



Australian Capital Territory

# **Road Transport (Dimensions and Mass) Act 1990**

**A1990-13**

**Republication No 7**

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as amended by A2008-39)

Authorised by the ACT Parliamentary Counsel

## About this republication

### The republished law

This is a republication of the *Road Transport (Dimensions and Mass) Act 1990* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 1 October 2008. It also includes any amendment, repeal or expiry affecting the republished law to 1 October 2008.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

### Kinds of republications

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- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

### Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication does not include amendments made under part 11.3 (see endnote 1).

### Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

### Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see *Legislation Act 2001*, section 95.

### Penalties

The value of a penalty unit for an offence against this republished law at the republication date is—

- (a) if the person charged is an individual—\$100; or
- (b) if the person charged is a corporation—\$500.



Australian Capital Territory

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Australian Capital Territory

# Road Transport (Dimensions and Mass) Act 1990

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An Act to regulate the dimensions and mass of certain motor vehicles

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## Part 1 Preliminary

### 1 Name of Act

This Act is the *Road Transport (Dimensions and Mass) Act 1990*.

*Note 1* This Act is part of the road transport legislation. See the *Road Transport (General) Act 1999* for various provisions about the administration and enforcement of the road transport legislation generally.

*Note 2* Other road transport legislation includes the following:

- *Road Transport (Alcohol and Drugs) Act 1977*
- *Road Transport (Driver Licensing) Act 1999*
- *Road Transport (Public Passenger Services) Act 2001*
- *Road Transport (Safety and Traffic Management) Act 1999*
- *Road Transport (Third-Party Insurance) Act 2008*
- *Road Transport (Vehicle Registration) Act 1999*.

*Note 3* A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including any regulation (see *Legislation Act*, s 104).

### 3 Dictionary

The dictionary at the end of this Act is part of this Act.

*Note 1* The dictionary defines certain words and expressions, and includes references (*signpost definitions*) to other words and expressions defined elsewhere in this Act or elsewhere in the road transport legislation.

For example, the signpost definition ‘*Australian driver licence*—see the *Road Transport (Driver Licensing) Act 1999*, dictionary.’ means the expression ‘Australian driver licence’ is defined in that dictionary and the definition applies to this Act.

*Note 2* A definition in the dictionary (including a signpost definition) applies to the entire Act unless the definition, or another provision of the Act, provides otherwise or the contrary intention otherwise appears (see *Legislation Act 2001*, s 155 and s 156 (1)).



## 4 Vehicles to which Act applies

This Act applies to the following kinds of vehicles:

- (a) a bus having a GVM of 3.5t or more;
- (b) a bus to which a trailer is coupled, if the GCM of the bus and the trailer is 3.5t or more;
- (c) a vehicle having a GVM of 4.5t or more;
- (d) an articulated vehicle (other than a B-double or road train) having a GCM of 4.5t or more;
- (e) a motor vehicle to which a trailer (other than a semitrailer) is coupled, if the gross mass of the combination is 4.5t or more;
- (f) a trailer coupled to a bus, if the GCM of the bus and the trailer is 3.5t or more;
- (g) a trailer (other than a semitrailer) coupled to a motor vehicle, if the GCM of the motor vehicle and the trailer is 4.5t or more;
- (h) a B-double and a road train.

*Note* 't' is the symbol for tonnes.

## 5 Notes

A note included in this Act is explanatory and is not part of this Act.

*Note* See *Legislation Act 2001*, s 127 (1), (4) and (5) for the legal status of notes.

## 6 Meaning of *mass carried by a wheel* and *journey*

- (1) In this Act, a reference to the *mass carried by a wheel* includes a reference to the mass of the wheel.
- (2) In this Act, a reference to a *journey* is a reference to the route over which the journey is made.

**7 Provisions for def of *forward projection* and def of *rear overhang***

For the dictionary, definitions of *forward projection* and *rear overhang*—

- (a) the following axles are taken not to be axles:
  - (i) a steerable axle that is not connected to a steering mechanism; or
  - (ii) a retractable axle; and
- (b) any equipment permanently attached to a vehicle is taken to be part of the vehicle.

## **Part 2                      Dimensions and design of vehicles**

### **9                      Vehicles—determination of dimensions other than width**

The dimensions of a vehicle (other than width), together with any equipment or load carried on or attached to the vehicle, shall not exceed the dimensions determined under section 57 in relation to the class of vehicles to which the vehicle belongs.

### **10                    Width of vehicles—determination**

- (1) The width of a vehicle together with any equipment or load being carried by it shall not exceed the width determined under section 57 in relation to the class of vehicles to which the vehicle belongs.
- (2) If a vehicle is fitted with a mirror that is attached to the vehicle by a fitting that is designed to break away from the vehicle when the mirror or the fitting is struck, the mirror and the fitting shall be disregarded in determining the width of the vehicle for subsection (1).

### **17                    Required axle groups**

- (1) A vehicle included in 1 of the following classes of vehicles shall have 2 axles, 2 axle groups or an axle and an axle group:
  - (a) non-articulated vehicles;
  - (b) a motor vehicle that is part of a combination;
  - (c) dog trailers.
- (2) A vehicle included in 1 of the following classes of vehicles shall have only 1 axle or 1 axle group:
  - (a) semitrailers;
  - (b) pig trailers.

**18 Steering systems**

- (1) If the most forward axle of a vehicle is not part of an axle group, all the wheels attached to the axle shall be connected to the same steering system of the vehicle.
- (2) If the most forward axle of a vehicle is part of an axle group, all the wheels attached to the axles of the axle group shall be connected to the same steering system of the vehicle.

**19 Turning circle**

A motor vehicle shall be capable of continuously turning to the left or to the right so that the outer edge of the tyre track of the vehicle forms a circle not exceeding 25m in diameter.

*Note* 'm' is the symbol for metres.

**20 Suspension systems**

- (1) Each axle of a vehicle that is not part of an axle group, and each axle group of a vehicle, shall be connected to an acceptable axle suspension system.
- (2) Axles that form part of an axle group, other than a twinsteer axle group, shall relate to each other through a load-sharing sharing system.
- (3) In this section:

***acceptable axle suspension system*** means any suspension system that directly or indirectly interposes an elastic springing medium between the frame of the vehicle and the wheels attached to the axle.

