Queensland

Heavy Vehicle (General) National Regulation

Subordinate Legislation 2013 No. ...

made under the

Heavy Vehicle National Law as applied by the Heavy Vehicle National Law Act 2012 (Qld) and by the law of States and Territories

Contents

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Part 1 Preliminary

1 Short title

This Regulation may be cited as the *Heavy Vehicle (General) National Regulation*.

2 Commencement

A provision of this Regulation commences in a participating jurisdiction on the day on which the provision of the Law for the purposes of which the provision is made commences in that jurisdiction.

Note—

In this Regulation, a reference to 'the Law' is a reference to the Heavy Vehicle National Law. See section 12(2) of Schedule 1 of the Heavy Vehicle National Law.

Part 2 PBS provisions

Division 1 Preliminary

3 Definitions for Pt 2

In this Part—

Assessor Accreditation Rules means the Assessor Accreditation Rules (July 2007) made by the National Transport Commission, as amended from time to time.

Guidelines for Determining National Operating Conditions means the Guidelines for Determining National Operating Conditions (July 2007) made by the National Transport Commission, as amended from time to time.

infrastructure standard has the meaning given by rule 22 of the Standards and Vehicle Assessment Rules.

operating condition means an operating condition made under the Guidelines for Determining National Operating Conditions.

PBS assessor means a PBS assessor accredited under Part 2, Division 5.

PBS vehicle certifier means a PBS vehicle certifier accredited under Part 2, Division 5.

physical testing requirement see section 10(2).

Standards and Vehicle Assessment Rules means the Standards and Vehicle Assessment Rules as at 10 November 2008 made by the National Transport Commission, as amended from time to time.

Vehicle Certification Rules means the Vehicle Certification Rules (July 2007) made by the National Transport Commission, as amended from time to time.

Division 2 PBS design approvals

4 Application for PBS design approval

(1) An application for a PBS design approval made under section 22 of the Law must be—

(a) in the approved form; and

(b) accompanied by—

(i) an assessment of the design the subject of the application, carried out by a PBS assessor; and

(ii) the prescribed fee for the application.

(2) The Regulator may, by notice given to the applicant for the PBS design approval, require the applicant to give the Regulator any additional information the Regulator reasonably requires to decide the application.

Example of additional information—

The Regulator may ask the applicant to obtain additional parameter sensitivity analyses conducted by a PBS assessor in relation to the design.

5 Review by PBS Review Panel

(1) Before approving or rejecting an application for PBS design approval, the Regulator must give a copy of the application to the PBS Review Panel.

(2) The PBS Review Panel must, as soon as practicable after receiving the application—

(a) review the application having regard to—

(i) any approved guidelines relevant to the grant of PBS design approvals; and

(ii) the Standards and Vehicle Assessment Rules; and

(iii) any operating conditions relevant to the application; and

(b) advise and make recommendations to the Regulator about the matters mentioned in paragraph (a).

6 Assessing application

For the purposes of section 22(2)(b) of the Law, the Standards and Vehicle Assessment Rules are prescribed.

7 Deciding application

The Regulator must decide an application for a PBS design approval as soon as practicable after receiving the PBS Review Panel's advice and recommendations under section 5.

8 Approval—noncompliance with infrastructure standard

(1) This section applies in relation to an application for a PBS design approval if the Regulator considers it is likely that a heavy vehicle built to the design the subject of the application

will not comply with the Standards and Vehicle Assessment Rules only because it will not comply with 1 or more infrastructure standards.

(2) If the Regulator approves the application, the approval must state that any PBS vehicle approval for a heavy vehicle built to the design is subject to a condition that the vehicle may only be operated under an agreement made with—

(a) if a road authority for a jurisdiction is responsible for the roads on which the vehicle is likely to be operating—each responsible road authority; and

(b) if 1 or more road managers are responsible for the roads on which the vehicle is likely to be operating—each responsible road manager.

9 Approval—noncompliance that poses no additional risk

(1) This section applies in relation to an application for a PBS design approval if the Regulator considers that a heavy vehicle built to the design the subject of the application—

(a) is not likely to comply with 1 or more standards under the Standards and Vehicle Assessment Rules; and

(b) will not pose any additional risk to safety or infrastructure than would be posed by a heavy vehicle—

(i) that does comply with the standards; or

(ii) that would comply with the standards if particular conditions were imposed on the use of the vehicle and were complied with.

Examples—

1 The Regulator may consider that while a heavy vehicle built to a design does not comply with a standard under the Standards and Vehicle Assessment Rules, it will not pose any greater risk than a heavy vehicle that complies with the standard because it will considerably exceed the requirements of another related standard in a way that offsets the failure to comply with the standard.

2 The Regulator may consider that a heavy vehicle built to a design does not comply with safety standard C2 (Gradeability) under the Standards and Vehicle Assessment Rules. However, it is only

intended to run on relatively flat roads and can do so as safely as a vehicle that complies with that standard if its operation is restricted to specified roads that are known to be relatively flat.

3 The Regulator may consider that a heavy vehicle built to a design does not comply with a standard under the Standards and Vehicle Assessment Rules. However, the design does meet the purpose and intent of the standard and the vehicle will not pose any greater risk than a vehicle that complies with the standard.

(2) If the Regulator approves an application to which subsection (1)(b)(ii) applies, the approval must state that any PBS vehicle approval given for a heavy vehicle built to the design is subject to the particular conditions referred to in that subsection.

(3) If the Regulator approves an application to which subsection (1)(b)(i) or (ii) applies, the Regulator must publish the following on the Regulator's website—

(a) the type of heavy vehicle to which the design relates;

(b) the standards under the Standards and Vehicle Assessment Rules with which a heavy vehicle built to the design is not likely to comply;

(c) the reasons the Regulator considers the noncompliance will not pose any additional risk to safety or infrastructure as described in subsection (1)(b);

(d) if the approval states that a PBS vehicle approval given for a heavy vehicle built to the design is subject to particular conditions under subsection (2)—a brief description of the conditions.

(4) Subsection (3) does not authorise the Regulator to disclose any identifying details of the applicant, the design to which the approval relates, or any other confidential or commercially sensitive information.

10 PBS design approval

(1) A PBS design approval must state—

(a) the name and address of the person to whom the approval is given; and

(b) for an approval of an application mentioned in section 8 or 9—the standards with which the design is not likely to comply.

(2) Also, the approval must state the following (each a ***physical testing requirement***)—

(a) if the design the subject of the approval has features that the Regulator considers are significantly novel—that before a heavy vehicle built to the design is certified by a PBS vehicle certifier, the vehicle must be assessed by physical testing carried out by a PBS assessor to determine whether the vehicle complies with the Standards and Vehicle Assessment Rules;

(b) if the approval relates to an application to which section 9(1)(b) applies—that a heavy vehicle built to the design must be assessed by physical testing carried out by a PBS assessor to determine whether the vehicle will pose any additional risk to safety or infrastructure as described in that section.

11 Approval must state particular conditions for design for vehicle fitted with quad-axle group

(1) This section applies to a PBS design approval if the design to which the approval relates is for a type of heavy vehicle fitted with a quad-axle group.

(2) The approval must state that any PBS vehicle approval given for a heavy vehicle built to the design that allows a mass of more than 20t on the quad-axle group is subject to the following conditions—

(a) the quad-axle group must be fitted with a certified road-friendly suspension system;

(b) all axles in the quad-axle group must be fitted with dual tyres;

(c) the axles in the quad-axle group must relate to each other through a load-sharing suspension system within

the meaning given by section 33(2) of Schedule 2 of the *Heavy Vehicle (Vehicle Standards) National Regulation*;

(d) if the quad-axle group is fitted with a retractable axle, the retractable axle must comply with ADR 43/04;

(e) the quad-axle group must be fitted with either—

(i) a steerable axle with no less than 12º steering articulation and an effective automatic centering mechanism; or

(ii) another steering mechanism proven to be effective in mitigating the impacts of road scrubbing by tyres;

(f) a maintenance management accreditation and mass management accreditation of the vehicle must be in force for the operator of the vehicle;

(g) the accreditation labels for the maintenance management accreditation and mass management accreditation issued for the vehicle under section 466 of the Law—

(i) must be attached to the vehicle in a way that the information on the labels is readable from outside the vehicle; and

(ii) must not be wholly or partly obscured, defaced or otherwise not legible; and

(iii) if the vehicle is a combination—must be affixed to the most forward vehicle.

(3) In this section—

certified road-friendly suspension system has the meaning given by section 3 of the *Heavy Vehicle (Mass, Dimension and Loading) National Regulation*.

steerable axle means a single axle that connects the wheels of a vehicle to a steering mechanism for the vehicle.

12 Refusal of application for PBS design approval

If the Regulator refuses an application for a PBS design approval, the Regulator must give the applicant an information notice for the decision to refuse the application.

Division 3 PBS vehicle approvals

13 Application for PBS vehicle approval

(1) An application for a PBS vehicle approval made under section 23 of the Law must be—

(a) in the approved form; and

(b) accompanied by—

(i) the PBS design approval for the design to which the heavy vehicle is built, and any documentation associated with or relevant to the approval; and

(ii) a certificate for the vehicle given by a PBS vehicle certifier under the Vehicle Certification Rules; and

(iii) the prescribed fee for the application.

(2) The Regulator may, by notice given to the applicant for the PBS vehicle approval, require the applicant to give the Regulator any other additional information the Regulator reasonably requires to decide the application.

14 Additional requirement for particular applications

(1) This section applies to an application for a PBS vehicle approval if the PBS design approval for the design to which the vehicle is built includes a physical testing requirement under section 10(2).

(2) The application for the PBS vehicle approval may be made only if, before the vehicle is certified by a PBS vehicle certifier, the applicant complies with the physical testing requirement.

(3) A copy of the assessment carried out by a PBS assessor under the physical testing requirement must accompany the application for the PBS vehicle approval.

15 Assessing application

For the purposes of section 23(2)(b) of the Law, the Vehicle Certification Rules are prescribed.

16 Deciding application

The Regulator must decide an application for a PBS vehicle approval as soon as practicable after receiving it.

17 PBS vehicle approval

A PBS vehicle approval must state—

(a) the name and address of the person to whom the approval is given; and

(b) if the vehicle is built to a design the subject of a PBS design approval that was approved under section 8 or 9—the standards with which the vehicle does not comply; and

(c) a description of the vehicle the subject of the approval, including its key dimensions and components.

18 Refusal of application for PBS vehicle approval

If the Regulator refuses an application for a PBS vehicle approval, the Regulator must give the applicant an information notice for the decision to refuse the application.

Division 4 Cancelling or modifying approvals

19 Application for cancellation or modification of approval

(1) The holder of a PBS design approval or PBS vehicle approval may apply to the Regulator to cancel or modify the approval.

(2) The application must—

(a) be in the approved form; and

(b) be accompanied by—

(i) a copy of the approval the subject of the application; and

(ii) the prescribed fee for the application; and

(c) if the application is to modify a PBS design approval—

(i) state clearly the modification sought and the reasons for the modification; and

(ii) be accompanied by an assessment of the proposed modification carried out by a PBS assessor under the Standards and Vehicle Assessment Rules.

(3) The Regulator may, by notice given to the applicant, require the applicant to give the Regulator any additional information the Regulator reasonably requires to decide the application.

20 Review by PBS Review Panel of application to modify

(1) This section applies in relation to an application to modify a PBS design approval.

(2) Before deciding the application, the Regulator must give a copy of the application to the PBS Review Panel.

(3) The PBS Review Panel must, as soon as practicable after receiving the application—

(a) review the application having regard to the matters stated in section 5(2)(a); and

(b) advise and make recommendations to the Regulator about the matters mentioned in that section.

21 Requirements for deciding application

(1) The Regulator must decide an application made under section 19 as soon as practicable after receiving—

(a) for an application to cancel a PBS design approval or PBS vehicle approval—the application; or

(b) for an application to modify a PBS design approval or PBS vehicle approval—the PBS Review Panel's advice and recommendations under section 20.

(2) If the Regulator approves an application to modify a PBS design approval, the Regulator must give the applicant a replacement approval.

(3) A cancellation or modification approved under this section takes effect—

(a) when notice of the approval of the application is given to the applicant; or

(b) if a later time is stated in the approval, at the later time.

(4) If the Regulator refuses the application, the Regulator must give the applicant an information notice for the decision.

22 Grounds for cancellation or modification on Regulator's initiative

Each of the following is a ground for cancelling or modifying a PBS design approval or PBS vehicle approval under section 23—

(a) the approval was given because of a document or representation that was false or misleading;

(b) the holder of the approval fails to comply with a condition of the approval;

(c) for a PBS vehicle approval—the vehicle does not comply with the PBS design approval to which it was built.

Examples for paragraph (c)—

1 The vehicle no longer complies with a standard because, since the PBS vehicle approval was given, the vehicle has been modified or has not been properly maintained.

2 The road performance of the vehicle does not meet the standard for the design the subject of the PBS design approval to which the vehicle was built.

3 After a PBS vehicle approval is given for a vehicle, the vehicle is found not to comply with the PBS design approval to which it was built because the PBS certifier who certified the vehicle failed to comply with the Vehicle Certification Rules.

23 Procedure for cancellation or modification on Regulator's initiative

(1) If the Regulator considers a ground mentioned in section 22 exists to cancel or modify a PBS design approval or PBS vehicle approval (the ***proposed action***), the Regulator must give the holder of the approval a notice—

(a) stating the proposed action; and

(b) stating the ground for the proposed action; and

(c) outlining the facts and circumstances forming the basis for the ground; and

(d) inviting the holder to make, within a stated time of at least 14 days after the notice is given to the holder, written representations about why the proposed action should not be taken.

(2) If, after considering all written representations made under subsection (1)(d), the Regulator still considers a ground exists to take the proposed action, the Regulator may—

(a) if the proposed action was to cancel the approval—cancel the approval; or

(b) if the proposed action was to modify the approval—modify the approval, including, for example, by imposing additional conditions on the approval.

(3) The Regulator must—

(a) give the holder an information notice for the decision to cancel or modify the approval; and

(b) notify the road authority for each participating jurisdiction of the cancellation or modification.

(4) The cancellation or modification takes effect—

(a) when the information notice is given to the holder; or

(b) if a later time is stated in the information notice, at the later time.

Division 5 PBS assessors and PBS vehicle certifiers

24 Appointment and monitoring of PBS assessors under Assessor Accreditation Rules

(1) The Regulator may do the following in relation to a person—

(a) appoint the person as a PBS assessor;

(b) renew the person's appointment as a PBS assessor;

(c) deal with complaints against the person as a PBS assessor;

(d) suspend the person's appointment as a PBS assessor;

(e) terminate the person's appointment as a PBS assessor;

(f) if the person is appointed as a PBS assessor—monitor and audit the person.

(2) The Assessor Accreditation Rules apply to the Regulator and the person in relation to a matter mentioned in subsection (1)—

(a) as if—

(i) a reference to the Panel, Chairperson of the Panel or Secretariat were a reference to the Regulator; and

(ii) a reference to an assessor were a reference to a PBS assessor; and

(iii) a reference to the Scheme were a reference to this Part; and

(iv) a reference to an accreditation were a reference to an appointment; and

(b) with any other necessary or appropriate modifications.

25 Appointment of PBS vehicle certifiers under Vehicle Certification Rules

(1) The Regulator may do the following in relation to a person—

(a) appoint the person as a PBS vehicle certifier;

(b) renew the person's appointment as a PBS vehicle certifier;

(c) suspend the person's appointment as a PBS vehicle certifier;

(d) terminate the person's appointment as a PBS vehicle certifier.

(2) The Vehicle Certification Rules apply to the Regulator and the person in relation to the appointment, renewal, suspension or termination—

(a) as if—

(i) a reference to the Panel, Chairperson of the Panel or Secretariat were a reference to the Regulator; and

(ii) a reference to a certifier were a reference to a PBS certifier; and

(iii) a reference to the Scheme were a reference to this Part; and

(iv) a reference to an accreditation were a reference to an appointment; and

(b) with any other necessary or appropriate modifications.

26 Requirement to consult with PBS Review Panel

(1) Before appointing a person as a PBS assessor or PBS certifier under this Division, the Regulator must consult with the PBS Review Panel about the proposed appointment.

(2) Failure to comply with subsection (1) does not affect the validity of an appointment.

27 Auditing PBS vehicle certifiers

The Regulator may audit a PBS vehicle certifier for compliance with the Vehicle Certification Rules.

Division 6 Miscellaneous

28 Vehicle standards—exemptions for PBS vehicles

For the purposes of section 24 of the Law, each of the following vehicle standards are prescribed —

(a) the following clauses of ADR 43 prescribed as vehicle standards under section 2 of Schedule 1 of the *Heavy Vehicle (Vehicle Standards) National Regulation*—

- clause 6.1 (Length)
- clause 6.2 (Rear overhang)
- clause 6.3 (Height)
- clause 6.5 (Width)
- clause 9.4 (Retractable axles)
- clause 9.5 (Retractable axles);

(b) clause 5.3 (Tow coupling overhang) of ADR 62 prescribed as a vehicle standard under section 2 of

Schedule 1 of the *Heavy Vehicle (Vehicle Standards) National Regulation*;

(c) clause 5.1 (Tow coupling location) of ADR 63 prescribed as a vehicle standard under section 2 of Schedule 1 of the *Heavy Vehicle (Vehicle Standards) National Regulation*;

(d) the following provisions of the *Heavy Vehicle (Mass, Dimension and Loading) National Regulation* prescribed as vehicle standards under section 34 of Schedule 2 of the *Heavy Vehicle (Vehicle Standards) National Regulation*—

- section 3 of Schedule 6 (Length—general)
- section 4 of Schedule 6 (Length—trailers)
- section 5 of Schedule 6 (Length—rear overhang)
- section 6 of Schedule 6 (Length—trailer drawbars)
- section 7 of Schedule 6 (Width)
- section 8 of Schedule 6 (Height);

(e) the following provisions of the *Heavy Vehicle (Vehicle Standards) National Regulation*—

- section 29(b) and (c) of Schedule 3 (Attachment of couplings and drawbar eyes on road trains)
- section 31 of Schedule 3 (Tow coupling overhang on road trains).

Part 3 Approved vehicle examiners

29 Definitions for Pt 3

In this Part—

authorised, to perform a function, means—

(a) approved, appointed or otherwise authorised to perform the function; or

(b) authorised to perform the function because of an appointment to, or employment in, an office, position or role; or

(c) given recognition in any form for the purpose of the performance of the function.

AVE jurisdictional scheme means—

(a) a law of a participating jurisdiction, other than the Heavy Vehicle National Law as applied in the jurisdiction; or

(b) any contract, agreement, document, arrangement, understanding or practice that has effect under the laws of a participating jurisdiction;

under which a person is authorised to perform a function that is the same as or equivalent to a function an approved vehicle examiner may perform under the Law.

conditions, on which a person may perform a function, includes requirements, restrictions and terms, whether imposed by law or under an authorisation to perform the function.

disciplinary provisions means provisions relating to discipline and disciplinary procedures.

relevant scheme, in relation to an approved vehicle examiner under section 30(1), has the meaning given by the subsection.

responsible entities, for the performance of a function by a person, means entities having responsibility for the performance of the function by the person, including directors, managers and employees.

30 Approval of an approved vehicle examiner

(1) A person is an approved vehicle examiner in relation to a particular function (the ***approved function***) conferred on approved vehicle examiners under the Law if the person is

authorised to perform the same or equivalent function (the ***jurisdictional function***) under an AVE jurisdictional scheme (the ***relevant scheme***).

(2) The relevant scheme applies in relation to—

(a) the approval of the person under subsection (1); and

(b) the conditions on which the person may perform the approved function;

in the same way as it applies in relation to—

(c) the person's authorisation under the relevant scheme; and

(d) the conditions on which the person may perform the jurisdictional function.

Examples—

1 If, under the relevant scheme, a person is authorised to examine vehicles only of a particular make or type, the person may perform a function as an approved vehicle examiner under subsection (1) to examine vehicles only of the same make or type.

2 If, under the relevant scheme, a person is required to use, for a particular purpose, particular equipment only, the person in performing a function as an approved vehicle examiner under subsection (1) is required to use equipment of the same type for the same purpose.

(3) The relevant scheme applies in relation to the amendment, suspension or cancellation of the approval conferred by subsection (1), including under disciplinary provisions mentioned in subsection (4).

(4) Disciplinary provisions under the relevant scheme apply in relation to—

(a) the person in relation to the approved function; and

(b) responsible entities for the approved function;

in the same way as they apply in relation to—

(c) the person in relation to the jurisdictional function; and

(d) responsible entities for the jurisdictional function.

(5) If the person's authorisation to perform the jurisdictional function ceases or is suspended under the relevant scheme, the person's approval as an approved vehicle examiner in relation to the approved function also ceases or is suspended.

31 Authorisation to approve modification

(1) This section applies for the purposes of, and subject to, section 86 of the Law.

(2) An approved vehicle examiner may approve a modification of a heavy vehicle only if—

(a) the person is authorised to approve the same modification under the relevant scheme (the ***relevant scheme modification***); and

(b) the approval is given in compliance with—

(i) the provisions of the relevant scheme applying in relation to the relevant scheme modification; and

(ii) the conditions on which the person may perform the function of approving the modification.

Part 4 Enforcement

32 Seizure of number plates

For the purposes of section 551(5)(b) of the Law, an appropriate authority is an authority of a participating jurisdiction responsible for issuing number plates.

33 Return of seized things or samples

(1) This section applies for the purposes of section 556(5) of the Law.

(2) An applicant, other than an authorised officer, must serve a copy of the application on the Regulator as soon as practicable after the application is made.

(3) The application can not be heard unless the applicant satisfies the relevant tribunal or court that the Regulator has been served.

(4) On service of the application, the Regulator becomes a party to the proceeding and may be, but is not required to be, represented at the hearing.

34 Application to Registrar of Personal Property Securities

(1) Subsection (2) applies if—

(a) a thing or sample becomes the property of the Regulator under section 563 of the Law; and

(b) there is a registered interest in relation to the thing or sample; and

(c) any appeal period has ended.

(2) The Regulator must do anything necessary under the *Personal Property Securities Act 2009* of the Commonwealth to record in the Register the Regulator's ownership or to remove the registration.

(3) In this section—

appeal period means—

(a) any period in which a review in relation to a forfeiture must be started; and

(b) if a review is started, any further period until the end of the review and the end of any period in which an appeal may be started against a review decision; and

(c) if an appeal is started, any further period until the appeal is ended.

35 Application of proceeds of disposal

(1) This section applies—

(a) for the purposes of section 566(b) of the Law; and

(b) subject to sections 564(5) and 565(8) and (9) of the Law.

(2) The proceeds of the disposal of a thing or sample under Division 3 of Part 9.4 of the Law are to be applied in payment of—

(a) first—the Regulator's expenses—

(i) of disposal, including of retention for disposal; and

(ii) of searching any register for a relevant purpose, including to give notice of forfeiture or to find out if any action has to be taken in relation to the register; and

(b) second, if there is an amount owing to the holder of a registered interest—the amount owing to the holder; and

(c) last—the balance to the person who was the owner of the thing or sample before it became the property of the Regulator.

Part 5 Annual report provisions

36 Application

This Part applies for the purposes of section 693 of the Law.

37 Definitions for Pt 5

In this Part—

Auditor-General means an Auditor-General (however described) of a participating jurisdiction.

public sector auditor means—

(a) an Auditor-General; or

(b) an auditor employed, appointed or otherwise engaged by an Auditor-General.

38 Australian Accounting Standards and Australian Auditing Standards

The financial statements are to be prepared in accordance with the Australian Accounting Standards and audited in accordance with the Australian Auditing Standards.

39 Auditor

(1) The financial statements must be audited by 1 of the following decided by the responsible Ministers—

(a) a public sector auditor;

(b) an appropriately qualified person other than a public sector auditor.

(2) For the purposes of subsection (1)(a), the responsible Ministers may arrange with an Auditor-General for the Auditor-General to appoint or engage a contract auditor to perform the audit under the Auditor-General's management.

(3) Subsection (2) does not limit subsection (1)(a).

(4) In this section—

appropriately qualified person means—

(a) a member of CPA Australia who is entitled to use the letters 'CPA' or 'FCPA' and holds a current public practice certificate issued by CPA Australia; or

(b) a member of the Institute of Chartered Accountants in Australia who is entitled to use the letters 'CA' or 'FCA' and holds a current certificate of public practice issued by the institute; or

(c) a member of the Institute of Public Accountants who is entitled to use the letters 'MIPA' or 'FIPA' and holds a professional practice certificate issued by the institute.

contract auditor means a person appointed or engaged by an Auditor-General as a contract auditor who is not a member of the staff of the office managed by the Auditor-General.

40 Application of Auditor-General Act

(1) This section applies if a public sector auditor of a particular participating jurisdiction is to audit the financial statements of the Regulator.

(2) The Auditor-General Act of the participating jurisdiction applies—

(a) to the audit; and

(b) to the Regulator as a statutory body.

(3) In this section—

Auditor-General Act, of a participating jurisdiction, means the Act of the participating jurisdiction under which the Auditor-General of the jurisdiction audits statutory bodies.

41 Production of authorisation

An auditor may perform a function under section 39 in relation to a person only if the auditor produces to the Regulator, or other person in relation to whom the function is being performed, documentary proof of the decision of the responsible Ministers under section 39.

Example of documentary proof—

a letter outlining the decision endorsed by or on behalf of the responsible Ministers

42 Annual report to include performance assurance report

(1) The performance statements included in the annual report must be accompanied by a report prepared by an independent auditor who has reviewed the performance statements in accordance with ASAE 3000.

(2) In this section—

ASAE 3000 means the standard on assurance engagements ASAE 3000 (Assurance Engagements Other than Audits or Reviews of Historical Financial Information) published in July 2007 by the Auditing and Assurance Standards Board.

performance statements means the statements mentioned in section 693(2)(a)(ii) to (iv) of the Law.

43 Auditor not subject to direction

(1) An auditor who conducts an audit under section 39 or prepares a report under section 42 is not subject to direction by any person about—

(a) the way in which the auditor's functions in relation to the audit or report are to be performed; or

(b) the priority to be given to the audit or report.

(2) Despite subsection (1)(b), the Regulator and the auditor may enter into an agreement to ensure an audit or report is provided in sufficient time for it to be included in the annual report given to the responsible Ministers in compliance with section 693(1) of the Law.

(3) Subsection (1) does not limit the functions of the Auditor-General of any participating jurisdiction under whose authority an audit is being conducted or a report is being prepared.

Part 6 Oversight of Regulator and Board

Division 1 Preliminary

44 Definitions for Pt 5

In this Part—

applied Act means—

(a) in another Division of this Part—the Act applied under the Division in the form applied; and

(b) in sections 45 and 46—any of the Acts applied under this Part.

Regulator includes the Board.

45 Enforcement jurisdiction for applied Acts

An applied Act is taken to provide, in relation to an offence against its provisions—

(a) that the offence is a summary offence; and

(b) that the value of a penalty unit is the amount prescribed by the *Acts Interpretation Act 1954* (Queensland); and

(c) that a court of summary jurisdiction of a participating jurisdiction may hear and decide a charge of the offence.

46 Modifications generally applicable to applied Acts

(1) A reference in an applied Act to any Act applied under this Part is taken to be a reference to the Act as applied.

(2) Subject to subsection (1), a reference in an applied Act to another Act, without stating a particular Act, or to an administrative scheme, is taken to be a reference to an Act or administrative scheme of a participating jurisdiction.

(3) Other than as mentioned in sections 50(9) and (13)(b), 53(10)(b) and (c) and 57(8) and (15)(a), a reference to the State is taken to be—

(a) a reference to a participating jurisdiction; or

(b) if the reference to the State is a reference to the Crown in right of the State—the Crown in right of a participating jurisdiction.

Division 2 Information Privacy Act 2009 (Queensland)

47 Application

(1) This Division applies for the purposes of applying the *Information Privacy Act 2009* of Queensland (the ***IP Act***) under section 696(1)(a) of the Law.

(2) The IP Act applies for the purposes of the Law with—

(a) the modifications stated in this Division and Division 1; and

(b) any other necessary modifications.

48 Queensland entities to perform functions and exercise jurisdiction for participating jurisdictions

(1) The applied Act is taken to provide that, in relation to the Regulator —

(a) the IP Act entities are to perform their IP Act functions in relation to a participating jurisdiction; and

(b) the Queensland Civil and Administrative Tribunal is to exercise its IP Act jurisdiction in relation to a participating jurisdiction.

(2) In this section—

IP Act entity means the following within the meaning of the IP Act—

(a) the OIC;

(b) the information commissioner;

(c) the RTI Commissioner;

(d) the Privacy Commissioner.

IP Act functions means the functions conferred by the IP Act.

IP Act jurisdiction means jurisdiction conferred by the IP Act.

49 Modifications generally

(1) The IP Act is modified as stated in this section.

(2) A reference to the intention of Parliament, or to anything the Parliament considers, is taken to refer to the Parliament of a participating jurisdiction.

(3) A reference to an agency is taken to be a reference to the Regulator, except in a reference in sections 50 and 57 to an agency other than the agency to which an application has been made.

(4) A reference to a document of an agency, or the decision of an agency in relation to a document, is taken to be a reference to a document or decision of the Regulator.

(5) To the extent a provision applies to a document of a Minister, a decision of a Minister in relation to a document or the Minister as an agency, the provision does not apply.

(6) A reference to an agency's principal officer, for the Regulator, is taken to be a reference to the chief executive officer of the Regulator.

50 Modifications of particular provisions

(1) The IP Act is modified as stated in this section.

(2) Sections 2, 14, 19, Part 2 of Chapter 2 (and all references in the Act to the NPPs), 40(1)(b), 41(1)(b), 51, 126 (2) and (3), 191(3), 192 and Schedules 2 and 4 do not apply.

(3) In section 3, a reference to the government is taken to be a reference to the government of a participating jurisdiction.

(4) In sections 18 and 21, a reference to any entity is taken to be a reference to that entity of a participating jurisdiction.

Note—

These sections have a limited application because of section 49(3).

(5) In sections 43(4) and 44(6), a reference to evidence of identity includes a reference to any evidence available in a

participating jurisdiction that corresponds to the evidence of identity prescribed for the section.

(6) In section 126(1), a reference to the responsible Minister is taken to be a reference to the responsible Ministers under the Law.

(7) A reference in section 156 to the Attorney-General is taken to be a reference to the Attorney-General of a participating jurisdiction.

(8) In sections 169 and 170, a reference to the ombudsman and the *Ombudsman Act 2001* is taken to include a reference to the corresponding entity and Act of a participating jurisdiction.

(9) In section 183, a reference to the State is taken to be—

(a) in relation to a liability of the information commissioner or a member of the staff of the OIC—a reference to the Crown in right of the State of Queensland; or

(b) in relation to any other liability—a reference to the Regulator.

(10) Section 194 is taken to require a report on the operation of the applied Act to be included in the annual report on the operation of the IP Act prepared by the Minister administering that Act for tabling in the Legislative Assembly of Queensland.

(11) In Schedules 1 and 3—

(a) a reference to any entity or matter connected to Queensland is taken to include a reference to a corresponding entity or matter connected to a participating jurisdiction; and

(b) a reference to a provision of a Queensland Act, or to a document relating to a Queensland Act, is taken to include a reference to a corresponding provision of, or document relating to, an Act of a participating jurisdiction.

(12) In Schedule 5, the definitions *health agency*, *health department*, *health information*, *health professional*, *health service*, *health service chief executive*, *Hospital and Health*

Service, *Minister*, *NPP*, *relevant chief executive*, *sensitive information* and *subsidiary* do not apply.

(13) To avoid doubt, in the applied Act—

(a) in Part 3 of Chapter 4, a reference to the Minister is a reference to the Minister administering the IP Act; and

(b) in section 154, a reference to the State is a reference to the Crown in right of Queensland; and

(c) in sections 193 and 195, a reference to the Speaker, the parliamentary committee or the Assembly is a reference to those entities of the Parliament of Queensland.

Division 3 Public Records Act 2002 (Queensland)

51 Application

(1) This Division applies for the purposes of applying the *Public Records Act 2002* (Queensland) (the ***PR Act***) under section 696(1)(b) of the Law.

(2) The PR Act applies for the purposes of the Law with—

(a) the modifications stated in this Division and Division 1; and

(b) any other necessary modifications.

52 Queensland entities to perform functions for participating jurisdictions

(1) The applied Act is taken to provide that, in relation to the Regulator, the PR Act entities are to perform their PR Act functions in relation to a participating jurisdiction.

(2) For the purposes of subsection (1), the fee prescribed under section 17(2) of the PR Act applies for the applied Act.

(3) In this section—

PR Act entity means the following within the meaning of the PR Act—

(a) the State Archivist;

(b) the Queensland State Archives;

(c) the Public Records Review Committee;

(d) authorised officers.

PR Act functions means functions conferred under Part 3 or 4 of the PR Act.

53 Modifications

(1) The PR Act is modified as stated in this section.

(2) Sections 2, 6, 7(3), 8(3), 9(1), 15, 16(1)(b) and (c), 26(3), 42(1)(b), 47(2) to (4), 50(2)(a), 52, 58 and Parts 6 and 7 do not apply.

(3) A reference to a public authority or responsible public authority, other than in section 8(4), is taken to be a reference to the Regulator.

(4) A reference to the executive officer of a public authority is taken to be a reference to the chief executive officer of the Regulator.

(5) A reference to a public record or a public record in or of Queensland is taken to be a reference to a record made for use by, or a purpose of, the Regulator and includes a copy of the record, a part of the record and a copy of a part of the record.

(6) A general reference to Queensland as a jurisdiction is taken to be a reference to a participating jurisdiction.

(7) Section 9(2)(a) is taken to apply to the public records of the Regulator.

(8) Section 56 is taken to require a report on the administration of the applied Act to be included in the annual report under the PR Act given to the Minister within the meaning of that Act for tabling in the Legislative Assembly of Queensland.

(9) In Schedule 2—

(a) in the definition *public authority*, a reference to any entity is taken to be a reference to that entity of a participating jurisdiction; and

Note—

This definition has a limited application because of section 53(3).

(b) the definitions *Assistant Minister*, *court*, *Ministerial record*, *record of an Assistant Minister* and *responsible public authority* do not apply.

(10) To avoid doubt, in the applied Act—

(a) in Part 3, a reference to the Minister (without further description) is a reference to the Minister administering the PR Act; and

(b) in sections 9(2) and 54(2), a reference to the State is a reference to the Crown in right of Queensland; and

(c) in section 25(2), a reference to the executive government of the State is a reference to the executive government of Queensland.

Division 4 Right to Information Act 2009 (Queensland)

54 Application

(1) This Division applies for the purposes of applying the *Right to Information Act 2009* (Queensland) (the ***RTI Act***) under section 696(1)(c) of the Law.

(2) The RTI Act applies for the purposes of the Law with—

(a) the modifications stated in this Division and Division 1; and

(b) any other necessary modifications.

55 Queensland entities to perform functions and exercise jurisdiction for participating jurisdictions

(1) The applied Act is taken to provide that, in relation to the Regulator —

(a) the RTI Act entities are to perform their RTI Act functions in relation to a participating jurisdiction; and

(b) the Queensland Civil and Administrative Tribunal is to exercise its RTI Act jurisdiction in relation to a participating jurisdiction.

(2) In this section—

RTI Act entity means the following within the meaning of the RTI Act—

(a) the OIC;

(b) the Information Commissioner;

(c) the RTI Commissioner.

RTI Act functions means functions conferred by the RTI Act.

RTI Act jurisdiction means jurisdiction conferred by the RTI Act.

56 Modifications generally

(1) The RTI Act is modified as stated in this section.

(2) A reference to the reasons or intention of Parliament, or to anything the Parliament considers, is taken to refer to the Parliament of a participating jurisdiction.

(3) A reference to an agency is taken to be a reference to the Regulator, except in a reference—

(a) in Schedules 3 and 4; and

(b) in section 21 to an agency other than the relevant agency; and

(c) in sections 30 and 38 to an agency other than the agency to which an application has been made.

(4) A reference to a document of an agency, or the decision of an agency in relation to a document, is taken to be a reference to a document or decision of the Regulator.

(5) To the extent a provision applies to a document of a Minister, a decision of a Minister in relation to a document or the Minister as an agency, the provision does not apply.

(6) A reference to an agency's principal officer, for the Regulator, is taken to be a reference to the chief executive officer of the Regulator.

57 Modifications of particular provisions

(1) The RTI Act is modified as stated in this section.

(2) Sections 13, 15, 17, 21(4), 23(1)(b), 31, 81(c) and (d), 113(2) and (3), 183, 186 to 188 and Schedule 2 do not apply.

(3) In the Preamble and Part 1 of Chapter 1, a reference to the government is taken to be a reference to the government of a participating jurisdiction.

(4) In section 24, a reference to evidence of identity includes a reference to any evidence available in a participating jurisdiction that corresponds to the evidence of identity prescribed for the section.

(5) Section 72(1) is taken to refer to a presentation to any House or committee of a Parliament of a participating jurisdiction.

(6) A reference in section 113(1) to the responsible Minister is taken to be a reference to the responsible Ministers.

(7) A reference in section 168 to the Attorney-General is taken to be a reference to the Attorney-General of a participating jurisdiction.

(8) In section 174, a reference to the State is taken to be—

(a) in relation to a liability of the information commissioner, a member of the staff of the OIC or a person acting under the direction of a Minister—a reference to the Crown in right of the State of Queensland; or

(b) in relation to any other liability—a reference to the Regulator.

(9) In Chapter 5, a reference to a Minister is taken to be a reference to a Minister of a participating jurisdiction, including all or any of the responsible Ministers.

(10) Section 185 is taken to require a report on the operation of the applied Act to be included in the annual report on the operation of the RTI Act prepared by the Minister administering that Act for tabling in the Legislative Assembly of Queensland.

(11) In Schedules 1, 3 and 4—

(a) a reference to any entity, scheme or matter connected to Queensland is taken to include—

(i) a reference to a corresponding entity, scheme or matter connected to a participating jurisdiction; and

(ii) in relation to a general reference to an agency or unit of the public sector—the Regulator; and

(b) a reference to a Minister is taken to be a reference to a Minister of a participating jurisdiction including all or any of the responsible Ministers; and

(c) a reference to a provision of a Queensland Act, or to a document relating to a Queensland Act, is taken to include a reference to a corresponding provision of, or document relating to, an Act of a participating jurisdiction.

(12) In Schedule 3, sections 4A and 4B do not apply.

(13) In Part 4 of Schedule 4, section 5 does not apply.

(14) In Schedule 6, the definitions *community service obligations*, *entity to which this Act does not apply*, *freight operations*, *member of QR group*, *Minister* and *public library*, and paragraph (b) of the definition *document*, do not apply.

(15) To avoid doubt, in the applied Act—

(a) in section 166, a reference to the State is a reference to the Crown in right of Queensland; and

(b) in section 78(2), parts 1 to 5 of Chapter 4 and in sections 184 and 189—

(i) a reference to an entity related to Parliament is a reference to an entity of the Parliament of Queensland; and

(ii) a reference to the Minister is a reference to the Minister administering the RT Act; and

(iii) a reference to the Governor, Governor in Council or the Premier is a reference to those entities of Queensland.

Part 7 Savings and transitional provisions

Division 1 Preliminary

58 Application of Pt 7

This Part applies for the purposes of section 755 of the Law.

59 Definitions for Pt 7

In this Part—

current PBS scheme, for Division 3 in relation to a participating jurisdiction, has the same meaning as it has under section 747 of the Law.

former legislation, in relation to a participating jurisdiction, has the same meaning as it has under section 747 of the Law.

Division 2 General

60 Expedited procedure for road manager's consent for renewal of mass or dimension authority

(1) This section applies for the purposes of section 167(1)(a) of the Law.

(2) A reference to a previous authority includes a reference to an authority, corresponding to a mass or dimension authority under the Law, that was granted under the former legislation of a participating jurisdiction and saved under section 748 of the Law.

(3) The relevant road manager is taken to have previously consented to the grant of the authority.

61 Accreditations not granted under former legislation

(1) This section applies to an existing accreditation, to which section 748 of the Law does not apply, that was granted for the purposes of the former legislation.

(2) The existing accreditation has effect as if—

(a) the Law had been in force when the accreditation was granted; and

(b) the accreditation were the accreditation to which it corresponds under section 458 of the Law; and

(c) the accreditation had been granted under the Law for a period of 3 years commencing on the date it was granted.

(3) In this section—

existing accreditation means an accreditation corresponding to an accreditation mentioned in, and in existence immediately before the commencement of, section 458 of the Law.

62 Approved vehicle examiner transitional provision

For a person to be an approved vehicle examiner under section 30 in relation to a function, it does not matter whether the person was authorised to perform the same or equivalent function under an AVE jurisdictional scheme before or after the commencement of the section.

63 Continuation of use of existing work diary

(1) This section applies—

(a) for the purposes of Part 6.4 of the Law (the ***Part***); and

(b) until the end of a period of 6 months after the commencement of this section (the ***transitional period***).

(2) A driver of a fatigue-regulated heavy vehicle may continue to use an existing work diary until the end of the transitional period for the purposes of complying with the Part in relation to the recording of information in a work diary.

(3) The driver's recording of information in the existing work diary is taken to be sufficient compliance with the requirements of the Part for the recording of information in work diaries if the driver's recording would comply with the corresponding provisions of the former legislation if those provisions had not been repealed.

(4) In this section—

existing work diary means a work diary, however described—

(a) that has as its purpose the recording of information the same as, or substantially the same as, information required to be recorded in a work diary under the Part; and

(b) that, immediately before the commencement of this section, the driver was using in compliance with the former legislation.

Division 3 PBS provisions

64 Continuation of existing design approvals

(1) This section applies to a design approval for a design given under the current PBS scheme, if the approval was in force immediately before the commencement of this section.

(2) The design approval is taken to be a PBS design approval given under section 22 of the Law.

65 Continuation of final PRP approvals

(1) This section applies to a final PRP approval given for a vehicle under the current PBS scheme, if the approval was in force immediately before the commencement of this section.

(2) The final PRP approval is taken to be a PBS vehicle approval given under section 23 of the Law.

66 Extent to which continuation of current PBS scheme affected

To remove any doubt, it is declared that Part 2 does not affect the continuation of the instruments that comprise the current PBS scheme under section 753 of the Law, other than to the extent that Part 2 operates in a way that is inconsistent with the instruments.

Division 4 Replacement of particular exemptions and authorisations

67 Application of Div 4

(1) This Division applies for the purposes of section 748 of the Law and the following saved under the section—

(a) an exemption or permit that corresponds to a mass or dimension exemption (notice) (a ***previous exemption***);

(b) an authorisation or permit that corresponds to a class 2 heavy vehicle authorisation (notice) (a ***previous authorisation***).

(2) This Division does not limit any provision of the Law under which a previous exemption or previous authorisation may be replaced by the Regulator.

68 Definitions for Div 4

In this Division—

previous authorisation has the meaning given by section 67(1)(b).

previous conditions, in relation to areas and routes to which a replacement exemption or replacement authorisation applies, means conditions that are the same, or substantially the same, as the conditions that applied to the previous exemption or previous authorisation in relation to the same areas or routes.

previous exemption has the meaning given by section 67(1)(a).

relevant consent provisions means—

(a) in relation to a replacement exemption—section 118(1)(b) and (c) of the Law; or

(b) in relation to a replacement authorisation—section 139(1)(b) and (c) of the Law.

replacement authorisation means the single consolidated class 2 heavy vehicle authorisation (notice) mentioned in section 69(1)(b).

replacement exemption means the single consolidated mass or dimension exemption (notice) mentioned in section 69(1)(a).

69 Replacement

(1) The Regulator may—

(a) under Division 2 of Part 4.5 of the Law, replace more than 1 previous exemption with a single consolidated mass or dimension exemption (notice); or

(b) under Division 3 of Part 4.6 of the Law, replace more than 1 previous authorisation with a single consolidated class 2 heavy vehicle authorisation (notice).

