence if the person is the owner of a certain combination and the combination is driven or stood on a road or road related area. However, no offence is committed by the owner or driver of certain combination if it is an exempt combination or being used in accordance with an exempt combination notice or exempt combination permit.

Clause 39 provides that the road transport authority may issue exempt combination notices to exempt certain combinations from the offence provision in clause 38. An exempt combination notice is a notifiable instrument.

Clause 40 sets out the required content of an exempt combination notice which include the certain combinations to which it applies and any conditions.

Clause 41 provides that the road transport authority may issue an exempt combination permit to a person, on application by the person, exempting a stated certain combination for the offence provision in clause 38. A permit may contain conditions.

Clause 42 sets out the required content of an exempt combination permit. It must include the name and address of the person to whom the permit is issued, the certain combination to which the permit applies, including the registration number of the front prime mover, any conditions and when the permit ends.

Division 2.6 – Higher mass limits for eligible vehicles

Clause 43 defines the term *eligible vehicle* for the purpose of the Regulation. The clause outlines the kinds of heavy vehicles and combinations to which this definition applies.

Clause 44 defines the term *higher mass limit* for the purpose of the Regulation by reference to the higher mass limit for the eligible vehicle mentioned in section 1.3 of schedule 1.

Clause 45 defines the term *approved route* for the purpose of the division. An *approved route* is a route included in a higher mass limits notice issued under clause 47.

Clause 46 sets out the conditions on which an eligible vehicle may operate on a road at a higher mass limit. It makes it clear that a road on which the vehicle is operated must be an approved route stated in a notice issued by the road transport authority and the vehicle must:

- (a) have road friendly suspension as certified under the *Vehicle Standards Bulletin (VSB) 11: Certification of Road-Friendly Suspension Systems* issued by the Commonwealth; and
- (b) if the axle group on the vehicle is a tri axle group, the vehicle must be accredited under a Mass Management Accreditation Scheme of a corresponding road transport authority.

The ACT road transport authority does not provide an accreditation scheme for mass management under the National Heavy Vehicle Accreditation Scheme and heavy vehicle operators wishing to take advantage of higher mass limits must, therefore obtain accreditation through the schemes of other jurisdictions.

This clause refers to the *Vehicle Standards Bulletin No 11* as in force from time to time into the Regulation. The Legislation Act, section 47 (6) provides that such an incorporated document, and any later changes to the document, are taken to be notifiable instruments. A notifiable instrument must be notified on the legislation register under the Legislation Act. However Clause 69 displaces this requirement.

Clause 47 provides that the road transport authority may make a higher mass limit notice to state routes on which eligible vehicles may operate at higher mass limits and include conditions on such a notice that eligible vehicles must comply with. A higher mass limit notice is a notifiable instrument.

Clause 48 provides that the road transport authority may issue a permit to a person, on application by a person, to operate a stated eligible vehicle at a higher mass limit on a route that is not approved under a higher mass limit notice.

Division 2.7 – Pilot vehicles and oversize vehicles

Clause 49 sets out requirements for pilot vehicle drivers when accompanying an oversize vehicle or combination as the driver of the pilot vehicle can be liable for a contravention of a condition by the operator or driver of an oversize vehicle or combination it is accompanying. It makes it clear that the driver of the pilot vehicle must be provided with a relevant notice or permit by the operator or the oversize vehicle or combination and the pilot vehicle driver must be satisfied that the oversize vehicle or combination complies with any applicable notice or permit.

Clause 50 sets out requirements for operators of an oversize vehicle or combination that are accompanied by a pilot vehicle or escort vehicle. It makes it clear that the operator must be satisfied that the pilot vehicle or escort vehicle complies with requirements set out in part 2.6 of schedule 2 of this Regulation. This part in schedule 2 sets out requirements for pilot and escort vehicles including the number of pilot vehicles required to accompany an oversize vehicle or combination.

Clause 51 creates a strict liability offence for the driver of a pilot vehicle where the oversize vehicle or combination it is accompanying fails to comply with a condition provided in a notice or permit. The clause also creates a strict liability offence for the operator of an oversize vehicle or combination being accompanied by a pilot vehicle where the oversize vehicle or combination fails to comply with a condition provided in a notice or permit.