**21 Suspension isolating devices**

If an axle group of a vehicle has attached to it a device that enables the suspension of 1 or more of the axles of the axle group to be isolated from the suspension of the other axle or axles of the axle group so that load-sharing among the axles of the axle group is altered or ceases, the controls of that device shall be so located that they are not capable of being operated by a person who is riding in or on the vehicle.

## **Part 3                      Loads and equipment**

### **24                      Gross mass**

- (1) The gross mass of a vehicle shall not exceed—
  - (a) the GVM; or
  - (b) the aggregate of the maximum mass permitted by section 25 to be carried by several wheels of the vehicle; or
  - (c) the mass determined in relation to the class of vehicles to which the vehicle belongs;whichever is least.
- (2) The gross mass of a combination must not be heavier than the lightest of the following:
  - (a) the GCM of the combination;
  - (b) the total of the maximum amounts of mass allowed by section 25 to be carried by the wheels of the combination;
  - (c) the mass determined in relation to the class of combination to which the combination belongs.

### **25                      Wheel and axle loads**

- (1) The mass carried by a wheel of a vehicle shall not exceed the mass determined in relation to the class of wheels to which the wheel belongs.
- (2) The axle load of an axle of a vehicle shall not exceed the mass determined in relation to the class of axles to which the axle belongs.
- (3) The axle group load of an axle group of a vehicle shall not exceed the mass determined in relation to the class of axle groups to which the axle group belongs.

**26 Tyre pressure**

The pressure in a pneumatic tyre of a vehicle shall not exceed—

- (a) for radial ply tyre—825kPa; or
- (b) in any other case—700kPa.

*Note* 'kPa' is the symbol for kilopascal(s).

## Part 4 Noncomplying vehicles and excess loads

### 27 Permits

- (1) If a vehicle or combination together with any equipment or load does not, would not, or may not, comply with part 2 or 3 or an exemption, the road transport authority may issue a permit for the vehicle or combination to be used, or to carry any equipment or load, on a road or road related area.
- (2) The permit must state the provisions with which the vehicle or combination is not required to comply.
- (3) The road transport authority may issue to a person a permit for a stated articulated vehicle to be driven on a road or road related area with a trailer coupled to the vehicle.
- (4) A permit under this section remains in force—
  - (a) for the period (not longer than 12 months) stated in the permit; or
  - (b) for a journey stated in the permit; or
  - (c) for a journey stated in the permit that is undertaken within the period (not longer than 12 months) stated in the permit.

### 28 Permits to be issued for certain vehicles

- (1) This section applies to a vehicle that does not comply with part 2 if—
  - (a) the vehicle was registered under the *Motor Traffic Act 1936* on 21 December 1990 and has since been continuously registered under that Act and the *Road Transport (Vehicle Registration) Act 1999*; or



- (b) a permit is in force in relation to the vehicle permitting the vehicle to be used for a stated period (other than for a journey stated in the permit) and the permit applies to the provisions of part 2 with which the vehicle does not comply.
- (2) If—
- (a) a vehicle to which this section applies has not undergone any structural change or had any equipment fitted to it (other than replacement equipment identical to the equipment replaced) since—
    - (i) for a vehicle to which subsection (1) (a) applies—the registration of the vehicle was last renewed; or
    - (ii) for a vehicle to which subsection (1) (b) applies—a permit of the kind mentioned in the paragraph was last issued for the vehicle; and
  - (b) the vehicle is eligible for registration under the *Road Transport (Vehicle Registration) Act 1999*; and
  - (c) the registered operator for the vehicle applies to the road transport authority for a permit to use the vehicle on a road or road related area;

the road transport authority must issue a permit under section 27 (1) for the vehicle and must state in the permit, as the provisions with which the vehicle is not required to comply, provisions of part 2 with which the vehicle does not comply.

## **29 Applications for permits**

- (1) An application for a permit for a vehicle must be given to the road transport authority at least 28 days before—
  - (a) for a vehicle to which section 28 applies—the day when the current registration of the vehicle under the *Road Transport (Vehicle Registration) Act 1999* expires or the current permit issued for the vehicle expires; or

- (b) for any other vehicle—the day when the vehicle is to be used, or is first to be used, in circumstances for which a permit will be required.
- (2) However, the road transport authority may allow the application to be made at any other time within that 28 days.

### **30 Issue of permit subject to conditions**

- (1) The road transport authority may issue a permit, subject to conditions stated in the permit, relating to any of the following matters:
  - (a) the speeds at which the vehicle may be operated;
  - (b) the mass carried by a wheel of the vehicle;
  - (c) the axle loads of any axles of the vehicle;
  - (d) the maximum gross mass at which the vehicle may be operated;
  - (e) the width of the vehicle, together with any equipment or load carried on or attached to the vehicle;
  - (f) subject to subsection (2), the dimensions of the vehicle (other than width), together with any equipment or load carried on or attached to the vehicle;
  - (g) the areas or routes to which it applies;
  - (h) the times when the vehicle may travel;
  - (i) how long the permit is to remain in force;
  - (j) how any equipment or load to be carried by the vehicle is to be carried or secured;
  - (k) the strengthening of any bridge, culvert or other structure on or over which the vehicle is to travel;

- (l) the giving of an indemnity by the responsible person for the vehicle for any damage that may be caused to a road, road related area, bridge, culvert, structure or installation by the vehicle while on a journey for which the permit is required;
  - (m) any other matter related to the safety of persons or property.
- (2) In subsection (1) (f):
- dimensions* includes any matter referred to in section 57 (3) (a) to (h).

### **31 Factors related to issue of permit**

In deciding whether to issue a permit for a vehicle, the road transport authority must have regard to—

- (a) the extent to which use of the vehicle on a road or road related area in accordance with any conditions that may be stated in the permit is likely to cause—
  - (i) danger or the death of, or injury to, anyone; or
  - (ii) damage to the road or road related area or any bridge, culvert, structure or installation; or
  - (iii) damage to any other property; and
- (b) if the vehicle is required for a special purpose—the availability of another vehicle that would comply with part 2 and sections 24, 25, 26 and 37 when being used for the purpose; and
- (c) if the vehicle is required to carry a particular load—the practicability of dividing the load; and
- (d) the extent to which the use of the vehicle on a road or road related area is in the public interest.