(2) The relevant consent provisions do not apply if—

(a) the replacement exemption or replacement authorisation applies to the areas and routes to which the previous exemption or previous authorisation applied; and

(b) in relation to those areas and routes, the replacement exemption or replacement authorisation is subject to—

(i) the previous conditions; or

(ii) those conditions as amended in relation to any area or route with the consent of the road manager for the area or route.

(3) Under subsection (1), a previous exemption or previous authorisation may be replaced entirely or partly.

(4) However, if a previous exemption or previous authorisation is only partly replaced—

(a) the remainder is not affected; and

(b) section 750 of the Law applies.

(5) Subsections (6) and (7) apply in relation to a replacement exemption or replacement authorisation if, to the extent the conditions that apply to the replacement exemption or replacement authorisation are the previous conditions, those previous conditions included—

(a) a road condition; or

(b) a travel condition; or

(c) a vehicle condition applying to every previous authorisation (a ***common vehicle condition***).

(6) The road condition is taken to be a road condition imposed under section 160 of the Law because it is a condition on

which the relevant road manager consented to the grant of the replacement exemption or replacement authorisation.

(7) The travel condition is taken to be a travel condition imposed under section 161 of the Law because it is a condition on which the relevant road manager consented to the grant of the replacement exemption or replacement authorisation.

(8) The common vehicle condition is taken to be a vehicle condition imposed under section 162 of the Law at the request of the relevant road manager.

Part 8 Other provisions

70 Increase of penalty amounts

(1) This section applies for the purposes of section 737(2) of the Law.

(2) The amount of the increase of each penalty that is to happen on each 1 July, as stated in section 737 of the Law, is the amount decided in accordance with the following formula—

CPI indexation factor × Maximum penalty amount

(3) The amount decided under subsection (2) is to be rounded up or down to the nearest multiple of $10.00 (rounding an amount of $5.00 upwards).

(4) If the amount worked out under subsections (2) and (3) for a particular 1 July is less than nil, no increase happens on that 1 July.

(5) The ***CPI indexation factor*** for a particular 1 July is the amount of percentage points worked out using the following formula—

$$\text{CPI indexation factor} = \frac{\text{Sum of index numbers for the 4 quarters in the recent calendar year}}{\text{Sum of index numbers for the 4 quarters in the previous calendar year}}$$

where—

index number, for a quarter, means the All Groups Consumer Price Index number that is the weighted average of the 8 capital cities and is published by the Australian Statistician for that quarter.

previous calendar year means the last calendar year before the recent calendar year.

recent calendar year means the calendar year that ended most recently before the 1 July in question.

71 Fees

(1) The fees payable under section 740(1) of the Law are in the Schedule 1.

(2) For the purposes of section 740(3) of the Law, the Regulator may set all kinds of fees for inspection services, except, for a participating jurisdiction, so far as those fees are provided under another law of the jurisdiction.

(3) For the purposes of section 740(6) of the Law, the Regulator may waive all or part of a fee for reasonable cause.

Schedule 1 Fees

section 71

	Application	Amount $
1	An application under section 459(1) for ***maintenance management accreditation*** by an operator of a heavy vehicle	84.00
2	An application to add vehicles to or change vehicles currently nominated under ***maintenance management accreditation*** (per vehicle) by an operator of a heavy vehicle	27.00
3	An application for the renewal of ***maintenance management accreditation*** by an operator of a heavy vehicle	84.00
4	An application under section 459(1) for ***mass management accreditation*** by an operator of a heavy vehicle	84.00
5	An application by an operator to add vehicles to or change vehicles currently nominated under ***mass management accreditation*** (per vehicle) by an operator of a heavy vehicle	27.00
6	An application for the renewal of ***mass management accreditation*** by an operator of a heavy vehicle	84.00
7	An application under section 459(1) for ***BFM accreditation*** by an operator of a heavy vehicle	127.00
8	An application for the renewal of ***BFM accreditation*** by an operator of a heavy vehicle	127.00
9	An application under section 459(1) for ***AFM accreditation*** by an operator of a heavy vehicle	127.00
10	An application for renewal of ***AFM accreditation*** by an operator of a heavy vehicle	127.00
11	An application for a written work diary under section 339(1) by a driver of a fatigue-regulated heavy vehicle	20.00

	Application	Amount $
12	An application for a mass or dimension exemption (permit) under section 123(1)	70.00
13	An application for the renewal of a mass or dimension exemption (permit).	70.00
14	An application for a class 2 heavy vehicle authorisation (permit) under section 144(1)	70.00
15	An application for the renewal of a class 2 heavy vehicle authorisation (permit)	70.00

ENDNOTES

1 Made by the Queensland Governor, as defined under section 730(5) of the Heavy Vehicle National Law, acting with the advice of the Executive Council of Queensland on . . .

2 Published on the NSW legislation website in accordance with Part 6A of the *Interpretation Act 1987* of NSW on . . .

3 Laid before the Legislative Assembly on . . .

4 The administering agency is the National Heavy Vehicle Regulator.

Queensland

Heavy Vehicle (Mass, Dimension and Loading) National Regulation

Subordinate Legislation 2013 No. ...

made under the

Heavy Vehicle National Law as applied by the Heavy Vehicle National Law Act 2012 (Qld) and by the law of States and Territories

Contents

Contents

Part 1 Preliminary

1 Short title

This Regulation may be cited as the *Heavy Vehicle (Mass, Dimension and Loading) National Regulation*.

2 Commencement

This Regulation commences in a participating jurisdiction on the day on which Chapter 4 of the Law commences in that jurisdiction.

Note—

In this Regulation, a reference to 'the Law' is a reference to the Heavy Vehicle National Law. See section 12(2) of Schedule 1 of the Heavy Vehicle National Law.

3 Definitions

In this Regulation—

6-tyred tandem axle group means a tandem axle group fitted with 6 tyres.

ADR (Definitions and Vehicle Categories) means the ADR titled 'Vehicle Standard (Australian Design Rule—Definitions and Vehicle Categories) 2005'.

agricultural combination means a combination consisting of at least 1 agricultural vehicle.

approved air suspension system, in relation to a bus, means a suspension system in which—

(a) vertical movement between each axle and the body of the bus is controlled by variations in the air pressure in an air spring; and

(b) the proportion of the bus's mass borne by the air spring remains substantially constant despite variations in the air pressure in the air spring.

centre, of an axle group, has the same meaning as it has in section 4 of the *Heavy Vehicle (Vehicle Standards) National Regulation*.

certified road-friendly suspension system means a suspension system certified as a road-friendly suspension system by the Vehicle Safety Standards Branch of the Commonwealth Department of Infrastructure and Transport in accordance with the Vehicle Standards Bulletin Number 11 (revised edition) published by that branch in July 2004.

Notes—

1 A copy of the bulletin may be obtained from the website of the Commonwealth Department of Infrastructure and Transport at <www.infrastructure.gov.au>.

2 At the time of publication the department was called the Department of Transport and Regional Services.

CML heavy vehicle means a heavy vehicle to which, or to a component of which, the concessional mass limits apply as provided by Schedule 2.

complying bus means a bus with 2 or 3 axles, 1 of which is a steer axle, that is fitted with an approved air suspension system and meets—

(a) the emergency exit specifications in ADR 44; and

(b) the rollover strength specifications in ADR 59; and

(c) the occupant protection specifications in ADR 68.

concessional mass limits means the concessional mass limits stated in section 2 of Schedule 2.

dog trailer has the same meaning as it has in section 4 of the *Heavy Vehicle (Vehicle Standards) National Regulation*.

drawbar has the same meaning as it has in section 4 of the *Heavy Vehicle (Vehicle Standards) National Regulation*.

driving axle, in relation to a vehicle, means an axle driven by the vehicle's engine.

dual-drive tandem axle group means a tandem axle group consisting of 2 axles, both of which are a driving axle for a vehicle.

front articulation point, in relation to a trailer used in a heavy combination, means the point of articulation at the front of the trailer, which may, and may only, be any of the following—

(a) the vertical axis of a kingpin used with a fifth wheel coupling;

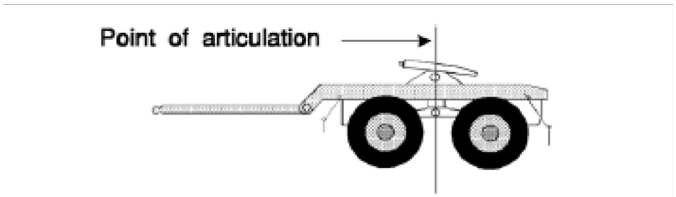
(b) the vertical axis of rotation of a fifth wheel coupling;

(c) the vertical axis of rotation of a turntable;

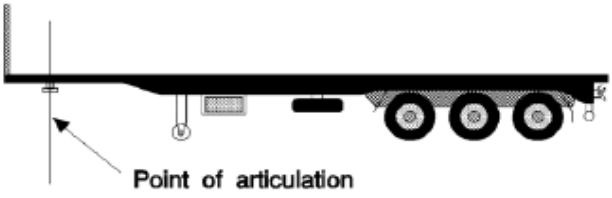
(d) in relation to a trailer that is a dog trailer, the vertical axis of rotation of the front axle group, or single axle, of the trailer;

(e) in relation to a trailer that is a semitrailer, the imaginary vertical line passing through the pivot point for a coupling fitted to the semitrailer.

Examples—



Point of articulation—fifth wheel coupling on a converter dolly (forming the front axle group of a dog trailer)



Point of articulation—kingpin fitted to a fifth wheel coupling

general mass limits has the meaning given by section 6(2).

higher mass limits means, in relation to a heavy vehicle to which the higher mass limits mentioned in section 1 of Schedule 5 apply as provided by the section, the higher mass limits stated in section 2 of Schedule 5.

HML area, in relation to an HML heavy vehicle, means an area within which the vehicle is authorised to be used under the higher mass limits under—

(a) an HML declaration; or

(b) an HML permit.

HML declaration has the meaning given by section 15(2).

HML heavy vehicle means a heavy vehicle to which the higher mass limits mentioned in section 1 of Schedule 5 apply as provided by the section.

HML permit has the meaning given by section 23(2).

HML route, in relation to an HML heavy vehicle, means a route on which the vehicle is authorised to be used under the higher mass limits under—

(a) an HML declaration; or

(b) an HML permit.

jinker means a trailer—

(a) comprising an axle or axle group built to support a load that is being transported by the trailer and its towing vehicle; and

(b) connected to the towing vehicle by a pole or cable or the load itself, if any.

LED technology means light-emitting diode technology.

light vehicle standards means the standards with which a vehicle other than a heavy vehicle must comply before it may be registered under a law of a participating jurisdiction providing for the registration of vehicles other than heavy vehicles.

load-carrying vehicle means a heavy vehicle carrying, or designed for the purpose of carrying, a large indivisible item, including, for example, a combination including a low loader.

load-sharing suspension system, of an axle group, means a suspension system—

(a) built to divide the load between the tyres on the group so no tyre carries a mass more than 10% above the mass it would carry if the load were divided equally; and

(b) with effective damping characteristics on all axles of the group.

low loader has the same meaning as it has in section 116(4) of the Law.

low loader dolly means a device for distributing mass that—

(a) is usually coupled between a prime mover and low loader; and

(b) consists of a rigid frame of a gooseneck shape; and

(c) does not directly carry any load; and

(d) is equipped with 1 or more axles, a kingpin and a fifth wheel coupling.

major road means a road declared to be a major road for this Regulation under Division 2 of Part 5.

mass exception has the meaning given by section 6(3).

police vehicle means a motor vehicle driven by a police officer in the course of the police officer's duty.

quad axle group mass exception limits means the quad axle group mass exception limits stated in section 1 of Schedule 4.

radial ply tyre means a radial ply tyre within the meaning of ADR (Definitions and Vehicle Categories).

rear overhang has the meaning given by section 1 of Schedule 6.

rear overhang line has the meaning given by section 1 of Schedule 6.

relevant accreditation label, in relation to a CML heavy vehicle or HML heavy vehicle, means an accreditation label for a mass management accreditation issued for the vehicle under section 466 of the Law.

relevant participating jurisdiction, in relation to an HML declaration, means a participating jurisdiction in which the whole or part of an area or route the subject of the declaration is situated.

relevant road manager, in relation to an HML declaration or HML permit, means a road manager for a road in an area or on a route the subject of the declaration or permit.

retractable axle means an axle that can be raised so the tyres on it do not touch the ground.

road manager consent provisions means Division 2 of Part 4.7 of the Law.

section width, of a tyre, has the meaning given by section 4.

single axle group means a group of 2 or more axles in which the horizontal distance between the centre-lines of the outermost axles is less than 1m.

single-drive axle means a single axle that transmits automotive power.

single-drive tandem axle group means a tandem axle group consisting of 2 axles, only 1 of which is a driving axle for a vehicle.

special purpose vehicle has the same meaning as it has in section 116(4) of the Law.

steerable axle means a single axle that connects the wheels of a vehicle to a steering mechanism for the vehicle.

steer axle means the front steerable axle used to steer the vehicle.

steer axle mass exception limits means the steer axle mass exception limits stated in section 1 of Schedule 3.

transport enforcement vehicle means a motor vehicle marked as a vehicle of a road authority for a participating jurisdiction and used by the authority for the purposes of investigating or prosecuting an offence against an Australian road law.

turntable has the same meaning as it has in section 4 of the *Heavy Vehicle (Vehicle Standards) National Regulation*.

ultra-low floor bus means a bus that—

(a) has stairless entry; and

(b) is accessible to wheelchairs; and

(c) is authorised to carry standing passengers.

urban area means an area declared to be an urban area for this Regulation under Division 2 of Part 5.

warning light, in Schedule 8, means a warning light complying with Division 1 of Part 3 of Schedule 8.

warning pattern means a pattern covering an area of at least $0.16m^2$ and consisting of diagonal stripes at least 150mm wide and alternately coloured—

(a) red and white; or

(b) black and white.

warning sign, in Schedule 8, means a warning sign complying with Division 2 of Part 3 of Schedule 8.

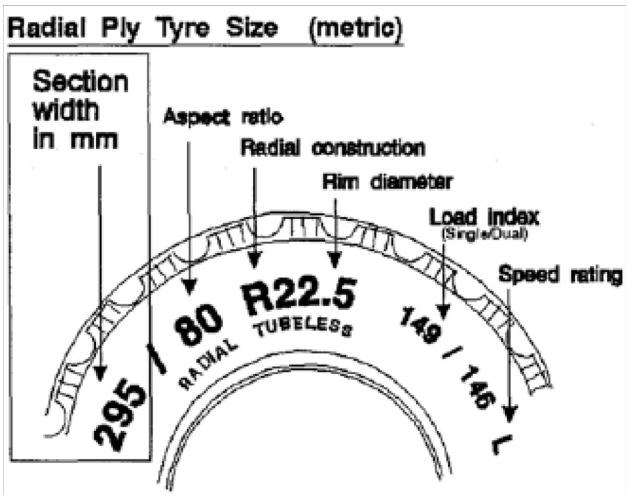
wheelbase, in relation to a vehicle, means the distance from the centre line of the vehicle's foremost axle to the rear overhang line.

yellow, in relation to a light, includes amber.

4 Meaning of *section width* of tyre

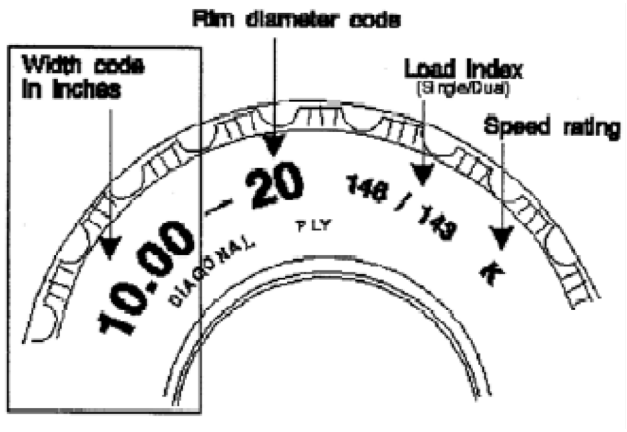
(1) The section width of a tyre is the tyre's width worked out under subsections (2) to (4).

(2) The tyre width of a radial ply tyre is the number of millimetres marked on the tyre in the position labelled 'section width in mm' in the following diagram—



Position of section width marking on radial ply tyre

(3) The tyre width of a bias-belted tyre is the number of millimetres equal to 25.4 times the number marked on the tyre in the position labelled 'width code in inches' in the following diagram—



Position of width code marking on bias-belted tyre

(4) The tyre width for another type of tyre is the width of the part of the tyre that normally comes into contact with the road surface.

(5) In this section—

bias-belted tyre means a bias-belted tyre within the meaning of ADR (Definitions and Vehicle Categories).

5 Application of Regulation in relation to a retractable axle

(1) This section applies for the purpose of applying a provision of this Regulation in relation to a heavy vehicle that has a retractable axle if, in the circumstances to which the provision is being applied, the axle is retracted.

(2) If the provision imposes mass limits on a single axle or axle group—

(a) the mass limits do not apply to the retracted axle; and

(b) the retractable axle is to be disregarded in determining whether more than 1 axle is a particular type of axle group.

(3) If the provision imposes mass limits relating to axle spacing of a heavy vehicle, the retracted axle is to be disregarded in determining the axle spacings of the vehicle.

(4) If the provision imposes dimension requirements in relation to distances measured by reference to a single axle or axle group, the retracted axle is to be disregarded.

(5) In this section—

retracted, in relation to an axle, means a retractable axle that is raised so that the wheels of the axle do not touch the ground.

Part 2 Mass requirements

Division 1 Prescribed mass requirements and related provisions

6 Prescribed mass requirements

(1) The mass requirements imposed by this Division and Schedules 1 to 5 are prescribed mass requirements for the purposes of section 95 of the Law.

(2) Schedule 1 imposes mass limits that apply generally to a heavy vehicle or to components of a heavy vehicle (the ***general mass limits***).

(3) The general mass limits are subject to exceptions (each a ***mass exception***) provided under section 7 and Schedules 2 to 5 in relation to a heavy vehicle or a component of a heavy vehicle.

Note—

A component, for example, may be a vehicle towing another vehicle, a vehicle being towed, a single axle, an axle group or a tyre.

(4) Sections 8 to 10 impose requirements based on manufacturer's mass limits or other mass limits.

(5) The prescribed mass requirements mentioned in this section apply in relation to a heavy vehicle or component whether or not the vehicle is loaded.

Note—

The general mass limits and mass exceptions make no distinction between a loaded or unloaded vehicle or component because an essential consideration is the mass that is applied to a road on which a heavy vehicle or component is being used.

7 Mass exceptions

(1) The mass exceptions are as follows—

(a) the concessional mass limits;

(b) the steer axle mass exception limits;

(c) the quad axle group mass exception limits;

(d) the higher mass limits.

Note—

See Schedules 2 to 5 for details of the mass exceptions.

(2) A mass exception does not apply if a condition of the mass exception imposed under this Regulation is contravened.

8 Limitation imposed by manufacturer's mass limits or other stated limit

(1) Subsection (2) applies if the general mass limits or a mass exception provides for a mass limit for a heavy vehicle in excess of—

(a) the manufacturer's mass limits; or

(b) the limit stated in subsection (3) for the purposes of this paragraph.

(2) The manufacturer's mass limits or the limit stated in subsection (3) applies and the general mass limits or mass exception does not apply.

(3) For the purposes of subsection (1)(b), the limit is, for a combination—

(a) the towing vehicle of which does not have a GCM; and

(b) fitted with a single-drive axle, single-drive tandem axle group or dual-drive tandem axle group;

the mass, in kilograms, worked out under section 9.

(4) Subsection (5) applies if the general mass limits or a mass exception provides for a mass limit for a component of a heavy vehicle in excess of the manufacturer's mass limits for the component.

(5) The manufacturer's mass limits for the component applies and the general mass limits or mass exception does not apply.

(6) Subsection (7) applies if there is no general mass limits or mass exception applied to a component of a heavy vehicle under this Part other than subsection (7) and there is a manufacturer's mass limits for the component.

(7) The manufacturer's mass limits for the component applies to the component.

(8) In this section—

manufacturer's mass limits—

(a) in relation to a heavy vehicle, means—

(i) the mass limits derived from the rating set for the heavy vehicle by the vehicle's manufacturer, including the GVM or GCM stated by the manufacturer of the heavy vehicle; or

(ii) if the Regulator has, under section 56 of the Law, specified the total maximum loaded mass for the heavy vehicle and any vehicles it may lawfully tow—that mass; or

(iii) if the Regulator has, under section 57 of the Law, specified the vehicle's maximum loaded mass—that mass; or

(b) in relation to a component of a heavy vehicle, subject to section 10, means the mass limits derived from the rating set for the component by the component's manufacturer.

9 How to work out the relevant mass for a towing vehicle without a GCM

(1) For the purposes of section 8(3), if the towing vehicle of a combination does not have a GCM and is fitted with a single-drive axle, single-drive tandem axle group or dual-drive tandem axle group, the mass, in kilograms, is worked out by using the following formula—

$$\mathbf{M = \frac{K \times TR \times R \times T}{16}}$$

(2) In the formula under subsection (1)—

(a) ***M*** means mass in kilograms; and

(b) ***K*** means the following—

(i) if the towing vehicle is fitted with a single-drive axle—0.055;

(ii) if the towing vehicle is fitted with a single-drive tandem axle group—0.053;

(iii) if the towing vehicle is fitted with a dual-drive tandem axle group—0.051; and

(c) ***TR*** means the number of tyre revolutions per kilometre, stated by the manufacturer, of the tyres fitted to the towing vehicle's driving axles; and

(d) ***R*** means the overall gear reduction between the towing vehicle's engine and the wheels on the vehicle's driving axles; and

(e) ***T*** means the towing vehicle's maximum engine net torque in newton-metres.

Example—

A towing vehicle does not have a GCM if—

(a) the total maximum mass for the vehicle and any vehicles it may lawfully tow at any given time is not stated by the vehicle's manufacturer on the vehicle's identification plate or another place on the vehicle; and

(b) the Regulator has not, under section 56 of the Law, specified the total maximum loaded mass for the vehicle and any vehicles it may

lawfully tow at any given time because the vehicle has not been the subject of an application for registration or an unregistered heavy vehicle permit under the Law.

10 Modified manufacturer's mass limits for a tyre relating to a particular cold inflated pressure

(1) This section applies for the purposes of section 8.

(2) The manufacturer's mass limits for a tyre are the manufacturer's mass limits for the tyre determined at a cold inflation pressure of not more than—

(a) for a radial ply tyre—825kPa; or

(b) for another type of tyre—700kPa.

Example—

The manufacturer's mass limits for a radial tyre are—

- at a cold inflated pressure of 200–900kPa—5t
- at a cold inflated pressure greater than 900kPa—6t.

Because the latter mass limit (6t) only applies at a cold inflated pressure above the threshold value of 825kPa mentioned in paragraph (a), the applicable manufacturer's mass limits for the tyre is 5t.

Division 2 CML heavy vehicle accreditation label

11 Identification requirement for particular CML heavy vehicle

(1) A person must not drive a CML heavy vehicle under the concessional mass limits unless the relevant accreditation label is maintained on the vehicle in the way required by subsections (2) to (4).

Maximum penalty—$3000.

(2) The relevant accreditation label must be attached in a way that the information on the label is readable from outside the CML heavy vehicle.

(3) The relevant accreditation label must not be wholly or partly obscured, defaced or otherwise not legible.

(4) If the CML heavy vehicle is a combination, the relevant accreditation label must be affixed to the most forward vehicle.

Division 3 Additional provisions relating to higher mass limits

Subdivision 1 HML declarations

12 Regulator's power to declare areas and routes for higher mass limits

(1) The Regulator may, by Commonwealth Gazette notice complying with section 15, declare an area in which or a route on which stated types of HML heavy vehicles are authorised to be used under the higher mass limits.

(2) A declaration under subsection (1) is an ***HML declaration***.

13 Restriction on making HML declaration

(1) The Regulator may make an HML declaration only if—

(a) the Regulator is satisfied the use of the stated types of HML heavy vehicles under the higher mass limits in the area or on the route will not pose a significant risk to public safety; and

(b) each relevant road manager for the declaration has consented to the making of the declaration; and

(c) the Regulator is satisfied all other consents required for the declaration have been obtained or given.

(2) In deciding whether to make an HML declaration, the Regulator must have regard to the approved guidelines for making HML declarations.

14 Obtaining consent of road manager

(1) The road manager consent provisions apply in relation to obtaining consent of a relevant road manager for an HML declaration.

(2) For the purposes of subsection (1)—

(a) a reference in the road manager consent provisions to a mass or dimension authority is taken to be a reference to an HML declaration; and

(b) a reference in the road manager consent provisions to the grant of a mass or dimension authority is taken to be a reference to the making of an HML declaration; and

(c) a reference in the road manager consent provisions to a relevant road manager for a mass or dimension authority is taken to be a reference to a relevant road manager for an HML declaration.

(3) A relevant road manager for an HML declaration may consent to the making of the declaration subject to the condition that stated intelligent access conditions are imposed on the use of a stated type of HML heavy vehicle under the higher mass limits in an area or on a route to which the declaration applies.

(4) If a relevant road manager for an HML declaration consents to the making of the declaration as mentioned in subsection (3)—

(a) the relevant road manager must give the Regulator written reasons for the road manager's decision to give consent to the making of the declaration subject to the condition; and

(b) the Regulator must include the stated intelligent access conditions in the declaration.

15 Requirements about Commonwealth Gazette notice etc.

(1) A Commonwealth Gazette notice for an HML declaration must state the following—

(a) that HML heavy vehicles of a stated type are authorised to be used under the higher mass limits in the area or on the route stated in the notice (the ***area or route statement***);

(b) the intelligent access conditions required by a relevant road manager for the declaration under section 14(3).

(2) Without limiting subsection (1), the area or route statement may—

(a) incorporate by reference a stated map prepared by the relevant road authority and published by the Regulator; and

(b) refer to areas or routes shown on the map.

(3) The Regulator or the relevant road authority may amend the area or route statement but only by omitting, varying, extending or adding the areas in which or routes on which a stated type of HML heavy vehicle is authorised to be used under the higher mass limits, including, for example, by adding additional areas or routes.

(4) When amending the area or route statement, the Regulator must comply with the road manager consent provisions.

(5) The Regulator must ensure a copy of the area or route statement, including any incorporated map, as in force from time to time is—

(a) made available for inspection, without charge, during normal business hours at each office of the Regulator; and

(b) published on the Regulator's website.

(6) The Regulator must publish a copy of the Commonwealth Gazette notice on the Regulator's website.

16 Contravening conditions applying to HML heavy vehicles being used in an area or on a route declared by an HML declaration

(1) This section applies if an HML declaration states that the use of a stated type of HML heavy vehicle under the higher mass limits in an area or on a route to which the declaration applies is subject to intelligent access conditions.

(2) A person must not use an HML heavy vehicle of the type, or permit an HML heavy vehicle of the type to be used, under the higher mass limits in an area or on a route to which the HML declaration applies unless—

(a) the vehicle is equipped for monitoring the relevant monitoring matters, by an approved intelligent transport system used by an intelligent access service provider; and

(b) the vehicle is covered by an intelligent access agreement.

Maximum penalty—$3000.

(3) In this section—

intelligent access agreement has the meaning given by section 403 of the Law.

relevant monitoring matters means the matters mentioned in section 402(2)(a)(i) or (ii) of the Law for the vehicle.

17 Amendment or cancellation of HML declaration on Regulator's initiative

(1) It is a ground for amending or cancelling a HML declaration if the Regulator is satisfied the use of HML heavy vehicles under the higher mass limits in an area or on a route to which an HML declaration applies has caused, or is likely to cause, a significant risk to public safety.

(2) If the Regulator considers a ground exists to amend or cancel the HML declaration, the Regulator may amend or cancel the HML declaration by complying with subsections (3) to (5).

(3) The Regulator must publish a notice in the Commonwealth Gazette, in a newspaper circulating generally throughout each relevant participating jurisdiction and on the Regulator's website—

(a) stating the Regulator believes a ground exists to amend or cancel the HML declaration; and

(b) outlining the facts and circumstances forming the basis for the belief; and

(c) stating the action the Regulator is proposing to take under this section (the ***proposed action***); and

(d) inviting persons who will be affected by the proposed action to make, within a stated time of at least 14 days after the Commonwealth Gazette notice is published, written representations about why the proposed action should not be taken.

(4) If, after considering all written representations made under subsection (3)(d), the Regulator still considers a ground exists to take the proposed action, the Regulator may—

(a) if the proposed action was to amend the HML declaration—amend the declaration, in a way that is not substantially different from the proposed action, to change the area or route to which it applies; or

(b) if the proposed action was to cancel the HML declaration—

(i) amend the declaration to change the area or route to which it applies; or

(ii) cancel the declaration.

(5) Notice of the amendment or cancellation must be published—

(a) in—

(i) the Commonwealth Gazette; and

(ii) a newspaper circulating generally throughout each relevant participating jurisdiction; and

(b) on the Regulator's website; and

(c) in any other newspaper the Regulator considers appropriate.

Example for paragraph (c)—

If the HML declaration applies to an area or route in a particular part of a participating jurisdiction, the Regulator may consider it appropriate to publish the notice in a newspaper circulating generally in the part.

(6) The amendment or cancellation takes effect—

(a) 28 days after the Commonwealth Gazette notice is published under subsection (5); or

(b) if a later time is stated in the Commonwealth Gazette notice, at the later time.

18 Amendment or cancellation of HML declaration on request by relevant road manager

(1) This section applies if a relevant road manager for an HML declaration is satisfied the use of HML heavy vehicles under the higher mass limits in an area or on a route to which the declaration applies (and in or on which a road for which the relevant road manager is a road manager is situated)—

(a) has caused, or is likely to cause, damage to road infrastructure; or

(b) has had, or is likely to have, an adverse effect on the community arising from noise, emissions or traffic congestion or from other matters stated in the approved guidelines; or

(c) has posed, or is likely to pose, a significant risk to public safety arising from heavy vehicle use that is incompatible with road infrastructure or traffic conditions.

(2) The road manager may ask the Regulator to—

(a) amend the declaration to—

(i) change the area or route to which it applies; or

(ii) amend the intelligent access conditions applying to HML heavy vehicles used under the higher mass limits in an area or on a route to which the declaration applies; or

(b) cancel the declaration.

(3) The Regulator must comply with the request.

(4) However, if consent to the grant of the declaration was given by a road authority under section 163 of the Law as applied under section 14—

(a) the Regulator may refer the request to the road authority; and

(b) if the road authority gives the Regulator its written approval of the request, the Regulator must comply with the request; and

(c) if the road authority does not give written approval of the road manager's request within 28 days after the referral is made, the Regulator—

(i) must not comply with the request; and

(ii) must notify the road manager that the road authority has not given its written approval of the request and, as a result, the Regulator must not comply with it.

(5) Notice of the amendment or cancellation must be published—

(a) in—

(i) the Commonwealth Gazette; and

(ii) a newspaper circulating generally throughout each relevant participating jurisdiction; and

(b) on the Regulator's website; and

(c) in any other newspaper the Regulator considers appropriate.

Example for paragraph (c)—

If the HML declaration applies to an area or route in a particular part of a participating jurisdiction, the Regulator may consider it

appropriate to publish the notice in a newspaper circulating generally in the part.

(6) The amendment or cancellation takes effect—

(a) 28 days after the Commonwealth Gazette notice is published under subsection (5); or

(b) if a later time is stated in the Commonwealth Gazette notice, at the later time.

19 Immediate suspension

(1) This section applies if—

(a) the Regulator considers a ground exists to cancel an HML declaration; or

(b) the Regulator reasonably believes it is necessary to suspend the declaration immediately to prevent or minimise serious harm to public safety or significant damage to road infrastructure.

(2) The Regulator may, by publishing a notice as mentioned in subsection (3) (***immediate suspension notice***), immediately suspend the declaration until the earlier of the following—

(a) the Regulator publishes a notice under section 17(5) or 18(5);

(b) the Regulator cancels the suspension;

(c) the end of 56 days after the day the immediate suspension notice is published.

(3) The immediate suspension notice, and (where relevant) the cancellation of the suspension, must be published—

(a) in—

(i) the Commonwealth Gazette; and

(ii) a newspaper circulating generally throughout each relevant participating jurisdiction; and

(b) on the Regulator's website; and

(c) in any other newspaper the Regulator considers appropriate.

Example for paragraph (c)—

If the HML declaration applies to an area or route in a particular part of a participating jurisdiction, the Regulator may consider it appropriate to publish the notice in a newspaper circulating generally in the part.

(4) The suspension, and (where relevant) the cancellation of the suspension, takes effect immediately after the Commonwealth Gazette notice is published under subsection (3).

(5) This section applies despite sections 17 and 18.

Subdivision 2 HML permits

20 Regulator's power to authorise use of heavy vehicles under higher mass limits in other areas or on other routes

(1) The Regulator may, by giving a person a permit as mentioned in section 26, authorise, for a period of not more than 3 years, the use of an HML heavy vehicle under the higher mass limits in stated areas or on stated routes.

(2) A permit under subsection (1) is an ***HML permit***.

(3) An HML permit may apply to 1 or more HML heavy vehicles.

21 Application for HML permit

(1) A person may apply to the Regulator for an HML permit.

(2) The application must be—

(a) in the approved form; and

(b) accompanied by the prescribed fee for the application.

(3) The Regulator may, by notice given to the applicant, require the applicant to give the Regulator any additional information the Regulator reasonably requires to decide the application.

22 Restriction on grant of HML permit

(1) The Regulator may grant an HML permit for an HML heavy vehicle only if—

(a) the Regulator is satisfied the use of the vehicle under the higher mass limits in the area or on the route to which the permit will apply will not pose a significant risk to public safety; and

(b) each relevant road manager for the permit has consented to the grant of the permit; and

(c) the Regulator is satisfied all other consents required for the grant of the permit have been obtained or given.

(2) In deciding whether to grant an HML permit for an HML heavy vehicle, the Regulator must have regard to the approved guidelines for granting HML permits.

23 Obtaining consent of road manager

(1) The road manager consent provisions apply in relation to obtaining the consent of a relevant road manager for the grant of an HML permit.

(2) For the purposes of subsection (1)—

(a) a reference in the road manager consent provisions to a mass or dimension authority is taken to be a reference to an HML permit; and

(b) a reference in the road manager consent provisions to the grant of a mass or dimension authority is taken to be a reference to the grant of an HML permit; and

(c) a reference in the road manager consent provisions to a relevant road manager for a mass or dimension authority is taken to be a reference to a relevant road manager for an HML permit.

24 Conditions of HML permit

(1) An HML permit—

(a) must be subject to the road conditions or travel conditions required by a relevant road manager for the permit; and

(b) may be subject to any other conditions the Regulator considers appropriate, including, for example—

(i) conditions about 1 or more matters mentioned in Schedule 2 of the Law; and

(ii) without limiting subparagraph (i), intelligent access conditions.

(2) However, a condition imposed under subsection (1) must be consistent with the higher mass limits.

25 Period for which HML permit applies

(1) An HML permit applies for the period stated in the permit.

(2) The period may be less than the period sought by the applicant for the HML permit.

26 HML permit etc.

(1) If the Regulator grants an HML permit to a person, the Regulator must give the person—

(a) an HML permit; and

(b) if the Regulator has imposed conditions on the permit under section 24 or has granted the permit for a period less than the period of not more than 3 years sought by the person—an information notice for the decision to impose the conditions or grant the permit for the shorter period.

(2) The permit must state the following—

(a) the name and address of the person to whom the permit is given;

(b) a description of—

(i) the HML heavy vehicle or vehicles to which the permit applies, including the registration number of the vehicle if it is registered; or

(ii) if the permit applies to particular categories of class 2 heavy vehicles—the categories of heavy vehicles to which the permit applies;

(c) the areas or routes to which the permit applies;

(d) the road conditions or travel conditions required by a relevant road manager for the permit;

(e) any other conditions applying to an HML heavy vehicle while it is being used under the permit;

(f) the period for which the permit applies.

27 Refusal of application for HML permit

If the Regulator refuses an application for an HML permit, the Regulator must give the applicant an information notice for the decision to refuse the application.

28 Contravening conditions of HML permit

The driver or operator of an HML heavy vehicle being used under the higher mass limits under an HML permit must not contravene a condition of the permit.

Maximum penalty—$3000.

29 Amendment or cancellation on application by HML permit holder

(1) The holder of an HML permit may apply to the Regulator for an amendment or cancellation of the permit.

(2) The application must—

(a) be in writing; and

(b) be accompanied by the prescribed fee for the application; and

(c) if the application is for an amendment, state clearly the amendment sought and the reasons for the amendment; and

(d) be accompanied by the permit.

(3) The Regulator may, by notice given to the applicant, require the applicant to give the Regulator any additional information the Regulator reasonably requires to decide the application.

(4) If the proposed amendment of the permit is—

(a) to amend the areas or routes to which the permit applies (other than by omitting an area or route or reducing an area or route in size); or

(b) to impose or amend road conditions or travel conditions;

then—

(c) the Regulator must ask the relevant road managers (for the roads to which the amendment relates) for their consent to the amendment; and

(d) the road manager consent provisions apply to the request for consent in the same way as they apply to a request for consent under those provisions, with necessary modifications.

(5) The Regulator must decide the application as soon as practicable after receiving it.

(6) If the Regulator decides to grant the application—

(a) the Regulator must give the applicant notice of the decision; and

(b) the amendment or cancellation takes effect—

(i) when notice of the decision is given to the applicant; or

(ii) if a later time is stated in the notice, at the later time; and

(c) if the Regulator amended the permit, the Regulator must give the applicant a replacement permit for the permit as amended.

(7) If the Regulator decides not to amend or cancel the permit as sought by the applicant, the Regulator must—

(a) give the applicant an information notice for the decision; and

(b) return the permit to the applicant.

30 Amendment or cancellation of HML permit on Regulator's initiative

(1) Each of the following is a ground for amending or cancelling an HML permit—

(a) the permit was granted because of a document or representation that was—

(i) false or misleading; or

(ii) obtained or made in an improper way;

(b) the holder of the permit has contravened a condition of the permit;

(c) the use of HML heavy vehicles under the higher mass limits in an area or on a route the subject of the permit has caused, or is likely to cause, a significant risk to public safety.

(2) If the Regulator considers a ground exists to amend or cancel an HML permit (the ***proposed action***), the Regulator must give the holder of the permit a notice—

(a) stating the proposed action; and

(b) stating the ground for the proposed action; and

(c) outlining the facts and circumstances forming the basis for the ground; and

(d) if the proposed action is to amend the permit (including a condition of the permit)—stating the proposed amendment; and

(e) inviting the holder to make, within a stated time of at least 14 days after the notice is given to the holder,

written representations about why the proposed action should not be taken.

(3) If, after considering all written representations made under subsection (2)(e), the Regulator still considers a ground exists to take the proposed action, the Regulator may—

(a) if the proposed action was to amend the HML permit—amend the permit in a way that is not substantially different from the proposed action, including, for example, by—

(i) amending the areas or routes to which the permit applies; or

(ii) imposing additional conditions on the permit; or

(b) if the proposed action was to cancel the HML permit—

(i) amend the permit, including, for example, as mentioned in paragraph (a)(i) or (ii); or

(ii) cancel the permit.

(4) The Regulator must give the holder an information notice about the decision.

(5) The amendment or cancellation takes effect—

(a) when the information notice is given to the holder; or

(b) if a later time is stated in the information notice, at the later time.

31 Amendment or cancellation of HML permit on request by relevant road manager

(1) This section applies if a relevant road manager for an HML permit is satisfied the use of HML heavy vehicles under the higher mass limits in an area or on a route to which the permit applies (and in or on which is situated a road for which the relevant road manager is a road manager)—

(a) has caused, or is likely to cause, damage to road infrastructure; or

(b) has had, or is likely to have, an adverse effect on the community arising from noise, emissions or traffic congestion or from other matters stated in approved guidelines; or

(c) has posed, or is likely to pose, a significant risk to public safety arising from heavy vehicle use that is incompatible with road infrastructure or traffic conditions.

(2) The road manager may ask the Regulator to—

(a) amend the HML permit, including, for example, by—

(i) amending the areas or routes to which the permit applies; or

(ii) imposing or amending road conditions on the permit; or

(b) cancel the permit.

(3) The Regulator must comply with the request.

(4) However, if consent to the grant of the permit was given by a road authority under section 163 of the Law—

(a) the Regulator may refer the request to the road authority; and

(b) if the road authority gives the Regulator its written approval of the request, the Regulator must comply with the request; and

(c) if the road authority does not give written approval of the road manager's request within 28 days after the referral is made, the Regulator—

(i) must not comply with the request; and

(ii) must notify the road manager that the road authority has not given its written approval of the request and, as a result, the Regulator must not comply with it.

(5) If the permit is amended or cancelled under this section, the Regulator must give the holder of the HML permit notice of

the amendment or cancellation at least 28 days before the amendment or cancellation is to take effect.

(6) The notice given to the holder must state—

(a) the day the amendment or cancellation is to take effect; and

(b) the reasons given by the relevant road manager for the amendment or cancellation; and

(c) the review and appeal information for the road manager's decision.

32 Immediate suspension of HML permit

(1) This section applies if—

(a) the Regulator considers a ground exists to cancel an HML permit; or

(b) the Regulator reasonably believes it is necessary to suspend the permit immediately to prevent or minimise serious harm to public safety or significant damage to road infrastructure.

(2) The Regulator may, by notice (***immediate suspension notice***) given to the holder of the permit, immediately suspend the permit until the earlier of the following—

(a) the Regulator gives the person a notice under section 30(4) or 31(5);

(b) the Regulator cancels the suspension;

(c) the end of 56 days after the day the immediate suspension notice is given to the person.

(3) This section applies despite sections 29, 30 and 31.

33 Minor amendment of HML permit

(1) The Regulator may, by notice given to the holder of an HML permit, amend the permit in a minor respect—

(a) for a formal or clerical reason; or

(b) in another way that does not adversely affect the holder's interests.

(2) The Regulator must provide the relevant road manager with notice of the amendment.

34 Return of HML permit

(1) If a person's HML permit is amended or cancelled, the Regulator may, by notice, require the person to return the permit to the Regulator.

(2) The person must comply with the notice within 7 days after the notice is given to the person or, if a longer period is stated in the notice, within the longer period.

Maximum penalty—$4000.

(3) If the HML permit has been amended, the Regulator must give the person a replacement permit as amended.

35 Replacement of defaced etc. HML permit

(1) If a person's HML permit is defaced, destroyed, lost or stolen, the person must, as soon as reasonably practicable after becoming aware of the matter, apply to the Regulator for a replacement permit.

Maximum penalty—$4000.

(2) If the Regulator is satisfied the HML permit has been defaced, destroyed, lost or stolen, the Regulator must give the person a replacement permit as soon as practicable.

(3) If the Regulator decides not to give a replacement permit to the person, the Regulator must give the person an information notice for the decision.

Subdivision 3 Other provision

36 Identification requirement for particular HML heavy vehicle

(1) This section applies to an HML heavy vehicle that—

(a) is fitted with or, if it is a combination, has a component vehicle fitted with, a tri-axle group; and

(b) is used on a road in an HML area, or on an HML route, for the vehicle.

(2) A person must not drive the HML heavy vehicle under the higher mass limits unless the relevant accreditation label is maintained on the vehicle in the way required by subsections (3) and (5).

Maximum penalty—$3000.

(3) The relevant accreditation label must be attached in a way that the information on the label is readable from outside the HML heavy vehicle.

(4) The relevant accreditation label must not be wholly or partly obscured, defaced or otherwise not legible.

(5) If the HML heavy vehicle is a combination, the relevant accreditation label must be affixed to the most forward vehicle.

Part 3 Dimension requirements

37 Prescribed dimension requirements

(1) The dimension requirements imposed by Schedule 6 are prescribed dimension requirements for the purposes of section 101 of the Law.

(2) The prescribed dimension requirements apply to a heavy vehicle whether or not the vehicle is loaded.

Part 4 Loading requirements

38 Loading requirements

The loading requirements applying to a heavy vehicle are stated in Schedule 7.

Part 5 Exemptions for particular overmass or oversize vehicles

Division 1 Conditions

39 Prescribed conditions

(1) The conditions stated in Part 1 of Schedule 8 are conditions of a mass or dimension exemption applying to a class 1 heavy vehicle granted by Commonwealth Gazette notice.