Clause 52 creates a strict liability offence for the driver of a pilot vehicle where the operator or driver of an oversize vehicle or combination it is accompanying fails to comply with a requirement set out in part 2.6 of schedule 2 of this Regulation. The clause also creates a strict liability offence for the operator of an oversize vehicle or combination being accompanied by a pilot vehicle where the oversize vehicle or combination fails to comply with a requirement set out in part 2.6 of schedule 2 of this Regulation.

Part 3 – Road trains

Clause 53 defines the term *gross road train mass* of a road train for the purpose of the part to determine the maximum allowable mass for a road train.

Clause 54 defines the term *gross road train mass rating* for the hauling unit of a road train for the purpose of determining the maximum allowable mass for a road train.

Clause 55 creates a strict liability offence for a driver of a road train if the road train is operated on a road or road related area and the gross road train mass of the road train is higher than the gross road train mass rating for the hauling vehicle of the road train.

Clause 56 provides that the maximum length of a road train must not exceed 53.5 metres or a lower length determined by the road transport authority. The road transport authority may make a determination on road train length relating to stated configurations or when road trains are in certain areas.

Clause 57 creates a strict liability offence for a driver of a road train where the road train is driven on a road or road related area and a component trailer of the road train is not tracking in line with the hauling unit. The clause sets out a quantifiable parameter in which to assess the tracking characteristics of trailers that are part of a road train.

Clause 58 creates a strict liability offence for a driver of a road train where the road train is driven on a road or road related area and the total mass of the road train component vehicles behind the tow coupling fitting is heavier than the mass limit of the fitting determined under the *Road Transport (Vehicle Registration) Regulation 2000*.

Part 4 – Mass, dimension, loading, etc for all vehicles

Division 4.1 – Mass and loading requirements

Clause 59 enables the road transport authority to determine a mass or load limit for a vehicle where the Regulation does not apply to the vehicle or where it considers it appropriate to do so. Where the road transport authority has made such a determination it must notify the owner of the vehicle or publish the determination in a daily newspaper. A determination is a notifiable instrument.

Clause 60 clarifies that where two or more mass limits apply to a vehicle or combination the lowest mass limit must be complied with.

Clause 61 sets out basic requirements relating to the loading of a vehicle or trailer which must be complied with. It identifies recommended performance standards in the Load Restraint Guide, published by the National Transport Commission, as a reference for compliance. The clause also provides a defence to prosecution where reasonable steps were taken to comply with the Load Restraints Guide.

The Load Restraint Guide as in force from time to time is incorporated into the Regulation. The Legislation Act, section 47 (6) provides that an incorporated document is taken to be a notifiable instrument under the Legislation Act. However, the Legislation Act, section 47 (6) may be displaced by the authorising law (the Act) or the incorporating instrument (this Regulation) (see section 47 (7)). The Legislation Act, section 47 (6) is displaced here, by clause 69, because the incorporated document is subject to copyright and is easily accessible over the internet.

Division 4.2 – Checking and measuring procedures

This division sets out procedures relating to direction powers of authorised persons and police officers to stop a vehicle to allow an authorised person or police officer to examine the vehicle for compliance purposes. This includes the method in which loads are quantified using measuring instruments.

Clause 62 provides that a police officer or authorised person must wear a badge or other distinguishing mark to indicate the authority of the officer or person. The clause sets out how an officer or person may exercise a function under the Act to direct a vehicle to stop by displaying a notice to direct a driver

of a vehicle to stop at an on-road mobile vehicle inspection station or on or near a road or a road related area. It also details the manner in which a police officer or authorised person can display a notice in carrying out a direction to stop a vehicle.

Clause 63 sets out the method to calculate a wheel load on a vehicle using a measuring instrument.

Clause 64 sets out the method to calculate an axle load on a vehicle using a measuring instrument.

Clause 65 sets out how to calculate the total mass of a vehicle or combination from measurements taken of the vehicle or combination with a measuring instrument. The measuring instruments used for the purpose of calculating total mass for compliance purposes include mobile scales and weighbridges.

Clause 66 makes it clear that a measuring instrument that is of a type approved by the National Measurement Institute, used for compliance purposes, such as calculating a wheel load, an axle load or a total mass cannot provide a measurement value that is greater than that which the measuring instrument has been verified for under the *Trade Measurement Act 1991*. For example, if a measuring instrument is verified for measurement up to a maximum of 10 tonnes, then it cannot be used to measure anything over 10 tonnes for compliance and enforcement purposes.