### 31A Exemptions

- (1) The Minister may, in writing, exempt a vehicle or combination from a provision of part 2 (Dimensions and design of vehicles) or part 3 (Loads and equipment).
- (2) The Minister may, in writing, exempt a person from section 37 (Use of trailer with articulated vehicle).
- (3) In deciding whether to give an exemption under this section, the Minister must have regard to the matters mentioned in section 31 (a) and (d), as if the reference in section 31 (a) to a permit were a reference to an exemption.
- (4) Subsection (3) does not limit the matters to which the Minister may have regard.
- (5) An exemption under this section may be given subject to the conditions (if any) stated in the exemption.
- (6) The conditions may include conditions mentioned in section 30 (Issue of permit subject to conditions).
- (7) An exemption under this section is a disallowable instrument.

*Note* A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

- (8) Within 21 days after the exemption is notified under the *Legislation Act 2001*, the exemption must also be notified in a daily newspaper circulating in the ACT.

## Part 5                      Offences

### 32                      Driving vehicle with trailer attached

A reference in this part to *driving* a vehicle is, if a trailer is attached to a vehicle, a reference to the driving of the vehicle towing the trailer.

### 33                      Offences—mass

- (1) A person must not drive a vehicle on a road or road related area if—
- (a) the gross mass of the vehicle exceeds the mass permitted in relation to the vehicle by section 24 (1); or
  - (b) the mass carried by a wheel of the vehicle exceeds the mass permitted in relation to the wheel by section 25 (1); or
  - (c) the axle load of an axle of the vehicle exceeds the mass permitted in relation to the axle by section 25 (2); or
  - (d) the axle group load of an axle group of the vehicle exceeds the mass permitted in relation to the axle group by section 25 (3).

Maximum penalty: 30 penalty units.

- (2) A person must not drive a motor vehicle to which a trailer or semitrailer is coupled on a road or road related area if the gross mass of the combination is heavier than the gross mass allowed by section 24 (2).

Maximum penalty: 30 penalty units.

- (3) A person must not drive a vehicle for which a permit or exemption is in force on a road or road related area—
- (a) during a time, or in the course of a journey, during which the driving of the vehicle on the road or road related area would be

an offence against this Act if the permit or exemption were not in force; and

- (b) otherwise than in accordance with a condition of the permit or exemption of the kind mentioned in section 30 (1) (b), (c) or (d).

Maximum penalty: 30 penalty units.

### **34 Offences—width of vehicles**

- (1) A person must not drive a vehicle on a road or road related area if the width of the vehicle together with any equipment or load carried on or attached to the vehicle exceeds the width determined in relation to the class of vehicles to which the vehicle belongs.

Maximum penalty: 20 penalty units.

- (2) A person must not drive a vehicle for which a permit or exemption is in force on a road or road related area—
  - (a) during a time, or in the course of a journey, during which the driving of the vehicle on the road or road related area would be an offence against this Act if the permit or exemption were not in force; and
  - (b) otherwise than in accordance with a condition of the permit or exemption of the kind mentioned in section 30 (1) (e).

Maximum penalty: 20 penalty units.

### **35 Offences—dimensions other than width**

- (1) A person must not drive a vehicle on a road or road related area if the dimensions of the vehicle (other than width) together with any equipment or load carried on or attached to the vehicle exceed the dimensions (other than width) determined in relation to the class of vehicles to which the vehicle belongs.

Maximum penalty: 10 penalty units.

- (2) A person must not drive a vehicle for which a permit or exemption is in force on a road or road related area—
- (a) during a time, or in the course of a journey, during which the driving of the vehicle on the road or road related area would be an offence against this Act if the permit or exemption were not in force; and
  - (b) otherwise than in accordance with a condition of the permit or exemption of the kind mentioned in section 30 (1) (f).

Maximum penalty: 10 penalty units.

**36 Offences—design and tyre pressure, and conditions not related to mass or dimensions**

- (1) A person must not drive a vehicle on a road or road related area if the vehicle does not comply with section 17, 18, 19, 20 or 21.

Maximum penalty: 10 penalty units.

- (2) A person must not drive a vehicle on a road or road related area if the vehicle does not comply with section 26.

Maximum penalty: 10 penalty units.

- (3) A person must not drive a vehicle for which a permit or exemption is in force on a road or road related area—

- (a) during a time, or in the course of a journey, during which the driving of the vehicle on the road or road related area would be an offence against this Act if the permit or exemption were not in force; and
- (b) otherwise than in accordance with a condition of the permit or exemption of the kind mentioned in section 30 (1) (a), (g), (h), (i), (j), (k), (l), or (m).

Maximum penalty: 10 penalty units.

**37 Use of trailer with articulated vehicle**

- (1) A person must not drive an articulated vehicle on a road or road related area if a trailer is coupled to the vehicle.

Maximum penalty: 10 penalty units.

- (2) A person must not drive a B-double or road train on a road or road related area.

Maximum penalty: 10 penalty units.

**38 Production of permit**

The driver of a vehicle for which a permit is in force must produce the permit, or a copy of the permit, to a police officer or authorised person if asked to do so by the police officer or authorised person.

Maximum penalty: 5 penalty units.

**39 Offences by people other than drivers**

- (1) In this section—

*relevant offence* means an offence against any of the following subsections:

- (a) section 33 (1), (2) or (3);
- (b) section 34 (1) or (2);
- (c) section 35 (1) or (2);
- (d) section 36 (1), (2) or (3);
- (e) section 37 (1) or (2).

- (2) If a relevant offence is committed by the driver of a vehicle and the driver is not the responsible person for the vehicle, the responsible person also commits the relevant offence.

Maximum penalty:



- (a) for an offence against section 33 (1), (2) or (3)—30 penalty units; or
  - (b) for an offence against section 34 (1) or (2)—20 penalty units; or
  - (c) for any other relevant offence—10 penalty units.
- (3) If a person other than the driver of, or responsible person for, a vehicle loads the vehicle in a way that results in the commission of a relevant offence when the vehicle is driven on a road or road related area, the person also commits the relevant offence.

Maximum penalty: 30 penalty units.

**40A No offence if permit or exemption in force**

A person does not commit an offence against section 33, 34, 35, 36 or 37 if, at the time of the conduct that would have constituted the offence, there was in force a permit or exemption that permitted that conduct.

**40B Other defences**

- (1) It is a defence to an offence against section 33, 34, 35, 36, 37 or 39 if—
- (a) the conduct constituting the offence was caused by—
    - (i) a reasonable mistake; or
    - (ii) reasonable reliance on information supplied by someone else; or
    - (iii) an act or omission of someone else or something else beyond the defendant's control; and
  - (b) the defendant took reasonable precautions and exercised appropriate diligence to avoid the offence being committed.
- (2) In this section:

*executive officer*—see the *Road Transport (General) Act 1999*, dictionary.