(2) The conditions stated in Part 2 of Schedule 8 are conditions of a mass or dimension exemption applying to a class 1 heavy vehicle granted by issuing a permit to a person.

(3) The conditions stated in Division 1 of Part 3 of Schedule 8 are conditions of a mass or dimension exemption applying to a class 1 heavy vehicle granted by issuing a permit to a person if the exemption is subject to the condition that the heavy vehicle, or a pilot vehicle or escort vehicle accompanying the heavy vehicle, must have warning lights.

(4) The conditions stated in Division 2 of Part 3 of Schedule 8 are conditions of a mass or dimension exemption applying to a class 1 heavy vehicle granted by issuing a permit to a person if the exemption is subject to the condition that the heavy vehicle, or a pilot vehicle accompanying the heavy vehicle, must have a warning sign.

(5) A condition mentioned in subsections (1) to (4)—

(a) applies unless the notice or permit mentioned in the subsection provides otherwise; and

(b) applies to a class 1 heavy vehicle, or a pilot vehicle or escort vehicle accompanying a class 1 heavy vehicle, to which a mass or dimension exemption applies while the class 1 heavy vehicle is being used under the exemption.

Division 2 Declaration of areas, roads and routes and major roads

40 Regulator may make declaration

The Regulator may, by Commonwealth Gazette notice, declare—

(a) categories of areas, roads and routes for the purpose of imposing conditions under section 119(1) or 125(1) of the Law; or

(b) a road to be a major road for the purposes of this Regulation.

41 Consent of relevant road manager required

(1) The Regulator may make a declaration under section 40 only if each relevant road manager for the declaration has consented to the making of the declaration.

(2) The road manager consent provisions apply in relation to obtaining consent of a road manager for a road for a declaration under section 40.

(3) For the purposes of subsection (2)—

(a) a reference in the road manager consent provisions to a mass or dimension authority is taken to be a reference to a declaration under section 40; and

(b) a reference in the road manager consent provisions to the grant of a mass or dimension authority is taken to be

a reference to the making of a declaration under section 40; and

(c) a reference in the road manager consent provisions to a road manager for a relevant road for a mass or dimension authority is taken to be a reference to a relevant road manager for a declaration under section 40.

(4) In this section—

relevant road manager means—

(a) for a declaration under section 40(a)—a road manager for a road, or a road on the route, or in the area, the subject of the declaration; or

(b) for a declaration under section 40(b)—the road manager for the road the subject of the declaration.

42 Matters to which Regulator must have regard

(1) In deciding whether to make a declaration under section 40, the Regulator must have regard to the following—

(a) the type of each affected road, including, for example, whether it is an arterial road;

(b) the volume of traffic on each affected road;

(c) the capacity of each affected road to accommodate wide vehicles;

(d) relevant environmental conditions for each affected road, including, for example, visibility of road users;

(e) any other matter the Regulator considers appropriate.

(2) In this section—

affected road, for a declaration under section 40, means a road affected by the declaration.

43 Publication of declaration

The Regulator must publish on its website a copy of each declaration made under section 40.

Part 6 Conditions for grant of mass or dimension authority imposed by relevant road manager

44 Imposition of road conditions in relation to a class 2 heavy vehicle

(1) This section applies for the purposes of section 160(4) of the Law.

(2) The kinds of road conditions prescribed for section 160(1)(b) of the Law and the circumstances in which it is appropriate to impose those conditions are in Schedule 9.

Part 7 Reviewable decisions

45 Reviewable decisions

(1) Each decision mentioned in Schedule 10 is a reviewable decision for Chapter 11 of the Law.

(2) The dissatisfied person for a reviewable decision mentioned in Schedule 10 is each person who is adversely affected by the decision.

Schedule 1 General mass limits

section 6(2)

Part 1 Imposition of general mass limits

1 General mass limits

(1) The mass limits stated in this Schedule apply to a heavy vehicle or a component of a heavy vehicle.

(2) If, in relation to a particular vehicle or component, this Schedule provides for 2 or more mass limits imposing different mass limits that apply in the same circumstances, the lower or lowest mass limit applies and the other mass limit or mass limits must be disregarded.

2 Mass limits for a single vehicle or combination

(1) The mass of a single vehicle or combination must not be more than the lower of the following masses—

(a) the mass that is the lower or lowest of the following—

(i) for a complying bus without a trailer—

(A) if the bus has only 2 axles—16t; or

(B) if the bus has a rear tandem axle group fitted with single tyres on 1 axle and dual tyres on the other axles—20t; or

(C) if the bus has a rear tandem axle group fitted with dual tyres on all axles—22.5t;

(ii) for a complying bus with a trailer, the sum of—

(A) the mass limits for the bus mentioned in subparagraph (i); and

(B) the mass that is the sum of the mass limits applying to the trailer's axle groups and single axles under Table 1 of Part 2;

(iii) for a bus that is an ultra-low floor bus with no axle groups and only 2 single axles—16t;

(iv) for a vehicle that is neither a class 2 heavy vehicle nor a vehicle mentioned in subparagraphs (i) to (iii)—42.5t;

(b) the mass that is the sum of the mass limits stated in Table 1 of Part 2 in relation to each of the axle groups and single axles of the single vehicle or combination.

(2) A vehicle is not within the amount of the mass stated in subsection (1)(b) if any single axle or axle group fitted to the vehicle has a mass in excess of the mass limits applying to the single axle or axle group.

(3) The purpose of subsection (2) is to ensure that a vehicle cannot be brought within the mass stated in subsection (1)(b) by off-setting an under limit mass on an axle group or single axle against an over limit mass on another axle group or single axle.

(4) In a combination, the mass of a dog trailer or pig trailer must not be more than the mass of the towing vehicle.

(5) In this section—

over limit mass means the amount by which the mass on an axle group or single axle of a vehicle is more than the mass stated in relation to the axle group or single axle in Table 1 of Part 2.

single vehicle means a heavy motor vehicle that is not towing another vehicle.

under limit mass means the amount by which the mass on an axle group or single axle of a vehicle is less than the mass stated for the axle group or single axle in Table 1 of Part 2.

3 Mass limits for a vehicle with a particular axle space less than 2.5m

If the distance between any 2 axles on a heavy vehicle that are not part of the same axle group is less than 2.5m, the mass of the heavy vehicle must not be more than 15t.

4 Mass limits for a single axle or axle group

The mass on a single axle or axle group must not be more than the mass limit stated in relation to the single axle or axle group in Table 1 of Part 2.

5 Mass limits relating to axle spacing generally

(1) The mass of a heavy vehicle, other than a road train or a B-double, relating to an axle spacing of the vehicle must not be more than the mass limit stated in Table 2 of Part 2 in relation to the axle spacing.

(2) The mass of a B-double relating to an axle spacing of the B-double must not be more than the mass limit stated in Table 3 of Part 2 in relation to the axle spacing.

(3) The mass of a road train relating to an axle spacing of the road train must not be more than the mass limit stated in Table 4 of Part 2 in relation to the axle spacing.

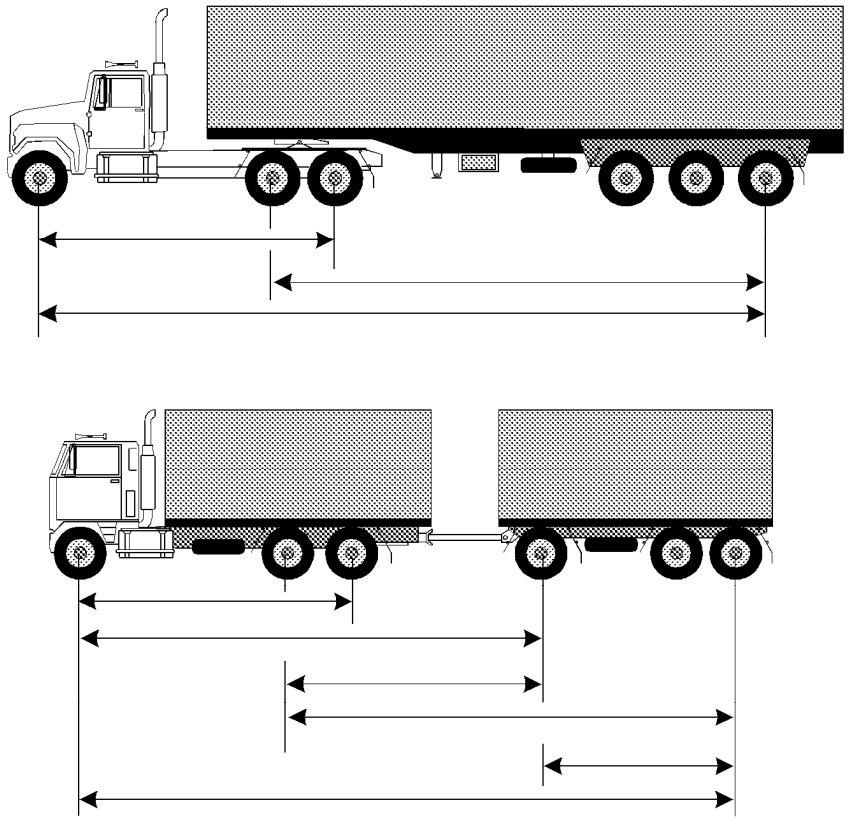
(4) Each of the following is an axle spacing of a heavy vehicle—

(a) the distance from the centre-line of a single axle to the centre-line of another single axle;

(b) the distance from the centre-line of a single axle to the centre-line of the furthest axle in any axle group;

(c) the greatest distance between the centre-lines of axles in any 2 axle groups.

Examples—



Axle spacings of a heavy vehicle

(5) The mass limits imposed by subsections (1) to (3) apply to the sum of the mass on each axle group or single axle within the heavy vehicle's axle spacing.

(6) The axle groups or single axles that are within an axle spacing of a heavy vehicle are the end axles and every axle group or single axle between the end axles.

Example—

In the examples under subsection (4), for the longest axle space, the mass limits imposed by subsections (1) to (3) apply to the sum of the mass on each of the axle groups or single axles made up of the 6 axles shown as included within the spacing.

(7) In this section—

end axles, in relation to an axle spacing, are the axle groups or single axles on each end of the axle spacing.

Part 2 Axle Tables

Table 1—Axle mass limits table

Description of single axle or axle group	Mass limit (t)
Single axles and single axle groups	
Steer axles on—	
(a) a complying bus	6.5
(b) a hauling unit or prime mover forming part of a road train fitted with tyres with section widths of—	
(i) at least 295mm	6.5
(ii) at least 375mm	6.7
(c) another motor vehicle	6.0
Single axle or single axle group fitted with single tyres with section widths of—	
(a) less than 375mm	6.0
(b) at least 375mm but less than 450mm	6.7
(c) at least 450mm	7.0
Single axle or single axle group fitted with dual tyres on—	
(a) a pig trailer	8.5
(b) a complying bus, or a bus authorised to carry standing passengers under an Australian road law	10.0
(c) an ultra-low floor bus with no axle groups and only 2 single axles	11.0
(d) another vehicle	9.0
Tandem axle group	
Tandem axle group fitted with single tyres with section widths of—	
(a) less than 375mm	11.0
(b) at least 375mm but less than 450mm	13.3
(c) at least 450mm	14.0

Description of single axle or axle group	Mass limit (t)
Tandem axle group fitted with single tyres on 1 axle and dual tyres on the other axle on—	
(a) a complying bus	14.0
(b) another motor vehicle	13.0
Tandem axle group fitted with dual tyres on—	
(a) a pig trailer	15.0
(b) another vehicle	16.5
Twinsteer axle groups	
Twinsteer axle group without a load-sharing suspension system	10.0
Twinsteer axle group with a load-sharing suspension system	11.0
Tri-axle groups	
Tri-axle group on a vehicle fitted with— (a) single tyres with section widths of less than 375mm on all axles; or (b) single tyres with section widths of less than 375mm on some axles and dual tyres on the other axles	15.0
Tri-axle group on a pig trailer fitted with— (a) single tyres with section widths of at least 375mm on all axles; or (b) dual tyres on all axles; or (c) single tyres with section widths of at least 375mm on some axles and dual tyres on the other axles	18.0
Tri-axle group on a vehicle other than a pig trailer fitted with— (a) single tyres with section widths of at least 375mm on all axles; or (b) dual tyres on all axles; or (c) single tyres with section widths of at least 375mm on some axles and dual tyres on the other axles	20.0
Quad-axle groups	
Quad-axle group fitted with single tyres with section widths of less than 375mm	15.0
Quad-axle group fitted with single tyres with section widths of at least 375mm or dual tyres.	20.0

Table 2—Axle spacing mass limits general table

Length of axle spacing (m)		Mass limit (t)
at least	**less than**	
0.0	2.5	15.0
2.5	3.7	23.0
3.7	3.8	23.5
3.8	4.0	24.0
4.0	4.2	24.5
4.2	4.3	25.0
4.3	4.5	25.5
4.5	4.7	26.0
4.7	4.8	26.5
4.8	5.0	27.0
5.0	5.2	27.5
5.2	5.3	28.0
5.3	5.5	28.5
5.5	5.7	29.0
5.7	5.8	29.5
5.8	6.0	30.0
6.0	6.2	30.5
6.2	6.3	31.0
6.3	6.5	31.5
6.5	6.7	32.0
6.7	6.8	32.5
6.8	7.0	33.0
7.0	7.2	33.5
7.2	7.3	34.0
7.3	7.5	34.5
7.5	7.7	35.0
7.7	7.8	35.5
7.8	8.0	36.0
8.0	8.2	36.5
8.2	8.3	37.0
8.3	8.5	37.5
8.5	8.7	38.0
8.7	8.8	38.5
8.8	9.0	39.0

Length of axle spacing (m)		Mass limit (t)
at least	less than	
9.0	9.2	39.5
9.2	9.3	40.0
9.3	9.5	40.5
9.5	9.7	41.0
9.7	9.8	41.5
9.8	10.0	42.0
10.0	—	42.5

Table 3—Axle spacing mass limits B-double table

Length of axle spacing (m)		Mass limit (t)
at least	less than	
0.0	2.5	15.0
2.5	3.7	23.0
3.7	3.8	23.5
3.8	4.0	24.0
4.0	4.2	24.5
4.2	4.3	25.0
4.3	4.5	25.5
4.5	4.7	26.0
4.7	4.8	26.5
4.8	5.0	27.0
5.0	5.2	27.5
5.2	5.3	28.0
5.3	5.5	28.5
5.5	5.7	29.0
5.7	5.8	29.5
5.8	6.0	30.0
6.0	6.2	30.5
6.2	6.3	31.0
6.3	6.5	31.5
6.5	6.7	32.0
6.7	6.8	32.5
6.8	7.0	33.0

Length of axle spacing (m)		Mass limit (t)
at least	less than	
7.0	7.2	33.5
7.2	7.3	34.0
7.3	7.5	34.5
7.5	7.7	35.0
7.7	7.8	35.5
7.8	8.0	36.0
8.0	8.2	36.5
8.2	8.3	37.0
8.3	8.5	37.5
8.5	8.7	38.0
8.7	8.8	38.5
8.8	9.0	39.0
9.0	9.2	39.5
9.2	9.3	40.0
9.3	9.5	40.5
9.5	9.7	41.0
9.7	9.8	41.5
9.8	10.0	42.0
10.0	10.2	42.5
10.2	10.3	43.0
10.3	10.5	43.5
10.5	10.7	44.0
10.7	10.8	44.5
10.8	11.0	45.0
11.0	11.2	45.5
11.2	11.3	46.0
11.3	11.7	46.5
11.7	12.0	47.0
12.0	12.3	47.5
12.3	12.7	48.0
12.7	13.0	48.5
13.0	13.3	49.0
13.3	13.7	49.5
13.7	14.0	50.0
14.0	14.3	50.5

Length of axle spacing (m)		Mass limit (t)
at least	less than	
14.3	14.7	51.0
14.7	15.0	51.5
15.0	15.3	52.0
15.3	15.7	52.5
15.7	16.0	53.0
16.0	16.3	53.5
16.3	16.7	54.0
16.7	17.0	54.5
17.0	17.3	55.0
17.3	17.7	55.5
17.7	18.0	56.0
18.0	18.3	56.5
18.3	18.7	57.0
18.7	19.0	57.5
19.0	19.3	58.0
19.3	19.7	58.5
19.7	20.0	59.0
20.0	20.3	59.5
20.3	20.7	60.0
20.7	21.0	60.5
21.0	—	62.5

Table 4—Axle spacing mass limits road train table

Length of axle spacing (m)		Mass limit (t)
at least	less than	
0.0	2.5	15.0
2.5	3.7	23.0
3.7	3.8	23.5
3.8	4.0	24.0
4.0	4.2	24.5
4.2	4.3	25.0
4.3	4.5	25.5
4.5	4.7	26.0

Length of axle spacing (m)		Mass limit (t)
at least	less than	
4.7	4.8	26.5
4.8	5.0	27.0
5.0	5.2	27.5
5.2	5.3	28.0
5.3	5.5	28.5
5.5	5.7	29.0
5.7	5.8	29.5
5.8	6.0	30.0
6.0	6.2	30.5
6.2	6.3	31.0
6.3	6.5	31.5
6.5	6.7	32.0
6.7	6.8	32.5
6.8	7.0	33.0
7.0	7.2	33.5
7.2	7.3	34.0
7.3	7.5	34.5
7.5	7.7	35.0
7.7	7.8	35.5
7.8	8.0	36.0
8.0	8.2	36.5
8.2	8.3	37.0
8.3	8.5	37.5
8.5	8.7	38.0
8.7	8.8	38.5
8.8	9.0	39.0
9.0	9.2	39.5
9.2	9.3	40.0
9.3	9.5	40.5
9.5	9.7	41.0
9.7	9.8	41.5
9.8	10.0	42.0
10.0	10.2	42.5
10.2	10.3	43.0
10.3	10.5	43.5

Length of axle spacing (m)		Mass limit (t)
at least	less than	
10.5	10.7	44.0
10.7	10.8	44.5
10.8	11.0	45.0
11.0	11.2	45.5
11.2	11.3	46.0
11.3	11.5	46.5
11.5	11.7	47.0
11.7	11.8	47.5
11.8	12.0	48.0
12.0	12.2	48.5
12.2	12.3	49.0
12.3	12.5	49.5
12.5	12.7	50.0
12.7	12.8	50.5
12.8	13.0	51.0
13.0	13.2	51.5
13.2	13.3	52.0
13.3	13.5	52.5
13.5	13.7	53.0
13.7	13.8	53.5
13.8	14.0	54.0
14.0	14.2	54.5
14.2	14.3	55.0
14.3	14.5	55.5
14.5	14.7	56.0
14.7	14.8	56.5
14.8	15.0	57.0
15.0	15.2	57.5
15.2	15.3	58.0
15.3	15.5	58.5
15.5	15.7	59.0
15.7	15.8	59.5
15.8	16.0	60.0
16.0	16.2	60.5
16.2	16.3	61.0

Length of axle spacing (m)		Mass limit (t)
at least	less than	
16.3	16.5	61.5
16.5	16.7	62.0
16.7	16.8	62.5
16.8	17.0	63.0
17.0	17.2	63.5
17.2	17.3	64.0
17.3	17.5	64.5
17.5	17.7	65.0
17.7	17.8	65.5
17.8	18.0	66.0
18.0	18.2	66.5
18.2	18.3	67.0
18.3	18.5	67.5
18.5	18.7	68.0
18.7	18.8	68.5
18.8	19.0	69.0
19.0	19.2	69.5
19.2	19.3	70.0
19.3	19.5	70.5
19.5	19.7	71.0
19.7	19.8	71.5
19.8	20.0	72.0
20.0	20.2	72.5
20.2	20.3	73.0
20.3	20.5	73.5
20.5	20.7	74.0
20.7	20.8	74.5
20.8	21.0	75.0
21.0	21.2	75.5
21.2	21.3	76.0
21.3	21.5	76.5
21.5	21.7	77.0
21.7	21.8	77.5
21.8	22.0	78.0
22.0	22.2	78.5

Length of axle spacing (m)		Mass limit (t)
at least	less than	
22.2	22.3	79.0
22.3	22.5	79.5
22.5	22.7	80.0
22.7	22.8	80.5
22.8	23.0	81.0
23.0	23.2	81.5
23.2	23.3	82.0
23.3	23.5	82.5
23.5	23.7	83.0
23.7	23.8	83.5
23.8	24.0	84.0
24.0	24.2	84.5
24.2	24.3	85.0
24.3	24.5	85.5
24.5	24.7	86.0
24.7	24.8	86.5
24.8	25.0	87.0
25.0	25.2	87.5
25.2	25.3	88.0
25.3	25.5	88.5
25.5	25.7	89.0
25.7	25.8	89.5
25.8	26.0	90.0
26.0	26.2	90.5
26.2	26.3	91.0
26.3	26.5	91.5
26.5	26.7	92.0
26.7	26.8	92.5
26.8	27.0	93.0
27.0	27.2	93.5
27.2	27.3	94.0
27.3	27.5	94.5
27.5	27.7	95.0
27.7	27.8	95.5
27.8	28.0	96.0

Length of axle spacing (m)		Mass limit (t)
at least	less than	
28.0	28.2	96.5
28.2	28.3	97.0
28.3	28.5	97.5
28.5	28.7	98.0
28.7	28.8	98.5
28.8	29.0	99.0
29.0	29.2	99.5
29.2	29.3	100.0
29.3	29.5	100.5
29.5	29.7	101.0
29.7	29.8	101.5
29.8	30.0	102.0
30.0	30.2	102.5
30.2	30.3	103.0
30.3	30.5	103.5
30.5	30.7	104.0
30.7	30.8	104.5
30.8	31.0	105.0
31.0	31.2	105.5
31.2	31.3	106.0
31.3	31.5	106.5
31.5	31.7	107.0
31.7	31.8	107.5
31.8	32.0	108.0
32.0	32.2	108.5
32.2	32.3	109.0
32.3	32.5	109.5
32.5	32.7	110.0
32.7	32.8	110.5
32.8	33.0	111.0
33.0	33.2	111.5
33.2	33.3	112.0
33.3	33.5	112.5
33.5	33.7	113.0
33.7	33.8	113.5

Length of axle spacing (m)		Mass limit (t)
at least	less than	
33.8	34.0	114.0
34.0	34.2	114.5
34.2	34.3	115.0
34.3	34.5	115.5
34.5	34.7	116.0
34.7	34.8	116.5
34.8	35.0	117.0
35.0	35.2	117.5
35.2	35.3	118.0
35.3	35.5	118.5
35.5	35.7	119.0
35.7	35.8	119.5
35.8	36.0	120.0
36.0	36.2	120.5
36.2	36.3	121.0
36.3	36.5	121.5
36.5	36.7	122.0
36.7	36.8	122.5
36.8	37.0	123.0
37.0	37.2	123.5
37.2	37.3	124.0
.37.3	37.5	124.5
37.5	37.7	125.0
37.7	37.8	125.5
37.8	38.0	126.0
38.0	38.2	126.5
38.2	38.3	127.0
38.3	38.5	127.5
38.5	38.7	128.0
38.7	38.8	128.5
38.8	39.0	129.0
39.0	39.2	129.5
39.2	39.3	130.0
39.3	39.5	130.5
39.5	39.7	131.0

Length of axle spacing (m)		Mass limit (t)
at least	less than	
39.7	39.8	131.5
39.8	40.0	132.0
40.0	40.2	132.5
40.2	40.3	133.0
40.3	40.5	133.5
40.5	40.7	134.0
40.7	40.8	134.5
40.8	41.0	135.0
41.0	41.2	135.5
41.2	41.3	136.0
41.3	41.5	136.5
41.5	41.7	137.0
41.7	41.8	137.5
41.8	42.0	138.0
42.0	42.2	138.5
42.2	42.3	139.0
42.3	42.5	139.5
42.5	42.7	140.0
42.7	42.8	140.5
42.8	43.0	141.0
43.0	43.2	141.5
43.2	43.3	142.0
43.3	43.5	142.5
43.5	43.7	143.0
43.7	43.8	143.5
43.8	44.0	144.0
44.0	44.2	144.5
44.2	44.3	145.0
44.3	44.5	145.5
44.5	44.7	146.0
44.7	44.8	146.5
44.8	45.0	147.0
45.0	45.2	147.5
45.2	45.3	148.0
45.3	45.5	148.5

Length of axle spacing (m)		Mass limit (t)
at least	less than	
45.5	45.7	149.0
45.7	45.8	149.5
45.8	46.0	150.0
46.0	46.2	150.5
46.2	46.3	151.0
46.3	46.5	151.5
46.5	46.7	152.0
46.7	46.8	152.5
46.8	47.0	153.0
47.0	47.2	153.5
47.2	47.3	154.0
47.3	47.5	154.5
47.5	47.7	155.0
47.7	47.8	155.5
47.8	48.0	156.0
48.0	48.2	156.5
48.2	48.3	157.0
48.3	48.5	157.5
48.5	48.7	158.0
48.7	48.8	158.5
48.8	49.0	159.0
49.0	49.2	159.5
49.2	49.3	160.0
49.3	49.5	160.5
49.5	49.7	161.0
49.7	49.8	161.5
49.8	50.0	162.0
50.0	50.2	162.5
50.2	50.3	163.0
50.3	50.5	163.5
50.5	50.7	164.0
50.7	50.8	164.5
50.8	51.0	165.0
51.0	51.2	165.5
51.2	51.3	166.0

Length of axle spacing (m)		Mass limit (t)
at least	less than	
51.3	51.5	166.5
51.5	51.7	167.0
51.7	51.8	167.5
51.8	52.0	168.0
52.0	52.2	168.5
52.2	52.3	169.0
52.3	52.5	169.5
52.5	52.7	170.0
52.7	52.8	170.5
52.8	53.0	171.0
53.0	53.2	171.5
53.2	53.3	172.0
53.3	—	172.5

Schedule 2 Concessional mass limits

section 6(3)

1 Vehicles to which concessional mass limits apply

The concessional mass limits apply to a heavy vehicle if—

(a) the heavy vehicle is not—

(i) a class 1 heavy vehicle; or

(ii) a bus; or

(iii) a combination consisting of a truck and a pig trailer; and

(b) the operator of the heavy vehicle holds mass management accreditation for the vehicle.

2 Concessional mass limits

(1) The concessional mass limits apply as an exception to the general mass limits as stated in subsections (2) to (7).

(2) Subject to subsection (3)(a) and (b), the mass of the heavy vehicle must not be more than the lower of the following—

(a) 5% more than the maximum mass permitted for the heavy vehicle under the general mass limits;

(b) if the heavy vehicle is fitted with a tandem axle group or tri-axle group—the mass determined by applying section 2 of Schedule 1 with the amount stated for the group in Table 1 of Part 2 of the Schedule changed to the mass exception amount for the group mentioned in subsection (4).

(3) The mass of the heavy vehicle must not be more than—

(a) if the maximum mass permitted for the heavy vehicle under the general mass limits is 55t or less—1t more than the maximum mass permitted for the heavy vehicle under the general mass limits; or

(b) if the maximum mass permitted for the heavy vehicle under the general mass limits is more than 55t—2t more than the maximum mass permitted for the heavy vehicle under the general mass limits.

(4) If the heavy vehicle is fitted with a tandem axle group or tri-axle group, the mass of each axle group must not be more than the CML upper mass limit for the axle group (the ***mass exception amount***).

(5) For the purposes of applying the concessional mass limits to a single axle or an axle group, other than an axle group mentioned in the CML upper mass limit Table, the mass limits stated for the axle or axle group in Table 1 of Part 2 of Schedule 1 apply.

Note—

In other words, the mass permitted for the axle or axle group is not increased under the concessional mass limits.

(6) Subsection (7) applies, if, because of the application of subsection (4) to an axle or axle group within a particular axle spacing, the mass permitted for the vehicle is increased by an amount above the general mass limits for the vehicle,

(7) The mass relating to the axle spacing must not be more than the general mass limits for the axle spacing increased by the same amount.

(8) In this section—

CML upper mass limit, for an axle group with which a heavy vehicle is fitted, means the mass limit stated for the axle group in the following table—

Axle group	**Mass limit (t)**
Tandem axle group	
Tandem axle group fitted with single tyres on all axles—	
(a) if the section width of the tyres is less than 375mm .	11.5
(b) if the section width of the tyres is 375mm or more but not more than 450mm	13.8
(c) if the section width of the tyres is more than 450mm	14.5
Tandem axle group fitted with single tyres on 1 axle and dual tyres on the other axle or axles.	13.5

Axle group	Mass limit (t)
Tandem axle group fitted with dual tyres on all axles	17
Tri-axle group	
Tri-axle group on a vehicle fitted with— (a) single tyres with section widths of less than 375mm on all axles; or (b) single tyres with section widths of less than 375mm on some axles and dual tyres on the other axles. . . .	15.5
Tri-axle group on a vehicle other than a pig trailer fitted with— (a) single tyres with section widths of at least 375mm on all axles; or (b) dual tyres on all axles; or (c) single tyres with section widths of at least 375mm on some axles and dual tyres on the other axles. . . .	21.0

CML upper mass limit Table means the Table to the definition *CML upper mass limit*.

Schedule 3 Steer axle mass exception limits

section 6(3)

1 Steer axle mass exception limits apply

(1) The steer axle mass exception limits apply to a heavy vehicle with a single steer axle if the vehicle has all of the following—

(a) an engine complying with the emission control requirements contained in ADR 80/01 (Euro IV engine) or a later version of ADR 80;

(b) a front underrun protection device that complies with UN ECE Regulation No 93 or ADR 84–Front Underrun Impact Protection;

(c) a cabin that complies with UN ECE Regulation no 29;

(d) appropriately rated tyres, axle and suspension to permit 6.5t on the steer axle;

(e) a GVM of 15t or more.

(2) The steer axle mass exception limits apply as an exception to the general mass limits as stated in subsections (3) to (5).

(3) The mass on the steer axle must not be more than 6.5t (the ***mass exception amount***), instead of 6t.

(4) The mass of the vehicle must not be more than the mass determined by applying section 2 of Schedule 1 with the amount stated for the steer axle in Table 1 of Part 2 of the Schedule changed to the mass exception amount.

(5) Subsection (6) applies if, because of the application of subsection (2) to a steer axle within a particular axle spacing, the mass permitted for the vehicle is increased under subsection (4) by an amount above the general mass limits for the vehicle.

(6) The mass relating to the axle spacing must not be more than the general mass limits for the axle spacing increased by the amount.

(7) In this section—

UN ECE Regulation means an addendum to the United Nations Agreement Concerning the Adoption of Uniform Conditions of Approval and Reciprocal Recognition of Approval for Motor Vehicle Equipment and Parts done at Geneva on 20 March 1958.

Schedule 4 Quad axle group mass exception limits

section 6(3)

1 Quad axle group mass exception limits

(1) The quad axle group mass exception limits apply to a heavy vehicle fitted with a quad axle group if—

(a) all axles in the quad axle group are fitted with dual tyres; and

(b) a PBS vehicle approval is in force for the vehicle that permits a mass of up to 27t on the quad axle group; and

(c) the vehicle complies with PBS Standards and with the conditions of the PBS vehicle approval.

(2) The quad axle group mass exception limits apply as an exception to the general mass limits for the quad axle group as stated in subsection (3).

(3) The mass on the quad axle group must not be more than 27t.

Note—

For the mass limit that would otherwise apply, see Schedule 1.

(4) In this section—

PBS Standards means the Standards and Vehicle Assessment Rules as defined under section 3 of the *Heavy Vehicle (General) National Regulation*.

PBS vehicle approval means a PBS vehicle approval under the *Heavy Vehicle (General) National Regulation*.

Schedule 5 Higher mass limits

section 6(3)

1 Application of higher mass limits to single axle or axle group

(1) The higher mass limits apply to a single axle or axle group on a heavy vehicle as follows—

(a) a single drive axle on a bus;

(b) a tandem axle group other than a 6-tyred tandem axle group;

(c) a 6-tyred tandem axle group;

(d) a tri-axle group.

(2) The higher mass limits apply if the single drive axle on the bus mentioned in subsection (1)(a) or if an axle group mentioned in subsection (1)(b), (c) or (d)—

(a) complies with subsections (3) and (4); and

(b) is fitted to a heavy vehicle that complies with subsections (5) and (6).

(3) The mass permitted for the single axle or axle group under the general mass limits must be at least—

(a) for a single drive axle on a bus—9t; or

(b) for a tandem axle group other than a 6-tyred tandem axle group—16.5t; or

(c) for a 6-tyred tandem axle group—13t; or

(d) for a tri-axle group—20t.

(4) The single axle or axle group must be fitted with a certified road-friendly suspension system.

(5) The heavy vehicle must be a heavy vehicle that—

(a) is not a class 1 heavy vehicle; and

(b) is not a rigid truck towing a dog trailer or a vehicle fitted with a drive axle group with more than 2 axles (unless it is a class 2 vehicle); and

(c) if the heavy vehicle is fitted with a tri-axle group and is used on a road outside the Northern Territory—is being operated by a person who holds mass management accreditation for the vehicle.

(6) The higher mass limits apply to the single axle or axle group fitted to a heavy vehicle on all roads—

(a) within an HML area for the heavy vehicle; or

(b) on an HML route for the heavy vehicle.

Example of how the application of higher mass limits can be decided—

In deciding whether the higher mass limits may be applied to a tri-axle group, the following questions will need to be answered in the positive—

- is the tri-axle group fitted to a vehicle that complies with subsections (5) and (6)?
- if so, does the tri-axle group qualify for at least 20t under the general mass limits?
- if so, is the axle group fitted with a certified road-friendly suspension system?

2 Higher mass limits

(1) The higher mass limits apply as an exception to the general mass limits as stated in subsections (2) to (4).

(2) The mass on the single axle or axle group must not be more than the following (the ***mass exception amount***)—

(a) for a single drive axle on a bus—10t;

(b) for a tandem axle group other than a 6-tyred tandem axle group—17t;

(c) for a 6-tyred tandem axle group—14t;

(d) for a tri-axle group—22.5t.

(3) The mass of the vehicle must not be more than the mass determined by applying section 2 of Schedule 1 with the

amount stated for the single axle or axle group in Table 1 of Part 2 of the Schedule changed to the mass exception amount.

(4) Subsection (5) applies if, because of the application of subsection (1) to a single axle or axle group within a particular axle spacing, the mass permitted for the vehicle is increased under subsection (3) by an amount above the general mass limits for the vehicle.

(4) The mass relating to the axle spacing must not be more than the general mass limits for the axle spacing increased by the amount.

Schedule 6 Dimension requirements

section 37

Part 1 Preliminary

1 Meaning of *rear overhang* and *rear overhang line*

(1) This section defines ***rear overhang*** and ***rear overhang line*** for this Regulation.

(2) The ***rear overhang*** of a vehicle is the distance between the rear of the vehicle and the rear overhang line of the vehicle.

(3) For a vehicle with an axle group at the rear comprising only 1 axle, the ***rear overhang line*** is a line running along the centre-line of the axle.

(4) For a vehicle with an axle group at the rear comprising 2 axles, 1 of which is fitted with twice the number of tyres as the other, the ***rear overhang line*** is a line running parallel to the axles that is—

(a) closer to the axle carrying the greater number of tyres than it is to the other axle; and

(b) located at one-third of the distance between the 2 axles.

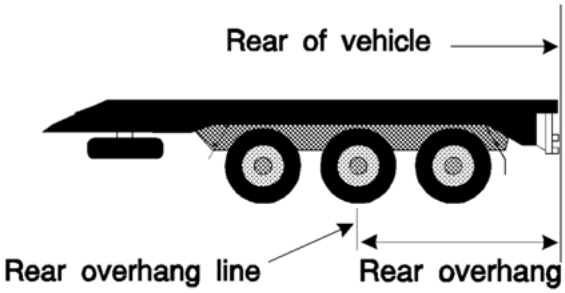
(5) For a vehicle with an axle group at the rear that is not an axle group mentioned in subsection (3) or (4), the ***rear overhang line*** is a line running parallel to the axles down the centre of the axle group.

(6) For the purposes of applying subsection (3), (4) or (5) to a vehicle, if an axle group includes at least 1 steerable axle, that axle is to be disregarded unless—

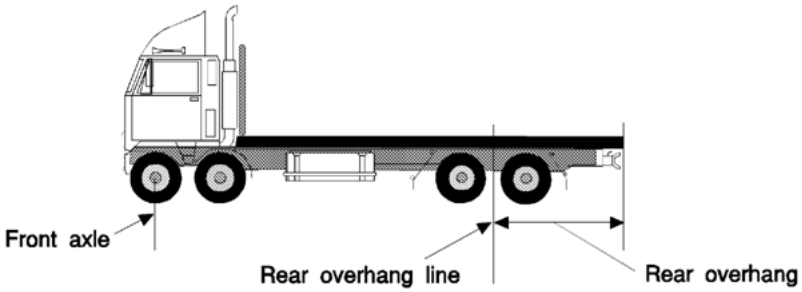
(a) the group comprises only 1 axle and that axle is a steerable axle; or

(b) all the axles in the group are steerable axles.

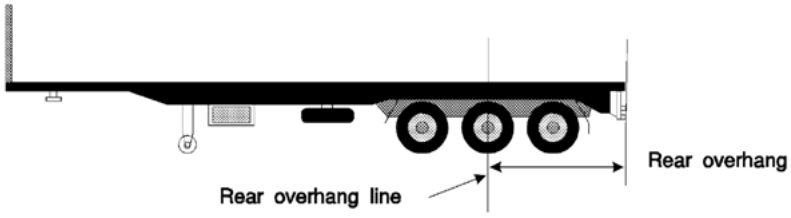
Examples of rear overhang line—



Rear overhang and rear overhang line — vehicle with tri axle group at rear



Rear overhang and rear overhang line — motor vehicle



Rear overhang and rear overhang line — semi-trailer

2 The load is part of a vehicle's dimensions

In this Schedule, a reference to a vehicle is taken to include a reference to the vehicle together with its load, unless otherwise stated.

Part 2 Heavy vehicles

3 Length—general

(1) A heavy vehicle must not be longer than—

(a) for a combination other than a B-double, road train or a combination with 2 decks for carrying vehicles—19m; or

(b) for a B-double—25m; or

(c) for a road train—53.5m; or

(d) for a combination, other than a road train, designed to carry vehicles on 2 or more partly or completely overlapping decks—25m; or

(e) for an articulated bus—18m; or

(f) for a bus other than an articulated bus—14.5m; or

(g) for another vehicle—12.5m.

(2) However, subsection (1)(g) applies subject to section 4(9) and (10).

(3) However, a B-double may be up to 26m long if—

(a) the distance from the front articulation point of the most forward semitrailer to the rear of the B-double is not more than 20.6m; and

(b) the prime mover in the B-double—

(i) is fitted with a front underrun protective device complying with regulation 93 made under the UNECE Agreement or ADR 84–Front Underrun Impact Protection; and

(ii) for a prime mover manufactured after 31 December 2005—is fitted with a cab complying with regulation 29 made under the UNECE Agreement; and

(iii) does not have an area carrying, or built to carry, goods.

(4) In this section—

UNECE Agreement means the 'Agreement concerning the adoption of uniform technical prescriptions for wheeled vehicles, equipment and parts which can be fitted and/or be used on wheeled vehicles and the conditions for reciprocal recognition of approvals granted on the basis of these prescriptions' done at Geneva on 20 March 1958, as amended from time to time.

Note—

The agreement and the regulations made under it are available on the United Nations Economic Commission for Europe's website at <www.unece.org>.

4 Length—trailers

(1) This section applies to a trailer that is, or forms part of, a heavy vehicle.

(2) On a semitrailer or dog trailer—

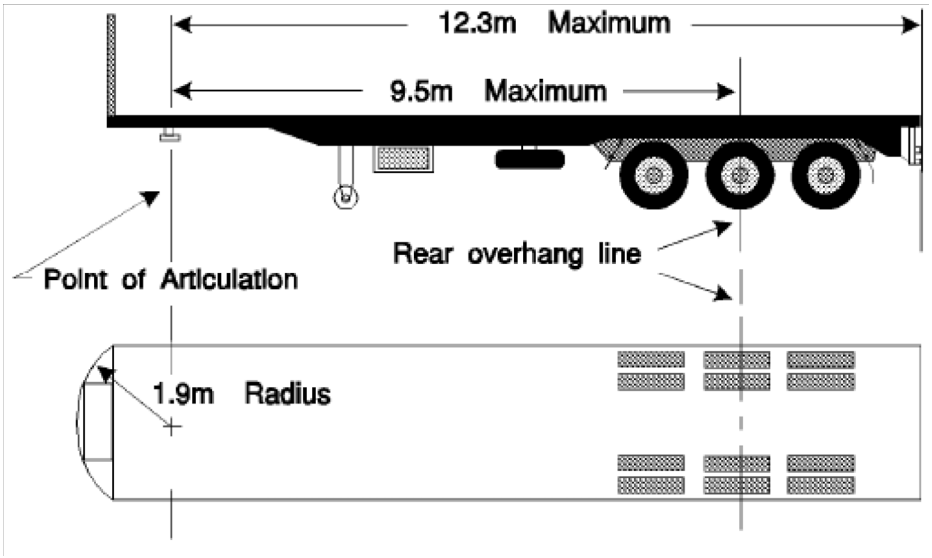
(a) the distance from the front articulation point to the rear overhang line must not be more than 9.5m; and

(b) the distance from the front articulation point to the rear of the trailer must not be more than 12.3m.

(3) The part of a semitrailer or anything attached to a semitrailer in front of the trailer's front articulation point, other than another vehicle, must not protrude beyond the prescribed limit.

(4) For the purposes of subsection (3), ***prescribed limit*** is an imaginary line created by drawing a semicircle of 1.9m radius from the centre of, and forward of, the front articulation point.

Example—



Measuring distances for subsections (1) to (4)

(5) A semitrailer with more than 1 front articulation point must comply with subsections (2) and (3) when measured at one of the points.

(6) A trailer built to carry cattle, horses, pigs or sheep on 2 or more partly or completely overlapping decks must not have more than 12.5m of its length available to carry cattle, horses, pigs or sheep.

(7) In a B-double built to carry cattle, horses, pigs or sheep, the 2 semitrailers must not have more than 18.8m of their combined length available to carry cattle, horses, pigs or sheep.

(8) For subsections (6) and (7), the length available for the carriage of cattle, horses, pigs or sheep on a trailer is measured from the inside of the front wall or door of the trailer to the inside of the rear wall or door of the trailer, with any intervening partitions disregarded.

(9) Despite subsection (2)(b), the distance from the front articulation point to the rear of a semitrailer may be up to 13.6m if the trailer—

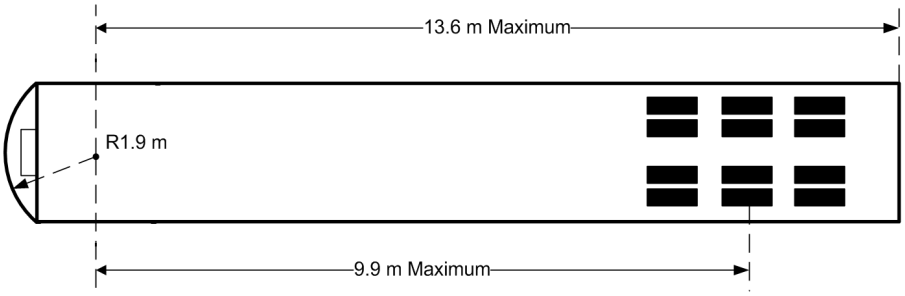
(a) is designed and constructed for the positive control of temperature through the use of refrigerated equipment; and

(b) has a distance from the front articulation point to the rear overhang line of not more than 9.9m; and

(c) does not operate in a B-double or road train combination; and

(d) otherwise complies dimensionally.