Part 5 – Miscellaneous

Clause 67 creates a strict liability offence for the driver of a vehicle or combination where that vehicle or combination is subject to a permit issued under this Regulation and the driver drives the vehicle or combination without carrying the permit. The clause provides an exception in cases where a permit states that a copy of the permit is not required to be carried in the driving compartment of the vehicle or combination.

Clause 68 provides the road transport authority with a capacity to give an exemption to a stated vehicle or combination, and a driver and owner of a stated vehicle or combination where an emergency situation exists. The note to the clause provides examples of potentially relevant emergency situations. The clause also states that the road transport authority must be satisfied that the exemption does not place other road users in unreasonable danger, and also sets out how the exemption may be given in an emergency situation.

Clause 69 provides for the disapplication of section 47(6) of the Legislation Act in relation to various applied, incorporated and adopted legislation, codes and guides with the consequence that they are not required to be notified on the legislation register. This is because the documents are either protected by copyright or are readily available elsewhere.

Clause 70 provides that the Regulation amends the legislation mentioned in schedule 3.

Part 10 - Transitional

Clause 300 defines the term *commencement day* for the purpose of the part as the day the Regulation commences.

Clause 301 provides a transitional arrangement for permits issued under section 27 of the *Road Transport (Dimensions and Mass) Act 1990* that are in force immediately before the commencement day. These permits will be given the status of a permit under this Regulation on and after the commencement day. The road transport authority will regard these permits as being issued consistent with one of the four permit provisions available in this Regulation, until the permit concerned ends.

Clause 302 provides that the part is a law to which the Legislation Act, section 88 (Repeal does not end effect of transitional laws etc) applies. This clause ensures that the transitional effect of part 10 continues despite its expiry.

Clause 303 provides that part 10 expires 1 year after the day the clause commences.

Schedule 1 – Mass and loading requirements for heavy vehicles

Schedule 1 sets out mass and dimension limits applicable to different kinds of heavy vehicles and combinations and requirements relating to loads that may project from a vehicle.

Part 1.1 – Mass limits

Division 1.1.1 – Mass limits for vehicles and combinations

This division sets out mass limits applicable to heavy vehicles and heavy combinations.

Clause 1.1 establishes a mass limit for heavy vehicles where the maximum allowable loaded mass of a vehicle is equal to the gross vehicle mass (GVM) of the vehicle. The GVM of a vehicle is specified by the manufacturer on an identification plate on the vehicle, or in cases where there is no identification plate or where the vehicle has been modified, the total mass limit of the vehicle must be certified by the road transport authority.

Clause 1.2 establishes mass limits for heavy combinations. The clause sets out a number of mass limit parameters applicable to a range of heavy combinations. Firstly, it establishes that the maximum allowable loaded mass,

or total mass, of a combination, including any load it may be carrying, must not exceed 42.5 tonnes. This is a general requirement under the Regulation applicable to all combinations. Secondly, where a combination includes a dog trailer or pig trailer, the loaded mass of that trailer must not exceed the loaded mass of the towing vehicle. Thirdly, it establishes that the maximum allowable loaded mass of a combination must not exceed the gross combination mass (GCM) of the towing vehicle. The GCM of a vehicle is specified by the manufacturer on an identification plate on the vehicle, or in cases where there is no identification plate or where the vehicle has been modified, the total mass limit of the vehicle must be certified by the road transport authority.

Clause 1.2 also provides a methodology to calculate the maximum allowable loaded mass of a vehicle forming part of a road train or B-double where the GCM of the vehicle has not been determined by the manufacturer.

Clause 1.3 provides for the operation of the Higher Mass Limits (HML) Scheme in the ACT. While the ACT road transport authority does not provide an accreditation service for this mass concession scheme, it gives recognition to accreditation provided by other road transport authorities in Australia.

HML allows for increases to general mass limits for eligible vehicles where that vehicle has been accredited by a corresponding road transport authority as meeting the requirements of the scheme. In addition, the operator of the vehicle must also be accredited under a Mass Management Accreditation Scheme. Access to the road network in the ACT for vehicles operating under the HML Scheme is restricted to routes approved by the ACT road transport authority, as provided by a notice. The notice is a notifiable instrument.