*someone else* does not include an employee, agent or executive officer of the defendant.

## Part 6                      Inspection of vehicles

### 41                      Inspection of vehicles

- (1) If a police officer or authorised person has reasonable grounds for believing that a vehicle on a road or road related area is a vehicle to which this Act applies, the police officer or authorised person may inspect and test the vehicle, or its equipment or load, to find out whether they comply with this Act.
- (2) Without limiting subsection (1), a police officer or authorised person may, for that subsection, direct the driver of a vehicle to—
  - (a) stop the vehicle; or
  - (b) state the name and business address of the responsible person for the vehicle; or
  - (c) produce for inspection any document or other record relating to the vehicle, or its equipment or load, that is carried by the driver; or
  - (d) give the police officer or authorised person copies of, or permit the police officer or authorised person to take extracts from, any such document or other record carried by the driver; or
  - (e) answer reasonable questions about any entries in any such document or record carried by the driver; or
  - (f) give the police officer or authorised person any reasonable assistance so the officer or person can examine any identification plate on the vehicle; or
  - (g) specify the next place where the vehicle is to be loaded or unloaded, or where changes are to be made to the load, or to the distribution of the load, carried by the vehicle; or
  - (h) move the vehicle to the nearest safe place for inspecting the vehicle; or

- (i) give the police officer or authorised person any reasonable assistance so the officer or person can work out the dimensions of the vehicle or its equipment or load; or
  - (j) take the vehicle to the nearest place where the mass of the vehicle together with its equipment and load can be worked out; or
  - (k) give the police officer or authorised person any reasonable assistance so the officer or person can work out any of the following:
    - (i) the gross mass of the vehicle;
    - (ii) the axle group load of each axle group of the vehicle;
    - (iii) the axle load of each axle of the vehicle;
    - (iv) the mass carried by each wheel of the vehicle.
- (3) A police officer or authorised person must not give a direction to the driver of a vehicle under subsection (2) (j) or (k) if—
- (a) the driver produces a certificate of inspection that specifies—
    - (i) the gross mass of the vehicle; or
    - (ii) the axle group load of each axle group of the vehicle and the axle load of each axle of the vehicle that is not part of an axle group; or
    - (iii) the mass carried by each wheel of the vehicle; andand specifies the next place where the vehicle is to be loaded or unloaded or where changes are to be made to the load, or the distribution of the load, of the vehicle; and
  - (b) the police officer or authorised person has no reasonable grounds for believing that the vehicle is not travelling to the place specified in the certificate as the next place where the vehicle is to be loaded or unloaded or where changes are to be

made to the load, or the distribution of the load, of the vehicle;  
and

- (c) the police officer or authorised person has no reasonable grounds for believing that the load, or the distribution of the load, of the vehicle has been changed since the certificate was issued.
- (4) If a direction has been given in relation to a vehicle under subsection (2), the driver of the vehicle shall not, without reasonable excuse—
- (a) remove from the vehicle any part of its load or equipment, or alter the position or distribution of the load or equipment; or
  - (b) permit another person to remove from the vehicle any part of its load or equipment or alter the position or distribution of the load or equipment;

until the direction has been complied with.

Maximum penalty: 50 penalty units.

- (5) In this section:

***certificate of inspection*** means—

- (a) a certificate issued under section 42; or
- (b) a certificate issued by an officer of an authority or body of a State or another Territory having, under the law of that State or Territory, responsibility for the control of road transport in that State or Territory, being a certificate that states—
  - (i) the date and time when, and the place where, the certificate was issued; and
  - (ii) the name and designation of the person who issued the certificate; and
  - (iii) the registration number of the vehicle to which the certificate relates; and

- (iv) the findings of the authority or body on an inspection of the vehicle immediately before the certificate was issued.

## **42 Certificate of inspection**

If a police officer or authorised person inspects a vehicle for this Act and finds that the vehicle together with its equipment and load (if any) complies with the provisions of the Act in relation to which it is inspected, the police officer or authorised person must give the driver of the vehicle a certificate that specifies—

- (a) the date and time when, and the place where, the vehicle was inspected; and
- (b) the particulars that are the identifying particulars for the police officer or authorised person under the regulations; and
- (c) the registration number of the vehicle; and
- (d) the place specified by the driver of the vehicle as the next place where the vehicle is to be loaded or unloaded, or where alterations are next to be made to the load, or to the distribution of the load, carried by the vehicle; and
- (e) the result of the inspection.

## **43 Unattended vehicles**

- (1) If—

- (a) a vehicle is standing unattended on a road or road related area; and
- (b) a police officer or authorised person has reasonable grounds for believing that the vehicle, or the vehicle with its equipment and load, does not comply with this Act;

the police officer or authorised person may serve a notice under this section on the driver of the vehicle.

- (2) The notice must—

- (a) state the time and day when, and the place where, the notice was served; and
  - (b) state the particulars that are the identifying particulars for the police officer or authorised person under the regulations; and
  - (c) direct that, while the notice remains in force, the vehicle must not be moved except to take it directly to the weighbridge or weighing station stated in the notice.
- (3) The notice remains in force until the vehicle has been taken to the stated weighbridge or weighing station and an authorised person has inspected the vehicle and worked out the mass of the vehicle together with its equipment and load (if any).
- (4) The notice may be served on the driver of the vehicle by—
  - (a) securely placing or attaching the notice, addressed to the driver (without further description), on or to the vehicle in a conspicuous position; and
  - (b) securely attaching to the windscreen of the vehicle a label stating—
    - (i) the registration number of the vehicle; and
    - (ii) that a notice under this section has been served in relation to the vehicle; and
    - (iii) the date and time when, and the place where, the notice was served; and
    - (iv) the particulars that are the identifying particulars for the police officer or authorised person under the regulations.
- (5) A person must not remove, deface or interfere with a notice placed on, or attached to, a vehicle under this section unless the person is the driver of the vehicle or the responsible person (or a responsible person) for the vehicle.

Maximum penalty: 20 penalty units.

- (6) For this section, a vehicle is *unattended* if there is not in, on or near the vehicle a person apparently in charge of the vehicle who holds an Australian driver licence authorising the person to drive the vehicle.