Example—



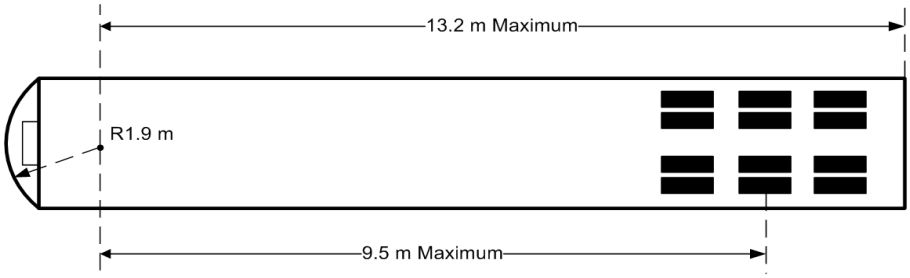
(10) Despite subsection (2)(b), the distance from the front articulation point to the rear of the semitrailer may be up to 13.2m if the trailer—

(a) has a distance from the front articulation point to the rear overhang line of not more than 9.5m; and

(b) does not operate in a B-double or road train combination; and

(c) otherwise complies dimensionally.

Example—



5 Length—rear overhang

(1) The rear overhang of a heavy vehicle must not be more than the lesser of 3.7m and—

(a) for a combination that includes a semitrailer or dog trailer—60% of the distance between the trailer's front articulation point and its rear overhang line; or

(b) for a combination that includes another trailer—the distance between the front of the trailer's body or load carrying area and its rear overhang line; or

(c) for another vehicle—60% of the distance between the centre-line of the front axle and the rear overhang line.

(2) A semitrailer with more than 1 front articulation point must comply with subsection (1)(a) when measured at the same point that is used for measurement for compliance under section 4(4).

(3) Despite subsection (1), if a vehicle built to carry vehicles (the ***primary vehicle***) has at least 2 decks and a vehicle it is carrying overhangs its rear, the rear overhang of the primary vehicle must not be more than 4.9m.

6 Length—trailer drawbars

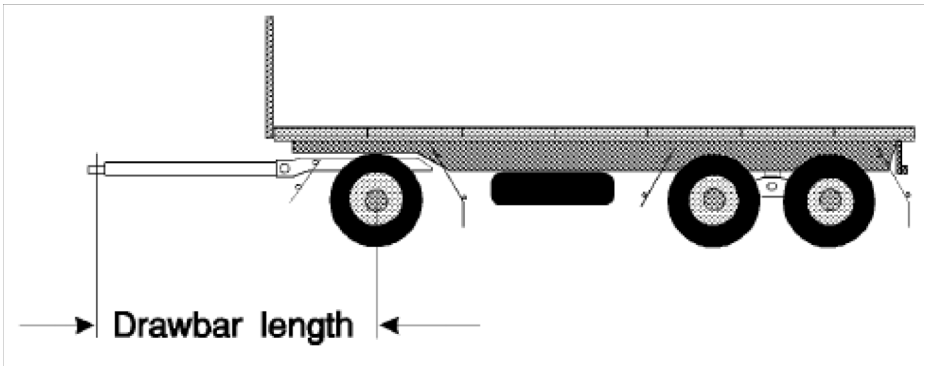
(1) This section applies to a trailer that is, or forms part of, a heavy vehicle.

(2) On a dog trailer, the distance between the coupling pivot point on the drawbar and the centre of the front axle group—

(a) must not be more than 5m; and

(b) if the trailer is used in a road train that is longer than 19m—must not be less than 3m.

Example—



Measuring distance for subsection (2)

(3) On a trailer, other than a semitrailer, with only 1 axle group, the distance between the coupling pivot point on the drawbar and the centre of the axle group must not be more than 8.5m.

7 Width

(1) A heavy vehicle must not be wider than 2.5m.

(2) When measuring the width of a vehicle for subsection (1), any of the following items that may be fitted to the vehicle are to be disregarded—

(a) anti-skid devices mounted on wheels;

(b) central tyre inflation systems;

(c) lights, mirrors, reflectors, signalling devices or tyre pressure gauges.

8 Height

A heavy vehicle must not be higher than—

(a) for a vehicle built to carry cattle, horses, pigs or sheep—4.6m; or

(b) for a vehicle built with at least 2 decks for carrying vehicles—4.6m; or

Note—

An example is included under section 12(2).

(c) for a double-decker bus—4.4m; or

(d) for another vehicle—4.3m.

9 Ground clearance

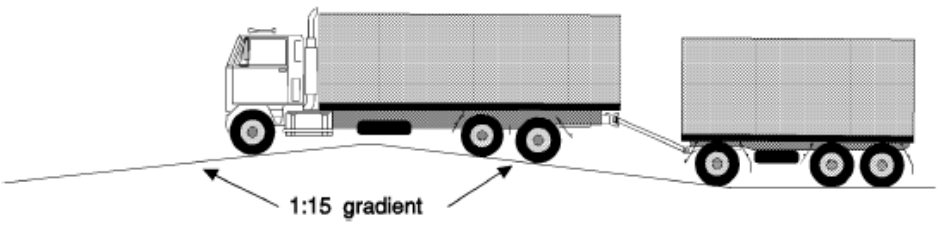
(1) A heavy vehicle must have a ground clearance of at least—

(a) at a point within 1m of an axle—100mm; and

(b) at the midpoint between adjacent axles—one-thirtieth of the distance between the centre-line of each axle; and

(c) at any other point—the distance that allows the vehicle to pass over a peak in the road if the gradient on either side of the peak is 1:15.

Example—



Measuring ground clearance for paragraph (c)

(2) In this section—

ground clearance, of a vehicle, means the minimum distance between the ground and the vehicle's underside, other than its tyres, wheels, wheel hubs, brake backing plates, flexible mudguards and mudflaps.

10 Axle configuration of B-doubles

The axle groups in a heavy combination that is a B-double with 2 tri-axle groups must be positioned so that the following formulae are complied with—

$$X - Y \leq 1$$

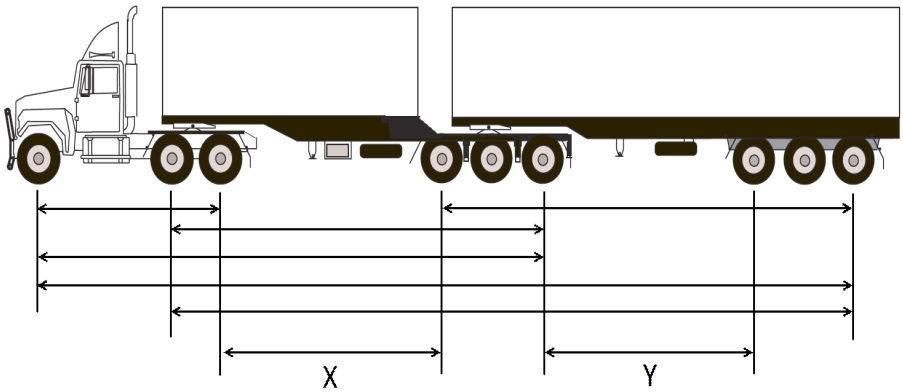
$$Y - X \leq 1.3$$

where—

X means the distance in metres (measured to the nearest tenth of a metre) between the centre-lines of the last axle of the B-double's prime mover and the first axle of its first semitrailer.

Y means the distance in metres (measured to the nearest tenth of a metre) between the centre-lines of the last axle of the B-double's first semitrailer and the first axle of its second semitrailer.

Example—



Part 3 Size and projection of loads

11 Definition for pt 3

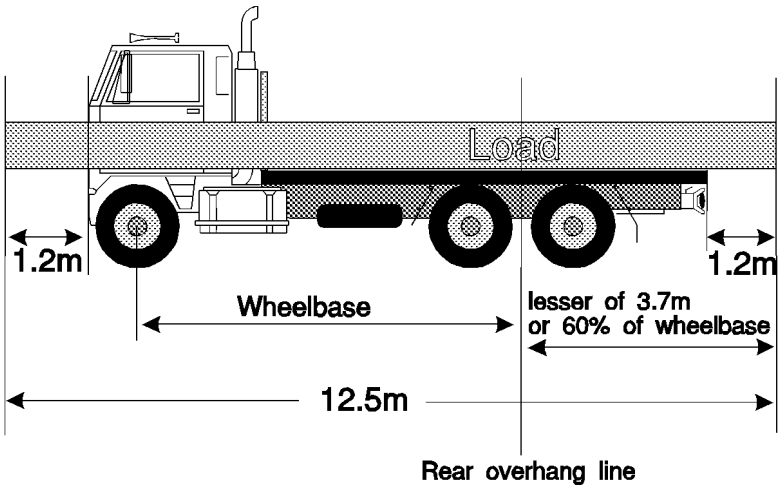
In this Part—

load includes equipment and the pole of a pole-type trailer or jinker.

12 In relation to rear of load

(1) The distance measured at right angles between the rear overhang line of a vehicle and the rear of any load it is carrying must not exceed the rear overhang that the vehicle is permitted under section 5.

Example—



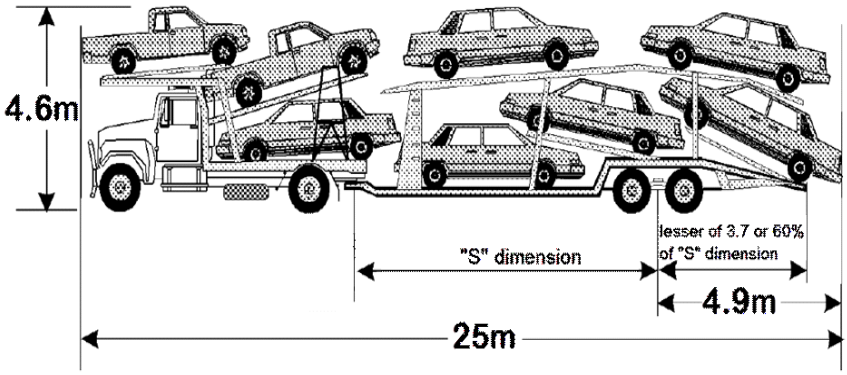
A vehicle complying with—

- **the front projection limit under section 13; and**
- **the rear overhang limit under section 5; and**
- **the maximum rear projection of a load permitted without a warning signal under section 109 of the Law.**

(2) Despite subsection (1), the distance measured at right angles between the rear overhang line of a trailer carrying vehicles on

more than one deck and the rear of the rearmost vehicle on the trailer must not exceed 4.9m.

Example of maximum permitted dimensions of a loaded car carrier—



In the above example, the 'S' dimension is the distance between the trailer's front articulation point and its rear overhang line.

Note—

The combined dimensions of a vehicle and its load must still meet the requirements of section 13 even if the load projects from the vehicle in any direction.

13 Front and side projection of load

A load on a heavy vehicle must not project—

(a) for a heavy vehicle consisting of only a motor vehicle—

(i) more than 1.2m in front of the motor vehicle's headlights; or

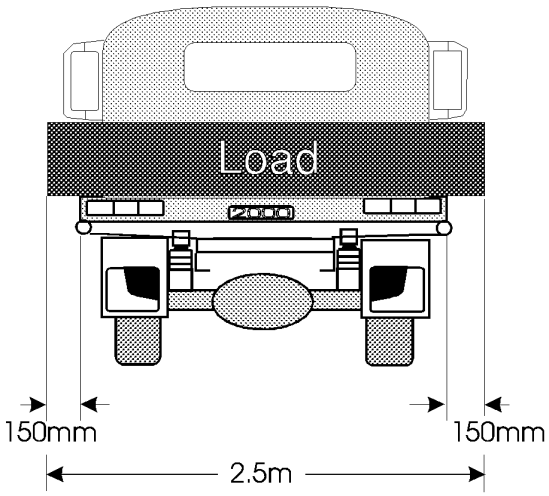
(ii) more than 150mm past the outer extremity of the motor vehicle on either side; or

(b) for a heavy vehicle consisting of a motor vehicle and 1 or more trailers—

(i) more than 1.2m in front of the motor vehicle's headlights; or

(ii) more than 150mm past the outer extremity on either the motor vehicle or the trailers on either side.

Example of maximum side projection of load——



A vehicle loaded to width limits mentioned in section 7 with maximum side projection of load permitted under this section.

Notes—

1 The combined dimensions of a vehicle and its load must still meet the requirements of this section even if the load projects from the vehicle in any direction.

2 The example under section 12(1) shows the front projection limit.

Schedule 7 Loading requirements

section 38

1 Loading

(1) A load on a heavy vehicle must not be placed in a way that makes the vehicle unstable or unsafe.

(2) A load on a heavy vehicle must be secured so it is unlikely to fall or be dislodged from the vehicle.

(3) An appropriate method must be used to restrain the load on a heavy vehicle.

Note—

See the Load Restraint Guide mentioned in section 115 of the Law and the evidentiary effect under the section of evidence that a load on a heavy vehicle was not restrained in a way that met a performance standard stated in the guide.

Schedule 8 Conditions of mass or dimension exemptions applying to class 1 heavy vehicles

section 39

Part 1 Exemptions granted by Commonwealth Gazette notice

Division 1 General conditions

1 Smallest practicable size of unloaded vehicle

A class 1 heavy vehicle that is not carrying goods must be kept at its smallest practicable dimensions, with any booms fully retracted.

2 Warning signs and flags

(1) A class 1 heavy vehicle that, together with its load, is wider than 2.5m or longer than 25m must have—

(a) a warning sign attached to the front of the vehicle; and

(b) a warning sign attached to the rear of the vehicle or, if a load projects from the rear of the vehicle, to the rear of the load; and

(c) 4 brightly coloured red, red and yellow, or yellow flags, each at least 450mm by 450mm, fixed as follows—

(i) a flag must be attached at each side of the front of the vehicle or, if a load projects from the front of the vehicle, at each side of the front of the load;

(ii) a flag must be fixed at each side of the rear of the vehicle or, if a load projects from the rear of the vehicle, at each side of the rear of the load.

(2) A class 1 heavy vehicle that, together with its load, is not wider than 2.5m, and whose length is more than 22m but not more than 25m, must have a warning sign attached to the rear of the vehicle or, if a load projects from the rear of the vehicle, to the rear of the load.

(3) Subsections (1) and (2) do not apply to—

(a) a heavy vehicle used in connection with the construction of a road and travelling within 1km of the relevant construction site, if a warning light is attached to the vehicle; or

(b) a tractor; or

(c) a rigid mobile crane less than 3.1m wide.

(4) In this section—

construction, of a road, includes repair or maintenance of the road.

3 Warning lights and delineators if load projecting from vehicle

(1) If a load projects more than 150mm beyond a side of a class 1 heavy vehicle, and the projection is less than 500mm thick from top to bottom—

(a) a warning light must be attached to the vehicle; and

(b) 2 delineators must be attached to the projection in the way stated in subsection (2) on each side of the vehicle on which the load projects more than 150mm.

(2) For subsection (1)(b), the delineators must be attached in the following way on each side of the vehicle on which the load projects more than 150mm—

(a) at least 1 delineator must be attached to the front of the projection and at least 1 delineator must be attached to the rear of the projection;

(b) a delineator attached to the front of the projection must be attached so that its reflective surface is facing forward of the vehicle;

(c) a delineator attached to the rear of the projection must be attached so that its reflective surface is facing rearward from the vehicle.

(3) In this section—

delineator means a yellow, rigid piece of material commonly known as a 'delineator' that—

(a) is at least 300mm long and at least 300mm wide; and

(b) complies with Class 1 or 2 of AS 1906 'Retro-reflective Materials and Devices for Road Traffic Control Purposes'.

Note—

AS 1906 'Retro-reflective Materials and Devices for Road Traffic Control Purposes' may be purchased from Standards Australia at <www.standards.org.au>.

4 Warning lights for wide vehicles used in daytime

If a class 1 heavy vehicle is, together with any load, wider than 3m, a warning light must be attached to the vehicle while it is being used in the daytime.

5 Side and rear markers and warning lights for oversize vehicles used at night

(1) If a class 1 heavy vehicle that is an oversize vehicle is being used at night—

(a) side markers must be displayed, not more than 2m apart, along the total length of each side of the vehicle and any load projecting from the front or rear of the vehicle; and

(b) 2 rear markers must be fitted to the rear of any load projecting from the rear of the vehicle, within 400mm of each side of the load and at least 1m but not more than 2.1m above the ground; and

(c) a warning light must be attached to the vehicle if it, together with any load, is wider than 2.5m or longer than 22m.

(2) In this section—

rear markers means red lights known as 'rear markers'.

side markers means lights showing yellow to the front and red to the rear and known as 'side markers'.

6 Headlights

(1) This section applies to a class 1 heavy vehicle that is an oversize vehicle, or the towing vehicle of a class 1 heavy vehicle that is an oversize vehicle, that is required to have headlights under the *Heavy Vehicle (Vehicle Standards) National Regulation*.

(2) The class 1 heavy vehicle, or the towing vehicle, must have its low-beam headlights on while it is being used in the daytime.

(3) In this section—

low-beam, for a headlight fitted to a heavy vehicle, has the meaning it has for the purposes of the *Heavy Vehicle (Vehicle Standards) National Regulation*.

7 Travel restrictions at night

A class 1 heavy vehicle that, together with any load, is wider than 3.1m or longer than 22m, must not, while being used at night—

(a) travel outside an urban area; or

(b) travel in an urban area without being accompanied by a pilot vehicle.

8 No travelling if low visibility

(1) A class 1 heavy vehicle must not begin to travel if, due to circumstances such as fog, heavy rain, smoke, dust or insect plague—

(a) visibility is less than 250m in the daytime; or

(b) the headlights of a vehicle approaching within 250m could not be seen at night.

(2) If a class 1 heavy vehicle is already travelling when visibility is reduced to the level mentioned in subsection (1), the vehicle's driver must drive the vehicle into the nearest safe parking area and wait until visibility improves beyond that level before continuing to travel.

(3) In this section—

safe parking area, for a class 1 heavy vehicle, means an area at which vehicles of that kind may be parked lawfully and safely.

9 Minimum following distance

(1) The person driving a class 1 heavy vehicle that is an oversize vehicle must drive at least 200m behind another oversize vehicle travelling in front of it, unless the person is—

(a) driving on—

(i) a multi-lane road; or

(ii) a length of road in a built-up area; or

(b) overtaking.

(2) In this section—

built-up area has the meaning it has for the purposes of the Road Rules.

multi-lane road has the meaning it has for the purposes of the Road Rules.

10 Allowing overtaking

(1) This section applies if a class 1 heavy vehicle is being driven on a road, or a part of a road, that does not have a separate lane for overtaking vehicles.

(2) The person driving the class 1 heavy vehicle must, at regular intervals and to the extent reasonably practicable, move the vehicle off the road to allow other vehicles to overtake it.

11 Assessing routes

(1) Before a class 1 heavy vehicle is driven along any route, its driver and operator must be satisfied that the route has been assessed and that the vehicle can be driven along it without contravening subsection (2).

(2) A class 1 heavy vehicle must not be driven along a route if to do so would be likely to cause—

(a) disruption to telecommunication, electricity, rail, gas, water or sewage services (***relevant services***); or

(b) damage to a road (including a bridge), structure, rail crossing or tree (***relevant property***).

(3) Subsection (2) does not apply if the entity responsible for the relevant services or relevant property has given permission for the vehicle to travel along the route, and the vehicle is driven in accordance with the permission.

Division 2 Load-carrying vehicles

12 Application of Div 2

(1) This Division applies only to a class 1 heavy vehicle that is a load-carrying vehicle.

(2) A reference in this Division to a load-carrying vehicle is taken to be a reference to a load-carrying vehicle that is a class 1 heavy vehicle.

13 Carrying goods in addition to a large indivisible item

(1) A load-carrying vehicle must not carry more than 1 large indivisible item unless—

(a) the vehicle together with its load complies with the general mass limits; and

(b) the vehicle carrying more than 1 large indivisible item does not cause the vehicle together with its load to exceed a prescribed dimension requirement that would not be exceeded if the vehicle carried only 1 of the large indivisible items.

(2) A load-carrying vehicle carrying 1 or more large indivisible items must not carry any other goods unless—

(a) the vehicle together with its load complies with the general mass limits; and

(b) the other goods are contained within the limits set by the prescribed dimension requirements.

(3) Despite subsection (2), a load-carrying vehicle carrying a special purpose vehicle or agricultural vehicle may also carry equipment, tools, substances or detached parts to be used in conjunction with the vehicle being carried.

(4) In this section—

large indivisible item has the meaning it has under section 116(4) of the Law.

14 Towing a low loader dolly with an unladen low loader

An unladen low loader must not be towed in a combination with a low loader dolly unless—

(a) the combination is 2.5m wide or less; and

(b) it would be unreasonable to require the dolly to be loaded onto the low loader because of the short distance to be travelled, or special difficulties in loading or unloading the dolly due to the nature of the location where the loading or unloading is to take place.

Division 3 Special purpose vehicles

15 Application of Div 3

(1) This Division applies only to a class 1 heavy vehicle that is a special purpose vehicle.

(2) A reference in this Division to a special purpose vehicle is taken to be a reference to a special purpose vehicle that is a class 1 heavy vehicle.

16 Side lights for travel at night with long front projections

(1) When travelling at night, a special purpose vehicle with a projection extending more than 1.2m in front of the vehicle must have a yellow light fixed on each side of the projection.

(2) The light must be—

(a) fixed as far forward as possible, and shielded from the driver's view; and

(b) visible to any traffic approaching the vehicle from its front; and

(c) visible to any traffic approaching the vehicle from the side on which it is fixed.

17 Rear marking plates and warning patterns

(1) A rear marking plate must be fitted to the rearmost part of the body of a special purpose vehicle.

(2) A warning pattern must be displayed on the left and right sides of any rigid projection extending more than 1.2m in front of the body of a special purpose vehicle.

(3) In this section—

rear marking plate means a plate that—

(a) warns other road users that the vehicle to which the plate is attached is an oversize vehicle; and

(b) complies with 'Standards Bulletin VSB12—Rear Marking Plates' published by the Vehicle Safety Branch of the Western Australian Department of Planning and Infrastructure.

Note—

A copy of the bulletin may be obtained from the website of the Commonwealth Department of Infrastructure and Transport at <www.infrastructure.gov.au>.

18 Prohibition on towing other vehicles

A special purpose vehicle must not tow a vehicle.

Division 4 Agricultural vehicles

19 Application of Div 4

(1) This Division applies only to a class 1 heavy vehicle that is an agricultural vehicle or agricultural combination.

(2) A reference in this Division to an agricultural vehicle or agricultural combination is taken to be a reference to an agricultural vehicle or agricultural combination that is a class 1 heavy vehicle.

20 Warning devices for agricultural vehicles or combinations

(1) An agricultural vehicle or agricultural combination wider than 2.5m, or an agricultural combination longer than 22m, must have a warning light attached to its highest practicable point when it is on a major road.

(2) A warning sign must be attached to the rear of an agricultural implement being towed by a tractor.

(3) A warning pattern must be displayed at the sides of the rear of any auger, conveyor, or the reaping implement of a combine harvester.

(4) Any part of an axle extending more than 150mm from the outside wall of a tractor's tyre must be painted fluorescent yellow or have yellow fluorescent or other high-visibility material wrapped around it.

(5) In this section—

combine harvester means an agricultural vehicle that simultaneously performs operations of reaping, threshing and winnowing grain crops.

21 Pilot vehicle requirements for agricultural vehicles or combinations

(1) An agricultural vehicle or agricultural combination wider than 3.7m but not wider than 4.5m must be accompanied by at least 1 pilot vehicle if—

(a) any part of the terrain in which it is being used limits a clear view of approaching traffic to less than 500m; or

(b) it is being used on a major road.

(2) An agricultural vehicle or agricultural combination wider than 4.5m—

(a) must be accompanied by at least 1 pilot vehicle unless paragraph (b) applies; and

(b) must be accompanied by at least 2 pilot vehicles if—

(i) any part of the terrain in which it is being used limits a clear view of approaching traffic to less than 500m; or

(ii) it is being used on a major road.

(3) Despite subsections (1) and (2), an agricultural vehicle or agricultural combination does not have to be accompanied by a pilot vehicle if it is travelling less than 500m.

22 Agricultural vehicles or combinations not to be used on freeway

(1) An agricultural vehicle or agricultural combination must not be used on a freeway.

(2) In this section—

freeway has the meaning it has for the purposes of the Road Rules.

23 Agricultural implements not to carry goods or passengers

An agricultural implement must not carry goods or passengers.

24 Speed limits for agricultural implements without brakes

An agricultural implement without brakes must not be towed by a vehicle at a speed greater than the lesser of the following—

(a) 20km/hr less than the speed limit applying to the vehicle under the Road Rules;

(b) 50km/hr.

Division 5 Pilot and escort vehicles

25 Application of Div 5

(1) This Division—

(a) applies if, under a condition in Divisions 1 to 4, a class 1 heavy vehicle must be accompanied by a pilot vehicle or escort vehicle; and

(b) prescribes requirements about the pilot vehicle or escort vehicle or its operation.

(2) A reference in this Division to a pilot vehicle or escort vehicle is taken to be a reference to a pilot vehicle or escort vehicle accompanying a class 1 heavy vehicle under a condition in Divisions 1 to 4.

26 Requirements for a pilot vehicle

(1) A pilot vehicle must have at least 4 wheels and a GVM of—

(a) no more than 4.5t unless paragraph (b) applies; or

(b) if the pilot vehicle is the rear pilot vehicle of 2 pilot vehicles that are required to accompany a class 1 heavy vehicle—no more than 6.5t.

(2) A pilot vehicle must have a warning sign attached to its roof.

(3) A pilot vehicle must only have a warning light attached—

(a) above or below the warning sign; or

(b) at each side of the warning sign.

27 Requirements for an escort vehicle

(1) An escort vehicle must have—

(a) at least 4 wheels; and

(b) a GVM of 4.5t or less; and

(c) 1 or 2 warning lights on its roof.

(2) If the vehicle is a police vehicle or transport enforcement vehicle, the warning light, instead of flashing yellow, may flash a colour that a light on the roof of an exempt vehicle is required or permitted to be under section 79 of Schedule 2 of the *Heavy Vehicle (Vehicle Standards) National Regulation*.

(3) This section does not apply to an escort vehicle that is a motor cycle driven by a police officer in the course of the officer's duty.

28 Headlights on a pilot or escort vehicle

(1) The low-beam headlights on a pilot vehicle or escort vehicle must be switched on when it is accompanying a class 1 heavy vehicle during the daytime.

(2) In this section—

low-beam, for a headlight fitted to a pilot vehicle or escort vehicle, has the meaning it has—

(a) if the pilot vehicle or escort vehicle is a heavy vehicle—in section 4 of the *Heavy Vehicle (Vehicle Standards) National Regulation*; or

(b) otherwise—for the purposes of the provisions of the light vehicle standards prescribing requirements about the headlights of the vehicle.

29 Restriction on what a pilot or escort vehicle may carry

A pilot vehicle or escort vehicle must not tow a trailer or carry goods, but it may carry equipment or substances for use in connection with the class 1 heavy vehicle it is accompanying or for restraining a load on that heavy vehicle.

30 Where a pilot vehicle must be driven

(1) If 1 pilot vehicle accompanies a class 1 heavy vehicle, the pilot vehicle must travel—

(a) behind the heavy vehicle if they are on a divided road; or

(b) in front of the heavy vehicle if they are on a road that is not divided.

(2) If 2 pilot vehicles accompany a class 1 heavy vehicle, 1 pilot vehicle must travel in front of the heavy vehicle, and the other behind it.

(3) A pilot vehicle must travel far enough away from the class 1 heavy vehicle it is accompanying to give adequate warning to other road users of the presence of the heavy vehicle, taking into account traffic speed, weather, visibility and other driving conditions.

31 Communication between drivers

(1) A class 1 heavy vehicle and any accompanying pilot vehicle or escort vehicle must have a device that allows the drivers to communicate effectively with each other.

(2) Subsection (1) does not apply—

(a) if the class 1 heavy vehicle is—

(i) an agricultural machine; or

(ii) a heavy combination that includes an agricultural machine; or

(b) in relation to a class 1 heavy vehicle accompanied by an escort vehicle that is a police vehicle.

Part 2 Exemptions granted by issuing a permit

32 Application of Pt 2

(1) This Part applies only to a class 1 heavy vehicle that is a special purpose vehicle.

(2) A reference in this Part to a special purpose vehicle is taken to be a reference to a special purpose vehicle that is a class 1 heavy vehicle.

33 Restriction on towing other vehicles

(1) A special purpose vehicle must not tow a vehicle.

(2) Subsection (1) does not apply to a crane towing a single trailer if—

(a) the crane has no more than 5 axles; and

(b) the load on the trailer includes only equipment required for the normal operation of the crane; and

(c) the swept path of the combination consisting of the crane and trailer turning a corner is not greater than what the swept path of the crane alone turning a corner would be.

Part 3 All mass or dimension exemptions

Division 1 Warning lights

34 Application of Div 1

(1) This Division—

(a) applies if a class 1 heavy vehicle, or a pilot vehicle or escort vehicle accompanying a class 1 heavy vehicle, must have 1 or more warning lights on it under a condition of the mass or dimension exemption under which the class 1 heavy vehicle is being used; and

Note—

Part 1 prescribes conditions about warning lights for class 1 heavy vehicles, or pilot vehicles or escort vehicles accompanying class 1 heavy vehicles, being used under a mass or dimension exemption granted by Commonwealth Gazette notice.

(b) prescribes requirements about the warning lights.

(2) A reference in this Division to a pilot vehicle or escort vehicle is taken to be a reference to a pilot vehicle or escort vehicle accompanying a class 1 heavy vehicle.

35 Characteristics of warning light

(1) A warning light attached to a class 1 heavy vehicle, pilot vehicle or escort vehicle, when switched on, must—

(a) emit a yellow coloured light of rotating and flashing effect; and

(b) flash between 120 and 200 times a minute; and

(c) have a power of at least—

(i) if LED technology is used— 25W; or

(ii) if another technology is used—55W; and

(d) not be a strobe light.

(2) However, subsection (1) does not apply to a warning light that—

(a) is attached to an escort vehicle that is a police vehicle or transport enforcement vehicle; and

(b) complies with the requirements of the light vehicle standards for lights attached to a vehicle of that kind.

36 Visibility of warning lights

(1) A warning light attached to a class 1 heavy vehicle, pilot vehicle or escort vehicle must be—

(a) clearly visible at a distance of 500m in all directions; or

(b) supplemented by 1 or more additional warning lights so that the light emanating from at least 1 of them is clearly visible at a distance of 500m in any direction.

(2) However, for a pilot vehicle travelling in front of a class 1 heavy vehicle, a filter may be placed behind the warning light attached to the pilot vehicle to reduce the intensity of the light directed to the driver of the heavy vehicle.

37 Switch for warning lights to be within easy reach

The switch for a warning light attached to a class 1 heavy vehicle, pilot vehicle or escort vehicle must be within easy reach of the driver in the normal driving position in the vehicle.

38 Warning lights to be on if required, and off if not

(1) A warning light attached to a class 1 heavy vehicle must only be switched on when the heavy vehicle is travelling, or is stationary in a position that is likely to cause danger to other road users.

(2) A warning light attached to a pilot vehicle or escort vehicle must be switched on when the vehicle is travelling and accompanying a class 1 heavy vehicle.

Division 2 Warning signs

Subdivision 1 Preliminary

39 Application of Div 2

(1) This Division—

(a) applies if a class 1 heavy vehicle, or a pilot vehicle accompanying a class 1 heavy vehicle, must have 1 or more warning signs on it under a condition of the mass or dimension exemption under which the class 1 heavy vehicle is being used; and

Note—

Part 1 prescribes conditions about warning signs for class 1 heavy vehicles, or pilot vehicles accompanying class 1 heavy vehicles, being used under a mass or dimension exemption granted by Commonwealth Gazette notice.

(b) prescribes requirements about the warning signs.

(2) A reference in this Division to a pilot vehicle is taken to be a reference to a pilot vehicle accompanying a class 1 heavy vehicle.

Subdivision 2 Class 1 heavy vehicles and pilot vehicles

40 Application of Sdiv 2

This Subdivision applies to both warning signs required to be on a class 1 heavy vehicle and warning signs required to be on a pilot vehicle accompanying a class 1 heavy vehicle.

41 Face of warning sign

The face of a warning sign on a class 1 heavy vehicle or pilot vehicle must have—

(a) a yellow surface complying with class 1 or 2 of AS 1906 'Retro-reflective Materials and Devices for Road Traffic Control Purposes'; and

Note—

AS 1906 'Retro-reflective Materials and Devices for Road Traffic Control Purposes' may be purchased from Standards Australia at <www.standards.org.au>.

(b) a black border that is at least 20mm wide and, unless the sign has been made with a box edge, whose outermost edge is at least 10mm in from the edge of the sign; and

(c) its manufacturer's name or trademark, and the brand and class of material used for the warning sign's surface, permanently marked in letters at least 3mm but no more than 10mm high—

(i) for a class 1 heavy vehicle—on any visible part of the sign; or

(ii) for a pilot vehicle—on any visible part of the sign other than a bottom corner.

42 Material of warning sign

(1) A warning sign on a class 1 heavy vehicle or pilot vehicle must be made of stiff, flat, weatherproof material.

Examples of material that may comply with subsection (1)—

- zincalume that is at least 0.8mm thick
- aluminium that is at least 1.6mm thick

(2) However, a warning sign on a class 1 heavy vehicle or pilot vehicle may be made of flexible, weatherproof material if the sign is—

(a) held taut; and

(b) clearly visible; and

(c) unlikely to become dislocated, furl or otherwise become difficult to read by other road users.

43 Keeping signs clean

A warning sign on a class 1 heavy vehicle or pilot vehicle must be kept clean enough so that it can be easily read by other road users.

Subdivision 3 Class 1 heavy vehicles only

44 Application of Sdiv 3

This Subdivision applies only to warning signs required to be on a class 1 heavy vehicle.

45 Size of warning sign

(1) A warning sign on a class 1 heavy vehicle must be at least 1200mm long and at least 450mm high.

(2) The length of a warning sign on a class 1 heavy vehicle may be split into 2 parts, in which case the combined length of its parts must be at least 1200mm.

46 Face of warning sign

(1) A warning sign on a class 1 heavy vehicle must show the word 'OVERSIZE', in black capital letters, and in typeface Series C(N) complying with AS 1744 'Forms of Letters and Numerals for Road Signs'.

Note—

AS 1744 'Forms of Letters and Numerals for Road Signs' may be purchased from Standards Australia at <www.standards.org.au>.

(2) The letters must be—

(a) at least 200mm high; and

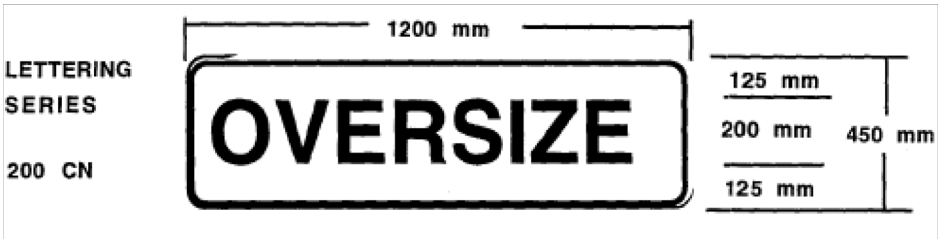
(b) at least 125mm from the top and bottom of the warning sign.

(3) If the length of the warning sign is split into 2 parts—

(a) the part fitted on the left must show the word 'OVER' and the part fitted on the right must show the word 'SIZE'; and

(b) there must be no border between the 2 parts, despite section 41(b).

Example of a warning sign for an oversize vehicle or combination—



47 Fitting warning sign

(1) A warning sign on a class 1 heavy vehicle must be fitted horizontally.

(2) The lower edge of the warning sign must be—

(a) above the bottom of the bumper bar; or

(b) if there is no bumper bar—at least 500mm above ground level.

(3) If the length of the warning sign is split into 2 parts, each part must be fitted at the same height as the other.

Subdivision 4 Pilot vehicles only

48 Application of Sdiv 4

This Subdivision applies only to warning signs required to be on a pilot vehicle accompanying a class 1 heavy vehicle.

49 Size and shape of warning sign

(1) A warning sign on a pilot vehicle must be at least 1200mm long and at least 600mm high.

(2) The warning sign may have bottom corner cut-outs not more than 150mm wide and not more than 100mm high if they are needed for fitting the warning sign to the pilot vehicle.

50 Faces of warning sign

(1) Both faces of a warning sign on a pilot vehicle must show—

(a) the word 'OVERSIZE', in black capital letters at least 200mm high, and complying with AS 1744 'Forms of Letters and Numerals for Road Signs', in typeface Series C(N); and

(b) the words 'LOAD AHEAD', in black capital letters at least 100mm high, and complying with AS 1744 'Forms of Letters and Numerals for Road Signs', in typeface Series D(N).

Note—

AS 1744 'Forms of Letters and Numerals for Road Signs' may be purchased from Standards Australia at <www.standards.org.au>.

(2) The bottom of the letters of the word 'OVERSIZE' must be at least 300mm from the bottom of the warning sign.

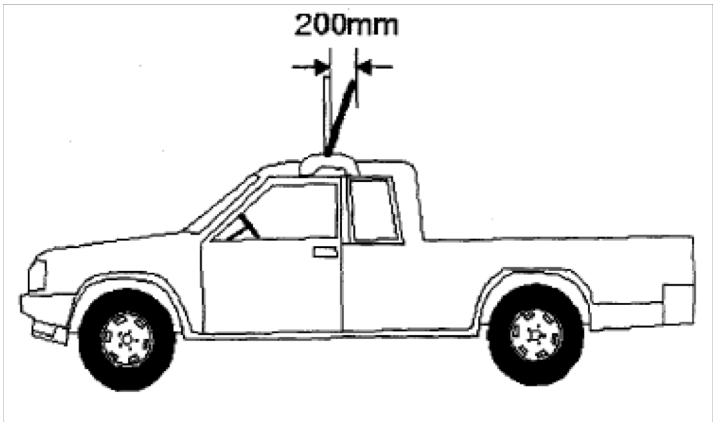
(3) The bottom of the letters of the words 'LOAD AHEAD' must be at least 100mm from the bottom of the warning sign.

Example of a warning sign for a pilot vehicle—

51 Fitting warning sign

A warning sign on a pilot vehicle must not lean back so that there is more than 200mm measured horizontally from the top of the sign to a vertical line running through the bottom of the sign.

Example—



maximum slant of warning sign

Schedule 9 Imposition of road conditions in relation to a class 2 heavy vehicle

section 44

Kind of road condition	Circumstances for imposing the kind of road condition
requirements about the types of loads that a heavy vehicle may carry	if an area or route is not suitable for access by all or stated categories of class 2 heavy vehicles but access is needed for vehicles that service an industry local to the area or route to carry specified loads, such as grain or sugar cane
restrictions on turning in a given direction	if the road alignment or geometry is not conducive to all or stated categories of class 2 heavy vehicles making a turn in a given direction safely or without undue risk to road infrastructure
requirements about the permissible mass of a heavy vehicle (including its equipment) or a component or load of a heavy vehicle, including for specified axles or axle groups or axle spacings, including requirements about maximum or minimum mass limits or for the vehicle to be unladen or for the stated category of class 2 heavy vehicle to not be able to be used at higher mass limits on a stated area or route	if it is necessary to protect vulnerable road infrastructure from excessive rates of wear and damage caused by excessive mass if it is necessary to protect vulnerable road infrastructure from mass that is insufficient to ensure that drive axles maintain traction with the road pavement if specifying vehicle load distribution is necessary to protect road infrastructure from excessive rates of wear or damage by ensuring adequate drive axle traction on steep inclines

Kind of road condition	Circumstances for imposing the kind of road condition
conditions about which lane or lanes a heavy vehicle may or may not be used on	if there is a demonstrated and significant elevated risk of wear or damage to road infrastructure relative to travelling in another lane or lanes in a specified area or route if a significant benefit to road infrastructure will result from imposing the condition, such as travelling through roundabouts or helping to prevent collision with roadside furniture, poles and signs if a reduction in traffic congestion will result from imposing the condition if a specified section of road has been assessed as unsafe for all or stated categories of class 2 heavy vehicles to overtake other vehicles and it is necessary to restrict such vehicles to operating in specified lanes
requirements about minimum spacing between all or stated categories of class 2 heavy vehicles when travelling on a specified area or route	if there is a demonstrated and significant elevated risk of wear or damage to road infrastructure arising from all or stated categories of class 2 heavy vehicles travelling in close proximity to other class 2 heavy vehicles if road conditions make attempts by other motorists to overtake all or stated categories of class 2 heavy vehicles more likely (such as on inclines where the heavy vehicles may be unable to keep pace with general traffic), but where travelling in close proximity to other heavy vehicles would make such overtaking attempts more difficult or less safe
restrictions on proceeding past a nominated point on a road until the driver has ascertained that it is safe to do so	if there are sections of road with limited forward visibility and insufficient width for more than one vehicle to pass safely, including narrow stretches of road and single lane bridges
conditions about the maximum speed at which all or stated categories of class 2 heavy vehicles may be driven in or on a stated area, road or route, being lower than the speed limit applying to other traffic in that area	if there are sections of road in an area that is built up or within town limits with high pedestrian or vehicle traffic and the use of all or stated categories of class 2 heavy vehicles at the speed limit applying to other traffic in that area is a greater safety risk than for other vehicle categories if it is necessary to minimise wear and damage to unsealed road surfaces when wet or dusty or in other poor weather conditions if there is an elevated risk of loss of vehicle control, including from steep or winding descents if there is an elevated risk to road safety generally if a route is a school bus route

Kind of road condition	Circumstances for imposing the kind of road condition
requirements to yield to other vehicles, being in addition to requirements under the Road Rules	if it is necessary to manage traffic flow to minimise traffic congestion, such as in ferry boarding and unloading areas where priority loading or parking is required if it is necessary to manage traffic flow on narrow roads to allow another vehicle to pass or at intersections where all or stated categories of class 2 heavy vehicles may need to use opposing traffic lanes to negotiate a corner if road infrastructure or traffic conditions make overtaking all or stated categories of class 2 heavy vehicles unsafe or where it would contribute to increased traffic congestion, such as where the heavy vehicle was unable to keep pace with general traffic (for example, on steep inclines)
restrictions on travelling during stated periods or stated weather conditions	during the wet season when roads in an area or route are in such condition that it would be unsafe for all or stated categories of class 2 heavy vehicles to be used on those roads or where such use would contribute to unacceptable damage to road infrastructure if there are specified weather conditions and it would be unsafe for all or stated categories of class 2 heavy vehicles to be used on roads in an area or route or where such use would contribute to unacceptable damage to road infrastructure

Schedule 10 Reviewable decisions

section 45

Part 1 Decisions of the Regulator

Section under which decision made	Description of decision
section 20	decision of Regulator not to issue an HML permit other than because a relevant road manager for the permit did not consent to the issue
section 20	decision of Regulator to issue an HML permit for a period less than the period of not more than 3 years sought by the applicant
section 24	decision of Regulator to impose on an HML permit a condition not sought by the applicant and not a road condition required by a relevant road manager for the permit
section 29	decision of Regulator to amend or cancel an HML permit
section 35	decision of Regulator not to give a replacement permit for an HML permit

Part 2 Decisions of relevant road managers

Section under which decision made	Description of decision
section 23	decision of a relevant road manager for an HML permit, that is a public authority, not to consent to the issue of the permit
section 23	decision of a relevant road manager for an HML permit, that is a public authority, to consent to the issue of the permit on the condition that a road condition be imposed on the permit
section 31	decision of relevant road manager for an HML permit, that is a public authority, to request the amendment or cancellation of an HML permit

ENDNOTES

1 Made by the Queensland Governor, as defined under section 730(5) of the Heavy Vehicle National Law, acting with the advice of the Executive Council of Queensland, on . . .

2 Published on the NSW legislation website in accordance with Part 6A of the *Interpretation Act 1987* of NSW on . . .

3 Laid before the Legislative Assembly on . . .

4 The administering agency is the Heavy Vehicle National Regulator.

Queensland

Heavy Vehicle (Fatigue Management) National Regulation

Subordinate Legislation 2013 No. ...

made under the

Heavy Vehicle National Law as applied by the Heavy Vehicle National Law Act 2012 (Qld) and by the law of States and Territories

Contents

Part 1 Preliminary

1 Short title

This Regulation may be cited as the *Heavy Vehicle (Fatigue Management) National Regulation*.