Division 1.1.2 – Mass limits for tyres, wheels and axles

This division sets out mass limits applicable to tyres, wheels and axles of heavy vehicles and heavy combinations.

Clause 1.4 provides an exclusion to the mass limits for tyres, wheels and axles in the division for vehicles or combinations described as eligible vehicles under clause 46 where these vehicles or combinations are operating under higher mass limits.

Clause 1.5 defines the meaning of complying bus for the division. A complying bus must be fitted with a compliance plate under the Commonwealth's *Motor Vehicle Standards Act 1989* and meet specified requirements including Australian Design Rules and be equipped with an approved air suspension system. The clause also makes provision for buses that may need to be declared as complying buses as they may not be fitted with a compliance plate or may have been manufactured before 1 July 1994.

Australian Design Rules (ADRs) 44, 59 and 68 and the *Motor Vehicle Standards Act 1989* (Cwlth) as in force from time to time are incorporated into the Regulation. The Legislation Act, section 47 (6) provides that an

incorporated document is taken to be a notifiable instrument under the Legislation Act. However, the Legislation Act, section 47 (6) may be displaced by the authorising law (the Act) or the incorporating instrument (this Regulation) (see LA, section 47 (7)). The Legislation Act, section 47 (6) is displaced here because the Act is a Commonwealth law and the ADRs are Commonwealth legislative instruments (Vehicle Standards). All of the incorporated documents are easily accessible on the comlaw website.

Clause 1.6 defines the meaning of *ultra-low floor bus* for the division.

Clause 1.7 provides that the road transport authority may declare buses to be complying buses where it is satisfied that the bus is equipped with an approved air suspension system and complies with the relevant ADRs.

Clause 1.8 establishes that mass limits for a wheel load or axle load must not exceed the mass limits for that wheel load or axle load as determined by the manufacturer. Similarly, the mass limit on a tyre must not exceed the greatest load capacity determined for the tyre by the manufacturer for a given maximum cold inflation pressure.

Clause 1.9 sets out applicable mass limits for single axles and axle groups. Vehicles with single axles and axle groups described in the table must not exceed the corresponding mass limits provided in the table.

Clause 1.10 clarifies the application of clause 1.9 for a specified type of articulated ultra-low floor bus.

Clause 1.11 clarifies the application of clause 1.9 for vehicles with an axle group that includes a retractable axle. The clause provides a threshold where a retractable axle is regarded as part of an axle group for the purpose of identifying the relevant mass limit for the axle or axle group.

Clause 1.12 sets out mass limits for axles and axle groups on a vehicle or combination. The mass limits provided in the table represent the sum of the mass on each axle group and single axles on a vehicle or combination. Where a vehicle or combination is not described in the table then clause 1.9 of Schedule 1 applies to that vehicle or combination in relation to an applicable mass limit for a single axle or axle group.

Division 1.1.3 – Mass limits for axle spacing

This division sets out mass limits applicable to axle spacing distances between axles on a vehicle or combination.

Clause 1.13 provides an exclusion to the mass limits for axle spacing in the division for vehicles or combinations described as eligible vehicles under clause 46 where these vehicles or combinations are operating under higher mass limits.

Clause 1.14 defines the meaning of axle spacing for the purpose of application in the division.

Clause 1.15 establishes mass limits for axle spacing for vehicles or combinations with a maximum loaded mass of up to 42.5 tonnes. The mass across an axle spacing distance for a vehicle or combination must not exceed the corresponding mass limit value provided in the table.

Clause 1.16 establishes mass limits for B-doubles based on axle spacing distances. The clause sets out a method to calculate a mass limit for a B-double where such a vehicle may lawfully exceed 42.5 tonnes. The method applies the axle spacing distance between the extreme axles of a B-double. The clause establishes a maximum mass limit of 62.5 tonnes. The clause also provides another method to calculate a mass limit for a B-double based on the axle spacing between axle groups. The mass limits in the clause apply to the sum of masses on each axle or axle group forming part of the B-double, and to the axles between which the axle spacing is measured.

Clause 1.17 establishes mass limits for road trains based on axle spacing distances. The clause provides the road transport authority with a capacity to determine a mass limit for a road train. Where the road transport authority has made such a determination, road trains must also comply with a mass limit relating to the axle spacing distance between any two adjacent axles or axle groups of the road train. The clause sets out a method to calculate this mass limit. The road train must not exceed this mass limit. The calculated mass limit applies to the sum of masses on each axle or axle group forming part of the road train, and to the axles between which the axle spacing is measured. If the road transport authority makes a determination on a mass limit for road trains it is to be notified on the ACT legislation register.