#### **44 Offences related to s 43 notice**

While a notice under section 43 is in force in relation to a vehicle, a person must not, without reasonable excuse—

- (a) remove, deface or interfere with a label attached to the vehicle under that section; or
- (b) move the vehicle from the place where the notice was served, except to take it directly to the weighbridge or weighing station stated in the notice; or
- (c) remove from the vehicle any part of a load being carried by the vehicle; or
- (d) remove from the vehicle any equipment being carried by the vehicle; or
- (e) interfere with or alter the position of any part of a load being carried by the vehicle; or
- (f) interfere with or alter the position of any equipment being carried by the vehicle; or
- (g) replace, interfere with or adjust a suspension system, axle, wheel or tyre of the vehicle.

Maximum penalty: 50 penalty units.

#### **45 Directions related to loads**

- (1) If, on inspecting a vehicle in relation to which no permit is in force, a police officer or authorised person finds that the vehicle does not comply with the requirements of this Act because of the size, shape, weight or position of any equipment or load being carried by the



vehicle, the police officer or authorised person may direct the driver of the vehicle to remove part or all of the equipment or load, or to adjust or rearrange the equipment or load, so that the vehicle with its equipment or load does comply with those requirements.

- (2) If, on inspecting a vehicle in relation to which a permit is in force, a police officer or authorised person finds that the vehicle does not comply with—
- (a) the conditions specified in the permit; or
  - (b) the requirements of this Act from compliance with which the vehicle is not exempted by the permit;

because of the size, shape, weight or position of any equipment or load being carried by the vehicle, the police officer or authorised person may direct the driver of the vehicle to remove part or all of the equipment or load, or to adjust or rearrange the equipment or load, so that the vehicle with its equipment or load does comply with those conditions and requirements.

#### **47            Contravention of directions under pt 6**

A person must not contravene a direction given by a police officer or authorised person under this part.

Maximum penalty: 50 penalty units.

## **Part 7**

# **Approved portable weighing devices**

### **49 Approval of portable weighing devices**

- (1) The road transport authority may, by notice attached to a portable weighing device, approve the device for this Act if the authority is of the opinion that the device is suitable for use in determining—
  - (a) the mass carried by a wheel of a vehicle; and
  - (b) the axle load of an axle of a vehicle.
- (2) A notice that is attached to a device, and appears to be a notice mentioned in subsection (1), is evidence of the matters stated in the notice.

### **50 Evidence of mass**

- (1) For proceedings in a court—
  - (a) the mass carried by a wheel of a vehicle; or
  - (b) the axle load of an axle of a vehicle; or
  - (c) the axle group load of an axle group of a vehicle; or
  - (d) the gross mass of a vehicle or combination;at a time and place worked out with an approved portable weighing device in accordance with section 51 is, unless the contrary is proved, taken to be the mass carried by the wheel, axle load, axle group load or gross mass at that time and place.
- (2) Nothing in this section precludes evidence of a matter referred to in subsection (1) (a), (b), (c), (d) or (e) being given by evidence other than the evidence referred to in subsection (1).

- (3) Evidence shall not be given of a matter referred to in subsection (1) (a), (b), (c), (d) or (e) by reference to a determination of mass or load with an approved portable weighing device unless—
- (a) the device has, within 12 months before being used to determine that mass or load been tested for accuracy by a duly qualified mechanical engineer approved, in writing, for this subsection by the road transport authority; and
  - (b) the device has been sealed by the mechanical engineer in such a way as to prevent the mechanism of the device being tampered or interfered with without breaking the seal, and the seal is intact; and
  - (c) the device was, in so determining that mass or load, used in accordance with section 51.

**51 Determination of mass or load with approved portable weighing device**

- (1) In determining the mass carried by a wheel of a vehicle with an approved portable weighing device, the device shall be placed under the tyre of the wheel so that the whole of the mass borne by the wheel is borne by the device.
- (2) In determining the axle load of an axle of a vehicle with approved portable weighing devices, an approved portable weighing device shall be placed under the tyres of each of 2 wheels of the axle so that the whole of the mass borne by the axle is borne by the 2 devices and the aggregate of the weights shown by 2 approved portable weighing devices when so used shall be taken to be the axle load of the axle.
- (3) For this Act—
  - (a) the axle group load of an axle group of a vehicle shall be taken to be the aggregate of the axle loads of the several axles of the axle group; and

- (b) the gross mass of a vehicle shall be taken to be the aggregate of the axle loads of the several axles of the vehicle; and
- (c) the gross mass of a combination is the total of the axle loads of the axles of the combination.

## **52 Certificates to be evidence**

In any proceedings in a court in which evidence is given of the determination of mass or load with an approved portable weighing device—

- (a) a certificate purporting to be signed by a duly qualified mechanical engineer approved by the road transport authority for section 50 (3) and stating that on a day specified in the certificate—
  - (i) he or she tested an approved portable weighing device bearing the identification number or symbols stated in the certificate and found the device to be accurate; and
  - (ii) he or she duly sealed the approved portable weighing device in the way referred to in section 50 (3) (b);

is evidence of the accuracy of the device and the matters stated in the certificate; and

- (b) a certificate purporting to be signed by an authorised person and stating that—
  - (i) at a specified time on a specified day and at a specified place he or she used an approved portable weighing device bearing the identification numbers or symbols specified in the certificate, and the seal referred to in paragraph (a); and
  - (ii) the seal of the device was intact at that time; and
  - (iii) the device was used at that time in accordance with section 51 to determine a mass or load referred to in

section 50 (1) (a), (b), (c), (d) or (e) in relation to a vehicle or vehicles the registration number or numbers of which are specified in the certificate; and

- (iv) the mass or load so determined was the mass or load specified in the certificate;

is evidence of the matters stated in the certificate and the facts on which they are based.

### **53 Interfering with approved portable weighing device**

A person shall not, knowingly and without lawful authority, tamper or interfere with, or damage the mechanism of, an approved portable weighing device by reference to which evidence of mass or load may be given under this Act or tamper or interfere with a seal attached to such a device.

Maximum penalty: 200 penalty units.

## Part 8 Miscellaneous

### 54 Evidence

- (1) In a proceeding before a court, a certificate purporting to be signed by a police officer or authorised person, stating that on a day and at a time and place stated in the notice he or she served a stated notice under section 43 on the driver of a stated vehicle, is evidence of the matters stated in the certificate.
- (2) In a proceeding before a court, a certificate signed by or on behalf of the road transport authority, stating that a stated permit was, or was not, in force for a stated vehicle on a stated day, is evidence of the matters stated in the certificate.