2 Commencement

This Regulation commences in a participating jurisdiction on the day on which Chapter 6 of the Law commences in that jurisdiction.

Note—

In this Regulation, a reference to 'the Law' is a reference to the Heavy Vehicle National Law. See section 12(2) of Schedule 1 of the Heavy Vehicle National Law.

3 Definition

In this Regulation—

long/night work time means any work time—

(a) in excess of 12 hours in a 24 hour period; or

(b) between 12 midnight and 6am (or the equivalent hours in the time zone of the driver's base if the driver is on a journey in a fatigue-regulated heavy vehicle).

Examples—

- a period of working for 53 minutes in excess of 12 hours in a 24 hour period counts as 1 hour of long/night work time.
- a period of working for 141 minutes between 12 midnight and 3 am counts as $2^{1}/_{2}$ hours of long/night work time.

4 Interpretation provisions

(1) Terms used in this Regulation and Chapter 1 or 6 of the Law have the same meanings in this Regulation as they have in Chapter 1 or 6 of the Law.

(2) To avoid doubt, sections 244 to 248 of the Law applies when counting time in a period mentioned in the Tables in the Schedules.

Example—

A reference in column 1 of a Table in the Schedules to any period of a particular number of hours or days is a reference to that number of hours or days as determined by applying section 247 of the Law.

Part 2 Maximum work requirements and minimum rest requirements

Division 1 Standard hours

5 Standard hours—solo drivers

(1) Table 1 in Schedule 1 sets out the standard hours for the solo driver of a fatigue-regulated heavy vehicle.

(2) For each period stated in column 1—

(a) column 2 states the maximum work time for the driver; and

(b) column 3 states the minimum rest time for the driver.

Note—

Column 3 refers to a block of time unless blocks of time are referred to. Each night rest break is a block of time.

(3) A contravention of section 250(1) of the Law for any period stated in column 1 is a breach of the risk category stated in column 4 for the circumstance of the contravention.

(4) In this section, a reference to a column by number is a reference to the column of that number in Table 1 in Schedule 1.

6 Standard hours—solo drivers of fatigue-regulated buses

(1) Table 2 in Schedule 1 sets out the standard hours for the solo driver of a fatigue-regulated bus.

(2) For each period stated in column 1—

(a) column 2 states the maximum work time for the driver; and

(b) column 3 states the minimum rest time for the driver.

Note—

Column 3 refers to a block of time unless blocks of time are referred to. Each night rest break is a block of time.

(3) A contravention of section 250(1) of the Law for any period stated in column 1 is a breach of the risk category stated in column 4 for the circumstance of the contravention.

(4) In this section, a reference to a column by number is a reference to the column of that number in Table 2 in Schedule 1.

7 Options about standard hours for solo driver of a fatigue-regulated bus

The solo driver of a fatigue-regulated bus may operate under either, but not both, of the following—

(a) the standard hours under section 5;

(b) the standard hours under section 6.

8 Standard hours—two-up drivers

(1) Table 3 in Schedule 1 sets out the standard hours for the driver of a fatigue-regulated heavy vehicle who is a party to a two-up driving arrangement.

(2) For each period stated in column 1—

(a) column 2 states the maximum work time for the driver; and

(b) column 3 states the minimum rest time for the driver.

Note—

Column 3 refers to a block of time unless blocks of time are referred to. Each night rest break is a block of time.

(3) A contravention of section 251(1) of the Law for any period stated in column 1 is a breach of the risk category stated in column 4 for the circumstance of the contravention.

(4) In this section, a reference to a column by number is a reference to the column of that number in Table 3 in Schedule 1.

Division 2 BFM hours

9 BFM hours—solo drivers

(1) Table 1 in Schedule 2 sets out the BFM hours for a solo driver of a fatigue-regulated heavy vehicle.

(2) For each period stated in column 1—

(a) column 2 states the maximum work time for the driver; and

(b) column 3 states the minimum rest time for the driver.

Note—

Column 3 refers to a block of time unless blocks of time are referred to. Each night rest break is a block of time.

(3) A contravention of section 254(1) of the Law for any period stated in column 1 is a breach of the risk category stated in column 4 for the circumstance of the contravention.

(4) In this section, a reference to a column by number is a reference to the column of that number in Table 1 in Schedule 2.

10 BFM hours—two-up drivers

(1) Table 2 in Schedule 2 sets out the BFM hours for the driver of a fatigue-regulated heavy vehicle who is a party to a two-up driving arrangement.

(2) For each period stated in column 1—

(a) column 2 states the maximum work time for the driver; and

(b) column 3 states the minimum rest time for the driver.

Note—

Column 3 refers to a block of time unless blocks of time are referred to. Each night rest break is a block of time.

(3) A contravention of section 256(1) of the Law for any period stated in column 1 is a breach of the risk category stated in column 4 for the circumstance of the contravention.

(4) In this section, a reference to a column by number is a reference to the column of that number in Table 2 in Schedule 2.

Division 3 AFM hours

11 Risk category for contraventions of AFM hours

(1) A contravention of section 258(1) of the Law is a breach of the following risk category—

(a) for a contravention, other than an escalated risk contravention, for a period stated in column 1 of the Table in Part 1 of Schedule 4—the risk category stated in column 2 of the Table for the circumstance of the contravention;

(b) for an escalated risk contravention for a period stated in column 1 of Table 2 in Part 2 of Schedule 4—the risk category stated in column 2 of the Table for the circumstance of the contravention;

(2) In this section—

escalated risk contravention means a contravention involving a driver, for a period stated in column 1 of Table 1 in Part 2 of Schedule 4—

(a) working for more than the maximum work time stated in column 2 of the Table for the period; or

(b) resting for less than the minimum rest time stated in column 3 of the Table for the period.

Division 4 Exemption hours

12 Risk category for contraventions of exemption hours

A contravention of section 260(1) of the Law for any period of exemption hours that is stated in column 1 of the Table in Schedule 5 is a breach of the risk category stated in column 2 of the Table for the circumstance of the contravention.

Part 3 Work diary requirements

Division 1 Information to be included in work diary

13 Application of Div 1

(1) This Part applies for the purposes of Subdivision 2 of Division 2 of Part 6.4 of the Law.

(2) A reference in a provision of this Part —

(a) to a day for which information must be recorded under the provision; or

(b) generally to a day for which information must be recorded;

is a reference to a day to which section 294 of the Law applies.

Note—

Section 294 of the Law must be read with section 289 of the Law.

14 How information requirements apply to a day

(1) In this Part, the requirement to record information for a day continues to apply for each period of work time and rest time the driver has on that day.

(2) However, if the driver stops working on a day and starts a rest break that will continue until the end of the day, the driver may stop recording information for the day when the driver stops working and starts the rest break.

15 Information to be recorded immediately after starting work

(1) Immediately after starting work on a day, the driver must record—

(a) the day of the week and date; and

(b) the registration number of the fatigue-regulated heavy vehicle; and

(c) the driver's name; and

(d) the driver's current driver licence number; and

(e) whether the driver is operating under—

(i) standard hours (including whether the driver is operating under standard hours for solo drivers of a fatigue-regulated bus); or

(ii) BFM hours; or

(iii) AFM hours; or

(iv) exemption hours; and

(f) whether the driver is a solo driver or operating under a two-up driving arrangement; and

(g) if the driver is operating under an operator's BFM accreditation or a work and rest hours exemption

(permit) granted in combination with an operator's BFM accreditation—the accreditation number for the operator's BFM accreditation, unless the driver has previously recorded the number and it is still current; and

(h) if the driver is operating under an operator's AFM accreditation or a work and rest hours exemption (permit) granted in combination with an operator's AFM accreditation—the accreditation number for the operator's AFM accreditation, unless the driver has previously recorded the number and it is still current; and

(i) the address of the driver's base, unless the driver has previously recorded the address in relation to the work and it is still current; and

(j) the address of the driver's record location, unless the driver has previously recorded the address and it is still current; and

(k) the time zone of the driver's base.

(2) For subsection (1), the driver must record the information immediately before the first change from work to rest or immediately after the first change from rest to work, whichever happens earlier on the day.

(3) In this section—

accreditation number, for a BFM accreditation or AFM accreditation, means the number identifying the accreditation given to the holder of the accreditation—

(a) under section 464 of the Law; or

(b) for a BFM accreditation or AFM accreditation granted under another law of a participating jurisdiction, under that law.

16 Information to be recorded in relation to a work and rest change

(1) The driver must record the information mentioned in subsections (2) to (5) in relation to a work and rest change—

(a) immediately before or after the change; or

(b) if the day on which the change happens—

(i) is not, at the time of the change, a day for which information must be recorded; but

(ii) at a later time (the ***later time***) becomes a day for which information must be recorded;

as soon as practicable after the later time.

Example—

A driver starts work for a day at 11am, undertaking 100km work under standard hours. Under section 294 of the Law, the driver does not have to record information in a work diary.

At 1.30pm the driver arranges with the driver's employer to undertake a journey that day that will take the driver outside the 100km radius from the driver's base. The driver must then start recording information required under this section in relation to each work and rest change that later happens on the day.

The driver must also, as soon as practicable, record the information required under this section in relation to each work and rest change that happened from the start of work at 11am.

(2) In relation to a work and rest change on a day, the driver must record—

(a) whether the change was—

(i) a change from work time to rest time; or

(ii) a change from rest time to work time; or

(iii) a change from being a solo driver to being a driver who is a party to a two-up driving arrangement; or

(iv) a change from being a driver who is a party to a two-up driving arrangement to being a solo driver; and

(b) the time of the work and rest change; and

(c) the place of the work and rest change; and

(d) the odometer reading at the time of the work and rest change, if an odometer is fitted to the fatigue-regulated vehicle; and

(e) the registration number of the fatigue-regulated vehicle, unless—

(i) the registration number has already been recorded for the day in the diary; and

(ii) the driver has not changed vehicles since the record was made.

(3) In relation to a work and rest change on a day, the driver must also record the work time or rest time spent anywhere by the driver since—

(a) the previous work and rest change on the day; or

(b) if there was no previous work and rest change on the day—the start of the day.

(4) If—

(a) subsection (3(b) applies in relation to a particular work and rest change; and

(b) the preceding day was a day for which information must be recorded; and

(c) the last work and rest change during the preceding day was from rest to work;

the driver must also record the work time since that change to the end of the preceding day.

(5) For work time or rest time recorded under subsection (3) and (4), the driver must record whether it was under a two-up driving arrangement.

(6) The driver need not comply with subsection (2)(c) and (d) for a change from rest to work if—

(a) the start and end of the rest time are on the same day; and

(b) the place and the odometer readings have not changed since the driver recorded them at the start of the rest time.

17 Recording of two-up driver details

(1) Immediately before or after—

(a) the driver becomes a party to a two-up driving arrangement on a day; or

(b) the first work and rest change on a day in which the driver is a party to a two-up driving arrangement the driver entered into on a preceding day;

the driver must record the information mentioned in subsection (2) about the other driver in the two-up driving arrangement.

(2) The information is—

(a) the other driver's name; and

(b) the other driver's current driver licence number and the jurisdiction in which the licence was issued; and

(c) the unique identifying page number on the daily sheet in the other driver's work diary where the other driver has recorded information for the day.

(3) Subsection (2)(c) does not apply if—

(a) the driver is recording information in an electronic work diary the driver shares with the other driver; or

(b) the other driver is recording information in a supplementary record under Subdivision 4 of Division 2 of Part 6.4 of the Law.

(4) A driver who is a party to a two-up driving arrangement must—

(a) for the purposes of section 299 of the Law—at the request of the other driver, provide the other driver with any details the other driver needs to be able to comply with subsection (1); and

(b) for the purposes of section 301(e)(ii) of the Law—sign the other driver's work diary immediately after the information mentioned in subsection (2) is recorded under subsection (1).

(5) In this section—

unique identifying page number means the number on a work diary daily sheet that contains the unique identifying number of the work diary combined with the page number for the daily sheet.

18 Information to be recorded after change of base, record location or accreditation

(1) For any change on a day of the driver's base, record location or the accreditation number of the accreditation the driver operates under, the driver must record—

(a) for a change of the driver's base—the date of the change and the address of the new base; or

(b) for a change of the driver's record location—the date of the change and the address of the new record location; or

(c) for a change in the accreditation number—the date of the change and the new number.

(2) The information mentioned in subsection (1)(a), (b) or (c) must be recorded as soon as practicable after the change happens.

(3) In this section—

accreditation number has the same meaning as it has in section 15.

driver's base means the driver's base relevant to work mentioned in section 294(1)(a) and (b) of the Law.

record location means the driver's record location relevant to work mentioned in section 294(1)(a) and (b) of the Law.

Note—

The section relates only to a base or record location relevant to work mentioned in section 294(1)(a) and (b) of the Law, as opposed to other work about which information may have to be recorded only because it happens on the same day as work mentioned in section 294(1)(a) or (b) of the Law.

19 Recording of total work time and total rest time had on a day

(1) The driver must record for a day the total of the work time and the total of the rest time that the driver has had that day (the ***relevant day***).

(2) The driver must make the record under subsection (1) before or at the time the earlier of the following happens—

(a) the first work and rest change the driver has on a day, after the relevant day, for which the driver has to record information;

(b) the driver is required to comply with section 322 or 341 of the Law in relation to records the driver is required to make or keep for the relevant day.

Notes—

1 If the driver's record keeper is a person other than the driver, section 322(2) of the Law requires a copy of recorded information to be given to the record keeper within 21 days.

2 If the driver is his or her own record keeper, section 341(4) of the Law requires the record or a copy of the record to be available within 21 days at the driver's record location.

Division 2 How information must be recorded in a work diary

20 Application of Div 2

This Part applies for the purposes of Subdivision 3 of Division 2 of Part 6.4 of the Law.

21 Signing and dating daily work sheet

(1) This section applies for the purposes of section 301(e)(i) of the Law.

(2) The driver must comply with section 301(e)(i) of the Law in relation to a daily sheet for a day (the ***relevant day***) before or at the time the earlier of the following happens—

(a) the first work and rest change the driver has on a day, after the relevant day, for which the driver has to record information;

(b) the driver is required to comply with section 322 or 341 of the Law in relation to records the driver is required to make or keep for the relevant day.

Notes—

1 If the driver's record keeper is a person other than the driver, section 322(2) of the Law requires a copy of recorded information to be given to the record keeper within 21 days.

2 If the driver is his or her own record keeper, section 341(4) of the Law requires the record or a copy of the record to be available within 21 days at the driver's record location.

Part 4 Other provisions

22 Multiple minimum rest time requirements

(1) This section applies to each Table in Schedule 1 or 2.

(2) A minimum rest time requirement can be fulfilled concurrently with any other minimum rest time requirement, if the rest period taken meets the requirements of each minimum rest time requirement.

(3) However, under subsection (2)—

(a) a '2 night rest breaks' requirement can not be fulfilled concurrently with a '2 night rest breaks taken on consecutive days' requirement; and

(b) a '24 continuous hours stationary rest time' requirement can not be fulfilled concurrently with a '24 hours stationary rest time in blocks of at least 7 continuous hours' requirement; and

(c) a '24 continuous hours stationary rest time taken after no more than 84 hours work time' requirement can not be fulfilled concurrently with a '24 continuous hours stationary rest time' requirement.

(4) Examples of the operation of subsections (2) and (3) are in Schedule 3.

(5) In this section—

minimum rest time requirement means a requirement for a minimum rest time stated in column 3 of a Table.

23 Prescribed driver offence or fatigue duty under another law

(1) This section applies for the definitions in sections 228(4) and 229(5) of the Law.

(2) The following laws are prescribed for the definitions—

- *Work Health and Safety Act 2011* (ACT)
- *Work Health and Safety Act 2011* (NSW)
- *Work Health and Safety (National Uniform Legislation) Act 2011* (NT)
- *Work Health and Safety Act 2011* (Qld)
- *Work Health and Safety Act 2012* (SA)
- *Work Health and Safety Act 2012* (Tas)
- *Occupational Health and Safety Act 2004* (Vic)
- *Occupational Health and Safety Act 1984* (WA)

24 Odometer requirements

(1) This section applies for the purposes of section 396 of the Law.

(2) If an odometer (an ***original odometer***) was fitted to a fatigue-regulated heavy vehicle at the time of the vehicle's manufacture, the owner—

(a) must have an odometer (whether the original or another odometer) fitted to the vehicle that complies with subsection (3); and

(b) must maintain the odometer as stated in subsection (4).

(3) The odometer must have a display that shows the cumulative distance travelled by the vehicle since—

(a) the odometer was fitted; or

(b) a necessary repair was carried out on the odometer that resulted in a change to the distance shown on the display; or

(c) the odometer display reached the limit of the distance able to be displayed and reset to zero.

(4) The owner must maintain the odometer to a standard where the display shows the distance travelled to an accuracy of ±10%.

25 Matters authorised officer must have regard to in requiring fatigued driver to stop work

(1) This section applies for the purposes of section 540 of the Law.

(2) In deciding the period for which a driver of a fatigue-regulated heavy vehicle will be required to not work again under section 540(2)(a) of the Law, an authorised officer must have regard to the following matters—

(a) a period of 7 hours should be considered the minimum reasonable period of rest;

(b) a period of 24 hours should be considered a reasonable period of rest.

26 Examples for how to take reasonable steps—identifying and assessing aspects of activities that may lead to contraventions

(1) This section applies for the purposes of sections 623 and 624(1)(a) of the Law.

(2) The following are examples of ways a person may identify and assess the aspects of the activities of the person, and relevant drivers for the person, that may lead to a relevant contravention by a relevant driver for the person—

(a) reviewing driving or work schedules and work records (including reviewing opportunities for rest time) of relevant drivers for the person;

(b) reviewing loading and unloading times and delays at loading and unloading places;

(c) reviewing contractual arrangements and documentation relating to the consignment and delivery of goods;

(d) regularly assessing and monitoring work health and safety practices;

(e) regularly assessing fitness for duty of relevant drivers for the person;

(f) analysing injury and incident reports;

(g) consulting the following about ways of identifying and assessing the aspects—

(i) the relevant drivers for the person;

(ii) each other party in the chain of responsibility for the vehicle;

(iii) industry bodies;

(iv) unions.

27 Examples for how to take reasonable steps—eliminating or minimising risks of contraventions

(1) This section applies for the purposes of sections 623 and 624(1)(b) of the Law.

(2) The following are examples of measures a person may take to eliminate or minimise the risks of aspects of activities of the person, or relevant drivers for the person, leading to a relevant contravention by the person or a relevant driver for the person—

(a) having workplace procedures and policies relating to fatigue and compliance with maximum work requirements and minimum rest requirements;

(b) contingency planning in relation to fatigue and compliance with maximum work requirements and minimum rest requirements;

(c) having a program to report and monitor fatigue-regulated incidents, risks and hazards;

(d) having a program for assessing fitness for duty of relevant drivers for the person;

(e) having training and information about fatigue and compliance with maximum work requirements and minimum rest requirements for relevant drivers for the person, the person's staff and other parties in the chain of responsibility for the vehicle;

(f) having appropriate supervision and management of relevant drivers for the person, the person's staff and other parties in the chain of responsibility for the vehicle;

(g) scheduling arrangements that have regard to fatigue risks and work and rest hours options;

(h) allowing for traffic or other delays in scheduling;

(i) having a system for giving sufficient notice of schedule changes to relevant drivers for the person;

(j) having a system to maintain equipment, work systems and work records;

(k) having terms in commercial arrangements with the other parties in the chain of responsibility for the vehicle that are designed to ensure compliance by the parties with laws about fatigue management applying to the parties;

(l) avoiding incentives or demands in commercial arrangements that may cause fatigue or breaches of maximum work requirements and minimum rest requirements;

(m) having a system for monitoring and remedying problems related to fatigue and compliance with maximum work requirements and minimum rest requirements.

Schedule 1 Standard hours and risk categories for contraventions of standard hours

sections 5, 6 and 8

Table 1 Standard hours—solo driver of fatigue-regulated heavy vehicle

Column 1 Total period	Column 2 Maximum work time	Column 3 Minimum rest time	Column 4 Category of breach	
			Circumstance of contravention	Risk category
In any period of ...	*... a driver must not work for more than ...*	*... a driver must not rest for less than ...*	*If in that period a driver has …*	*… the following category of breach is committed…*
5 1/2 hours	5 1/4 hours work time	15 continuous minutes rest time	> 5 1/4 hours work time	minor risk breach
8 hours	7 1/2 hours work time	30 minutes rest time, in blocks of 15 continuous minutes	> 7 1/2 hours work time	minor risk breach
11 hours	10 hours work time	60 minutes rest time, in blocks of 15 continuous minutes	≤ 10 3/4 hours work time > 10 3/4 hours work time	minor risk breach substantial risk breach
24 hours	12 hours work time		≤ 12 3/4 hours work time	minor risk breach

Column 1 Total period	Column 2 Maximum work time	Column 3 Minimum rest time	Column 4 Category of breach	
			Circumstance of contravention	**Risk category**
			> $12^{3}/_{4}$ but not > $13^{1}/_{4}$ hours work time	substantial risk breach
			> $13^{1}/_{4}$ but not > $13^{1}/_{2}$ hours work time	severe risk breach
			> $13^{1}/_{2}$ hours work time	critical risk breach
		7 continuous hours stationary rest time	< 7 but not < $6^{1}/_{4}$ continuous hours stationary rest time	minor risk breach
			< $6^{1}/_{4}$ but not < $5^{3}/_{4}$ continuous hours stationary rest time	substantial risk breach
			< $5^{3}/_{4}$ but not < $5^{1}/_{2}$ continuous hours stationary rest time	severe risk breach
			< $5^{1}/_{2}$ continuous hours stationary rest time	critical risk breach
7 days (168 hours)	72 hours work time		≤ $73^{1}/_{2}$ hours work time	minor risk breach
			> $73^{1}/_{2}$ but not > $74^{1}/_{2}$ hours work time	substantial risk breach

Column 1 Total period	Column 2 Maximum work time	Column 3 Minimum rest time	Column 4 Category of breach	
			Circumstance of contravention	**Risk category**
			> 74½ but not > 75 hours work time	severe risk breach
			> 75 hours work time	critical risk breach
		24 continuous hours stationary rest time	< 24 but not < 23¼ continuous hours stationary rest time	minor risk breach
			< 23¼ but not < 22¾ continuous hours stationary rest time	substantial risk breach
			< 22¾ but not < 22½ continuous hours stationary rest time	severe risk breach
			< 22½ continuous hours stationary rest time	critical risk breach
14 days (336 hours)	144 hours work time		≤ 145½ hours work time	minor risk breach
			> 145½ but not > 146½ hours work time	substantial risk breach
			> 146½ but not > 147 hours work time	severe risk breach

Column 1 Total period	Column 2 Maximum work time	Column 3 Minimum rest time	Column 4 Category of breach	
			Circumstance of contravention	**Risk category**
			> 147 hours work time	critical risk breach
		(a) 2 night rest breaks; and	< 7 but not < $6^1/_4$ continuous hours stationary rest time for a block	minor risk breach
			< $6^1/_4$ but not < $5^3/_4$ continuous hours stationary rest time for a block	substantial risk breach
			< $5^3/_4$ but not < $5^1/_2$ continuous hours stationary rest time for a block	severe risk breach
			< $5^1/_2$ continuous hours stationary rest time for a block	critical risk breach
		(b) 2 night rest breaks taken on consecutive days	< 7 but not < $6^1/_4$ continuous hours stationary rest time for a block	minor risk breach
			< $6^1/_4$ but not < $5^3/_4$ continuous hours stationary rest time for a block	substantial risk breach

Column 1 Total period	Column 2 Maximum work time	Column 3 Minimum rest time	Column 4 Category of breach	
			Circumstance of contravention	Risk category
			< $5^{3}/_{4}$ but not < $5^{1}/_{2}$ continuous hours stationary rest time for a block	severe risk breach
			< $5^{1}/_{2}$ continuous hours stationary rest time for a block	critical risk breach

Table 2 Standard hours—solo driver of a fatigue-regulated bus

Column 1 Total period	Column 2 Maximum work time	Column 3 Minimum rest time	Column 4 Category of breach	
			Circumstance of contravention	Risk category
In any period of ...	*... a driver must not work for more than ...*	*... a driver must not rest for less than ...*	*If in that period a driver has …*	*… the following category of breach is committed…*
$5^{1}/_{2}$ hours	$5^{1}/_{4}$ hours work time	15 continuous minutes rest time	> $5^{1}/_{4}$ hours work time	minor risk breach
8 hours	$7^{1}/_{2}$ hours work time	30 minutes rest time, in blocks of 15 continuous minutes	> $7^{1}/_{2}$ hours work time	minor risk breach

Column 1 Total period	Column 2 Maximum work time	Column 3 Minimum rest time	Column 4 Category of breach	
			Circumstance of contravention	Risk category
11 hours	10 hours work time	60 minutes rest time, in blocks of 15 continuous minutes	≤ $10^{3}/_{4}$ hours work time	minor risk breach
			> $10^{3}/_{4}$ hours work time	substantial risk breach
24 hours	12 hours work time		≤ $12^{3}/_{4}$ hours work time	minor risk breach
			> $12^{3}/_{4}$ but not > $13^{1}/_{4}$ hours work time	substantial risk breach
			> $13^{1}/_{4}$ but not > $13^{1}/_{2}$ hours work time	severe risk breach
			> $13^{1}/_{2}$ hours work time	critical risk breach
		7 continuous hours stationary rest time	< 7 but not < $6^{1}/_{4}$ continuous hours stationary rest time	minor risk breach
			< $6^{1}/_{4}$ but not < $5^{3}/_{4}$ continuous hours stationary rest time	substantial risk breach
			< $5^{3}/_{4}$ but not < $5^{1}/_{2}$ continuous hours stationary rest time	severe risk breach
			< $5^{1}/_{2}$ continuous hours stationary rest time	critical risk breach

Column 1 Total period	Column 2 Maximum work time	Column 3 Minimum rest time	Column 4 Category of breach	
			Circumstance of contravention	Risk category
7 days (168 hours)		6 night rest breaks	< 7 but not < $6^1/_4$ continuous hours stationary rest time for a block	minor risk breach
			< $6^1/_4$ but not < $5^3/_4$ continuous hours stationary rest time for a block	substantial risk breach
			< $5^3/_4$ but not < $5^1/_2$ continuous hours stationary rest time for a block	severe risk breach
			< $5^1/_2$ continuous hours stationary rest time for a block	critical risk breach
28 days (672 hours)	288 hours work time		≤ $289^1/_2$ hours work time	minor risk breach
			> $289^1/_2$ but not > $290^1/_2$ hours work time	substantial risk breach
			> $290^1/_2$ but not > 291 hours work time	severe risk breach
			> 291 hours work time	critical risk breach

Column 1 Total period	Column 2 Maximum work time	Column 3 Minimum rest time	Column 4 Category of breach	
			Circumstance of contravention	Risk category
		4 blocks of 24 continuous hours stationary rest time	< 24 but not < $23^{1}/_{4}$ continuous hours stationary rest time for a block	minor risk breach
			< $23^{1}/_{4}$ but not < $22^{3}/_{4}$ continuous hours stationary rest time for a block	substantial risk breach
			< $22^{3}/_{4}$ but not < $22^{1}/_{2}$ continuous hours stationary rest time for a block	severe risk breach
			< $22^{1}/_{2}$ continuous hours stationary rest time for a block	critical risk breach

Table 3 Standard hours—two-up driver of fatigue-regulated heavy vehicle

Column 1 Total period	Column 2 Maximum work time	Column 3 Minimum rest time	Column 4 Category of breach	
			Circumstance of contravention	Risk category
In any period of ...	*... a driver must not work for more than ...*	*... a driver must not rest for less than ...*	*If in that period a driver has …*	*… the following category of breach is committed…*
$5^1/_2$ hours	$5^1/_4$ hours work time	15 continuous minutes rest time	> $5^1/_4$ hours work time	minor risk breach
8 hours	$7^1/_2$ hours work time	30 minutes rest time, in blocks of 15 continuous minutes	> $7^1/_2$ hours work time	minor risk breach
11 hours	10 hours work time	60 minutes rest time, in blocks of 15 continuous minutes	≤ $10^3/_4$ hours work time	minor risk breach
			> $10^3/_4$ hours work time	substantial risk breach
24 hours	12 hours work time		≤ $12^3/_4$ hours work time	minor risk breach
			> $12^3/_4$ but not > $13^1/_4$ hours work time	substantial risk breach
			> $13^1/_4$ but not > $13^1/_2$ hours work time	severe risk breach

Column 1 Total period	Column 2 Maximum work time	Column 3 Minimum rest time	Column 4 Category of breach	
			Circumstance of contravention	Risk category
			> 13 1/2 hours work time	critical risk breach
		5 continuous hours stationary rest time, or 5 continuous hours rest time in an approved sleeper berth while the vehicle is moving	< 5 but not < 4 1/4 continuous hours of the relevant rest time	minor risk breach
			< 4 1/4 but not < 3 3/4 continuous hours of the relevant rest time	substantial risk breach
			< 3 3/4 but not < 3 1/2 continuous hours of the relevant rest time	severe risk breach
			< 3 1/2 continuous hours of the relevant rest time	critical risk breach
52 hours		10 continuous hours stationary rest time	< 10 but not < 9 1/4 continuous hours stationary rest time	minor risk breach
			< 9 1/4 but not < 8 3/4 continuous hours stationary rest time	substantial risk breach

Column 1 Total period	Column 2 Maximum work time	Column 3 Minimum rest time	Column 4 Category of breach	
			Circumstance of contravention	Risk category
			< $8^{3}/_{4}$ but not < $8^{1}/_{2}$ continuous hours stationary rest time	severe risk breach
			< $8^{1}/_{2}$ continuous hours stationary rest time	critical risk breach
7 days (168 hours)	60 hours work time		> 60 hours but not > $61^{1}/_{2}$ hours work time	minor risk breach
			> $61^{1}/_{2}$ hours but not > $62^{1}/_{2}$ hours work time	substantial risk breach
			> $62^{1}/_{2}$ hours but not > 63 hours work time	severe risk breach
			> 63 hours work time	critical risk breach
		(a) 24 continuous hours stationary rest time; and	< 24 but not < $23^{1}/_{4}$ continuous hours stationary rest time	minor risk breach
			< $23^{1}/_{4}$ but not < $22^{3}/_{4}$ continuous hours stationary rest time	substantial risk breach

Column 1 Total period	Column 2 Maximum work time	Column 3 Minimum rest time	Column 4 Category of breach	
			Circumstance of contravention	**Risk category**
			< $22^{3}/_{4}$ but not < $22^{1}/_{2}$ continuous hours stationary rest time	severe risk breach
			< $22^{1}/_{2}$ continuous hours stationary rest time	critical risk breach
		(b) 24 hours stationary rest time in blocks of at least 7 continuous hours	< 24 but not < $23^{1}/_{4}$ hours stationary rest time in total	minor risk breach
			< 7 but not < $6^{1}/_{4}$ continuous hours stationary rest time for a block	minor risk breach
			< $23^{1}/_{4}$ but not < $22^{3}/_{4}$ hours stationary rest time in total	substantial risk breach
			< $6^{1}/_{4}$ but not < $5^{3}/_{4}$ continuous hours stationary rest time for a block	substantial risk breach
			< $22^{3}/_{4}$ but not < $22^{1}/_{2}$ hours stationary rest time in total	severe risk breach

Column 1 Total period	Column 2 Maximum work time	Column 3 Minimum rest time	Column 4 Category of breach	
			Circumstance of contravention	**Risk category**
			< $5^{3}/_{4}$ but not < $5^{1}/_{2}$ continuous hours stationary rest time for a block	severe risk breach
			< $22^{1}/_{2}$ hours stationary rest time in total	critical risk breach
			< $5^{1}/_{2}$ continuous hours stationary rest time for a block	critical risk breach
14 days (336 hours)	120 hours work time		> 120 hours but not > $121^{1}/_{2}$ hours work time	minor risk breach
			> $121^{1}/_{2}$ hours but not > $122^{1}/_{2}$ hours work time	substantial risk breach
			> $122^{1}/_{2}$ hours but not > 123 hours work time	severe risk breach
			> 123 hours work time	critical risk breach
		(a) 2 night rest breaks; and	< 7 but not < $6^{1}/_{4}$ continuous hours stationary rest time for a block	minor risk breach

Column 1 Total period	Column 2 Maximum work time	Column 3 Minimum rest time	Column 4 Category of breach	
			Circumstance of contravention	**Risk category**
			< $6^1/_4$ but not < $5^3/_4$ continuous hours stationary rest time for a block	substantial risk breach
			< $5^3/_4$ but not < $5^1/_2$ continuous hours stationary rest time for a block	severe risk breach
			< $5^1/_2$ continuous hours stationary rest time for a block	critical risk breach
		(b) 2 night rest breaks taken on consecutive days	< 7 but not < $6^1/_4$ continuous hours stationary rest time for a block	minor risk breach
			< $6^1/_4$ but not < $5^3/_4$ continuous hours stationary rest time for a block	substantial risk breach
			< $5^3/_4$ but not < $5^1/_2$ continuous hours stationary rest time for a block	severe risk breach

Column 1 Total period	Column 2 Maximum work time	Column 3 Minimum rest time	Column 4 Category of breach	
			Circumstance of contravention	Risk category
			< $5^{1}/_{2}$ continuous hours stationary rest time for a block	critical risk breach

Schedule 2 BFM hours and risk categories for contraventions of BFM hours

sections 9 and 10

Table 1 BFM hours—solo driver of fatigue-regulated heavy vehicle

Column 1 Total period	Column 2 Maximum work time	Column 3 Minimum rest time	Column 4 Category of breach	
			Circumstance of contravention	Risk category
In any period of ...	*... a driver must not work for more than ...*	*... a driver must not rest for less than...*	*If in that period a driver has …*	*… the following category of breach is committed…*
$6^1/_4$ hours	6 hours work time	15 continuous minutes rest time	> 6 hours work time	minor risk breach
9 hours	$8^1/_2$ hours work time	30 minutes rest time, in blocks of 15 continuous minutes	> $8^1/_2$ hours work time	minor risk breach
12 hours	11 hours work time	60 minutes rest time, in blocks of 15 continuous minutes	≤ $11^3/_4$ hours work time > $11^3/_4$ hours work time	minor risk breach substantial risk breach
24 hours	14 hours work time		≤ $14^3/_4$ hours work time	minor risk breach

Column 1 Total period	Column 2 Maximum work time	Column 3 Minimum rest time	Column 4 Category of breach	
			Circumstance of contravention	**Risk category**
			> $14^{3}/_{4}$ but not > $15^{1}/_{4}$ hours work time	substantial risk breach
			> $15^{1}/_{4}$ but not > $15^{1}/_{2}$ hours work time	severe risk breach
			> $15^{1}/_{2}$ hours work time	critical risk breach
		7 continuous hours stationary rest time	< 7 but not < $6^{1}/_{4}$ continuous hours stationary rest time	minor risk breach
			< $6^{1}/_{4}$ but not < $5^{3}/_{4}$ continuous hours stationary rest time	substantial risk breach
			< $5^{3}/_{4}$ but not < $5^{1}/_{2}$ continuous hours stationary rest time	severe risk breach
			< $5^{1}/_{2}$ continuous hours stationary rest time	critical risk breach
7 days (168 hours)	36 hours long/night work time		≤ $36^{3}/_{4}$ hours long/night work time	minor risk breach
			> $36^{3}/_{4}$ but not > $37^{1}/_{4}$ hours long/night work time	substantial risk breach

Column 1 Total period	Column 2 Maximum work time	Column 3 Minimum rest time	Column 4 Category of breach	
			Circumstance of contravention	Risk category
			> $37^{1}/_{4}$ but not > $37^{1}/_{2}$ hours long/night work time	severe risk breach
			> $37^{1}/_{2}$ hours long/night work time	critical risk breach
14 days (336 hours)	144 hours work time		≤ $145^{1}/_{2}$ hours work time	minor risk breach
			> $145^{1}/_{2}$ but not > $146^{1}/_{2}$ hours work time	substantial risk breach
			> $146^{1}/_{2}$ but not > 147 hours work time	severe risk breach
			> 147 hours work time	critical risk breach
		(a) 24 continuous hours stationary rest time taken after no more than 84 hours work time; and	< 24 but not < $23^{1}/_{4}$ continuous hours stationary rest time	minor risk breach breach
			< $23^{1}/_{4}$ but not < $22^{3}/_{4}$ continuous hours stationary rest time	substantial risk breach
			< $22^{3}/_{4}$ but not < $22^{1}/_{2}$ continuous hours stationary rest time	severe risk breach

Column 1 Total period	Column 2 Maximum work time	Column 3 Minimum rest time	Column 4 Category of breach	
			Circumstance of contravention	**Risk category**
			< $22^{1}/_{2}$ continuous hours stationary rest time	critical risk breach
		(b) 24 continuous hours stationary rest time; and	< 24 but not < $23^{1}/_{4}$ continuous hours stationary rest time	minor risk breach
			< $23^{1}/_{4}$ but not < $22^{3}/_{4}$ continuous hours stationary rest time	substantial risk breach
			< $22^{3}/_{4}$ but not < $22^{1}/_{2}$ continuous hours stationary rest time	severe risk breach
			< $22^{1}/_{2}$ continuous hours stationary rest time	critical risk breach
		(c) 2 night rest breaks; and	< 7 but not < $6^{1}/_{4}$ continuous hours stationary rest time for a block	minor risk breach
			< $6^{1}/_{4}$ but not < $5^{3}/_{4}$ continuous hours stationary rest time for a block	substantial risk breach

Column 1 Total period	Column 2 Maximum work time	Column 3 Minimum rest time	Column 4 Category of breach	
			Circumstance of contravention	**Risk category**
			< $5^{3}/_{4}$ but not < $5^{1}/_{2}$ continuous hours stationary rest time for a block	severe risk breach
			< $5^{1}/_{2}$ continuous hours stationary rest time for a block	critical risk breach
		(d) 2 night rest breaks taken on consecutive days	< 7 but not < $6^{1}/_{4}$ continuous hours stationary rest time for a block	minor risk breach
			< $6^{1}/_{4}$ but not < $5^{3}/_{4}$ continuous hours stationary rest time for a block	substantial risk breach
			< $5^{3}/_{4}$ but not < $5^{1}/_{2}$ continuous hours stationary rest time for a block	severe risk breach
			< $5^{1}/_{2}$ continuous hours stationary rest time for a block	critical risk breach

Table 2 BFM hours—two-up driver of fatigue-regulated heavy vehicle

Column 1 Total period	Column 2 Maximum work time	Column 3 Minimum rest time	Column 4 Category of breach	
			Circumstance of contravention	Risk category
In any period of ...	*... a driver must not work for more than ...*	*...a driver must not rest for less than...*	*If in that period a driver has …*	*… the following category of breach is committed…*
24 hours	14 hours work time		≤ $14^{3}/_{4}$ hours work time	minor risk breach
			> $14^{3}/_{4}$ but not > $15^{1}/_{4}$ hours work time	substantial risk breach
			> $15^{1}/_{4}$ but not > $15^{1}/_{2}$ hours work time	severe risk breach
			> $15^{1}/_{2}$ hours work time	critical risk breach
82 hours		10 continuous hours stationary rest time	< 10 but not < $9^{1}/_{4}$ continuous hours stationary rest time	minor risk breach
			< $9^{1}/_{4}$ but not < $8^{3}/_{4}$ continuous hours stationary rest time	substantial risk breach
			< $8^{3}/_{4}$ but not < $8^{1}/_{2}$ continuous hours stationary rest time	severe risk breach

Column 1 Total period	Column 2 Maximum work time	Column 3 Minimum rest time	Column 4 Category of breach	
			Circumstance of contravention	**Risk category**
			< $8^{1}/_{2}$ continuous hours stationary rest time	critical risk breach
7 days (168 hours)	70 hours work time		> 70 hours but not > $71^{1}/_{2}$ hours work time	minor risk breach
			> $71^{1}/_{2}$ hours but not > $72^{1}/_{2}$ hours work time	substantial risk breach
			> $72^{1}/_{2}$ hours but not > 73 hours work time	severe risk breach
			> 73 hours work time	critical risk breach
		(a) 24 continuous hours stationary rest time; and	< 24 but not < $23^{1}/_{4}$ continuous hours stationary rest time	minor risk breach
			< $23^{1}/_{4}$ but not < $22^{3}/_{4}$ continuous hours stationary rest time	substantial risk breach
			< $22^{3}/_{4}$ but not < $22^{1}/_{2}$ continuous hours stationary rest time	severe risk breach
			< $22^{1}/_{2}$ continuous hours stationary rest time	critical risk breach

Column 1 Total period	Column 2 Maximum work time	Column 3 Minimum rest time	Column 4 Category of breach	
			Circumstance of contravention	Risk category
		(b) 24 hours stationary rest time in blocks of at least 7 continuous hours	< 24 but not < $23^1/_4$ hours stationary rest time in total	minor risk breach
			< 7 but not < $6^1/_4$ continuous hours stationary rest time for a block	minor risk breach
			< $23^1/_4$ but not < $22^3/_4$ hours stationary rest time in total	substantial risk breach
			< $6^1/_4$ but not < $5^3/_4$ continuous hours stationary rest time for a block	substantial risk breach
			< $22^3/_4$ but not < $22^1/_2$ hours stationary rest time in total	severe risk breach
			< $5^3/_4$ but not < $5^1/_2$ continuous hours stationary rest time for a block	severe risk breach
			< $22^1/_2$ hours stationary rest time in total	critical risk breach

Column 1 Total period	Column 2 Maximum work time	Column 3 Minimum rest time	Column 4 Category of breach	
			Circumstance of contravention	**Risk category**
			< $5^1/_2$ continuous hours stationary rest time for a block	critical risk breach
14 days (336 hours)	140 hours work time		≤ $141^1/_2$ hours work time	minor risk breach
			> $141^1/_2$ but not > $142^1/_2$ hours work time	substantial risk breach
			> $142^1/_2$ but not > 143 hours work time	severe risk breach
			> 143 hours work time	critical risk breach
		4 night rest breaks	< 7 but not < $6^1/_4$ continuous hours stationary rest time for a block	minor risk breach
			< $6^1/_4$ but not < $5^3/_4$ continuous hours stationary rest time for a block	substantial risk breach
			< $5^3/_4$ but not < $5^1/_2$ continuous hours stationary rest time for a block	severe risk breach

Column 1 Total period	Column 2 Maximum work time	Column 3 Minimum rest time	Column 4 Category of breach	
			Circumstance of contravention	Risk category
			< $5^{1}/_{2}$ continuous hours stationary rest time for a block	critical risk breach

Schedule 3 Examples of concurrent fulfilment of minimum rest time requirements

section 22

Example 1

(1) A solo driver working under standard hours intends to work the following 14 day schedule—

- work 6 consecutive days for 10 hours a day; then
- take 24 continuous hours of stationary rest on the 7th day; then
- again work 6 consecutive days for 10 hours a day; then
- on the 14th day, take another 24 continuous hours of stationary rest.

(2) Referring to Table 1 in Schedule 1, in addition to working for no longer than the maximum work periods in Column 2, a solo driver under standard hours must have at least the following rest periods (Column 3)—

- the minimum rest required for periods of 5½ hours, 8 hours and 11 hours;
- 7 continuous hours of stationary rest in every 24 hour period;
- 24 continuous hours of stationary rest in every 7 days;
- 4 night rest breaks in every 14 days, 2 of which must be on consecutive days.

(3) Section 5 of the Law states that a night rest break is either 7 continuous hours of stationary rest between 10pm on a day and 8am on the next day, or 24 continuous hours of stationary rest time.

(4) Under section 22, the driver will automatically meet a requirement for 1 night rest break when the driver takes 24 continuous hours or more of stationary rest, regardless of

whether the 24 hour period includes 7 continuous hours between 10pm on a day and 8am on the next day.

(5) Therefore, the driver's schedule over the 14 day period will meet the requirement for a minimum of 24 continuous hours of stationary rest in every 7 days and 2 of the 4 required night rest breaks.