Clause 1.18 establishes a set of rules about spacing distances between axles on a vehicle or combination which relate to permissible mass limits under the Regulation. The clause establishes a set of rules applicable to distances between axle groups for B-double combinations and rules applicable to distances between axle groups or groups of axles on vehicles or other combinations. These mass limits relating to axle spacing are imposed in order to minimise the effects of closely spaced axle groups on bridges and other route crossings.

Part 1.2 – Size and projection of loads

Clause 1.19 establishes dimension limits and rear overhang requirements for vehicles and combinations. Dimensions include length, width and height of a vehicle or combination. The provision makes reference to Australian Vehicle Standards Rules (AVSRs) contained in the *Road Transport (Vehicle Registration) Regulation 2000*.

Clause 1.20 establishes a height limit and rear overhang limit for a vehicle or combination carrying vehicles on 2 or more partly or fully overlapping decks.

The clause sets out the maximum allowable dimensions of a loaded car carrier by way of diagrammatic illustration.

Clause 1.21 establishes front and side projection limits for a load on a vehicle, for the purpose of safety for the load carrying vehicle and other road users.

Clause 1.22 establishes safety requirements for load carrying vehicles where the rear projection of a load is greater than the rear overhang limits set out at clause 1.19. For vehicles with a rear projection exceeding this limit, a warning signal must be displayed on the rear of the load.

Clause 1.23 requires that a load on a vehicle be placed in such a way so it is not dangerous to a person or property. The clause applies to a load on a vehicle, even if the load or vehicle complies with all relevant dimension and warning requirements.

Part 1.3 – Couplings

Clause 1.24 requires that any trailer as part of a combination must be securely attached to the vehicle in front of it. The clause makes it clear that components used between vehicles to attach vehicles in a combination must be compatible and must be connected in a manner that is consistent with the manufacturer's instruction.

Schedule 2 – Oversize and overmass vehicles

Part 2.1 – Preliminary

Clause 2.1 defines key terms used in the schedule which relate to oversize and overmass vehicles and combinations.

Clause 2.2 makes it clear that where 2 or more mass limits apply to a single axle or axle group of a vehicle or combination, compliance with the lowest applicable limit is required.

Part 2.2 – All vehicles travelling under class 1 notices

This part establishes the applicable mass and dimension limits for all vehicles travelling under class 1 notices. These limits may also be applied in a class 1 permit as a condition of the permit. Where required other notices and permits issued by the road transport authority may apply these limits as a condition of a notice or permit.

The part also establishes mass limits for single and multiple axle groups and dimension limits for class 1 vehicles. It also sets out warning requirements for oversize vehicles and combinations, including the types of warning devices required to be displayed by oversize vehicles or combinations while travelling.

Other requirements relating to travel at night and travel in low visibility conditions are set out at clause 2.13 and clause 2.14. The part also sets out minimum following distances between oversize vehicles while travelling.

The part also makes it clear that operators and drivers have a responsibility to ensure that a vehicle or combination is not driven on a route if it is likely to cause damage to the road or road-related infrastructure or disruption to utilities and services such as telecommunications, electricity, rail, gas, water and sewerage services. This includes damage to a structure or a tree.

Clause 2.3 sets out mass limits applicable to single axle vehicles on the basis of the tyre width of the narrowest tyre on the axle. The applicable limits are tabulated for a range of tyre widths for axles with 2 or 4 tyres. All vehicles to which these limits apply must comply with these limits.

Clause 2.4 sets out mass limits applicable to multiple axle vehicles on the basis of the tyre width of the narrowest tyre on the axle. The applicable limits are tabulated for a range of tyre widths for axles with 4 or 6 tyres. All vehicles to which these limits apply must comply with these limits.

Clause 2.5 sets out that a vehicle or combination must not exceed a dimension limit. It provides a procedure to determine what dimension limits are to be applied for a vehicle or combination together with any load that it may be carrying. Applicable dimension limits can be found in either schedule 1 or schedule 2 of the Regulation or in the *Road Transport (Vehicle Registration) Regulation 2000*. The dimension limit to be applied will be the greater of the limits in those documents.