### 55 References to Motor Vehicles (Dimensions and Mass) Act

In any Act, instrument made under an Act or document, a reference to the *Motor Vehicles (Dimensions and Mass) Act 1990* is, in relation to anything to which this Act applies after the commencement of this section, a reference to this Act.

### 57 Determinations

- (1) The Minister may, in writing, determine amounts of mass for this Act.
- (2) The Minister may, in writing, make determinations, not inconsistent with this Act, for the purpose of prescribing dimensions of vehicles, together with any equipment or load carried on or attached to the vehicle.
- (3) Without limiting subsection (2), the determinations may prescribe the following dimensions:
  - (a) the forward projection of a vehicle;
  - (b) the rear overhang of a vehicle;

- (c) the drawbar length of a dog trailer or pig trailer;
  - (d) the distance between the point of articulation of the front section of an articulated bus and the rear axle centre of that section;
  - (e) the projection of the forward edge of a semitrailer;
  - (f) the distance between the point of articulation of a semitrailer and the rear axle centre of the semitrailer;
  - (g) the length of the loading space of a non-articulated vehicle that is located to the rear of the rear axle centre of the vehicle;
  - (h) the projection of any equipment or load on or attached to a vehicle.
- (4) A determination under this section is a disallowable instrument.

*Note* A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

## **58 Regulation-making power**

The Executive may make regulations for this Act.

*Note* Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

## Dictionary

(see s 3)

**Note 1** The *Legislation Act 2001* contains definitions and other provisions relevant to this Act.

**Note 2** In particular, the *Legislation Act 2001*, dict, pt 1, defines the following terms:

- exercise
- function.

***another jurisdiction*** means a jurisdiction other than the ACT.

***approved portable weighing device*** means a device approved under section 49 (1).

***articulated bus*** means a bus with at least 2 rigid sections that allow passengers access between the sections and are connected to allow rotary movement between the sections.

***articulated vehicle*** means a vehicle comprising a motor vehicle and a semitrailer that is coupled to it.

***Australian driver licence***—see the Road Transport (Driver Licensing) Act 1999, dictionary.

***authorised person***, for a provision of this Act, means—

- a person who is appointed as an authorised person under the *Road Transport (General) Act 1999*, section 19 for the provision; or
- a person who is, under regulations made under this Act or the *Road Transport (General) Act 1999*, an authorised person for the provision.

***authority***—see *road transport authority*.

***axle*** means 1 or more shafts, positioned in a line across a vehicle, on which 1 or more wheels intended to support the vehicle turn.



**axle group** means a single, tandem, twinsteer, tri, or quad axle group.

**axle group centre** means—

- (a) in relation to a tandem axle group if 1 axle has the same number of wheels as the other—the transverse line located midway between the centre-lines of the axles; or
- (b) in relation to a tandem axle group if 1 axle has twice the number of the wheels of the other—a transverse line located  $\frac{1}{3}$  of the distance from the centre-line of the axle with the greater number of wheels to the centre-line of the other axle; or
- (c) in relation to an axle group that has more than 2 axles—a transverse line located midway between the centre-lines of the most rearward and the most forward axles of the axle group.

**axle group load**, in relation to an axle group of a vehicle, means the aggregate of the axle loads of the axles of the axle group.

**axle load**, in relation to an axle of a vehicle, means the aggregate of the mass carried by the several wheels of the axle.

**B-double** means a combination consisting of a prime mover towing 2 semitrailers.

**bus** means a motor vehicle built mainly to carry people that seats over 9 adults (including the driver).

**centre-line**, of an axle group, means—

- (a) if the group consists of 2 axles, 1 of which is fitted with twice the number of tyres as the other axle—a line located  $\frac{1}{3}$  of the way from the centre-line of the axle with more tyres towards the centre-line of the axle with fewer tyres; and
- (b) in any other case—a line located midway between the centre-lines of the outermost axles of the group.

**combination** means a group of vehicles consisting of a motor vehicle connected to 1 or more vehicles.

***converter dolly*** means a trailer with 1 axle group or single axle, and a fifth wheel coupling, designed to convert a semitrailer into a dog trailer.

***corresponding law***, in relation to a Territory law, means a law that is similar, or has a similar effect, to the Territory law.

***court*** means the Magistrates Court.

***determined***, in relation to mass or dimensions, means the dimensions or mass determined under section 57 (1) or (2), respectively.

***dog trailer*** means a trailer (including a trailer consisting of a semitrailer and converter dolly) with—

- (a) an axle group or single axle at the front that is steered by connection to the towing vehicle by a drawbar; and
- (b) an axle group or single axle at the rear.

***drawbar*** means a part of a trailer (except a semitrailer) connecting the trailer body to a coupling for towing purposes.

***drawbar length***, in relation to a trailer, means the distance measured horizontally and parallel to the longitudinal axis of the trailer from the centre-line of the towing pivot of the trailer to—

- (a) if the most forward axle of the trailer is not part of an axle group—the longitudinal centre-line of the axle; or
- (b) if the most forward axle of the trailer is part of an axle group—the axle group centre of that axle group.

***drive*** a vehicle includes—

- (a) be in control of the steering, movement or propulsion of the vehicle; and
- (b) if the vehicle is a trailer—draw or tow the vehicle; and
- (c) if the vehicle can be ridden—ride the vehicle.

**driver**, of a vehicle, means the person who is driving the vehicle.

**exemption** means an exemption in force under section 31A (Exemption notices).

**forward projection**, in relation to a vehicle, means the distance measured horizontally and parallel to the longitudinal axis of the vehicle from the most forward point of the vehicle to the rear axle centre of the vehicle.

**GCM** (or **gross combination mass**), of a motor vehicle, means the greatest possible sum of the loaded mass of the motor vehicle and of any vehicles that may lawfully be towed by it at the same time—

- (a) specified by the manufacturer on an identification plate on the motor vehicle; or
- (b) if there is no specification by the manufacturer on an identification plate on the motor vehicle or if the specification is not appropriate because the motor vehicle has been modified—certified by the road transport authority.

**gross mass** means—

- (a) for a vehicle—the total of—
  - (i) the mass of the vehicle; and
  - (ii) the mass of any equipment being carried on the vehicle; and
  - (iii) the mass of any load being carried on the vehicle; or
- (b) for a combination—the total of the gross mass of each vehicle in the combination.