(6) The driver—

(a) must take at least 2 additional night rest breaks over the 14 day period; and

(b) to fulfil the requirement that 2 night rest breaks be on consecutive days, the driver may either—

(i) take the 2 additional night rest breaks on consecutive days; or

(ii) take at least 1 of the additional night rest breaks on a day that is consecutive to 1 of the periods of 24 continuous hours of stationary rest taken by the driver.

(7) Section 22 also allows the driver to fulfil the minimum rest requirements in a number of additional ways, including, for example—

(a) the minimum rest time requirements for Column 1 periods of $5^1/_2$ hours, 8 hours and 11 hours may be fulfilled concurrently with any of the other minimum rest time requirements for Column 1 periods of $5^1/_2$ hours, 8 hours, 11 hours, 24 hours, 7 days and 14 days; and

(b) a night rest break requirement may be fulfilled concurrently with the requirement for 7 continuous hours of stationary rest in every 24 hour period, if the rest period taken includes at least 7 continuous hours of stationary rest between 10pm on a day and 8am on the following day; and

(c) the requirement for 7 continuous hours of stationary rest in every 24 hour period may be fulfilled concurrently with the requirement for 24 continuous hours of stationary rest in every 7 day period.

Example 2

(1) A driver only works under a two-up driving arrangement under BFM hours.

(2) Referring to Table 2 in Schedule 2, in addition to working for no longer than the maximum work periods in Column 2, the driver must have at least the following rest periods (Column 3)—

- 10 continuous hours of stationary rest in every 82 hour period (referred to in this example as requirement ***A***);
- 24 continuous hours of stationary rest in every 7 days (referred to in this example as requirement ***B***);
- 24 hours of stationary rest in blocks of at least 7 continuous hours in every 7 days (referred to in this example as requirement ***C***); and
- 4 night rest breaks in every 14 days (referred to in this example as requirement ***D***).

(3) Section 22 allows the driver to fulfil these requirements in a number of ways, including, for example—

(a) requirement A can be fulfilled concurrently with a block of at least 10 hours under requirement C, and, if at least 7 hours of the rest period taken are between 10pm on a day and 8am the next day, this can also fulfil the requirement for 1 of the night rest breaks under requirement D; or

(b) requirement B can be fulfilled concurrently with requirement A and the requirement for 1 of the night rests under requirement D.

(4) However, under section 22(3), the driver cannot fulfil requirement B concurrently with requirement C.

Schedule 4 Risk categories for contraventions of AFM hours

section 11

Part 1 General

Table Categories of contraventions generally applicable

Column 1 Total period	Column 2 Category of breach		
	Circumstance of contravention relating to work time	Circumstance of contravention relating to rest time	Risk category
In any period of …	*If a driver has exceeded the maximum work time by …*	*If a driver has had less than the minimum rest time by …*	*… the following category of breach is committed …*
Less than 7 days	≤ 45 minutes work time	≤ 45 minutes rest time	minor risk breach
	> 45 but ≤ 75 minutes work time	> 45 but ≤ 75 minutes rest time	substantial risk breach
	> 75 but ≤ 90 minutes work time	> 75 but ≤ 90 minutes rest time	severe risk breach
	> 90 minutes work time	> 90 minutes rest time	critical risk breach
28 days, if the period is 7 days or more	≤ $1^1/_2$ hours work time		minor risk breach
	> $1^1/_2$ but ≤ $2^1/_2$ hours work time		substantial risk breach
	> $2^1/_2$ but ≤ 3 hours work time		severe risk breach
	> 3 hours work time		critical risk breach

Part 2 Escalated risk contraventions

Table 1 Thresholds for escalated risk contraventions

Column 1 Total period	Column 2 Maximum work time	Column 3 Minimum rest time
In any period of ...	*... a driver must not work for more than ...*	*... a driver must not rest for less than...*
24 hours	$15^{1}/_{2}$ hours work time	7 continuous hours stationary rest time (or in the case of a driver who is a party to a two-up driving arrangement, 7 continuous hours of stationary rest time or rest time in an approved sleeper berth while the vehicle is moving)
14 days (336 hours)	154 hours work time	30 continuous hours stationary rest time that includes the periods 12am to 6 am on a day and 12am to 6 am on the following day, using the time zone of the driver's base
28 days (672 hours)	288 hours work time	

Table 2 Categories of contraventions for escalated risk contraventions

Column 1 Total period	Column 2 Category of breach		
	Circumstance of contravention relating to work time	**Circumstance of contravention relating to rest time**	**Risk category**
In any period of …	*If a driver has exceeded the maximum work time by …*	*If a driver has had less than the minimum rest time by …*	*… the following category of breach is committed …*
Less than 7 days	≤ 15 minutes work time	≤ 15 minutes rest time	substantial risk breach
	> 15 minutes but ≤ 30 minutes work time	> 15 minutes but ≤ 30 minutes rest time	severe risk breach
	> 30 minutes work time	> 30 minutes rest time	critical risk breach
28 days, if the period is 7 days or more	≤ 30 minutes work time		substantial risk breach
	> 30 minutes but ≤ 1 hour work time		severe risk breach
	> 1 hour work time		critical risk breach

Schedule 5 Risk categories for contraventions of exemption hours

section 12

Table Exemption hours—categories of breaches

Column 1 Total period	Column 2 Category of breach		
	Circumstance of contravention relating to work time	**Circumstance of contravention relating to rest time**	**Risk category**
In any period of …	*If a driver has exceeded the maximum work time by …*	*If a driver has had less than the minimum rest time by …*	*… the following category of breach is committed …*
Less than 7 days	≤ 45 minutes work time	≤ 45 minutes rest time	minor risk
	> 45 but ≤ 75 minutes work time	> 45 but ≤ 75 minutes rest time	substantial risk
	> 75 but ≤ 90 minutes work time	> 75 but ≤ 90 minutes rest time	severe risk
	> 90 minutes work time	> 90 minutes rest time	critical risk
28 days, if the period is 7 days or more	≤ $1^1/_2$ hours work time		minor risk
	> $1^1/_2$ but ≤ $2^1/_2$ hours work time		substantial risk
	> $2^1/_2$ but ≤ 3 hours work time		severe risk
	> 3 hours work time		critical risk

ENDNOTES

1 Made by the Queensland Governor, as defined under section 730(5) of the Heavy Vehicle National Law, acting with the advice of the Executive Council of Queensland on . . .

2 Published on the NSW legislation website in accordance with Part 6A of the *Interpretation Act 1987* of NSW on .....

3 Laid before the Legislative Assembly on . . .

4 The administering agency is the National Heavy Vehicle Regulator.

Queensland

Heavy Vehicle (Vehicle Standards) National Regulation

Subordinate Legislation 2013 No. ...

made under the

Heavy Vehicle National Law as applied by the Heavy Vehicle National Law Act 2012 (Qld) and by the law of States and Territories

Contents

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Contents

Part 1 Preliminary

1 Short title

This Regulation may be cited as the *Heavy Vehicle (Vehicle Standards) National Regulation*.

2 Commencement

This Regulation commences in a participating jurisdiction on the day on which Chapter 3 of the Law commences in that jurisdiction.

Note—

In this Regulation, a reference to 'the Law' is a reference to the Heavy Vehicle National Law. See section 12(2) of Schedule 1 of the Heavy Vehicle National Law.

3 Prescription of vehicle standards

(1) This Regulation prescribes the vehicle standards with which a single heavy vehicle or heavy combination must comply for its use on a road.

(2) The vehicle standards are set out in Schedules 1 to 3.

(3) However, only Part 3 of Schedule 3 applies to a vehicle that is not a heavy vehicle but forms part of a combination that is a heavy combination.

Note—

The vehicle standards are based on the *Australian Vehicle Standards Rules 1999* contained in Schedule 2 of the *National Transport Commission (Road Transport Legislation—Vehicle Standards) Regulations 2006* of the Commonwealth.

Part 2 Interpretation and provisions about application of vehicle standards

4 Definitions

In this Regulation—

50mm kingpin means a kingpin meeting the dimension requirements for a 50mm kingpin in AS 2175-1990 'Articulated Vehicles—Kingpins'.

Note—

AS 2175-1990 'Articulated Vehicles—Kingpins' may be purchased from Standards Australia at <www.standards.org.au>.

75mm kingpin means a kingpin with the dimensions mentioned in section 25(3) of Schedule 3.

90mm kingpin means a kingpin meeting the dimension requirements for a 90mm kingpin in AS 2175-1990 'Articulated Vehicles—Kingpins'.

Note—

AS 2175-1990 'Articulated Vehicles—Kingpins' may be purchased from Standards Australia at <www.standards.org.au>.

air brake means an air-operated or air-assisted brake.

air brake compressor, in relation to a vehicle, means a compressor for supplying air to the vehicle's air brakes.

air brake reservoir, in relation to a vehicle, means a device for storing compressed air for the purpose of supply to the vehicle's braking system.

air storage tank, in relation to a vehicle, means a tank fitted to the vehicle for storing compressed air.

American National Standard means a standard published by the American National Standards Institute.

American National Standards Institute means the not-for-profit organisation of that name comprising government agencies of the United States of America,

organisations, companies, academic and international bodies, and individuals.

AS/NZS means a standard jointly made or published by Standards Australia and Standards New Zealand.

Australian Standard means—

(a) a standard made or published by Standards Australia; or

(b) a standard jointly made or published by Standards Australia and Standards New Zealand.

Note—

Copies of Australian Standards may be purchased from Standards Australia at <www.standards.org.au>.

braking system, of a vehicle, means the system comprising all the brakes of the vehicle and all the components of the mechanisms by which they are operated.

British Standard means a standard approved for publication on behalf of the British Standards Institution.

Note—

Copies of British Standards may be purchased from Standards Australia at <www.standards.org.au>.

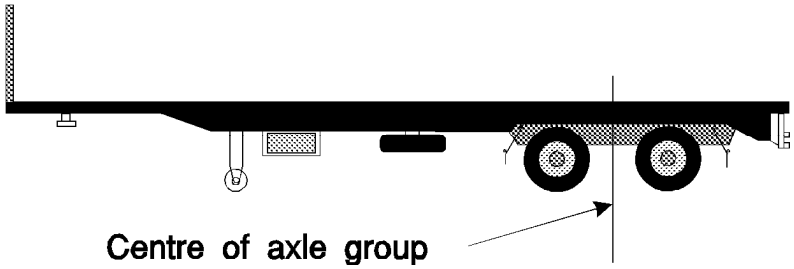
British Standards Institution means the institution of that name established under royal charter in the United Kingdom.

centre, of an axle group, means—

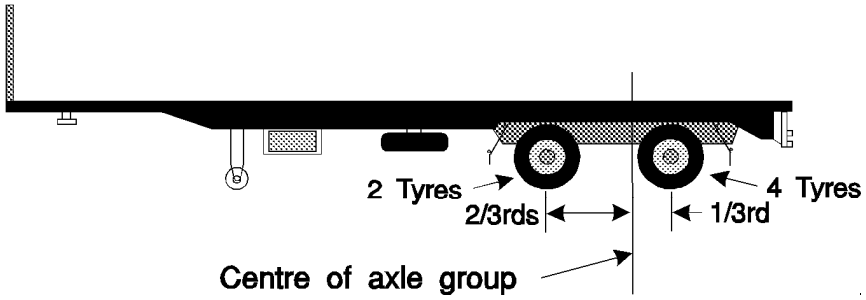
(a) a vertical line located midway between the centre-lines of the outermost axles of the group; or

(b) if there are 2 axles in the group and 1 of them is fitted with twice the number of tyres as the other axle—a vertical line located one-third of the way from the centre-line of the axle with more tyres towards the centre-line of the axle with fewer tyres.

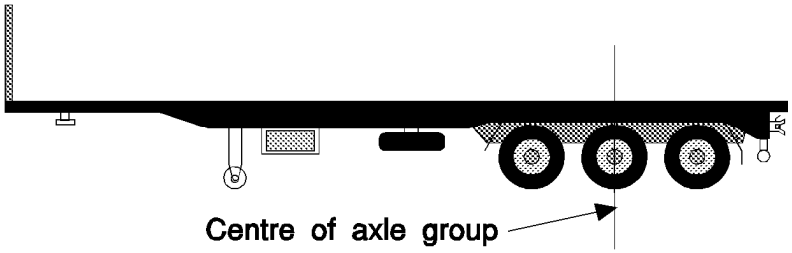
Examples—



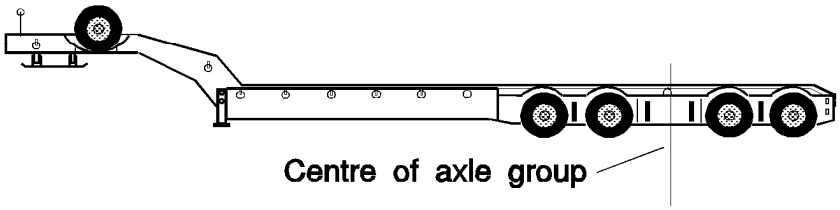
Centre of a typical tandem axle group fitted with an equal number of tyres on each axle



Centre of a typical tandem axle group fitted with a different number of tyres on each axle



Centre of a typical tri-axle group with an equal number of tyres



Centre of a typical quad-axle group with an equal number of tyres

dangerous goods, in relation to a participating jurisdiction, has the meaning given by the laws of the jurisdiction relating to the transport of dangerous goods.

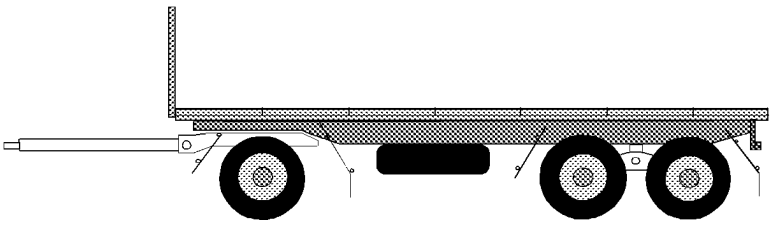
diesel engine means an engine that works on the compression-ignition principle, commonly known as a diesel engine.

dog trailer means a trailer (including a trailer consisting of a semitrailer and converter dolly) that has—

(a) 1 axle group or a single axle at the front that is being steered by connection to a towing vehicle by a drawbar; and

(b) 1 axle group or a single axle at the rear.

Example—



Dog trailer

drawbar means a part of a trailer (other than a semitrailer) that connects the trailer body to a coupling for towing purposes.

drawbar eye means the part of a coupling fitted to a trailer's drawbar through which a pintle hook or pin on a towing vehicle is passed.

drawbar-type coupling means a coupling fitted to a trailer used to connect the trailer's drawbar to a towing vehicle.

emergency brake, in relation to a vehicle, means a brake designed to be used if the vehicle's service brake fails.

emergency service means an entity that has a statutory responsibility to respond to an emergency and includes the following—

(a) an ambulance service;

(b) a fire brigade, including a volunteer fire brigade;

(c) a police service or police force;

(d) a disaster or emergency organisation of the Commonwealth or a State or Territory.

emergency vehicle means a heavy vehicle—

(a) fitted with—

(i) a repeater horn or siren; or

(ii) a flashing warning light; and

(b) driven by an officer of an emergency service in the course of the officer's duty.

exempt vehicle means any of the following heavy vehicles—

(a) an emergency vehicle;

(b) a police vehicle;

(c) a road enforcement vehicle;

(d) a heavy vehicle driven by an officer of the Australian Customs Service or Airservices Australia in the course of the officer's duty.

exhibition purpose, in relation to a heavy vehicle, means the display of the vehicle, or the demonstration of the vehicle's operation—

(a) at community events; or

(b) to community groups.

former Australian Transport Council means the former Australian Transport Council comprising Commonwealth, State and Territory Ministers responsible for transport and road issues.

front fog light means a light used to improve the illumination of the road in case of fog, snowfall, heavy rain or a dust storm.

GTM (gross trailer mass), of a trailer, means the mass transmitted to the ground by the axles of the trailer when it is loaded to its GVM and connected to a towing vehicle.

high-beam, in relation to a headlight, means the light is built or adjusted so that, when the vehicle is standing on level ground, the top of the main beam of light projected is above the low-beam position.

Japanese Industrial Standard means a standard published by the Japanese Standards Association.

Japanese Standards Association means the organisation of that name incorporated in Japan.

left, in relation to a vehicle, means left of the centre of the vehicle when viewed by a person in the vehicle who is facing the front of the vehicle.

low-beam, in relation to a headlight or front fog light fitted to a heavy vehicle, means the light is built or adjusted so that, when the vehicle is standing on level ground, the top of the main beam of light projected is—

(a) not higher than the centre of the headlight or fog light, when measured 8m in front of the vehicle; and

(b) not more than 1m higher than the level where the vehicle is standing, when measured 25m in front of the vehicle.

Motor Vehicle Standards Act means the *Motor Vehicle Standards Act 1989* of the Commonwealth.

parking brake, in relation to a vehicle, means the brake usually used to keep a vehicle stationary while the vehicle is parked.

police vehicle means a heavy vehicle driven by a police officer in the course of the police officer's duty.

prescribed dimension requirements means the prescribed dimension requirements under the *Heavy Vehicle (Mass, Dimension and Loading) National Regulation.*

repeater horn means a device that makes a sound alternating between different tones or frequencies on a regular time cycle.

right, in relation to a vehicle, means right of the centre of the vehicle when viewed by a person in the vehicle who is facing the front of the vehicle.

road enforcement vehicle means a heavy motor vehicle marked as a vehicle of a road authority for a participating jurisdiction and used by the authority for the purpose of investigating or prosecuting an offence against an Australian road law.

road tank vehicle has the meaning given by the 'Australian Code for the Transport of Dangerous Goods by Road and Rail', seventh edition, approved by the former Australian Transport Council.

second edition ADR means the ADR incorporated in the document described as the 'Australian Design Rules for Motor Vehicle Safety, Second Edition' originally published by the former Commonwealth Department of Transport.

service brake, in relation to a vehicle, means the brake usually used to decelerate the vehicle.

side marker light means a light fitted to the side of a vehicle indicating the presence and length of the vehicle when viewed on that side.

single heavy vehicle means a motor vehicle or trailer that, on its own, is a heavy vehicle.

Standards Association of Australia, for anything done or to be done on or after 1 July 1999, includes a reference to Standards Australia Limited ACN 087 326 690.

Standards New Zealand means the trading entity of the Standards Council continued in existence under the *Standards Act 1988* of New Zealand.

third edition ADR means the ADR incorporated in the document described as the 'Australian Design Rules for Motor Vehicles and Trailers, Third Edition' published by the former Federal Office of Road Safety of the Commonwealth Department of Transport and Regional Development.

towing vehicle, in relation to a trailer, means the vehicle towing the trailer.

turntable means a bearing built to carry vertical and horizontal loads, but that does not allow quick separation of its upper and lower rotating elements, and is used to connect and allow articulation between—

(a) a prime mover and a semitrailer; or

(b) the front axle group or axle of a dog trailer and the body of the trailer; or

(c) a fifth wheel coupling and the vehicle to which it is mounted.

vacuum brake means a vacuum-operated brake or a vacuum-assisted brake.

vacuum storage tank, in relation to a vehicle, means a tank fitted to the vehicle for storing air at a low pressure.

warning light means a light fitted to a vehicle designed for the specific purpose of warning road users of the vehicle's presence on a road.

wheel chock means a device fitted to 1 or more wheels of a vehicle to prevent the vehicle moving while it is parked.

yellow, in relation to a light, includes amber.

5 References to vehicle include its equipment etc.

In this Regulation, a reference to a vehicle is taken to include a reference to the vehicle and all of the equipment fitted to, or forming part of, the vehicle.

6 References to heavy vehicles are references to single heavy vehicles

In this Regulation, a reference to a heavy vehicle is taken to be a reference to a single heavy vehicle.

7 When restored vehicle is built

(1) For the purposes of this Regulation, a restored vehicle is taken to have been built when it was originally built and not when it was restored.

(2) In this section—

restored vehicle means a vehicle that is being, or has been, restored to its manufacturer's specifications, so far as it is practicable to meet the specifications.

8 Measurement of width of vehicles

When measuring the width of a heavy vehicle for a provision of this Regulation, any of the following items that may be fitted to the vehicle are to be disregarded—

(a) anti-skid devices mounted on wheels;

(b) central tyre inflation systems;

(c) lights, mirrors, reflectors, signalling devices or tyre pressure gauges.

9 Interpretation of particular second edition ADRs

(1) This section applies to a left-hand drive heavy motor vehicle.

(2) In applying the following second edition ADRs to the heavy motor vehicle, the words 'left' and 'right' have the opposite meaning—

- ADR 8 Safety Glass
- ADR 12 Glare Reduction in Field of View
- ADR 14 Rear Vision Mirrors

- ADR 16 Windscreen Wipers and Washers
- ADRs 18 and 18A Location and Visibility of Instruments
- ADRs 35 and 35A Commercial Vehicle Braking Systems.

10 Compliance with particular standards

(1) This section applies if—

(a) a provision of this Regulation requires a vehicle or a component of a vehicle to comply with a prescribed standard (the ***superseded standard***); and

(b) the prescribed standard has been superseded by a later prescribed standard (the ***later standard***).

(2) The vehicle or component is taken to comply with the superseded standard if it complies with the later standard.

(3) In this section—

prescribed standard means—

(a) an Australian Standard; or

(b) a British Standard; or

(c) an American National Standard; or

(d) a Japanese Industrial Standard.

11 Compliance with requirement to have particular equipment

A vehicle is taken to have equipment mentioned in this Regulation only if the equipment is in working order.

12 Modifications

The prescribed code of practice for the purposes of section 86 and 87 of the Law is the NHVR Code of Practice for the Approval of Heavy Vehicle Modifications.

Schedule 1 Vehicle standards relating to ADRs applying to single heavy vehicles

section 3

Part 1 Compliance with ADRs

1 Second edition ADRs

(1) If a second edition ADR recommends that the ADR should apply to a heavy vehicle, the vehicle must comply with the ADR.

(2) If a second edition ADR has a requirement for a type of equipment fitted to a heavy vehicle built on or after a stated time, any equipment of the same type fitted to the vehicle after it is built must comply with—

(a) the requirement as in force when the vehicle was built; or

(b) if the requirement is amended after the vehicle is built and before the equipment is fitted, the requirement as in force at any time between—

(i) when the vehicle was built; and

(ii) when the equipment was fitted.

(3) However, a vehicle, or equipment fitted to a vehicle, need not comply with a recommendation or requirement of a second edition ADR if—

(a) the recommendation or requirement is replaced by, or is inconsistent with, a requirement of a third edition ADR applying to the vehicle or equipment; and

(b) the vehicle or equipment complies with the requirement of the third edition ADR.

(4) If a second edition ADR allows a vehicle built on or after a stated time to be fitted with equipment, a vehicle built before the time may also be fitted with the equipment.

(5) This section is subject to any provision of Schedule 2 or 3 expressly providing for the application of stated requirements of a second edition ADR.

2 Third edition ADRs

(1) If a third edition ADR applies to the design and construction of a heavy vehicle, the vehicle must comply with the ADR.

(2) If a third edition ADR contains a requirement for a type of equipment fitted to a heavy vehicle built on or after a stated time, any equipment of the same type fitted to the vehicle after it is built must comply with—

(a) the requirement as in force when the vehicle was built; or

(b) if the requirement is amended after the vehicle is built and before the equipment is fitted, the requirement as in force at any time between—

(i) when the vehicle was built; and

(ii) when the equipment was fitted.

(3) However, a vehicle, or equipment fitted to a vehicle, need not comply with a requirement of a third edition ADR if—

(a) the requirement is replaced by, or is inconsistent with, a requirement of a later version of the ADR applying to the vehicle or equipment; and

(b) the vehicle or equipment complies with the requirement of the later version.

(4) If a third edition ADR allows a vehicle built on or after a stated time to be fitted with equipment, a vehicle built before the time may also be fitted with the equipment.

(5) This section is subject to any provision of Schedule 2 or 3 expressly providing for the application of stated requirements of a third edition ADR.

Part 2 Exemption from compliance with ADRs

3 Vehicles that are not road vehicles

A vehicle need not comply with an ADR applied by section 1(1) or 2(1) if a determination or declaration under section 5B of the Motor Vehicle Standards Act provides that the vehicle is not a road vehicle for the purposes of that Act.

4 Vehicles subject to particular approvals etc. under Motor Vehicle Standards Act

(1) A vehicle need not comply with an ADR applied by section 1(1) or 2(1) if—

(a) despite noncompliance with the ADR, approval has been given, under section 10A(2) or (3) of the Motor Vehicle Standards Act, to place identification plates on vehicles of that type; and

(b) the vehicle complies with the approval conditions, if any.

(2) A vehicle need not comply with an ADR applied by section 1(1) or 2(1) if—

(a) the vehicle may be supplied to the market under section 14A(1) of the Motor Vehicle Standards Act; and

(b) for a vehicle for which an approval has been given under that section, the vehicle complies with the approval conditions, if any.

(3) A vehicle need not comply with an ADR applied by section 1(1) or 2(1) if—

(a) the vehicle may be used in transport in Australia under section 15(2) of the Motor Vehicle Standards Act; and

(b) for a vehicle for which an approval has been given under that section, the vehicle complies with the approval conditions, if any.

5 Partial exemption for personally imported vehicles

(1) A personally imported vehicle must be fitted with—

(a) seatbelts as effective as seatbelts meeting an Australian Standard or British Standard for seatbelts as in force when the vehicle is imported; and

(b) seatbelt anchorages meeting the number and location requirements of third edition ADR 5; and

(c) child restraint anchorages meeting the number, location, accessibility, thread size and form requirements of second edition ADR 34 or third edition ADR 5 or 34.

(2) However, a personally imported vehicle need only meet the requirements of an ADR mentioned in subsection (1) if the ADR recommends that it should apply, or applies, to a vehicle of the same type.

(3) A personally imported vehicle need not otherwise comply with an ADR applied by section 1(1) or 2(1).

(4) In this section—

personally imported vehicle means a vehicle built after 1968 imported into Australia by a person who—

(a) before the vehicle was imported into Australia, owned and used it for a continuous period of at least—

(i) for a vehicle owned by the person before 9 May 2000—3 months; or

(ii) in any other case—1 year; and

(b) when the vehicle was imported into Australia, was—

(i) an Australian citizen, permanent resident or a person who had applied to become an Australian citizen or permanent resident; and

(ii) old enough to hold a driver's licence or learner's permit to drive the vehicle; and

(c) has undertaken to comply with any requirements relating to road safety imposed for the vehicle under the *Motor Vehicle Standards Regulations 1989* of the Commonwealth; and

(d) within the previous year, has not imported into Australia another vehicle owned by the person.

Schedule 2 Other vehicle standards applying to single heavy vehicles

section 3

Part 1 Preliminary

1 References to particular trailers are to heavy trailers of that type

In this Schedule—

(a) a reference to a pole-type trailer is taken to be a reference to a pole-type trailer that is a heavy vehicle; and

(b) a reference to a semitrailer is taken to be a reference to a semitrailer that is a heavy vehicle.

2 Application to heavy vehicle complying with inconsistent ADR requirement

(1) A provision of this Schedule does not apply to a heavy vehicle if the provision is inconsistent with a requirement of a second or third edition ADR that the vehicle complies with, regardless of whether or not the vehicle is required to comply with the requirement.

(2) However, subsection (1) does not apply if the heavy vehicle is not of the same class or type as a vehicle to which the requirement of the second or third edition ADR applies.

(3) Also, to avoid doubt, this section does not apply to a requirement of a second or third edition ADR if, and to the extent, a provision of this Schedule expressly provides that the requirement does not apply to a stated heavy vehicle, a heavy vehicle of a stated type or in stated circumstances.

3 Application to heavy vehicle subject of Motor Vehicle Standards Act approval

A provision of this Schedule does not apply to a heavy vehicle if—

(a) the vehicle does not comply with a requirement of an ADR applying to the vehicle; and

(b) the provision corresponds to the requirement of the ADR; and

(c) despite the noncompliance, approval has been given under section 10A(2) or (3) of the Motor Vehicle Standards Act to place identification plates on vehicles of that type; and

(d) the vehicle complies with the approval conditions, if any.

Part 2 General safety requirements

4 Steering

(1) A heavy motor vehicle must have a right-hand drive.

(2) A heavy motor vehicle has a right-hand drive if the centre of at least 1 steering control of the vehicle is to the right of the vehicle or in line with the centre of the vehicle.

(3) A component of a steering system of a heavy motor vehicle that is essential for effective steering of the vehicle must be built to transmit energy by mechanical means only.

(4) Failure of a non-mechanical component of a heavy motor vehicle's steering system must not prevent effective steering of the vehicle.

(5) This section does not apply to a heavy motor vehicle if the vehicle is built mainly for a purpose other than the transport of goods or passengers by road.

5 Turning ability

(1) A heavy motor vehicle must be able to turn in a circle not more than 25m in diameter, measured by the outer edge of the tyre track at ground level.

(2) A heavy motor vehicle must be able to comply with subsection (1) whether it turns to the left or to the right.

6 Ability to travel backwards and forwards

A heavy motor vehicle must be able to be driven both backwards and forwards when the vehicle's driver is in the normal driving position.

7 Protrusions

(1) A thing fitted to a heavy vehicle must be designed, built and fitted to the vehicle in a way that minimises the likelihood of injury to a person making contact with the vehicle.

(2) However, subsection (1) does not apply to a thing fitted to a heavy vehicle if—

(a) the vehicle was designed before 1965 and the thing was part of the vehicle's design; or

(b) the thing was fitted to the vehicle before 1965 in accordance with the law of the place where the thing was fitted.

8 Driver's view and vehicle controls

A heavy motor vehicle must be built—

(a) to allow the driver in the normal driving position a view of the road and of traffic to the front and sides of the vehicle so the driver can drive the vehicle safely; and

(b) with its controls located so the driver can drive the vehicle safely.

9 Seating

A seat for a driver or passenger in a heavy vehicle must be securely attached to the vehicle.

10 Mudguards

(1) A heavy vehicle must have a mudguard firmly fitted for each wheel or for adjacent wheels.

(2) However, subsection (1) does not apply to a heavy vehicle if—

(a) the construction or use of the vehicle makes the fitting of mudguards unnecessary or impracticable; or

(b) the body or part of the body of the vehicle acts as a mudguard.

Examples for subsection (2)(a)—

- pole-type trailers used to carry timber
- most road-making plant
- some agricultural equipment

(3) A mudguard fitted to a heavy vehicle must, when the vehicle's wheels are in position to move straight ahead—

(a) reduce the danger of a person contacting the moving wheels; and

(b) for the rear wheels—

(i) cover the overall width of the wheel or wheels to which it is fitted; and

(ii) be fitted so the height above ground level of the lowest edge of the rear of the mudguard is not more than one-third of the horizontal distance between the edge and the centre of the rearmost axle.

(4) However, a mudguard fitted to a heavy vehicle may be up to—

(a) 230mm above ground level; or

(b) if the vehicle is built to be used off-road—300mm above ground level.

(5) The outside of a rear mudguard, other than a mudflap, of a heavy vehicle that can be seen from the rear of the vehicle must be coloured white or silver if the vehicle—

(a) is at least 2.2m wide; and

(b) has a body the vertical measurement of which is less than 300mm at the rear, measured from the lowest point of the body above ground level to the highest point; and

(c) is not fitted with rear marking plates in accordance with section 80.

(6) In this section—

mudguard means a fitting or device, with or without a mudflap, built and fitted to a heavy vehicle in a way that will, as far as practicable, catch or deflect downwards any stone, mud, water, or other substance, thrown up by the rotation of the wheel of the vehicle to which the fitting or device is fitted.

11 Horns, alarms etc.

(1) A heavy motor vehicle must be fitted with at least 1 horn or other device that can give sufficient audible warning to other road users of the approach or position of the vehicle.

(2) A heavy motor vehicle must not be fitted with a device that can make a sound like the sound of a siren, exhaust whistle, compression whistle or repeater horn.

(3) However, subsection (2) does not apply to the following—

(a) an exempt vehicle;

(b) a heavy vehicle at least 25 years old and fitted as an emergency vehicle or police vehicle if the vehicle—

(i) is used only for exhibition purposes; or

(ii) is part of a collection of former emergency vehicles or police vehicles;

(c) an anti-theft alarm fitted to a heavy vehicle that can not be operated while the vehicle's ignition is on.

(4) Also, a heavy motor vehicle may be fitted with a device that—

(a) emits a regular, intermittent sound while the vehicle is reversing or in reverse gear; and

(b) is not louder than is necessary so the driver, and a person near the vehicle, can hear the device when it is operating.

(5) The provision of the relevant ADR that corresponds to subsection (2) applies to a vehicle as if that provision did not contain a reference to a bell.

Note—

For the relevant ADR, see the *Vehicle Standard (Australian Design Rule 42/04—General Safety Requirements) 2005*, subrule 20.1.1.

12 Rear vision mirrors

(1) At least 1 rear vision mirror must be fitted to each side of a heavy motor vehicle.

(2) A rear vision mirror fitted to a heavy motor vehicle as required by subsection (1) must be fitted so that the vehicle's driver in the normal driving position can clearly see by reflection the road behind the vehicle and any following or overtaking vehicle.

(3) A rear vision mirror fitted to a heavy motor vehicle as required by subsection (1) must not project beyond the external bodywork of a heavy vehicle substantially more than is necessary for it to provide adequate rearward vision.

(4) If the lower edge of an exterior rear vision mirror fitted to a heavy motor vehicle as required by subsection (1) is less than 2m above the ground when the vehicle is loaded to maximum mass permitted for the vehicle, the mirror must not project more than 250mm beyond the overall width of the vehicle, measured in accordance with the prescribed dimension requirements applying to the vehicle.

(5) A rear vision mirror fitted to a heavy motor vehicle as required by subsection (1) must have a reflecting surface of at least 150cm^2.

13 Additional rear vision mirrors and mirror surfaces

(1) A heavy motor vehicle may be fitted with additional rear vision mirrors or with mirror surfaces.

(2) Additional rear vision mirrors fitted to a heavy motor vehicle must have a flat or convex surface, or a combination of flat and convex surfaces.

(3) Mirror surfaces fitted to a heavy motor vehicle must be flat or convex, or both flat and convex.

(4) In this section—

mirror surface means a thing with a mirror that may be fitted to a vehicle to perform a similar function to a rear vision mirror.

14 Automatic transmission

(1) A heavy motor vehicle fitted with an automatic transmission must have an engine starter mechanism that can not operate when the transmission control is in a position to drive the vehicle.

(2) A heavy motor vehicle built after 1975 that is fitted with an automatic transmission must have an indicator in the driver's compartment showing the transmission control position.

(3) Subsections (1) and (2) do not apply to a heavy motor vehicle with fewer than 4 wheels.

15 Diesel engines

A heavy motor vehicle propelled by a diesel engine must be fitted with a device preventing the engine from being started accidentally or inadvertently.

16 Bonnet-securing devices

(1) A heavy motor vehicle with a moveable body panel forward of the windscreen covering an engine or luggage storage or battery compartment must have a device to secure the panel.

(2) However, if the panel opens from the front in a way partly or completely obstructing the driver's forward view through the windscreen, the panel must have primary and secondary devices to secure the panel.

17 Electrical wiring, connectors and conductors

(1) The wiring of electrical equipment of a heavy vehicle, other than the high tension ignition wiring, must—

(a) be supported at intervals of not more than 600mm, unless the vehicle is a pole-type trailer with a pole with an adjustable length or is an extendible trailer; and

(b) be insulated at each of its joints; and

(c) be located where it can not—

(i) become overheated; or

(ii) contact moving parts; or

(iii) come near enough to the fuel system to be a fire hazard; and

(d) be protected from chafing.

(2) The electrical components of a vehicle must be securely mounted.

(3) The electrical connectors between a heavy motor vehicle and trailer, for operation of the vehicle lights required by this Regulation, must comply with at least 1 of the following—

- AS 2513-1982 Electrical Connectors for Trailer Vehicles

  Note—

  AS 2513-1982 'Electrical Connectors for Trailer Vehicles' may be purchased from Standards Australia at <www.standards.org.au>.

- International Standards Organisation ISO 1185—1997
- Society of Automotive Engineers SAE J 560—1998
- AS 4735-2003 Heavy road vehicles—Electrical connectors for articulated vehicles.

(4) A heavy trailer must be equipped with an electrical conductor, independent of the trailer coupling fitted to the trailer, that makes a return path between the electrical circuits of the trailer and towing vehicle.

(5) In this section—

electrical connector means a device intended for making a detachable electrical connection between a motor vehicle and a trailer.

high tension ignition wiring, for a vehicle, means wiring designed to transmit electrical currents for the purpose of igniting fuel in the vehicle's engine.

18 Television receivers and visual display units

(1) A television receiver or visual display unit must not be installed in a heavy vehicle so any part of the image on the screen is visible to the vehicle's driver from the normal driving position.

(2) However, subsection (1) does not apply to—

(a) a television receiver or visual display unit that can not be operated when the heavy vehicle is moving; or

(b) a driver's aid in the heavy vehicle or, if the heavy vehicle is a bus, a destination sign in the bus.

Examples for paragraph (b)—

- closed-circuit television security cameras
- dispatch systems
- navigational or intelligent highway and vehicle system equipment
- rear view screens
- ticket-issuing machines
- vehicle-monitoring devices

(3) A television receiver, or visual display unit, and its associated equipment in a heavy vehicle must be securely mounted in a position that does not—

(a) obscure the driver's view of the road from the normal driving position; or

(b) impede the movement of a person in the vehicle.

19 Requirement for windscreen to be fitted

A heavy motor vehicle must be fitted with a windscreen if it is manufactured or designed to have a windscreen.

20 Windscreens and windows

(1) Transparent material used in a windscreen, window or an interior partition of a heavy motor vehicle must be of approved material if—

(a) the vehicle was built after June 1953; or

(b) the material was first fitted to the vehicle after June 1953.

(2) Subsection (1) does not apply to any coating added to the windscreen, window or partition after its manufacture.

(3) In this section—

approved material means material with the same characteristics as material mentioned in any of the following standards—

- AS R1-1965 'Safety Glass for Land Transport'
- AS R1-1968 'Safety Glass for Land Transport'
- AS 2080-1977 'Safety Glass for Vehicles'
- British Standard BS 857:1967 'Specification for Safety Glass for Land Transport'
- British Standard BS 5282:1975 'Specification for Road Vehicle Safety Glass'
- British Standard BS AU 178:1980 'Specification for Road Vehicle Safety Glass'
- Japanese Industrial Standard JIS R 3211-1979 'Safety Glasses for Road Vehicles'

- American National Standard ANSI Z26.1-1980 'Safety Code for Safety Glazing Materials for Glazing Motor Vehicles Operating on Land Highway'.

21 Window tinting

(1) Glazing used in a windscreen of a heavy motor vehicle must have a luminous transmittance of at least 70%.

(2) Glazing used in a windscreen of a heavy motor vehicle must not be coated in a way that reduces its luminous transmittance.

(3) However, subsections (1) and (2) do not apply to the greater of the following areas of a windscreen—

(a) the area above the highest point of the windscreen that is swept by a windscreen wiper;

(b) the upper 10% of the windscreen.

(4) Glazing used in a window or interior partition of a heavy motor vehicle may be coated to achieve a luminous transmittance of not less than 35%.

(5) The requirements about luminous transmittance applying to glazing used in a window of a heavy motor vehicle stated in a second edition ADR or third edition ADR do not apply to a window that has been coated as provided in subsection (4).

(6) Glazing used in a windscreen, window or interior partition of a heavy motor vehicle that has been coated to reduce its luminous transmittance must not have a reflectance of more than 10%.

(7) In this section—

glazing—

(a) means material that may be used in a windscreen, window or interior partition of a heavy motor vehicle, through which the vehicle's driver can see the road; but

(b) does not include a coating added after manufacture of the material.

luminous transmittance, for glazing, means the amount of light that can pass through the glazing as a percentage of the amount of light that would be transmitted if the glazing were absent.

22 Windscreen wipers and washers

(1) A heavy motor vehicle with 3 or more wheels fitted with a windscreen must be fitted with at least 1 windscreen wiper unless the vehicle's driver in the normal driving position can obtain an adequate view of the road ahead of the vehicle without looking through the windscreen.

(2) At least 1 windscreen wiper fitted to a heavy motor vehicle mentioned in subsection (1) must—

(a) be able to remove moisture from the part of the windscreen in front of the driver in the normal driving position to allow the driver an adequate view of the road ahead of the vehicle when the windscreen is wet; and

(b) be able to be operated from the normal driving position; and

(c) for a vehicle built after 1934—continue to operate until the wiper is switched off; and

(d) for a vehicle built after 1959, the normal driving position of which is nearer 1 side of the vehicle than the other—

(i) be able to remove moisture from the part of the windscreen in front of the driver in the normal driving position, and a corresponding part of the windscreen on the other side of the centre of the vehicle, to allow the driver an adequate view of the road ahead of the vehicle when the windscreen is wet; and

(ii) if the windscreen wiper is operated by engine manifold vacuum—be connected to a vacuum reservoir or vacuum pump to maintain the efficient operation of the wiper while the vehicle is in motion.

(3) If a heavy motor vehicle mentioned in subsection (1) was built after 1982, it must also be fitted with a windscreen washer that—

(a) can direct water onto the windscreen within the area swept by a windscreen wiper so the wiper can spread the water to all of the area swept by the wiper; and

(b) is able to be operated from the normal driving position.

(4) In this section—

engine manifold vacuum, in relation to a vehicle, means low air pressure in the vehicle's engine produced by inducting air, or a mix of air and fuel, into the vehicle's engine.

vacuum pump means a pump fitted to a vehicle that generates low air pressure to help the mechanical functioning of other equipment fitted to the vehicle.

vacuum reservoir, in relation to a vehicle, means a device designed to store air at a low pressure to help the mechanical functioning of other equipment fitted to the vehicle.

23 Wheels and tyres—size and capacity

(1) The wheels and tyres fitted to an axle of a heavy vehicle must be of sufficient size and capacity to carry the part of the vehicle's gross mass transmitted to the ground through the axle.

(2) For the purposes of subsection (1), the size and capacity of a pneumatic tyre fitted to an axle of a heavy vehicle must be determined at a cold inflation pressure of not more than the lesser of the following—

(a) the pressure recommended by the tyre manufacturer;

(b) a pressure of—

(i) for a radial ply tyre—825kPa; or

(ii) for another tyre—700kPa.

(3) In this section—

ADR (Definitions and Vehicle Categories) means the ADR titled 'Vehicle Standard (Australian Design Rule—Definitions and Vehicle Categories) 2005'.

radial ply tyre means a radial ply tyre within the meaning of ADR (Definitions and Vehicle Categories).

24 Pneumatic tyres for particular heavy vehicles

A heavy vehicle built after 1932 must be fitted with pneumatic tyres.

25 Tyres—defects

A tyre fitted to a heavy vehicle must be free of any apparent defect that could make the vehicle unsafe.

26 Tyres—suitability

(1) The requirements about the suitability of a tyre fitted to a vehicle by reference to the vehicle's speed stated in a second edition ADR or third edition ADR do not apply to a tyre fitted to a heavy vehicle.

(2) A tyre fitted to a heavy vehicle must be suitable for road use at the lesser of—

(a) 100 km/h; and

(b) the vehicle's top speed.

27 Retreads

A tyre that is retreaded must not be fitted on a heavy vehicle if—

(a) AS 1973-1993 'Pneumatic Tyres—Passenger Car, Light Truck and Truck/Bus—Retreading and Repair Processes' applies to the tyre; and

(b) the tyre was not retreaded in accordance with the standard.

28 Tyre tread

(1) A tyre fitted to a heavy motor vehicle must not have cleats or other gripping devices that could damage road surfaces.

(2) A tyre fitted to the vehicle must have a tread pattern at least 1.5mm deep, other than at tread wear indicators, in a band running continuously—

(a) across at least 75% of the tyre width that normally comes into contact with the road; and

(b) around the whole circumference of the tyre.

(3) A heavy vehicle must not be fitted with a tyre that has been treated by recutting or regrooving the tread rubber, unless the tyre was—

(a) constructed with an extra thickness of rubber designed for recutting or regrooving; and

(b) labelled to indicate the construction.

(4) In this section—

tread wear indicator, in relation to a tyre, means a marking that indicates the limit of wear on the tyre.