Clause 2.5 also clarifies that certain items fitted to a vehicle, such as flags or mirrors are not to be included in measurements of dimensions. It also stipulates a minimum spacing distance for adjacent axles in an axle group for an overmass vehicle or combination.

Clause 2.6 requires that an oversize vehicle or combination without a load must be reduced to the smallest practicable dimensions. This is intended to minimise the potential hazard to other road users and road infrastructure associated with the presence of oversize vehicles travelling on the road network.

Clauses 2.7 to 2.9 set out warning device requirements for oversize vehicles. These requirements are to display warning devices, such as lights, flags and signs, and vary depending on the width and length of the oversize vehicle.

Clause 2.10 sets out requirements for warning devices where an oversize vehicle or combination is carrying a load that is projecting from the side of the vehicle or combination. Dimension parameters relating to the size of the projection and warning device requirements are set out in the clause. This includes a requirement for a warning light attached to the vehicle or combination and delineators attached to the front and rear of the projection.

Delineators attached to a projection must comply with relevant Australian standards. AS/NZS 1906.1:1993 as in force from time to time is incorporated into the Regulation. The Legislation Act, section 47 (5) provides that an incorporated document is taken to be a notifiable instrument. A notifiable instrument must be notified on the legislation register under the Legislation Act. However, the Legislation Act, section 47 (5) may be displaced by the authorising law (the Act) or the incorporating instrument (this Regulation) (see section 47 (7)). The Legislation Act, section 47 (5) is displaced here because AS/NZS 1906.1:1993 is subject to copyright and is accessible over the internet.

Clause 2.11 requires oversize vehicles travelling at night to display additional warning devices. This includes the requirement for lights known as side markers along both sides of the vehicle or combination and along any projection, and rear markers fixed to the rear of any rear-projecting load. Some vehicles and combinations may require further warning devices such as warning lights when travelling at night.

Clause 2.12 requires that an oversize vehicle or the lead vehicle in an oversize combination must travel with its headlights on in the daylight.

Clause 2.13 creates a restriction for some oversize vehicles and combinations for travel at night. For oversize vehicles and combinations that the clause applies to, travel outside an urban area is not permitted and travel within an urban area may only occur where it is accompanied by a pilot vehicle. Permits for night travel outside the conditions of this section are uncommon.

Clause 2.14 sets out requirements for travel in low visibility conditions, such as fog, heavy rain and dust. It defines low visibility conditions to mean the sight of the driver is a distance of less than 250m, either in daylight or at night. The clause makes it clear that a vehicle or combination must not commence to travel in such conditions, and when travelling with the onset of low visibility conditions, the driver must drive the vehicle or combination to the nearest safe parking area and wait till conditions improve before continuing to travel.

Clause 2.15 establishes a minimum following distance between oversize vehicles while travelling. A distance of at least 200m is established as a minimum with some exceptions provided where it is not practicable to do so.

Clause 2.16 sets out a requirement that a person must not drive a vehicle or combination along a route if it is likely to cause damage to a road, a structure of the built environment or a tree. Similarly, the clause sets out a requirement to protect other forms of infrastructure so as not to cause disruption to telecommunications, rail and sewerage infrastructure or any utilities delivering an essential service such as electricity, gas or water.

The clause also makes it clear that only where routes have been assessed and approved by the road transport authority for use, or where permission has been issued by an entity responsible for a utility or service, can a class 1 vehicle or combination travel along a route.

Part 2.3 – Load-carrying vehicles travelling under class 1 notices

This part establishes additional requirements for load-carrying vehicles or combinations including mass limits, the carriage of large indivisible items and the towing of a low loader vehicle.

Clause 2.17 defines the mass limits for axles and axle groups applicable to load-carrying combinations. The clause establishes an exception for load-carrying vehicles towing certain types of vehicles, such as a low-loader or jinker.

Clause 2.18 provides detail of the exception given at clause 2.17. It establishes a set of applicable mass limits for different axles and axle groups on the basis of axle spacing distances. The clause provides a method to determine the total mass for these combinations.

Clause 2.19 makes it clear that where a load on a vehicle or combination can be safely loaded in more than one way, it must be loaded in a way which minimises the width of the vehicle and its load.

Clause 2.20 sets out dimension limits for the width of certain types of vehicles that are towed as part of a combination, such as a low-loader or jinker.