**GVM** (or **gross vehicle mass**), of a vehicle, means the maximum loaded mass of the vehicle—

- (a) specified by the manufacturer on an identification plate on the vehicle; or

- (b) if there is no specification on an identification plate on the motor vehicle or if the specification is not appropriate because the vehicle has been modified—certified by the road transport authority.

***jurisdiction*** means a State, the Commonwealth or an internal Territory, including the ACT.

***load-sharing system*** means an axle group suspension system that, by hydraulic, pneumatic, mechanical or other means, shares the mass carried by an axle group substantially equally among the wheels of the axle group.

***motor vehicle*** means a vehicle built to be propelled by a motor that forms part of the vehicle.

***permit*** means a permit issued under section 27 (1) or (3).

***pig trailer*** means a trailer (other than a semitrailer) that is supported by 1 axle or axle group.

***pole-type trailer*** means a trailer that—

- (a) is attached to a towing vehicle by a pole, or an attachment fitted to the pole; and
- (b) is ordinarily used for transporting loads, such as logs, pipes, structural members, or other long objects, that can generally support themselves like beams between supports.

***prime mover*** means a motor vehicle built to tow a semitrailer.

***quad axle group*** means a group of 4 axles in which the horizontal distance between the centre-lines of the outermost axles is more than 3.2m but not more than 4.9m.

***rear axle centre***, in relation to a vehicle, means—

- (a) for a vehicle on which the most rearward axle is not part of an axle group—the centre-line of that axle; or

- (b) for a vehicle on which the most rearward axle is part of an axle group—the axle group centre of that axle group.

**rear overhang**, of a vehicle, means the distance between the rear overhang line and the rear of the vehicle.

**rear overhang line**, of a vehicle, means—

- (a) if there is a single axle at the rear of the vehicle—the centre-line of the axle; or
- (b) if there is an axle group at the rear of the vehicle—the centre-line of the axle group, decided without regard to the presence of any steerable axle unless all axles in the group are steerable.

**registration authority**, for a vehicle registered under the law of another jurisdiction, means the entity that has functions under the law of the other jurisdiction corresponding to the functions of the road transport authority under this Act.

**registered operator**—see the *Road Transport (Vehicle Registration) Act 1999*, dictionary.

**responsible person**, for a vehicle—see the *Road Transport (General) Act 1999*, section 10.

**retractable axle** means an axle that forms part of an axle group of a vehicle and is connected to a mechanism that enables the axle to be raised or lowered relative to the horizontal datum of the vehicle so as to vary substantially the load distribution between the axles of the axle group.

**road** means an area that is open to or used by the public and is developed for, or has as 1 of its main uses, the driving or riding of motor vehicles, but does not include an area that would otherwise be a road so far as a declaration under section 12 (Power to include or exclude areas in road transport legislation) of the *Road Transport (General) Act 1999* declares that this Act does not apply to the area.

**road related** area means—

- (a) an area that divides a road; or
- (b) a footpath or nature strip adjacent to a road; or
- (c) an area that is open to the public and is designated for use by cyclists or animals; or
- (d) an area that is not a road and that is open to or used by the public for driving, riding or parking vehicles; or
- (e) a shoulder of a road; or
- (f) any other area that is open to or used by the public so far as a declaration under section 12 (Power to include or exclude areas in road transport legislation) of the *Road Transport (General) Act 1999* declares that this Act applies to the area;

but does not include an area that would otherwise be a road related area so far as a declaration under that section declares that this Act does not apply to the area.

**road train** means a combination, except a B-double, consisting of a motor vehicle towing at least 2 trailers (counting a converter dolly supporting a semitrailer as a single trailer).

**road transport authority** (or **authority**) means the Australian Capital Territory Road Transport Authority.

*Note* The chief executive of the department responsible for the *Road Transport (General) Act 1999* is the road transport authority (see *Road Transport (General) Act 1999*, s 6).

**road transport legislation**—see the *Road Transport (General) Act 1999*, section 6.

**semitrailer** means a trailer (including a pole-type trailer) that has—

- (a) 1 axle group or single axle to the rear; and
- (b) a means of attachment to a prime mover that results in some of the load being imposed on the prime mover.

**single axle group** means a group of at least 2 axles in which the horizontal distance between the centre-lines of the outermost axles is under 1m.

**tandem axle group** means a group of at least 2 axles in which the horizontal distance between the centre-lines of the outermost axles is at least 1m, but not over 2m.

**trader's plate**—

- (a) see the *Road Transport (Vehicle Registration) Act 1999*, dictionary; and
- (b) includes a corresponding numberplate issued under the law of another jurisdiction.

**trailer** means a vehicle being towed, or built to be towed, by a motor vehicle, but does not include a motor vehicle being towed.

**tri axle group** means a group of at least 3 axles in which the horizontal distance between the centre-lines of the outermost axles is over 2m, but not over 3.2m.

**twinsteer axle group** means a group of 2 axles—

- (a) with single tyres; and
- (b) fitted to a motor vehicle and connected to the same steering mechanism; and
- (c) the horizontal distance between the centre-lines of which is at least 1m, but not over 2m.

**vehicle** means—

- (a) any description of vehicle on wheels, other than a vehicle used on railways or tramways; or
- (b) any other vehicle prescribed under the regulations.

**wheel** means a wheel fitted with a tyre.

***wide profile tyre*** means a pneumatic tyre having a distance of not less than 37.5cm between the outside of its side walls.



## Endnotes

### 1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws and expiries are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnote.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

### 2 Abbreviation key

am = amended	ord = ordinance
amdt = amendment	orig = original
ch = chapter	par = paragraph/subparagraph
def = definition	pres = present
dict = dictionary	prev = previous
disallowed = disallowed by the Legislative Assembly	(prev...) = previously
div = division	pt = part
exp = expires/expired	r = rule/subrule
Gaz = gazette	renum = renumbered
hdg = heading	reloc = relocated
IA = Interpretation Act 1967	R[X] = Republication No
ins = inserted/added	RI = reissue
LA = Legislation Act 2001	s = section/subsection
LR = legislation register	sch = schedule
LRA = Legislation (Republication) Act 1996	sdiv = subdivision
mod = modified/modification	sub = substituted
o = order	SL = Subordinate Law
om = omitted/repealed	<u>underlining</u> = whole or part not commenced or to be expired

## Endnotes

3 Legislation history

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### 3 Legislation history

The *Road Transport (Dimensions and Mass) Act 1990* was originally the *Motor Vehicles (Dimensions and Mass) Act 1990*. It was renamed by the *Road Transport Legislation Amendment Act 1999* (see sch 3).