Part 3 Vehicle marking

29 Vehicle and engine identification numbers

(1) The engine of a heavy motor vehicle must have an individual engine identification number clearly stamped, embossed or otherwise permanently marked—

(a) if the engine was built after 1930—on the vehicle's engine block or main component; or

(b) otherwise—anywhere on the engine.

(2) A heavy vehicle must have an individual vehicle identification number clearly stamped, embossed or otherwise

permanently marked on a substantial part of its frame or chassis.

(3) A heavy vehicle's engine or vehicle identification number must be located where a person can read it easily without having to use tools to remove a part of the vehicle that would otherwise obstruct the person's view.

(4) A heavy vehicle's engine or vehicle identification number may consist of numbers or a combination of numbers and letters.

30 White or silver band on particular vehicles

(1) This section applies to a heavy vehicle that—

(a) is at least 2.2m wide; and

(b) has a body with a vertical measurement less than 300mm at the rear, measured from the lowest point of the body above ground level to the highest point; and

(c) is not fitted with rear marking plates in accordance with section 80.

(2) The heavy vehicle must have a white or silver band at least 75mm high across the full width of the rearmost part of the vehicle's body.

31 Left-hand drive signs

(1) This section applies to a heavy motor vehicle that has the centre of a steering control to the left of the vehicle.

(2) The heavy motor vehicle must display the words 'left hand drive' on the rear of the vehicle.

(3) The words must be in letters at least 75mm high, and in a colour contrasting with the background to the words.

Part 4 Vehicle configuration

32 Axle configuration

(1) A heavy motor vehicle, other than an articulated bus, must have only—

(a) 1 axle group, or a single axle, towards the front of the vehicle; and

(b) 1 axle group, or a single axle, towards the rear of the vehicle.

(2) A heavy motor vehicle that is an articulated bus must have only—

(a) on its front section—

(i) 1 axle group, or a single axle, towards the front of the section; and

(ii) 1 axle group, or a single axle, towards the rear of the section; and

(b) on another section—1 axle group or single axle.

(3) A heavy trailer must have only—

(a) 1 axle group or a single axle; or

(b) 2 axle groups, 2 single axles, or 1 axle group and a single axle, in the following configuration—

(i) 1 axle group, or a single axle, towards the front of the vehicle, with all the wheels on the axle group or single axle connected to the steering mechanism for that part of the trailer;

(ii) 1 axle group, or a single axle, towards the rear of the vehicle.

(4) A semitrailer that is extendible, or fitted with sliding axles, must—

(a) have a securing device that—

(i) can securely fix the extendible part or sliding axles to the rest of the vehicle in any position of adjustment provided; and

(ii) is located in a position that can prevent accidental or inadvertent release, if the device is mounted on the vehicle's chassis; and

(iii) is fitted with an audible or visible warning system to indicate to a person standing beside the vehicle that the device is not engaged; and

(iv) is fitted with a way of preventing loss of air from the air brake supply, if the device uses air from the semitrailer's braking system and fails in a way allowing air to escape; and

(v) is held in the applied position by direct mechanical action without the intervention of an electric, hydraulic or pneumatic device; and

(b) be built so the adjustable parts of the vehicle remain connected if the securing device fails.

33 Relation between axles in axle group

(1) The axles in an axle group, other than a twinsteer axle group, fitted to a heavy vehicle must relate to each other through a load-sharing suspension system.

(2) In this section—

load-sharing suspension system, of an axle group, has the same meaning as it has under the *Heavy Vehicle (Mass, Dimension and Loading) National Regulation*.

Part 5 Dimension requirements

34 Application of prescribed dimension requirements as a vehicle standard

(1) The dimensions of a heavy vehicle must comply with the prescribed dimension requirements (the ***requirements***) applying to the vehicle.

(2) The dimensions of a vehicle do not contravene subsection (1) in relation to a contravention of the requirements caused only by the load the vehicle is carrying.

(3) If a vehicle has a retractable axle, the vehicle must comply with subsection (1) at any time with both the axle retracted and not retracted.

(4) In this section—

retracted, in relation to an axle, has the same meaning as it has in section 5 of the *Heavy Vehicle (Mass, Dimension and Loading) National Regulation*.

Part 6 Lights and reflectors

Division 1 Application of particular requirements

35 Part does not apply to particular vehicles

(1) This Part does not apply to a heavy vehicle built before 1931 used only in the daytime.

(2) This Part does not apply to a heavy vehicle built before 1946 used mainly for exhibition purposes.

36 Particular requirements apply only at night

The requirements of this Part for a light, other than a brake or direction indicator light, to be visible over a stated distance apply only at night.

Division 2 General requirements for lights

37 Prevention of glare

A light, other than a high-beam headlight, fitted to a heavy vehicle must be built and adjusted to provide the necessary amount of light, without dazzling the driver of another vehicle approaching, or being approached by, the vehicle.

38 Pairs of lights

If lights are required under this Regulation to be fitted to a heavy vehicle in pairs—

(a) a light must be fitted on each side of the longitudinal axis of the vehicle; and

(b) the centre of each light in a pair must be the same distance from the longitudinal axis of the vehicle; and

(c) the centre of each light in a pair must be at the same height above ground level; and

(d) each light in a pair must project approximately the same amount of light of the same colour.

Division 3 Headlights

39 Headlights to be fitted to vehicles

(1) A heavy motor vehicle with 4 or more wheels must be fitted with a pair of low-beam headlights.

(2) A heavy motor vehicle with fewer than 4 wheels must be fitted with at least 1 low-beam headlight.

(3) If a heavy motor vehicle built after 1934 can travel at more than 60km/h—

(a) each low-beam headlight fitted as required by subsection (1) or (2) must be able to work in the high-beam position; or

(b) the vehicle must be fitted with—

(i) if the vehicle has 4 or more wheels—a pair of headlights that can work in the high-beam position; or

(ii) if the vehicle has fewer than 4 wheels—at least 1 headlight that can work in the high-beam position.

(4) Additional headlights may be fitted to a heavy motor vehicle with 4 or more wheels built before 1970.

(5) Additional pairs of headlights may be fitted to a heavy motor vehicle with 4 or more wheels built after 1969.

40 How headlights are to be fitted

(1) The centres of low-beam headlights fitted as a pair on a heavy motor vehicle with 4 or more wheels must be at least 600mm apart.

(2) However, subsection (1) does not apply to a heavy motor vehicle built before 1970 if the centres of its low-beam headlights—

(a) were less than 600mm apart when the vehicle was built; and

(b) are not nearer than they were when the vehicle was built.

(3) The centre of a low-beam headlight fitted to a heavy motor vehicle built after June 1953 must be—

(a) at least 500mm above ground level; and

(b) not more than 1.4m above ground level.

41 How additional headlights are to be fitted

If 2 or more additional headlights are fitted to a heavy motor vehicle with 4 or more wheels, the additional headlights must as far as possible be fitted in pairs.

42 Performance of headlights

(1) When on, a headlight, or additional headlight, fitted to a heavy vehicle must—

(a) show only white light; and

(b) project its main beam of light ahead of the vehicle.

(2) A headlight must be fitted to a heavy vehicle so the light from it does not reflect off the vehicle into the driver's eyes while in the normal driving position.

43 Effective range of headlights

(1) When on at night—

(a) a low-beam headlight fitted to a heavy vehicle must illuminate the road ahead of the vehicle for at least 25m; and

(b) a high-beam headlight fitted to a heavy vehicle must illuminate the road ahead of the vehicle for at least 50m.

(2) However, a low-beam headlight fitted to a heavy vehicle built before 1931 need only illuminate the road ahead of the vehicle for 12m.

44 Changing headlights from high-beam to low-beam position

(1) A heavy motor vehicle built after 1934 that can travel at more than 60km/h must be fitted with a dipping device enabling the vehicle's driver in the normal driving position—

(a) to change the headlights from the high-beam position to the low-beam position; or

(b) simultaneously to switch off a high-beam headlight and switch on a low-beam headlight.

(2) A heavy vehicle built after June 1953 that can travel at more than 60km/h must also be fitted with a device to indicate to the driver in the normal driving position that the headlights are in the high-beam position.

(3) A headlight fitted to a heavy vehicle that is not fitted with a dipping device mentioned in subsection (1) must operate in the low-beam position.

(4) When a headlight fitted to a heavy vehicle is switched to the low-beam position, any other headlight on the vehicle must operate only in the low-beam position or be off.

Division 4 Parking lights

45 Parking lights

(1) A heavy motor vehicle with 4 or more wheels built after June 1953 must be fitted with a pair of parking lights.

(2) A pair of parking lights fitted to a heavy motor vehicle must be fitted with the centre of each light—

(a) at least 600mm from the centre of the other light; and

(b) not more than 510mm from the nearer side of the vehicle.

(3) However, a pair of parking lights fitted to a heavy motor vehicle less than 1300mm wide may be fitted with the centre of each light not less than 400mm from the centre of the other light.

(4) When on, a parking light fitted to a heavy motor vehicle must—

(a) show a white or yellow light visible 200m from the front of the vehicle; and

(b) not use more than 7W.

(5) A parking light fitted to a heavy motor vehicle built after 1969 must be wired so the parking light is on when a headlight on the vehicle is on.

Division 5 Daytime running lights

46 Daytime running lights

(1) A pair of daytime running lights may be fitted to a heavy motor vehicle.

(2) A pair of daytime running lights fitted to a heavy motor vehicle with 4 or more wheels must be fitted with the centre of each light—

(a) at least 600mm from the centre of the other light; and

(b) not more than 510mm from the nearer side of the vehicle.

(3) However, a pair of daytime running lights fitted to a heavy motor vehicle less than 1300mm wide may be fitted with the centre of each light not less than 400mm from the centre of the other light.

(4) When on, a daytime running light fitted to a heavy motor vehicle must—

(a) show a white or yellow light visible from the front of the vehicle; and

(b) not use more than 25W.

Note—

The third edition ADRs only allow white daytime running lights.

(5) Daytime running lights fitted to a heavy motor vehicle must be wired so they are off when a headlight, other than a headlight being used as a flashing signal, is on.

(6) In this section—

daytime running lights means lights fitted to the front of a vehicle for improving visibility in the daytime.

Division 6 Tail-lights

47 Tail-lights generally

(1) Subject to subsections (2) and (3), a heavy vehicle must have at least 1 tail-light fitted on or towards the rear of the vehicle.

(2) A heavy motor vehicle with 4 or more wheels built after 1959 must have at least 1 tail-light fitted on or towards each side of the rear of the vehicle.

(3) A heavy trailer built after June 1973 must have at least 1 tail-light fitted on or towards each side of the rear of the vehicle.

(4) The centre of a tail-light mentioned in subsection (1), (2) or (3) must not be more than—

(a) 1.5m above ground level; or

(b) if it is not practicable to fit the light lower, 2.1m above ground level.

(5) A heavy vehicle may have 1 or more additional tail-lights at any height above ground level.

48 Pattern of fitting tail-lights

(1) If only 1 tail-light is fitted to a heavy vehicle, it must be fitted in the centre or to the right of the centre of the rear of the vehicle.

(2) If 2 or more tail-lights are fitted to a heavy vehicle, at least 2 must be fitted as a pair.

(3) Tail-lights fitted in accordance with this Division may also serve as rear clearance lights if they are fitted to a heavy vehicle in accordance with section 54(3).

49 Performance of tail-lights

When on, a tail-light of a heavy vehicle must—

(a) show a red light visible 200m from the rear of the vehicle; and

(b) not use more than 7W.

50 Wiring of tail-lights

A tail-light of a heavy motor vehicle must be wired to come on, and stay on, when a parking light or headlight on the vehicle is on, unless an external switch is fitted to operate the tail-light.

Division 7 Number plate lights

51 Number plate lights

(1) At least 1 number plate light must be fitted to the rear of a heavy vehicle.

(2) When on at night, the number plate light fitted to the rear of a heavy vehicle must illuminate a number plate on the rear of the vehicle with white light, so the characters on the number plate can be read at least 20m from the rear of the vehicle.

(3) A number plate light fitted to a heavy vehicle—

(a) may be combined with another light; and

(b) must not project white light to the rear of the vehicle other than by reflection; and

(c) must not obscure the characters on the number plate; and

(d) must be wired to come on, and stay on, when a parking light, headlight or tail-light on the vehicle is on.

Division 8 Clearance lights

52 Front clearance lights

(1) Front clearance lights may only be fitted to a heavy vehicle that is at least 1.8m wide.

(2) A pair of front clearance lights must be fitted to a heavy motor vehicle that is at least 2.2m wide, or a prime mover.

(3) The centre of a front clearance light fitted to a heavy vehicle must be—

(a) not more than 400mm from the nearer side of the vehicle; and

(b) if the vehicle was built after June 1953—

(i) at least 750mm higher than the centre of any low-beam headlight fitted to the vehicle; or

(ii) not lower than the top of the windscreen.

(4) However, a front clearance light fitted to a heavy vehicle may be mounted on an external rear vision mirror or a mirror support if, when the mirror is correctly adjusted, no part of the lens of the clearance light is visible to the vehicle's driver in the normal driving position.

(5) When on, a front clearance light fitted to a heavy vehicle must—

(a) show a white or yellow light visible 200m from the front of the vehicle; and

(b) not use more than 7W.

(6) In this section—

front clearance light means a light fitted to the front of a vehicle that indicates the dimension limits of the vehicle when viewed from the front.

53 External cabin lights

(1) A heavy motor vehicle fitted with front clearance lights may also have additional forward-facing lights on or above the roof of its cabin.

(2) The additional forward-facing lights must be spaced evenly between the front clearance lights, with their centres at least 120mm apart.

(3) When on, an additional forward-facing light fitted to a heavy motor vehicle must—

(a) show a white or yellow light; and

(b) not use more than 7W.

54 Rear clearance lights

(1) Rear clearance lights may only be fitted to a heavy vehicle that is at least 1.8m wide.

(2) A pair of rear clearance lights must be fitted to the rear of a heavy vehicle that is at least 2.2m wide.

(3) The centre of a rear clearance light fitted to a heavy vehicle must be—

(a) not more than 400mm from the nearer side of the vehicle; and

(b) if practicable, at least 600mm above ground level.

(4) When on, a rear clearance light fitted to a heavy vehicle must—

(a) show a red light visible 200m from the rear of the vehicle; and

(b) not use more than 7W.

(5) In this section—

rear clearance light means a light fitted to the rear of a vehicle that indicates the dimension limits of the vehicle when viewed from the rear.

Division 9 Side marker lights

55 Vehicles needing side marker lights

(1) A pair of side marker lights must be fitted towards the rear of the sides of a heavy motor vehicle that is longer than 7.5m and at least 2.2m wide.

(2) A pole-type trailer or a heavy motor vehicle built to tow a pole-type trailer, each with at least 1 cross-bar or bolster, must have a side marker light fitted to each side of the back or only cross-bar or bolster.

(3) A pole-type trailer with 2 or more cross-bars or bolsters may also have a side marker light fitted to each side of the front cross-bar or bolster.

(4) At least 2 side marker lights must be fitted to each side of—

(a) a heavy trailer, other than a pole-type trailer, that is at least 2.2m wide and not longer than 7.5m; and

(b) a semitrailer that is not longer than 7.5m.

(5) At least 3 side marker lights must be fitted to each side of—

(a) a heavy trailer, other than a pole-type trailer, that is at least 2.2m wide and longer than 7.5m; and

(b) a semitrailer that is longer than 7.5m.

56 Location of side marker lights

(1) The centre of a side marker light fitted to a heavy vehicle must not be more than 150mm from the nearer side of the vehicle.

(2) A front side marker light fitted to a heavy motor vehicle must be towards the front of the side of the vehicle with no part of the lens visible to the driver in the normal driving position.

(3) The centre of a front side marker light fitted to a heavy trailer must be—

(a) within 300mm of the front of the side of the trailer; or

(b) if the construction of the trailer makes it impracticable to comply with paragraph (a)—as near as practicable to the front of the trailer.

(4) The centre of a rear side marker light fitted to a heavy vehicle must be—

(a) within 300mm of the rear of the side of the vehicle; or

(b) if the construction of the vehicle makes it impracticable to comply with paragraph (a)—as near as practicable to the rear of the vehicle.

(5) Side marker lights fitted to a heavy vehicle must, as far as practicable, be evenly spaced along the side of the vehicle.

(6) Subsections (2) to (5) do not apply to side marker lights fitted to a cross-bar or bolster of a pole-type trailer.

(7) Only the side marker lights nearest to the rear need be fitted to a heavy vehicle if complying with subsections (3) and (4) would result in the front and rear side marker lights being less than 2.5m apart.

(8) A side marker light fitted to a heavy vehicle must be fitted so—

(a) its centre is at least 600mm above ground level; and

(b) its centre is not more than—

(i) 1.5m above ground level; or

(ii) if it is not practicable to fit it lower, 2.1m above ground level; and

(c) it is, as far as practicable, in a row of side marker lights along the side of the vehicle.

(9) Subsection (8)(a) does not apply to a side marker light that is not required to be fitted to the heavy vehicle under section 55.

57 Performance of side marker lights

(1) When on, a side marker light fitted to a heavy vehicle must—

(a) show a light visible 200m from the vehicle; and

(b) not use more than 7W.

(2) When on, a side marker light fitted to a heavy vehicle must show—

(a) to the front of the vehicle—a yellow light; and

(b) to the rear of the vehicle—

(i) if the light also operates as a rear light or reflector—a red light; and

(ii) in any other case—a red or yellow light.

(3) If a pole-type trailer with 2 or more cross-bars or bolsters has side marker lights permitted by section 55(3)—

(a) the side marker lights fitted to the front cross-bar or bolster must, when on, show a yellow light; and

(b) the side marker lights fitted to the back cross-bar or bolster must, when on, show—

(i) if the light also operates as a rear light or reflector—a red light; and

(ii) in any other case—a red or yellow light.

58 Side marker lights and rear clearance lights

The side marker light nearest to the rear of a vehicle may also be a rear clearance light for section 54.

Division 10 Brake lights

59 Fitting brake lights

(1) A brake light must be fitted to the rear of a heavy vehicle built after 1934.

(2) A pair of brake lights must be fitted to the rear of—

(a) a heavy motor vehicle built after 1959 that has 4 or more wheels; and

(b) a heavy trailer built after June 1973.

(3) The centre of a brake light fitted to a heavy vehicle must be—

(a) at least 350mm above ground level; and

(b) not more than—

(i) 1.5m above ground level; or

(ii) if it is not practicable to fit the light lower, 2.1m above ground level.

(4) A heavy vehicle may be fitted with 1 or more additional brake lights.

(5) The centre of an additional brake light fitted to a heavy vehicle must be at least 350mm above ground level.

(6) If only 1 brake light is fitted to a heavy vehicle, it must be fitted in the centre or to the right of the centre of the rear of the vehicle.

60 Performance and operation of brake lights

(1) When on, a heavy vehicle's brake light must show a red light visible 30m from the rear of the vehicle.

(2) A brake light fitted to a heavy motor vehicle must come on, if it is not already on, when a service brake is applied.

(3) Subsection (2) does not apply if the controls in the heavy motor vehicle that start the engine are in a position that makes it impossible for the engine to operate.

(4) A brake light fitted to a heavy trailer must come on when—

(a) the brake light of the towing vehicle comes on; or

(b) a brake control on the towing vehicle, that independently activates the service brake on the trailer, is operated.

(5) A brake light fitted to a heavy vehicle may be operated by an engine brake or similar device if the device does not interfere with the proper operation of the brake light.

(6) In this section—

engine brake means a device that uses force within a vehicle's engine or transmission system for the purpose of deceleration of the vehicle.

Division 11 Reversing lights

61 Reversing lights

(1) One or more reversing lights may be fitted to the rear of a heavy vehicle and on each side towards the rear of the vehicle.

(2) A reversing light fitted to a heavy vehicle must have its centre not more than 1.2m above ground level.

(3) When on, a reversing light fitted to a heavy vehicle must show a white or yellow light to the rear or to the side and rear of the vehicle.

Note—

The third edition ADRs only allow white reversing lights.

(4) A reversing light fitted to a heavy motor vehicle must be wired so it operates only when the vehicle is reversing or in reverse gear.

(5) A reversing light fitted to a heavy trailer must be wired so it operates only when the towing vehicle is reversing or in reverse gear.

(6) A yellow reversing light fitted to a heavy vehicle may also operate as a direction indicator light.

Division 12 Direction indicator lights

62 Direction indicator lights on heavy motor vehicles

(1) A heavy motor vehicle with 4 or more wheels that was built after August 1966 must have—

(a) a pair of direction indicator lights fitted on, or towards, its front that face forwards; and

(b) a pair of direction indicator lights fitted on, or towards, its rear that face backwards.

(2) A heavy motor vehicle with fewer than 4 wheels that was built after June 1975 must have—

(a) a pair of direction indicator lights fitted on, or towards, its front that face forwards; and

(b) a pair of direction indicator lights fitted on, or towards, its rear that face backwards.

(3) A heavy motor vehicle that is not required to have direction indicator lights may have—

(a) 1 or more pairs of direction indicator lights that are visible from both the front and rear of the vehicle; or

(b) both—

(i) a pair of direction indicator lights fitted on, or towards, its front that face forwards; and

(ii) a pair of direction indicator lights fitted on, or towards, its rear that face backwards.

63 Direction indicator lights on trailers

(1) A heavy trailer built after June 1973 must have a pair of direction indicator lights fitted on, or towards, its rear that face backwards.

(2) A heavy trailer that is not required to have direction indicator lights may have 1 or more pairs of direction indicator lights fitted on, or towards, its rear that face backwards.

64 Location of direction indicator lights

(1) A pair of direction indicator lights fitted to a heavy vehicle must have the centre of each light at least—

(a) for a vehicle with a width of not more than 1.3m—400mm from the centre of the other light; or

(b) for a vehicle with a width of more than 1.3m—600mm from the centre of the other light.

(2) The centre of each direction indicator light fitted to a heavy vehicle must be at least 350mm above ground level.

(3) The centre of each light in a pair of direction indicator lights required to be fitted to a heavy vehicle must not be more than—

(a) 1.5m above ground level; or

(b) if it is not practicable for the light to be fitted lower—2.1m above ground level.

65 Operation and visibility of direction indicator lights

(1) A direction indicator light fitted to a heavy motor vehicle must—

(a) when operating, display regular flashes of light at a rate of—

(i) for a heavy motor vehicle with 4 or more wheels—at least 60 but not more than 120 flashes per minute; or

(ii) for another heavy motor vehicle—at least 45 but not more than 120 flashes per minute; and

(b) be able to be operated from the normal driving position by the vehicle's driver; and

(c) be wired to an audible or visible device in the vehicle that tells the driver in the normal driving position that the direction indicator light is operating; and

(d) flash at the same time and rate as any other direction indicator lights fitted on the same side of the vehicle.

(2) A direction indicator light fitted to a side of a heavy trailer must, when operating, flash at the same time and rate as the direction indicator light or lights fitted to the same side of the towing vehicle.

(3) The flashes of light displayed by a direction indicator light fitted to a heavy vehicle must be—

(a) for a light facing forwards—white or yellow; or

(b) for a light facing backwards—

(i) yellow; or

(ii) if the vehicle was built before July 1973—red or yellow; and

(c) for a light facing out from the side of the vehicle—

(i) white or yellow towards the front and side; and

(ii) if the vehicle was built before July 1973—red or yellow towards the rear and side; and

(iii) if the vehicle was built after June 1973—yellow towards the rear and side.

Note—

The third edition ADRs only allow yellow direction indicator lights.

(4) If a heavy motor vehicle's direction indicator lights display only yellow light, the vehicle may be equipped to allow the lights to operate simultaneously on both sides of the vehicle, if an audible or visible signal tells the driver in the normal driving position when the lights are operating simultaneously.

(5) When on, a direction indicator light fitted to a heavy vehicle must be visible 30m from—

(a) for a light facing forwards—the front of the vehicle; or

(b) for a light facing backwards—the rear of the vehicle; or

(c) for a light facing out from the side of the vehicle—that side of the vehicle.

(6) When on, each direction indicator light in at least 1 pair of lights fitted on or towards the front of a heavy vehicle that is a prime mover or a heavy motor vehicle longer than 7.5m, must be visible at a point—

(a) 1.5m at right angles from the side of the vehicle where the light is fitted; and

(b) in line with the rear of the vehicle.

Division 13 Fog lights

66 Front fog lights

(1) A pair of front fog lights may be fitted to a heavy motor vehicle.

(2) A pair of front fog lights fitted to a heavy motor vehicle with 4 or more wheels must have the centre of each light not more than 400mm from the nearer side of the vehicle unless the centres of the lights are at least 600mm apart.

(3) If the top of a front fog light fitted to a heavy motor vehicle is higher than the top of any low-beam headlight on the vehicle, the centre of the fog light must not be higher than the centre of the low-beam headlight.

(4) A front fog light fitted to a heavy motor vehicle must—

(a) when on—

(i) project white or yellow light in front of the vehicle; and

(ii) be a low-beam light; and

(b) be able to be operated independently of any headlight; and

(c) be fitted so the light from it does not reflect off the vehicle into the driver's eyes while in the normal driving position.

67 Rear fog lights

(1) A heavy vehicle may have fitted to its rear—

(a) a pair of rear fog lights; or

(b) 1 rear fog light fitted on, or to the right of, the centre of the rear of the vehicle.

(2) A rear fog light fitted to a heavy vehicle must—

(a) have its centre—

(i) not more than 1.5m above ground level; and

(ii) at least 100mm from the centre of a brake light; and

(b) when on, project red light behind the vehicle; and

(c) not use more than 27W; and

(d) be wired to a visible device in the vehicle that tells the driver in the normal driving position that the rear fog light is on.

(3) In this section—

rear fog light means a light used on a heavy vehicle to make it more easily visible from the rear in dense fog.

Division 14 Interior lights

68 Interior lights

A heavy vehicle may be fitted with interior lights that illuminate any interior part of the vehicle.

Division 15 Reflectors

69 General requirements for reflectors

(1) A reflector fitted to a heavy vehicle must show a red, white or yellow reflection of light when light is projected directly onto the reflector at night by another vehicle's low-beam headlight that—

(a) is 45m from the reflector; and

(b) complies with the relevant vehicle standards.

(2) The reflection must be clearly visible from the normal driving position of the driver of the other vehicle.

(3) In this section—

relevant vehicle standards means—

(a) in relation to a heavy vehicle—the vehicle standards prescribed by this Regulation; or

(b) in relation to a vehicle that is not a heavy vehicle—the vehicle standards with which a vehicle other than a heavy vehicle must comply before it may be registered under a law of a participating jurisdiction providing for the registration of vehicles other than heavy vehicles.

70 Rear reflectors

(1) A heavy motor vehicle with 4 or more wheels, and a heavy trailer, must have towards each side of its rear a rear-facing reflector that shows a red reflection of light when light is projected directly onto the reflector.

(2) The centre of each reflector fitted to a heavy vehicle mentioned in subsection (1) must be—

(a) at the same height above ground level; and

(b) not more than 1.5m above ground level.

(3) A reflector fitted to a heavy vehicle mentioned in subsection (1) must not be more than 400mm from the nearer side of the vehicle.

(4) A heavy vehicle fitted with rear-facing reflectors under subsection (1) may be fitted with additional reflectors that show a red reflection of light when light is projected directly onto the reflectors—

(a) at any height above ground level; or

(b) at any distance from the side of the vehicle.

71 Compulsory side reflectors on pole-type trailers

(1) The pole of a pole-type trailer must be fitted with side-facing reflectors that show a red or yellow reflection of light when light is projected directly onto the reflectors.

(2) The reflectors mentioned in subsection (1) must be fitted as follows—

(a) 1 reflector must be fitted to the middle third of the left and right faces of the pole of the pole-type trailer;

(b) the front reflector must not be more than 3m from the front of the pole-type trailer;

(c) the other reflectors must not be more than 3m apart.

(2) Additional side-facing reflectors may be fitted to a pole-type trailer in accordance with section 72.

72 Optional side reflectors

(1) A heavy vehicle may be fitted with side-facing reflectors.

(2) A side-facing reflector fitted to a heavy vehicle must show the following coloured reflection of light when light is projected directly onto the reflector—

(a) for a side-facing reflector fitted towards the front of the vehicle—white or yellow;

(b) for a side-facing reflector fitted towards the rear of the vehicle—red or yellow;

(c) for a side-facing reflector fitted on the central part of the vehicle—yellow.

73 Compulsory front reflectors on particular trailers

(1) Each side of the front of a semitrailer other than a pole-type trailer, or a heavy trailer that is at least 2.2m wide, must be fitted with a front-facing reflector that shows a white or yellow reflection of light when light is projected directly onto the reflector.

(2) The front of the front or only cross-bar or bolster of a pole-type trailer must be fitted with a front-facing reflector that shows a white or yellow reflection of light when light is projected directly onto the reflector.

(3) Each reflector fitted to a heavy trailer must have its centre—

(a) at the same height above ground level; and

(b) not more than 1.5m above ground level; and

(c) not more than 400mm from the nearer side of the vehicle.

(4) Additional front-facing reflectors may be fitted to a trailer mentioned in subsection (1) in accordance with section 74.

74 Optional front reflectors

(1) A heavy motor vehicle with 4 or more wheels, or a heavy trailer, may have fitted towards each side of its front 1 or more front-facing reflectors that show a white or yellow reflection of light when light is projected directly onto the reflector.

(2) A heavy motor vehicle with fewer than 4 wheels may have 1 or more front-facing reflectors that show a white or yellow reflection of light when light is projected directly onto the reflector.

(3) The centre of at least 1 reflector on each side of the front of a heavy vehicle must be—

(a) at the same height above ground level as the centre of the other reflector; and

(b) the same distance from the longitudinal axis of the vehicle as the centre of the other reflector; and

(c) at least—

(i) if the vehicle has a width of less than 1.3m—400mm from the centre of the other reflector; or

(ii) if the vehicle has a width of 1.3m or more—600mm from the centre of the other reflector.

Division 16 Warning lights and signs on buses carrying children

75 Application of Div 16

This Division applies to a heavy vehicle that is a bus used mainly for carrying children other than a bus fitted with warning lights before July 1999.

76 Fitting of warning lights and signs

(1) Two warning lights and a warning sign must be fitted to the front and rear of the bus.

(2) The warning lights must be fitted—

(a) on each side of, and the same distance from, the centre of the warning sign; and

(b) with the edge of the warning sign not more than 100mm from the nearest point on the lens of the warning lights; and

(c) with the distance between the warning lights at least 300mm at the nearest point; and

(d) so no part of the bus obstructs the light displayed—

(i) 30° to the left and right of the centre of each light; and

(ii) 10° above and below the centre of each light.

(3) The warning lights may be on the warning sign if the words or image on the sign are not obscured.

(4) The warning lights at the same end of the bus must be fitted—

(a) at the same height; and

(b) as high as practicable; and

(c) with the lowest point on the lens of each light not lower than midway between the highest and lowest points on the bus body.

(5) If the centres of the warning lights are less than 1.8m above ground level, no part of the warning lights or warning sign may be on the left side of the bus.

(6) Any requirement of a third edition ADR about warning lights or warning signs does not apply to a bus to which this Division applies.

77 Operation and performance of warning lights

(1) A warning light attached to the bus, when switched on, must—

(a) emit a flashing yellow-coloured light; and

(b) flash between 90 and 180 times per minute.

(2) The warning lights at the same end of the bus must flash alternately.

(3) Unless the driver of the bus has turned the warning lights off, they must operate automatically when a door on the bus opens and for at least 10 seconds, and not more than 20 seconds, after all the doors on the bus have closed.

(4) The bus must have an audible or visible signal that tells the driver of the bus in the normal driving position when the warning lights are flashing.

(5) The bus must be fitted with a switch that allows the driver of the bus to turn the warning lights off from the normal driving position.

(6) A warning light fitted to the bus must have—

(a) an effective lit lens area of at least 60cm^2; and

(b) a luminous intensity (in candela) of at least the values mentioned in the following table when measured at the angles mentioned in the table.

Vertical angle from centre of light	Horizontal angle from centre of light								
	-30°	-20°	-10°	-5°	0°	5°	10°	20°	30°
10°				50	80	50			
5°		180	320	350	450	350	320	180	
0°	75	450	1 000	1 250	1 500	1 250	1 000	450	75
-5°	40	270	450	570	600	570	450	270	40
-10°				75	75	75			

(7) For the purposes of subsection (6)(b), the luminous intensity of a light is to be measured using the test method mentioned in third edition ADR 6.

78 Specifications for warning signs

(1) A warning sign at the front of the bus must show—

(a) the words 'SCHOOL BUS' in capital letters at least 100mm high; or

(b) the required image.

(2) A warning sign at the rear of the bus must show the required image.

(3) The warning sign showing the required image must—

(a) be a rectangular shape at least—

(i) if warning lights are on the warning sign—550mm long and 400mm high; or

(ii) otherwise—400mm long and 250mm high; and

(b) have a black border; and

(c) have black graphics; and

(d) have a yellow surface complying with class 1 or 2 of AS 1906 'Retroreflective Materials and Devices for Road Traffic Control Purposes'.

(4) In this section—

required image means an image of 2 children in the same proportions as the children in AS 1743 'Road Signs—Specifications', image W6-3, with the image of the taller child at least 230mm high.

Division 17 Other lights, reflectors, rear marking plates or signals

79 Other lights and reflectors

(1) An exempt vehicle may be fitted with any light or reflector.

(2) A special use vehicle may be fitted with 1 or more flashing yellow lights.

(3) A heavy vehicle may not be fitted with any light or reflector not mentioned in this Regulation other than as required or permitted by the Law or national regulations.

(4) A heavy vehicle, other than an exempt vehicle or a special use vehicle, must not be fitted with a light that flashes other than as required or permitted by the Law or national regulations.

(5) A heavy vehicle, other than an exempt vehicle, must not be fitted with a light or reflector that—

(a) shows a red light to the front; or

(b) shows a white light to the rear; or

(c) is shaped or located in a way that reduces the effectiveness of a light or reflector required to be fitted to the vehicle under this Regulation.

(6) Any requirements in a third edition ADR that are inconsistent with subsection (1) do not apply to an exempt vehicle.

(7) Any requirements in a third edition ADR that are inconsistent with subsection (2) do not apply to a special use vehicle.

(8) In this section—

dimension exemption means an exemption under Part 4.5 of the Law from compliance with a prescribed dimension requirement.

special use vehicle means any of the following vehicles—

(a) a heavy vehicle built or fitted for use in hazardous situations on a road;

(b) a heavy vehicle used on a road under a dimension exemption;

(c) a heavy vehicle built or fitted to accompany a heavy vehicle mentioned in paragraph (b);

(d) a heavy vehicle that is a bus fitted, before July 1999, with a sign telling road users that the bus carries children.

80 Rear marking plates

(1) Rear marking plates must be fitted to the following vehicles in a way complying with VSB 12—

(a) a heavy motor vehicle with a GVM of more than 12t, other than a bus fitted with hand grips or similar equipment for standing passengers to hold;

(b) a heavy trailer with a GTM of more than 10t.

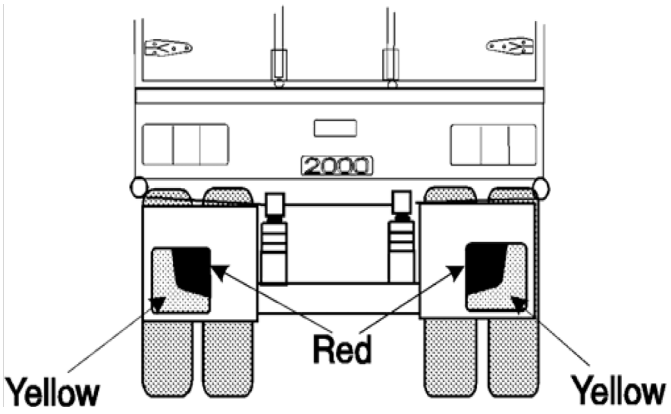
(2) Subsection (1) applies to a heavy vehicle even if it was built before the day stated in VSB 12.

(3) Rear marking plates may be fitted to a heavy motor vehicle with a GVM not over 12t or a heavy trailer with a GTM not over 10t.

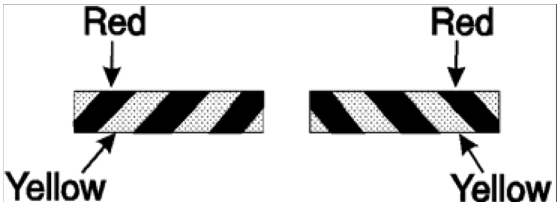
(4) In this section—

rear marking plate means a plate that complies with VSB 12.

Examples of rear marking plates—



An example of rear marking plates



An alternative pattern for rear marking plates

VSB 12 means the 'Standards Bulletin VSB 12—Rear Marking Plates' published by the Vehicle Safety Branch of the Western Australian Department of Planning and Infrastructure.

Note—

A copy of the bulletin may be obtained from the website of the Commonwealth Department of Infrastructure and Transport at <www.infrastructure.gov.au>.

81 Signalling devices

(1) This section applies to a heavy motor vehicle if—

(a) the vehicle is not fitted with a brake light mentioned in Division 10 or a direction indicator light mentioned in Division 12; and

(b) the vehicle's construction would otherwise prevent the driver in the normal driving position from hand signalling an intention—

(i) to turn or move the vehicle to the right; or

(ii) to stop or suddenly reduce the vehicle's speed.

(2) The heavy motor vehicle must be fitted with—

(a) a mechanical signalling device complying with section 82; or

(b) a pair of turn signals complying with section 83.

82 Mechanical signalling devices

(1) A mechanical signalling device fitted to a heavy motor vehicle must—

(a) be fitted to the right side of the vehicle; and

(b) be able to be operated by the vehicle's driver from the normal driving position; and

(c) consist of a white or yellow representation of an open human hand at least 15cm long; and

(d) be constructed so that the vehicle's driver can keep the device—

(i) in a neutral position so that it is unlikely that the driver of another vehicle or anyone else would regard it as a signal; and

(ii) in a horizontal position with the palm of the hand facing forwards and the fingers pointing out at a right angle to the vehicle to signal an intention to turn or move right; and

(iii) with the palm of the hand facing forwards and the fingers pointing upwards to signal an intention to stop or reduce speed suddenly.

(2) When a mechanical signalling device fitted to a heavy motor vehicle is in a position mentioned in subsection (1)(d)(ii) or (iii), the complete hand must be clearly visible from both the front and the rear of the vehicle at a distance of 30m.

83 Turn signals

A turn signal fitted to a heavy motor vehicle must—

(a) consist of a steady or flashing illuminated yellow sign at least 150mm long and 25mm wide that—

(i) when in operation—is kept horizontal; and

(ii) when not in operation—is kept in a position so it is unlikely that the driver of another vehicle or anyone else would regard it as a signal; and

(b) be fitted to the side of the vehicle at least 500mm and not more than 2.1m above ground level, in a position so that the vehicle's driver, from the normal driving position, can see whether the signal is in operation; and

(c) be able to be operated by the vehicle's driver from the normal driving position; and

(d) when in operation—be visible from both the front and rear of the vehicle at a distance of 30m.

Part 7 Braking systems

Division 1 Brake requirements for all heavy vehicles

84 Components of a braking system

(1) A brake tube or hose fitted to a heavy vehicle must—

(a) be manufactured from a material appropriate to its intended use in the vehicle; and

(b) be long enough to allow for the full range of steering and suspension movements of the vehicle; and

(c) be fitted to prevent it being damaged during the vehicle's operation by—

(i) a source of heat; or

(ii) any movement of the parts to which it is attached or near.

(2) Each component of the braking system of a heavy vehicle must comply with the design and performance requirements of any of the following—

(a) a relevant Australian Standard or British Standard; or

(b) a relevant standard approved by any of the following bodies—

- American Society of Automotive Engineers
- American National Standards Institute
- Japanese Standards Association
- Deutsches Institut für Normung
- International Organisation for Standardisation
- European Committee for Standardization (CEN).

85 Provision for wear

The braking system of a heavy vehicle must allow for adjustment to take account of normal wear in the braking system.

86 Supply of air or vacuum to brakes

(1) If air brakes are fitted to a heavy vehicle—

(a) the vehicle's air brake compressor must be able to build up air pressure to at least 80% of the vehicle's governor cut-out pressure in not more than 5 minutes after the compressed air reserve is fully used up; and

(b) the air storage tanks in the vehicle's braking system must have sufficient capacity to allow 5 applications of the service brakes before the air pressure drops below half the vehicle's governor cut-out pressure; and

(c) there must be an automatic or manual condensate drain valve at the lowest point of each air brake reservoir in the vehicle's braking system; and

(d) any spring brake fitted to the vehicle must not operate before the warning mentioned in section 90(4)(a) or 93(3)(a) has been given.

(2) If vacuum brakes are fitted to a heavy vehicle, the vacuum supply must be able to build up vacuum—

(a) to the level when the warning signal mentioned in section 90(4)(a) or 93(3)(a) no longer operates within 30 seconds after the vacuum reserve is fully used up; and

(b) to the normal working level within 60 seconds after the vacuum reserve is fully used up.

(3) In this section—

compressed air reserve, in relation to a vehicle, means compressed air stored on the vehicle for the purpose of supply to the vehicle's braking system.

condensate drain valve means a device used to remove water from the compressed air reserve for a vehicle fitted with air brakes.

governor cut-out pressure, in relation to a vehicle, means the air pressure at which the vehicle's air brake compressor stops supplying air to the vehicle's air brake reservoir.

spring brake means a brake using 1 or more springs to store the energy needed to operate the brake.

vacuum reserve, in relation to a vehicle, means air at a low pressure stored on the vehicle for the purpose of supply to the vehicle's braking system.

87 Performance of braking systems

(1) The braking system of a heavy motor vehicle built after 1930 or a heavy combination that includes a heavy motor vehicle built after 1930 must, on application of a brake, be able to produce the performance mentioned in subsections (2) to (4)—

(a) when the vehicle is on a dry, smooth, level road surface, free from loose material; and

(b) whether or not the vehicle has goods or passengers in it; and

(c) whether or not the vehicle is used alone or as part of a combination; and

(d) without part of the vehicle moving outside a straight path—

(i) centred on the longitudinal axis of the vehicle before the brake was applied; and

(ii) 3.7m wide.

(2) The braking system of a heavy motor vehicle or heavy combination that includes a heavy motor vehicle built after 1930 must bring the vehicle from a speed of 35km/h to a stop within—

(a) 16.5m when the service brake is applied; and

(b) 40.5m when the emergency brake is applied.

(3) The braking system of a heavy motor vehicle or heavy combination that includes a heavy motor vehicle built after 1930 must decelerate the vehicle, from any speed at which the vehicle can travel, by an average of at least—

(a) 2.8m a second a second when the service brake is applied; and

(b) 1.1m a second a second when the emergency brake is applied.

(4) The braking system of a heavy motor vehicle or heavy combination that includes a heavy motor vehicle built after

1930 must achieve a peak deceleration of the vehicle, from any speed at which the vehicle can travel, of at least—

(a) 4.4m a second a second when the service brake is applied; and

(b) 1.5m a second a second when the emergency brake is applied.

(5) The parking brake of a heavy motor vehicle or heavy combination must be able to keep the vehicle, or any combination of which it is a part, stationary on a 12% gradient—

(a) when the vehicle or combination is on a dry, smooth road surface, free from loose material; and

(b) whether or not the vehicle or combination has goods or passengers in it.

Division 2 Heavy motor vehicle braking systems

88 What braking system a heavy motor vehicle must have

(1) A heavy motor vehicle with 4 or more wheels built, or used, mainly for transporting goods or passengers by road must be fitted with—

(a) a braking system that—

(i) consists of brakes fitted to all wheels of the vehicle; and

(ii) has at least 2 separate methods of activation, arranged so effective braking remains on at least 2 wheels if a method fails; or

(b) 2 independent brakes, each of which, when in operation, acts directly on at least half the number of wheels of the vehicle.

(2) The braking system of a heavy motor vehicle mentioned in subsection (1) that was built after 1945 must have a service brake operating on all wheels that, when applied—

(a) acts directly on the wheels and not through the vehicle's transmission; or

(b) acts on a shaft between a differential of the vehicle and a wheel.