Clause 2.21 sets out requirements relating to the carriage of more than one large indivisible item. It also sets out requirements relating to the carriage of other goods in addition to any load that includes large indivisible items.

Clause 2.22 sets out requirements for the towing of an unladen low loader with a low loader dolly as part of a combination. It outlines specific instances in which travel by such a combination is acceptable and provides a dimension limit for width for such a combination.

Part 2.4 – Special purpose vehicles travelling under class 1 notices

This part establishes additional requirements for special purpose vehicles including mass limits, warning devices and vehicle markings. The part also prohibits a special purpose vehicle from towing any other vehicle.

Clause 2.23 establishes mass limits for single axles and axle groups for special purpose vehicles.

Clause 2.24 establishes mass limits for special purpose vehicles with tandem axle groups. The clause provides a method to calculate an applicable mass limit based on the ground contact width of the axle group and axle spacing distances.

Clause 2.25 establishes mass limits for special purpose vehicles with tri axle groups. The clause provides a method to calculate an applicable mass limit based on the ground contact width of the axle group and axle spacing distances.

Clause 2.26 establishes a total mass limit for special purpose vehicles. It sets out a number of methods to determine an applicable mass limit, where the lowest of the values determined is taken to be the applicable total mass limit.

Clause 2.27 sets out requirements for additional warning devices for a special purpose vehicle when travelling at night. The clause applies to a special purpose vehicle with a projection extending more than 1.2m in front of the vehicle body. The clause identifies a requirement for side lights and where those lights must be mounted on the special purpose vehicle.

Clause 2.28 establishes requirements for the display of markings or warning patterns on the rear and front of a special purpose vehicle. ADR 13/00 as in force from time to time is incorporated into the Regulation. The Legislation Act, section 47 (6) provides that an incorporated document is taken to be a notifiable instrument. A notifiable instrument must be notified on the legislation register under the Legislation Act. However, the Legislation Act, section 47 (6) may be displaced by the authorising law (the Act) or the incorporating instrument (this Regulation) (see section 47 (7)). The Legislation Act, section 47 (6) is displaced here because ADR 13/00 a Commonwealth legislative instrument (Vehicle Standards) and is easily accessible on the comlaw website.

Clause 2.29 prohibits a special purpose vehicle from towing any other vehicle.

Part 2.5 – Agricultural vehicles and combinations travelling under class 1 notices

This part establishes additional requirements for agricultural vehicles and combinations including mass and dimension limits, requirements for the use of warning devices and pilot vehicles and requirements relating to the use of these vehicles when travelling on public roads.

Clause 2.30 establishes mass limits for agricultural vehicles and combinations with two axles. It provides a method to determine an applicable mass limit based on the number of tyres fitted to the axle and the ground contact width of the axle.

Clause 2.31 establishes dimension limits for agricultural vehicles and combinations, including height, rear overhang, length and width. The clause also provides additional width limits for agricultural machines where they may be travelling in designated areas declared by the road transport authority.

Clause 2.32 sets out requirements for warning devices where an agricultural vehicle or combination has a width greater than 2.5m, or where an agricultural

combination is longer than 22m when travelling on a major road. The clause also sets out requirements for the display of warning signs on an agricultural implement being towed by a tractor, requirements for warning patterns on particular agricultural vehicles and the use of high visibility materials for tractor tyres for protruding axles.

Clause 2.33 establishes pilot vehicle requirements for agricultural vehicles and combinations that are oversize on the basis of width and the area of operation.

Clause 2.34 prohibits an oversize agricultural vehicle or combination from being driven on a freeway, including roads described as parkways in the ACT.

Clause 2.35 prohibits an agricultural implement from carry a load when travelling on public roads.

Clause 2.36 establishes speed limits for a vehicle towing an agricultural implement not fitted with brakes.

Clause 2.37 provides an exemption for the fitting of rear vision mirrors to an oversize or overmass vehicle or combination towing an agricultural implement that is wider than 3.5m. The exemption is given to the requirement set out in Schedule 1 of the *Road Transport (Vehicle Registration) Regulation 2000*.

Part 2.6 – Pilot and escort vehicles

This part establishes requirements for the operation of pilot and escort vehicles that may be necessary under a condition of a notice or permit. Pilot and escort vehicles are used to warn other road users of the presence of an oversize vehicle.