(3) The braking system of a heavy motor vehicle with 4 or more wheels must have a parking brake that—

(a) is held in the applied position by direct mechanical action without the intervention of an electrical, hydraulic or pneumatic device; and

(b) is fitted with a locking device that can hold the brake in the applied position; and

(c) has its own separate control.

(4) The parking brake mentioned in subsection (3) may also be the heavy motor vehicle's emergency brake.

(5) If 2 or more independent brakes are fitted to a heavy motor vehicle with 4 or more wheels, the brakes must be arranged so brakes are applied to all the wheels on at least 1 axle of the vehicle when any brake is operated.

(6) In this section—

independent brake, in relation to a heavy vehicle, means—

(a) a brake that is operated entirely separately from any other brake on the vehicle; or

(b) 2 or more brakes operated simultaneously by a drum, disc or part on which a shoe, band or friction pad makes contact, that is common to the brakes.

89 Operation of brakes on heavy motor vehicles

The braking system on a heavy motor vehicle must be arranged to allow the vehicle's driver to apply the brakes from the normal driving position.

90 Air or vacuum brakes on heavy motor vehicles

(1) If a heavy motor vehicle has air brakes, the vehicle's braking system must include at least 1 air storage tank.

(2) If a heavy motor vehicle has vacuum brakes, the vehicle's braking system must include at least 1 vacuum storage tank.

(3) An air storage tank or vacuum storage tank in a heavy motor vehicle's braking system must be built so the vehicle's service brake can be applied to meet the performance standards of section 87 at least twice if the vehicle's engine stops or the source of air or vacuum fails.

(4) An air storage tank or vacuum storage tank in a heavy motor vehicle's braking system must—

(a) be built to give an audible or visible warning to the vehicle's driver, while in the normal driving position, of a lack of air or vacuum that would prevent the vehicle's service brake from being applied to meet the performance standards of section 87 at least twice; and

(b) be safeguarded by a check valve or other device against loss of air or vacuum if the supply of air or vacuum fails or leaks.

(5) If air or vacuum brakes are fitted to a heavy motor vehicle equipped to tow a trailer, the vehicle's brakes must be able to stop the vehicle, at the performance standards for emergency brakes under section 87 if the trailer breaks away.

(6) The braking system of a heavy motor vehicle equipped to tow a trailer fitted with air brakes must include protection against loss of air in the system.

(7) The protection mentioned in subsection (6) must, if an air supply hose connecting the heavy motor vehicle and a trailer fails—

(a) operate automatically; and

(b) maintain enough air pressure to allow the brakes to be applied to meet performance standards for emergency brakes under section 87; and

(c) include an audible or visible warning to the vehicle's driver in the normal driving position of a lack of air that would prevent the vehicle's service brake from being applied.

Division 3 Heavy trailer braking systems

91 What brakes a heavy trailer must have

(1) A heavy trailer must have brakes that operate on at least 1 wheel at each end of 1 or more axles of the trailer.

(2) A semitrailer or converter dolly with a GTM over 2t must have brakes that operate on all its wheels.

92 Operation of brakes on a heavy trailer

(1) The braking system of a heavy trailer must allow the driver of the towing vehicle to operate the brakes from the normal driving position.

(2) However, subsection (1) does not apply to an unloaded converter dolly that weighs under 3t if the heavy motor vehicle towing the converter dolly has a GVM over 12t.

(3) The brakes on a heavy trailer must, if the trailer breaks away from the towing vehicle—

(a) operate automatically and quickly; and

(b) remain in operation for at least 15 minutes after the break-away; and

(c) be able to hold the trailer on a 12% grade while in operation after the break-away.

93 Air or vacuum brakes on heavy trailers

(1) If a heavy trailer has air brakes, its braking system must include at least 1 air storage tank.

(2) If a heavy trailer has vacuum brakes, its braking system must include at least 1 vacuum storage tank.

(3) An air storage tank or vacuum storage tank in the braking system of a heavy trailer must—

(a) be constructed to give an audible or visible warning to the driver of the towing vehicle, while in the normal driving position, of a lack of air or vacuum that would prevent the brakes from meeting the performance standards of section 87; and

(b) be safeguarded by a check valve or other device against loss of air or vacuum if the supply of air or vacuum fails or leaks.

Part 8 Control of emissions

Division 1 Crank case gases and visible emissions

94 Crank case gases

(1) This section applies to a heavy motor vehicle with 4 or more wheels that is powered by a petrol engine and was built after 1971.

(2) The heavy motor vehicle must be built to prevent, or fitted with equipment that prevents, gases emitted from the vehicle's engine crank case escaping to the atmosphere.

(3) In this section—

engine crank case, in relation to a vehicle, means the case within which the crank shaft of the vehicle's engine is enclosed.

95 Visible emissions

(1) This section applies to a heavy motor vehicle that is propelled by an internal combustion engine and was built after 1930.

(2) The heavy motor vehicle must not emit visible emissions for a continuous period of 10 seconds or more.

(3) However, this section does not apply to emissions that are visible only because of heat or the condensation of water vapour.

96 Exhaust emissions—diesel-powered vehicles

(1) This section applies to a heavy motor vehicle—

(a) powered by a diesel engine; and

(b) meeting the criteria for a passenger vehicle including omnibuses and goods vehicles as defined under the ADRs.

(2) For the purposes of subsection (3), a vehicle is taken to have been manufactured in the month shown on its identification plate as its month of manufacture.

(3) When a vehicle is tested in accordance with the procedure described in section 97—

(a) the vehicle must not emit oxides of nitrogen (NOx) at an oxides emission rate greater than that stated for the vehicle according to its GVM rating and age in the following table; and

vehicle's GVM rating (t)	**oxides emission rate (g/km/t)**	
	Vehicle manufactured in December 1995 or earlier	*Vehicle manufactured in January 1996 or later*
More than 4.5 but not greater than 12	2.0	2.0
More than 12 but not greater than 25	2.0	1.5
More than 25	1.5	1.2

(b) the vehicle must not emit particles at a particle emissions rate greater than that stated for the vehicle

according to its GVM rating and age in the following table; and

vehicle's GVM rating (t)	particle emissions rate (g/km/t)	
	Vehicle manufactured in December 1995 or earlier	*Vehicle manufactured in January 1996 or later*
More than 4.5 but not greater than 12	0.23	0.15
More than 12 but not greater than 25	0.08	0.05
More than 25	0.07	0.03;

(c) the opacity of the exhaust gas emitted by the vehicle must not be greater than 25%, averaged over a DT80 test cycle in the way described or mentioned in the test procedure stated in section 97 that complies with the requirements in section 98.

(4) In this section—

oxides emission rate means the rate measured in grams of NOx emitted per kilometre travelled per tonne of the vehicle's test mass.

particle emissions rate means the rate measured in grams of particles emitted per kilometre travelled per tonne of the vehicle's test mass.

vehicle's test mass means—

(a) if the vehicle is a prime mover—half the sum of its tare mass and its GCM; or

(b) in any other case—half the sum of its tare mass and its GVM.

Note—

The ***vehicle's test mass*** is the load applied to the dynamometer, while the vehicle is under test, to simulate half payload operation.

97 Test procedure

For the purposes of section 96(3), the procedure for testing is as follows.

Step 1 Secure the vehicle on the dynamometer.

Step 2 Set the dynamometer to simulate the correct load and inertia for the vehicle.

Step 3 Start sampling.

Step 4 Idle for 60 seconds.

Step 5 Accelerate rapidly to 80 km/h under simulated inertia, using wide open throttle, making gear changes as required for smooth acceleration.

Step 6 Decelerate by removing all pressure from the accelerator pedal, disengaging the gears and gently applying brakes to bring the vehicle to a standstill.

Step 7 Idle for 10 seconds.

Step 8 Accelerate rapidly to 80 km/h under simulated inertia, using wide open throttle, making gear changes as required for smooth acceleration.

Step 9 Decelerate by removing all pressure from the accelerator pedal, disengaging the gears and gently applying brakes to bring the vehicle to a standstill.

Step 10 Idle for 10 seconds.

Step 11 Accelerate rapidly to 80 km/h under simulated inertia, using wide open throttle, making gear changes as required for smooth acceleration.

Step 12 Maintain speed at 80 km/h for 60 seconds, then stop sampling and bring the vehicle to rest.

Note—

Explanation of the test procedure

This test has been designed to evaluate vehicle emissions during typical 'real-world' operating modes and conditions. There are 3 simple modes—

- 3 idle periods
- acceleration to 80 km/h 3 times
- maintain speed at 80 km/h.

The graph below indicates the modes of operation. The actual test will result in a graph that has more variation than the indicative graph below,

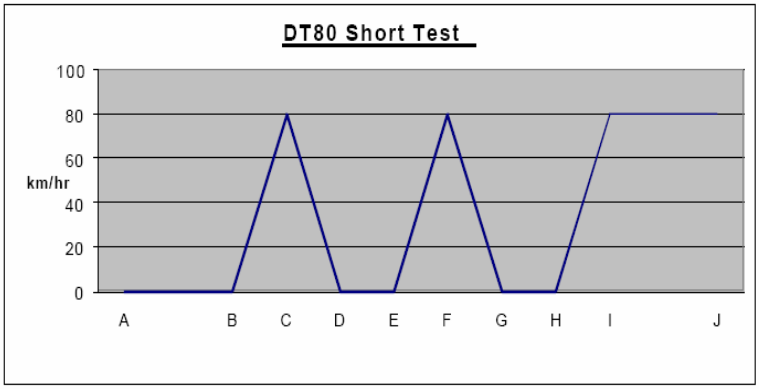
because of the need to change gears when accelerating. Modes B – D and E – G and H – I have no specific time interval. All the specified time periods have an error margin of ± 1 second.

The vehicle is accelerated rapidly to 80 km/h 3 times by applying wide open throttle.

The driver selects the most appropriate gear change points for the vehicle being tested to achieve the correct speed.

The vehicle's rolling resistance (based on tyre and bearing losses, frontal area and drag coefficient) must also be calculated and continuously factored into the dynamometer tractive effort calculations to ensure correct loading.

Empirical algorithms, based on vehicle test mass, GVM or other known parameters, may be used to automatically calculate realistic coefficients for these variables.



98 Requirements of DT80 test cycle

(1) The requirements stated in the following subsections are the minimum standards for the dynamometer, emissions measurement and data management systems necessary to enable the proper conduct of the DT80 test cycle mentioned in section 96(3)(c).

(2) The DT80 test cycle must be conducted on a chassis dynamometer system that—

(a) can undertake a full throttle transient DT80 test cycle, as described in section 97, for the vehicle being tested; and

(b) provides for vehicle speed measurement and display, to an accuracy of ± 1% of actual speed; and

(c) provides internal steady state accuracy of ± 1% of calculated required tractive load over ambient temperatures of 2^0–40^0 C: and

(d) provides a T95 response time of 3 seconds or less; and

(e) provides inertial loading as required by the DT80 protocol at speeds >15 km/h; and

(f) compensates for aerodynamic drag, rolling resistance and other parasitic losses; and

(g) corrects for ambient temperature, humidity and air density; and

(h) provides torque measurement accuracy of better than 1% full scale; and

(i) maintains roller speed within ± 10 km/h through gear changes; and

(j) restricts overshoot upon initial acceleration of rollers from rest; and

(k) incorporates a driver control panel for remote operation of critical functions from driver's seat, including controls for start test and stop test; and

(l) incorporates an emergency system override function; and

(m) is able to communicate speed, load and status signals to enable the driver to undertake the test in accordance with the DT80 procedure; and

(n) is integrated with the gas and particulate analysis system to initiate the start and finish of sampling and measurement, and generates emission results without the need for post-test processing.

(3) The emissions measurement system used for the DT80 test cycle must—

(a) be integrated with the dynamometer system stated in subsection (2); and

(b) have a data averaging interval of 1 second for all equipment; and

(c) provide emissions data sampling output ≤ 5Hz; and

(d) measure oxides of nitrogen (from a diluted and conditioned sample) with an accuracy of ± 30ppm over the range 0-1000ppm and ± 5% over the range 1001-5000ppm; and

(e) measure particulate matter (from diluted sample) as TSP or PM 10 with an accuracy of ± 10% on a real time continuous basis over a range of 0-1000 mg/m3 actual exhaust concentration at a sample temperature of < 51.7^{0}C; and

(f) measure opacity (from raw exhaust gas sample) with an accuracy of ± 1% over a range of 0-100% opacity; and

(g) measure flow rate with an accuracy of ± 5%; and

(h) measure ambient temperature with an accuracy of ± 1^{0}C over a range of 0-50^{0}C; and

(i) measure ambient humidity with an accuracy of ± 5% over a range of 0-100%; and

(j) compensate/correct for ambient humidity and temperature; and

(k) compensate for exhaust gas transport times and delays; and

(l) provide on-line calibration of the analytical system; and

(m) provide an exhaust sample collection and conditioning system—

(i) that is optimised to accommodate the exhaust temperature and flow rate, and emission concentration, for the vehicle being tested; and

(ii) that provides adequate conditioning of the exhaust gas to eliminate water in the sample stream and reduce temperatures to enable PM to be sampled at < 51.7^{0}C; and

(n) utilise materials and equipment compatible with the exhaust from diesel fuelled vehicles.

(4) The data management system used for the DT80 test cycle must—

(a) be integrated with the dynamometer and emissions measurement systems stated in subsections (2) and (3); and

(b) record the following items for each test—

- date, time, location and operator
- emissions analyser calibration data
- vehicle input data, including test mass tractive load corrections and identifying information
- dynamometer data on a second by second basis (load, speed, distance)
- test data on a second by second basis from which a mass emission test result in g/km/t can be generated; and

(c) display, store and report all data in SI units; and

(d) provide a system for electronic backup of test data to local and remote media; and

(e) incorporate a quality control system that—

(i) ensures calibrations are carried out in accordance with manufacturers' specifications; and

(ii) provides records consistent with normal audit requirements; and

(f) print a test report containing at least the following items—

- registered business name, ABN and address of the test facility
- registration number, make, model, GVM rating and date of manufacture of the tested vehicle
- date and location of test

- the final calculated NOx and PM results in g/km/t
- the final calculated opacity results in %
- a statement of pass or fail for each emission compared to the emission limits stated in section 96
- the signature of the test facility operator confirming that the test was conducted in accordance with the test procedures set out in section 97 and the requirements of this section.

Division 2 Exhaust systems

99 Exhaust systems

(1) The outlet of the exhaust system fitted to a heavy motor vehicle, other than a bus, must extend—

(a) behind the back seat; and

(b) at least 40mm beyond the outermost joint of the floorpan that is not continuously welded or permanently sealed; and

(c) to the edge of the vehicle, if—

(i) the vehicle's body is permanently enclosed; and

(ii) the vehicle is not fitted with a vertical exhaust system; and

(d) no further than the edge of the vehicle at its widest point.

(2) The outlet mentioned in subsection (1) must discharge the main exhaust flow to the air—

(a) if the vehicle is fitted with a vertical exhaust system—

(i) at least 150mm above the cab of the vehicle; and

(ii) if the outlet discharges the main exhaust flow straight up—

(A) at an angle above the horizontal; and

(B) towards the rear, or to the right, of the vehicle; and

(iii) if the outlet does not discharge the main exhaust flow straight up—towards the rear of the vehicle and upwards at an angle within 0º to 45º of the longitudinal axis of the vehicle; or

(b) in any other case—

(i) less than 750mm above ground level; and

(ii) horizontally or downwards at an angle within 0º to 45º of the longitudinal axis of the vehicle; and

(iii) towards the rear, or to the right, of the vehicle.

(3) An exposed section of a vertical exhaust system fitted to a heavy motor vehicle, other than a bus, must be positioned or shielded to prevent injury to any person.

(4) An outlet of the exhaust system fitted to a heavy vehicle that is a bus must—

(a) be as near as practicable to the rear of the bus; and

(b) extend no further than the edge of the bus at its widest point.

(5) The outlet mentioned in subsection (4) must discharge the main exhaust flow to the air—

(a) if the bus is fitted with a vertical exhaust system—

(i) behind the passenger compartment; and

(ii) if the outlet discharges the main exhaust flow straight up—

(A) at an angle above the horizontal; and

(B) towards the rear, or to the left or right, of the bus; and

(iii) if the outlet does not discharge the main exhaust flow straight up—towards the rear of the bus and upwards at an angle within 0º to 45º of the longitudinal axis of the bus; or

(b) in any other case—

(i) horizontally or downwards at an angle within 0º to 45º of the longitudinal axis of the bus; and

(ii) towards the rear, or to the right, of the bus.

(6) If a rain cap is fitted to the outlet of a vertical exhaust system fitted to a heavy motor vehicle, the rain cap must be installed so the hinge of the cap is at an angle of 90º (plus or minus 10º) to the longitudinal axis of the vehicle when viewed from above.

(7) In this section—

vertical exhaust system means an exhaust system that emits exhaust gases in an upward direction above or near the top of a vehicle to which it is fitted.

Division 3 Noise emissions

Subdivision 1 General

100 Measurement of stationary noise levels

For the purposes of this Division, the stationary noise level of a heavy motor vehicle must be measured in accordance with the procedure set out for the kind of vehicle in the document entitled 'National Stationary Exhaust Noise Test Procedures for In-Service Motor Vehicles' published by the National Transport Commission in September 2006 as amended from time to time.

101 Meaning of certified to ADR 83/00

For the purposes of this Division, a vehicle is certified to ADR 83/00 if approval has been given, under section 10A of the Motor Vehicle Standards Act, to place identification plates showing compliance with ADR 83/00 on vehicles of that type.

102 Silencing device for exhaust systems

A heavy motor vehicle propelled by an internal combustion engine must be fitted with a silencing device through which all the exhaust from the engine passes.

Subdivision 2 Noise levels applying to vehicles not certified to ADR 83/00

103 Application of Sdiv 2

This Subdivision applies to a heavy motor vehicle other than a vehicle certified to ADR 83/00.

104 Stationary noise levels—other vehicles with spark ignition engines

(1) This section applies to a heavy motor vehicle with a spark ignition engine.

(2) The stationary noise level of the heavy motor vehicle must not be more than the noise level applying to the vehicle under the following table.

Height of outlet of vehicle's exhaust system (mm)	When vehicle built	Noise level (dB(A))
<1500	before July 1983	98
	after June 1983	95
≥1500	before July 1983	94
	after June 1983	91

105 Stationary noise levels—other vehicles with diesel engines

(1) This section applies to a heavy motor vehicle with a diesel engine.

(2) The stationary noise level of the heavy motor vehicle must not be more than the noise level applying to the vehicle under the following table.

Vehicle's GVM (t)	Height of outlet of vehicle's exhaust system (mm)	When vehicle built	Noise level (dB(A))
>4.5 but ≤12	<1500	before July 1980	107
		after June 1980 but before July 1983	104
		after June 1983	101
>12	<1500	before July 1980	109
		after June 1980 but before July 1983	106
		after June 1983	103
>4.5 but ≤12	≥1500	before July 1980	103
		after June 1980 but before July 1983	100
		after June 1983	97
>12	≥1500	before July 1980	105
		after June 1980 but before July 1983	102
		after June 1983	99

Subdivision 3 Noise levels applying to vehicles certified to ADR 83/00

106 Stationary noise levels

The stationary noise level of a heavy motor vehicle certified to ADR 83/00 must not exceed, by more than 5dB(A), the noise level established for the vehicle when it is certified.

Part 8 Alternative fuel systems

107 LPG-powered vehicles

(1) An LPG system installed in a heavy motor vehicle, and the vehicle, must comply with all relevant requirements set out in the version of AS 1425 that was current at the time the system was installed in the vehicle.

(2) A heavy motor vehicle that has an LPG system installed must have fixed conspicuously to its front and rear number plates the labels required by the version of AS 1425 that was current at the time the system was installed in the vehicle.

(3) If a heavy motor vehicle had an LPG system installed before AS 1425 was first published, the vehicle must have fixed conspicuously to its front and rear number plates a label that is—

(a) made of durable material; and

(b) at least 25mm wide and 25mm high; and

(c) reflective red conforming with either—

(i) AS 1743 'Road Signs—Specifications'; or

(ii) AS 1906.1 'Retroreflective Materials and Devices for Road Traffic Control Purposes—Retroreflective Sheeting'; and

(d) marked 'LPGAS' or 'LPG', or with similar words or acronyms that have the same meaning, in capital letters at least 6mm high.

(4) In this section—

LPG means liquefied petroleum gas.

108 Vehicles powered by natural gas

A natural gas system installed in a heavy motor vehicle, and the vehicle, must comply with all relevant requirements set out in the version of AS 2739 that was current at the time the system was installed in the vehicle.

Examples—

Forms of natural gas include CNG (Compressed Natural Gas) and LNG (Liquid Natural Gas).

Part 9 Maximum road speed limiting

109 Speed limiting

(1) A heavy motor vehicle that is a bus built after 1987 with a GVM of more than 14.5t must comply with third edition ADR 65.

(2) A heavy vehicle that is a prime mover with a GVM of more than 15t that was built after 1987 must comply with third edition ADR 65.

(3) For the purposes of third edition ADR 65, the maximum road speed capability of a heavy motor vehicle used in a road train is 100km/h.

(4) This section does not apply to—

(a) an emergency vehicle or police vehicle; or

(b) a bus fitted with hand grips or similar equipment for standing passengers to hold; or

(c) a 2-axle prime mover if—

(i) it was built after 1987 but before July 1991; and

(ii) its owner is a person who uses it for agriculture, horticulture or other primary production activities, other than forestry, fishing and mining.

Schedule 3 Vehicle standards applying only to heavy combinations or particular heavy combinations

section 3

Part 1 Preliminary

1 References to combinations, B-doubles and road trains

In this Schedule—

(a) a reference to a combination is taken to be a reference to a heavy combination; and

(b) a reference to a B-double is taken to be a reference to a heavy combination that is a B-double; and

(c) a reference to a road train is taken to be a reference to a heavy combination that is a road train.

2 Application to vehicle complying with inconsistent ADR requirement

(1) A provision of this Schedule does not apply to a vehicle if the provision is inconsistent with a requirement of a second or third edition ADR that the vehicle complies with, regardless of whether or not the vehicle is required to comply with the requirement.

(2) However, subsection (1) does not apply if the vehicle is not of the same class or type as a vehicle to which the requirement of the second or third edition ADR applies.

(3) Also, to avoid doubt, this section does not apply to a requirement of a second or third edition ADR if, and to the extent, a provision of this Schedule expressly provides that the requirement does not apply to a stated vehicle, a vehicle of a stated type or in stated circumstances.

3 Application of provision to heavy vehicle subject of Motor Vehicle Standards Act approval

A provision of this Schedule does not apply to a vehicle if—

(a) the vehicle does not comply with a requirement of an ADR applying to the vehicle; and

(b) the provision corresponds to the requirement of the ADR; and

(c) despite the noncompliance, approval has been given under section 10A(2) or (3) of the Motor Vehicle Standards Act to place identification plates on vehicles of that type; and

(d) the vehicle complies with the approval conditions, if any.

Part 2 General safety requirements

4 Electrical wiring, connections and installations

(1) This section applies to a road train longer than 19m that includes a semitrailer, dog trailer or converter dolly.

(2) The electrical wiring, connections and installations of the semitrailer, dog trailer or converter dolly must comply with third edition ADR 63, whether or not it was built before the day stated in the ADR for vehicles of that type.

Part 3 Vehicle marking

5 Warning signs for combinations longer than 22m

(1) The following combinations must display a road train warning sign at their front and rear—

(a) a combination longer than 36.5m;

(b) a road train longer than 30m that includes 1 or more dog trailers.

(2) The following combinations must display a road train warning sign at their front and rear, or a long vehicle warning sign at the rear—

(a) a road train longer than 22m, but not longer than 30m, that includes 1 or more dog trailers;

(b) a road train longer than 22m, but not longer than 36.5m, that does not include a dog trailer.

(3) A combination, other than a road train, longer than 22m, but not longer than 36.5m, must display a long vehicle warning sign at its rear.

(4) In this section—

long vehicle warning sign means a long vehicle warning sign complying with section 6.

road train warning sign means a road train warning sign complying with section 6.

6 Specifications for warning signs

(1) This section—

(a) applies if a road train warning sign or long vehicle warning sign must be fitted to a vehicle under section 5; and

(b) prescribes requirements about the warning sign.

(2) The face of a road train warning sign or long vehicle warning sign must have—

(a) a yellow surface complying with class 1 or 2 of AS 1906 'Retroreflective Materials and Devices for Road Traffic Control Purposes'; and

(b) a black border; and

(c) its manufacturer's name or trademark, and the brand and class of material used for the warning sign's surface,

permanently marked in letters no more 10mm high on any visible part of the sign.

(3) A road train warning sign or long vehicle warning sign must be made of sheet steel 0.8mm thick or another material of at least the same stiffness, unless it is designed to be fitted to a vehicle using an adhesive.

(4) A road train warning sign or long vehicle warning sign must be at least 1.02m long and at least 250mm high.

(5) The length of a road train warning sign or long vehicle warning sign may be split into 2 parts, in which case the combined length of its parts must be at least 1.02m long.

(6) A road train warning sign must show the words 'ROAD TRAIN', and a long vehicle warning sign must show the words 'LONG VEHICLE', in black capital letters, and in typeface Series B(N) complying with AS 1744 'Forms of Letters and Numerals for Road Signs'.

(7) The letters on a road train warning sign or long vehicle warning sign must be at least 180mm high.

(8) If the length of a road train warning sign is split into 2 parts, the part fitted on the left must show the word 'ROAD' and the part fitted on the right must show the word 'TRAIN'.

(9) If the length of a long vehicle warning sign is split into 2 parts, the part fitted on the left must show the word 'LONG' and the part fitted on the right must show the word 'VEHICLE'.

(10) A road train warning sign or long vehicle warning sign must be fitted horizontally.

(11) A road train warning sign or long vehicle warning sign must be fitted so—

(a) the lower edge of the warning sign is at least 500mm above ground level; and

(b) the upper edge of the warning sign is no more than 1.8m above ground level.

(12) If the length of a road train warning sign or long vehicle warning sign is split into 2 parts, each part must be fitted at the same height as the other.

Part 4 Braking systems

7 Application of Pt 4 to road trains

This Part applies in relation to a road train only if the road train is longer than 19m.

8 Braking system design for a prime mover in a B-double

(1) A prime mover used in a B-double must comply with second edition ADR 35A or third edition ADR 35.

(2) A prime mover used in a B-double must also have an anti-lock braking system complying with third edition ADR 64, if the prime mover—

(a) was built after 1989; or

(b) was first used in a B-double after 1993; or

(c) is used in a B-double that includes a road tank vehicle carrying dangerous goods.

9 Braking system design for heavy motor vehicles in road trains

The performance of the braking system of a heavy motor vehicle used in a road train must comply with second edition ADR 35A or third edition ADR 35.

10 Braking system design for heavy trailers in B-doubles or road trains

(1) The performance of the braking system of a heavy trailer used in a B-double or road train must comply with second edition ADR 38 or third edition ADR 38.

(2) A heavy trailer in a road train to which subsection (1) applies need not be fitted with a mechanical parking brake if it carries wheel chocks that provide a performance equal to the performance standard required for a parking brake system.

(3) A semitrailer, regardless of when it was built, must have an anti-lock braking system complying with third edition ADR 38/01, if—

(a) it is being used in a B-double that includes a road tank vehicle, whether or not the semitrailer is itself a road tank vehicle; and

(b) the road tank vehicle is carrying dangerous goods.

11 Air brakes of a heavy motor vehicle in B-doubles or road trains

(1) If a heavy motor vehicle used in a B-double or road train is fitted with air brakes that use compressed air, the heavy motor vehicle's braking system must comply with subsections (2) and (3) when—

(a) the air pressure in the braking system is measured in an 800mL vessel connected by a 2m pipe with a bore of approximately 13mm to the coupling head of the braking system; and

(b) the air pressure before the brakes are applied is not more than—

(i) the average of the maximum and minimum pressures in the operating pressure range specified by the vehicle's manufacturer; or

(ii) if there is no manufacturer's specification—650kPa.

(2) The air pressure in the braking system must reach at least 420kPa within 400 milliseconds after the rapid and complete application of the foot-operated brake control.

(3) After the air brakes have been fully applied, the air pressure in the braking system must fall, within 0.5 seconds after the release of the foot-operated brake control, to 35kPa.

(4) In this section—

coupling head, of a heavy motor vehicle's braking system, means the part of the braking system that connects the system to a vehicle being towed by the heavy motor vehicle.

12 Air brakes in a B-double or road train—least favoured chamber

(1) The pressure in the least favoured chamber of the braking system of a heavy motor vehicle used in a B-double or road train that is fitted with air brakes that use compressed air must comply with subsections (2) and (3) when the air pressure before the brakes are applied is not more than—

(a) the average of the maximum and minimum pressures in the operating pressure range specified by the vehicle's manufacturer; or

(b) if there is no manufacturer's specification—650kPa.

(2) The pressure must reach at least 420kPa within—

(a) for a B-double—1 second after the rapid and complete application of the foot-operated brake control; or

(b) for a road train—1.5 seconds after the rapid and complete application of the foot-operated brake control.

(3) After the brakes have been fully applied, the pressure must fall to 35kPa, or the pressure at which the friction surfaces cease to contact each other, within—

(a) for a B-double—1 second after the release of the foot-operated brake control; or

(b) for a road train—1.5 seconds after the release of the foot-operated brake control.

(4) In this section—

least favoured chamber, in relation to a heavy motor vehicle used in a B-double or road train, means the brake chamber with the longest line to the treadle valve in the heavy motor vehicle.

13 Recovery of air pressure for brakes in B-doubles and road trains

(1) The air pressure in each air brake reservoir in a B-double or road train must recover to at least 420kPa within 1 minute after 3 full brake applications have been made within a 10-second period if, before the 3 brake applications have been made—

(a) the engine is running at maximum speed; and

(b) the vehicle's governor cut-in pressure is no higher than—

(i) the pressure specified by the vehicle's manufacturer; or

(ii) if there is no manufacturer's specification—550kPa; and

(c) the air pressure in the air storage tanks of the vehicle is not more than—

(i) the average of the maximum and minimum pressures in the operating pressure range specified by the vehicle's manufacturer; or

(ii) if there is no manufacturer's specification—650kPa.

(2) In this section—

governor cut-in pressure, in relation to a heavy vehicle, means the air pressure at which the vehicle's air brake compressor starts supplying air to the vehicle's air brake reservoir.

14 Air supply for air brakes in B-doubles and road trains

(1) A B-double or road train that uses compressed air to operate accessories must have a compressed air system that—

(a) has a compressor with sufficient capacity to ensure that the operation of the accessories does not adversely affect brake performance; and

(b) is built to ensure that the vehicle's braking system is preferentially charged.

(2) In this section—

compressed air system means a system for supplying compressed air.

15 Brake line couplings

(1) Brake line couplings on the same part of a heavy vehicle in a B-double or road train must not be interchangeable.

(2) Brake line couplings on a heavy vehicle in a B-double or road train must be polarised in accordance with AS D8-1971 'Hose Couplings for Use with Vacuum and Air-Pressure Braking Systems on Prime Movers, Trailers and Semi-trailers' if the hoses used with the couplings are used for the same purpose as the hoses mentioned in that standard.

(3) In this section—

brake line coupling means a device used to connect equipment between vehicles in a heavy combination for the purpose of ensuring brakes applied to the towing vehicle are also applied to the other vehicles in the combination.

16 Simultaneous parking brake application

(1) If the parking brake of a heavy motor vehicle in a B-double or road train is applied, the parking brake of any attached heavy trailer must be applied automatically.

(2) This section does not apply in relation to a heavy trailer carrying wheel chocks that provide a performance equal to the performance standard required for a parking brake system.

17 Capacity of air reservoirs

(1) The capacity of the air storage tanks of a heavy motor vehicle used in a B-double or road train must be at least 12 times the volume of all the brake activation chambers on the heavy motor vehicle.

(2) The capacity of the air storage tanks of a heavy trailer used in a B-double or road train must be at least 8 times the volume of all the brake activation chambers on the trailer.

(3) In this section—

brake activation chamber, of a heavy vehicle, means a device that, when air pressure is applied to it, activates another device that applies brakes to the vehicle.

Part 5 Mechanical connections between vehicles in combinations

Division 1 Couplings used in all types of heavy combination

18 General coupling requirements

(1) A fifth wheel coupling, the mating parts of a coupling, a kingpin or a towbar must not be used in a heavy combination for a load more than the manufacturer's load rating.

(2) A kingpin must be used in a heavy combination only with a fifth wheel coupling that has a corresponding jaw size.

Example for subsection (2)—

An adaptor must not be used to fit a kingpin to a fifth wheel coupling.

(3) The mating parts of a coupling used in a heavy combination to connect a semitrailer to a towing vehicle must not allow the

semitrailer to roll to an extent that makes the towing vehicle unstable.

19 Drawbar couplings

A coupling for attaching a heavy trailer, other than a semitrailer or pole-type trailer, to a towing vehicle in a combination must be built and fitted so that—

(a) the coupling is equipped with a positive locking mechanism; and

(b) the positive locking mechanism can be released regardless of the angle of the heavy trailer to the towing vehicle.

Division 2 Additional coupling requirements for B-doubles and long road trains

20 Application of Div 2 to road trains

This Division applies in relation to a road train only if the road train is longer than 19m.

21 Couplings for B-doubles and road trains

(1) A fifth wheel coupling used to connect a towing vehicle to a semitrailer used in a B-double or road train must not be built with a pivot that allows a semitrailer to roll relative to the towing vehicle.

(2) However, subsection (1) does not apply to a fifth wheel coupling if—

(a) the semitrailer design requires torsional stresses to be minimised; and

(b) the roll axis of the fifth wheel coupling is above the surface of the coupler plate of the coupling; and

(c) the degree of rotation allowed around the roll axis of the fifth wheel coupling is restricted to prevent roll instability.

(3) A trailer with only 1 axle group or a single axle, other than a semitrailer or a converter dolly, that is used in a road train must not have a coupling fitted at its rear.

22 Selection of fifth wheel couplings and turntables for B-doubles and road trains

(1) A fifth wheel coupling used in a B-double or road train must have a D-value complying with AS 1773-1990 'Articulated Vehicle—Fifth Wheel Assemblies'.

(2) A turntable used in a B-double or road train must have a D-value complying with AS 1773-1990 'Articulated Vehicle—Fifth Wheel Assemblies'.

(3) If a fifth wheel coupling used in a B-double or road train is built for a 50mm kingpin or 90mm kingpin, the coupling must—

(a) meet the dimension requirements in AS 1773-1990 'Articulated Vehicle—Fifth Wheel Assemblies'; and

(b) not be worn away more than recommended by the standard.

(4) If a fifth wheel coupling used in a B-double or road train is built for a 75mm kingpin, the coupling must—

(a) be compatible with a kingpin built as required by section 25(3)(a); and

(b) not be worn so that it does not comply with subsection (5).

(5) In testing a fifth wheel coupling used in a B-double or road train and built for a 75mm kingpin to decide whether its D-value complies with subsection (1), the longitudinal movement, after readjusting the jaws of the coupling using a kingpin built as required by section 25(3)(a), must not be more than 4mm.

23 Mounting of fifth wheel couplings on B-doubles and road trains

A fifth wheel coupling must be mounted on a prime mover, or a semitrailer used in a B-double or road train, in accordance with AS 1771-1987 'Installation of Fifth Wheel and Turntable Assemblies'.

24 Branding of fifth wheel couplings and turntables on B-doubles and road trains

(1) A fifth wheel coupling used in a vehicle built after June 1991 forming part of a B-double or road train must be clearly and permanently marked, in a way complying with AS 1773-1990 'Articulated Vehicles—Fifth Wheel Assemblies', with—

(a) the name or trademark of the coupling's manufacturer; and

(b) the coupling's D-value rating; and

(c) the coupling's nominal size.

(2) A turntable used in a vehicle built after January 1999 forming part of a B-double or road train must be—

(a) clearly and permanently marked with the name or trademark of the turntable's manufacturer; and

(b) clearly and permanently marked with the turntable's D-value rating in a way complying with AS 1773-1990 'Articulated Vehicles—Fifth Wheel Assemblies'.

25 Selection of kingpins for B-doubles and road trains

(1) A kingpin used in a B-double or road train must—

(a) be a 50mm king pin, 75mm kingpin or 90mm kingpin; and

(b) have a D-value complying with AS 2175-1990 'Articulated Vehicles–Kingpins'.

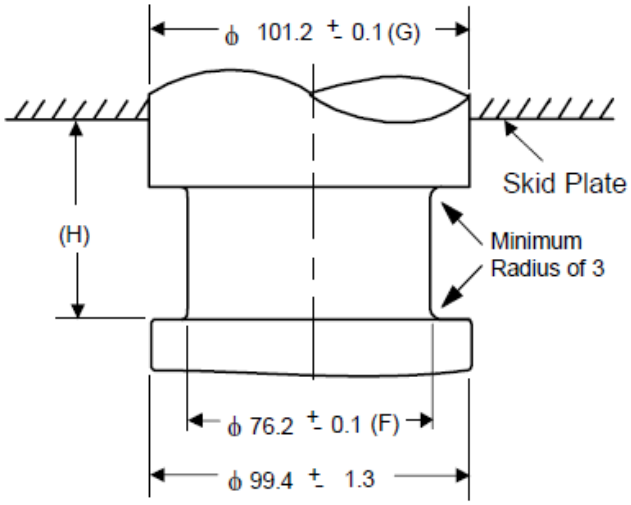
(2) A 50mm kingpin or 90mm kingpin used in a B-double or road train must—

(a) be built to meet the dimension requirements in AS 2175-1990 'Articulated Vehicles–Kingpins'; and

(b) not be worn away more than recommended by the standard.

(3) A 75mm kingpin used in a B-double or road train must—

(a) be built to meet the dimensions in the following diagram; and



(All Dimensions in Millimetres)

Dimensions of a 75mm kingpin

(b) not be worn away more than mentioned in subsection (4).

(4) In testing a 75mm kingpin used in a B-double or road train to decide whether its D-value complies with subsection (1)(b)—

(a) diameter F in the diagram must not wear more than 3mm; and

(b) diameter G in the diagram must not wear more than 2mm; and

(c) height H in the diagram must not wear more than 2.3mm.

26 Attachment of kingpins on B-doubles and road trains

A kingpin used in a trailer that forms part of a B-double or road train must be attached in accordance with—

(a) the manufacturer's specifications and instructions; or

(b) AS 2175-1990 'Articulated Vehicles–Kingpins'.

27 Branding of kingpins on B-doubles and road trains

A kingpin used in a trailer built after June 1991 that forms part of a B-double or road train must be clearly and permanently marked with the following on the lower circular face of the kingpin, and in a way complying with AS 2175-1990 'Articulated Vehicles—Kingpins'—

(a) the name or trademark of its manufacturer;

(b) its D-value rating;

(c) its nominal size.

28 Selection of couplings and drawbar eyes for road trains

A drawbar-type coupling, or drawbar eye, used in a road train must—

(a) be a 50mm pin type; and

(b) have a D-value complying with AS 2213-1984 '50 mm Pin-Type Couplings and Drawbar Eyes for Trailers'; and

(c) be built to the dimensions mentioned in the standard; and

(d) not be worn away more than is recommended in the standard.

29 Attachment of couplings and drawbar eyes on road trains

A drawbar-type coupling, or drawbar eye, used in a road train must be built and positioned so—

(a) when the road train is moving, the drawbar can move at least 15º upwards or downwards from the position it

occupies when the road train is parked on level ground; and

(b) the pivot point of the coupling is not more than 300mm forward of the rear of the trailer to which it is attached; and

(c) it is at a height of at least 800mm, but not more than 950mm, when the road train is unloaded and parked on level ground.

30 Branding of couplings and drawbar eyes on road trains

A drawbar-type coupling, or drawbar eye, used on a vehicle built after June 1991 that forms part of a road train must be clearly and permanently marked, in a way complying with AS/NZS 4968.1:2003 'Heavy Road Vehicle–Mechanical Coupling Between Articulated Vehicle Combinations', with—

(a) the name or trademark of its manufacturer; and

(b) its D-value rating.

31 Tow coupling overhang on road trains

(1) The tow coupling overhang of a heavy motor vehicle, other than a prime mover, used in a road train must not be more than the greater of—

(a) 30% of the distance from the centre-line of the front axle to the centre of the axle group, or centre-line of the single axle, at the rear of the vehicle; and

(b) 2.7m.

(2) The tow coupling overhang of a semitrailer, or a dog trailer consisting of a semitrailer and converter dolly, used in a road train must not be more than 30% of the distance from the relevant point of articulation for the trailer to the centre of the axle group, or centre-line of the single axle, at the rear of the trailer.

(3) The tow coupling overhang of another dog trailer used in a road train must not be more than 30% of the distance from the

centre of the front axle group, or centre-line of the single axle, at the front of the vehicle, to the centre of the axle group, or centre-line of the single axle, at the rear of the vehicle.

(4) For subsections (1) to (3), a distance between 2 parallel lines must be measured at right angles between the lines.

Example—

For the purposes of deciding whether a heavy motor vehicle used in a road train complies with subsection (1), the distance between the centre-line of the vehicle's front axle and the centre of the axle group, or the centre-line of the single axle, at the rear of the vehicle (both of which are vertical lines) must be measured at right angles.

(5) In this section—

relevant point of articulation, in relation to a heavy trailer used in a road train, means the relevant point of articulation for the heavy trailer having regard to how the road train is configured, which may be any of the following—

(a) the vertical axis of a kingpin used with a fifth wheel coupling;

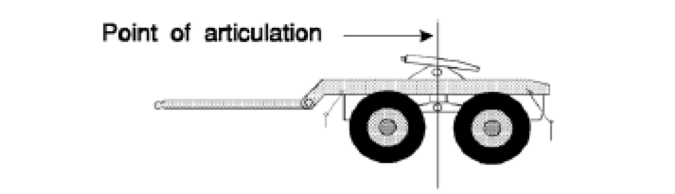
(b) the vertical axis of rotation of a fifth wheel coupling;

(c) the vertical axis of rotation of a turntable;

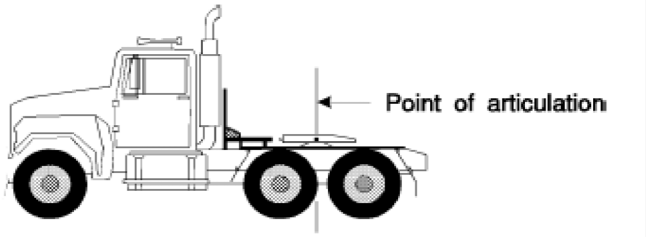
(d) for a heavy trailer that is a dog trailer, the vertical axis of rotation of the front axle group or axle of the trailer;

(e) for a heavy trailer that is a semitrailer, the imaginary vertical line passing through the pivot point for a coupling fitted to the semitrailer.

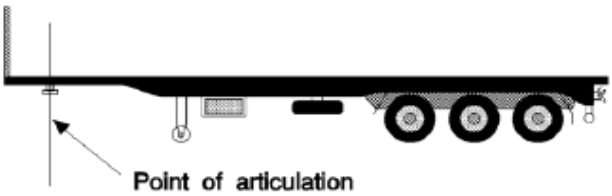
Examples—



Point of articulation—fifth wheel coupling on a converter dolly (forming the front axle group of a dog trailer)



Point of articulation—fifth wheel on a prime mover



Point of articulation—kingpin fitted to a fifth wheel coupling

tow coupling overhang, of a heavy vehicle, means the distance from the centre of the axle group, or the centre-line of the single axle, at the rear of the vehicle to the imaginary vertical line passing through the pivot point of the coupling near the rear of the vehicle.

ENDNOTES

1 Made by the Queensland Governor, as defined under section 730(5) of the Heavy Vehicle National Law, acting with the advice of the Executive Council of Queensland, on . . .

2 Published on the NSW legislation website in accordance with Part 6A of the *Interpretation Act 1987* of NSW on . . .

3 Laid before the Legislative Assembly on . . .

4 The administering agency is the Heavy Vehicle National Regulator.