Clause 2.38 establishes requirements for pilot vehicles including the specifications of such a vehicle and the use of warning signs and warning lights.

Clause 2.39 establishes requirements for escort vehicles including the specifications of such a vehicle and the use and specifications of warning lights.

Clause 2.40 makes it clear that the headlights of a pilot or escort vehicle must be switched on when accompanying a vehicle during the daylight hours.

Clause 2.41 prohibits a pilot or escort vehicle from towing a trailer or carrying a load. The clause makes provision for such a vehicle to carry any tools, equipment or substances that may be required for use in relation to the vehicle or combination it is accompanying, including the restraining of its load.

Clause 2.42 sets out requirements regarding the position of pilot vehicles in relation to an oversize vehicle or combination it is accompanying when travelling.

Clause 2.43 sets out a requirement for an oversize vehicle or combination and its accompanying pilot or escort vehicle to have communication devices of a good working order that allows each driver to communicate effectively with each other. The clause provides several exceptions to this general requirement including oversize agricultural machines and police vehicles.

Part 2.7 – Warning lights

This part establishes the specifications for warning lights for oversize vehicles or combinations and pilot or escort vehicles.

Clause 2.44 defines the term *warning light* for the purposes of applying the term in the Regulation.

Clause 2.45 sets out requirements relating to the use of warning lights in terms of their visibility to other road users. The clause establishes a distance at which warning lights must be clearly visible. It also allows that where a warning light is used by a pilot vehicle in front of an oversize vehicle or combination it may have a filter placed behind the warning light to reduce the intensity of the light directed to the driver of the oversize vehicle or combination.

Clause 2.46 clarifies when a warning light is to be switched on when fitted to an oversize vehicle or combination or a pilot or escort vehicle. The clause also establishes that where a vehicle or combination is not required to have a warning light it must not have a warning light that is switched on.

Part 2.8 – Warning signs

This part establishes the specifications for warning signs for oversize vehicles and pilot vehicles.

Division 2.8.1 – Oversize vehicles and pilot vehicles

Clause 2.47 defines the term *warning sign* for the Regulation.

Clause 2.48 sets out specifications for warning signs including the type of materials they are made from.

Clause 2.49 makes it clear that warning signs must be maintained in a condition ensuring it can be easily read by other road users.

Clause 2.50 clarifies when a warning sign may be displayed on a vehicle or combination.

Division 2.8.2 – Oversize vehicles

This division applies to oversize vehicles only.

Clause 2.51 sets out specifications for the size of warning signs for oversize vehicles and provides that a sign may be split into two parts.

Clause 2.52 sets out specifications for the face of warning signs on an oversize vehicle including lettering and borders. The AS 1744-1975 as in force from time to time is incorporated into the Regulation. The Legislation Act, section 47 (5) provides that an incorporated document is taken to be a notifiable instrument. A notifiable instrument must be notified on the legislation register under the Legislation Act. However, the Legislation Act, section 47 (5) may be displaced by the authorising law (the Act) or the incorporating instrument (this Regulation) (see section 47 (7)). The Legislation Act, section 47 (5) is displaced here because AS 1744-1975 is subject to copyright and is accessible over the internet.

Clause 2.53 sets out requirements for the mounting of warning signs on oversize vehicles.

Division 2.8.3 – Pilot vehicles

This division applies to pilot vehicles only.

Clause 2.54 sets out specifications on the size and shape of warning signs for pilot vehicles.

Clause 2.55 sets out specifications for the face of warning signs on a pilot vehicle including lettering and borders.

Clause 2.56 sets out requirements for the mounting of warning signs on pilot vehicles.

Schedule 3 – Consequential amendments

The schedule contains consequential amendments of road transport legislation resulting from the making of the Regulation. The amendments create new parts for, or update parts contained in, other ACT road transport laws.

Part 3.1 amends schedule 1 of the *Road Transport (General) Regulation 2000* relating to internally reviewable decisions to include reference to various decisions the road transport authority can make under the Regulation, including those relating to issuing permits.

Part 3.2 amends the *Road Transport (Offences) Regulation 2005* relating to offences and infringement penalties to include references to various offences under the Regulation for which infringements can be issued.

Part 3.3 makes a minor chronological amendment to the *Road Transport (Vehicle Registration) Regulation 2000*.

Dictionary

The dictionary contains definitions for the Regulation.