#### **Road Transport (Dimensions and Mass) Act 1990 No 13**

notified 21 June 1990 (Gaz 1990 No S28)  
s 1, s 2 commenced 21 June 1990 (s 2 (1))  
remainder commenced 21 December 1990 (s 2 (3))

as amended by

#### **Acts Revision (Position of Crown) Act 1993 No 44 sch 2**

notified 27 August 1993 (Gaz 1993 No S165)  
commenced 27 August (s 2)

#### **Administrative Appeals (Consequential Amendments) Act 1994 No 60 sch 1**

notified 11 October 1994 (Gaz 1994 No S197)  
s 1, s 2 commenced 11 October 1994 (s 2 (1))  
sch 1 commenced 14 November 1994 (s 2 (2) and see Gaz 1994 No S293)

#### **Statutory Offices (Miscellaneous Provisions) Act 1994 No 97 sch 1 pt 1**

notified 15 December 1994 (Gaz 1994 No S280)  
s 1, s 2 commenced 15 December 1994 (s 2 (1))  
sch 1 pt 1 commenced 15 December 1994 (s 2 (2) and Gaz 1994 No S293)

#### **Motor Vehicles (Dimensions and Mass) (Amendment) Act 1996 No 5**

notified 12 March 1996 (Gaz 1996 No S35)  
ss 1-3 commenced 12 March 1996 (s 2 (1))  
remainder commenced 12 September 1996 (s 2 (3))

#### **Road Transport Legislation Amendment Act 1999 No 79 sch 3**

notified 23 December 1999 (Gaz 1999 No S65)  
commenced 1 March 2000 (s 2 and Gaz 2000 No S5)

**Road Transport Legislation Amendment Act 2001 No 27 sch 3**

notified 24 May 2001 (Gaz 2001 No 21)  
s 1, s 2 commenced 24 May 2001 (IA s 10B)  
sch 3 commenced 24 May 2001 (s 2)

**Legislation (Consequential Amendments) Act 2001 No 44 pt 336**

notified 26 July 2001 (Gaz 2001 No 30)  
s 1, s 2 commenced 26 July 2001 (s 2)  
pt 336 commenced 12 September 2001 (s 2 and see Gaz 2001 No S65)

**Road Transport (Public Passenger Services) Act 2001 No 62 pt 1.3**

notified 10 September 2001 (Gaz 2001 No S66)  
s 1, s 2 commenced 10 September 2001 (IA s 10B)  
pt 1.3 commenced 1 December 2001 (s 2 and CN 2001 No 2)

**Statute Law Amendment Act 2002 No 30 pt 3.64**

notified LR 16 September 2002  
s 1, s 2 taken to have commenced 19 May 1997 (LA s 75 (2))  
pt 3.64 commenced 17 September 2002 (s 2 (1))

**Statute Law Amendment Act 2005 A2005-20 sch 3 pt 3.54**

notified LR 12 May 2005  
s 1, s 2 taken to have commenced 8 March 2005 (LA s 75 (2))  
sch 3 pt 3.54 commenced 2 June 2005 (s 2 (1))

**Road Transport (Third-Party Insurance) Act 2008 A2008-1 sch 1 pt 1.4 (as am by A2008-39 s 4)**

notified LR 26 February 2008  
s 1, s 2 commenced 26 February 2008 (LA s 75 (1))  
sch 1 pt 1.4 commenced 1 October 2008 (s 2 as am by A2008-39 s 4)

**Road Transport (Third-Party Insurance) Amendment Act 2008 A2008-39**

notified LR 22 August 2008  
s 1, s 2 commenced 22 August 2008 (LA s 75 (1))  
remainder commenced 23 August 2008 (s 2)

*Note* This Act only amends the Road Transport (Third-Party Insurance) Act 2008 A2008-1.

## Endnotes

4 Amendment history

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### 4 Amendment history

#### Preliminary

pt 1 hdg note am 2001 No 44 amdt 1.3692; 2001 No 62 amdt 1.6  
om A2005-20 amdt 3.347

#### Name of Act

s 1 sub 1999 No 79 sch 3  
am A2005-20 amdt 3.348; A2008-1 amdt 1.13

#### Commencement

s 2 om 2001 No 27 amdt 3.16

#### Dictionary

s 3 hdg sub A2005-20 amdt 3.349  
s 3 orig s 3 am 1994 No 60 sch 1; 1994 No 97 sch 1; 1996 No 5  
s 4  
defs reloc to dict 1999 No 79 sch 3  
om 1999 No 79 sch 3  
ins 1999 No 79 sch 3

#### Vehicles to which Act applies

s 4 am 1996 No 5 s 5; 1999 No 79 sch 3

#### Notes

s 5 orig s 5 om 1993 No 44 sch 2  
ins 1999 No 79 sch 3

#### Meaning of *mass carried by a wheel and journey*

s 6 sub 1999 No 79 sch 3

#### Provisions for def of *forward projection* and def of *rear overhang*

s 7 sub 1999 No 79 sch 3

#### Identity cards

s 8 am 1996 No 5 s 6  
om 1999 No 79 sch 3

#### Vehicles—determination of dimensions other than width

s 9 sub 1996 No 5 s 7

#### Width of vehicles—determination

s 10 am 1996 No 5 s 8

#### Height of vehicles

s 11 om 1996 No 5 s 9

#### Forward projection

s 12 om 1996 No 5 s 9

#### Rear overhang

s 13 om 1996 No 5 s 9

**Articulated bus—rear overhang of front section**

s 14 om 1996 No 5 s 9

**Loading space of non-articulated vehicles**

s 15 om 1996 No 5 s 9

**Semi-trailers—dimensions**

s 16 om 1996 No 5 s 9

**Required axle groups**

s 17 am 1996 No 5 s 10

**Suspension systems**

s 20 am 1996 No 5 s 11; ss renum R5 LA

**Drawbar length**

s 22 om 1996 No 5 s 12

**Projecting equipment or loads**

s 23 om 1996 No 5 s 12

**Gross mass**

s 24 am 1996 No 5 s 13; 1999 No 79 sch 3

**Permits**s 27 am 1996 No 5 s 14  
sub 1999 No 79 sch 3  
am 2001 No 44 amdt 1.3702**Permits to be issued for certain vehicles**

s 28 sub 1999 No 79 sch 3

**Applications for permits**s 29 sub 1999 No 79 sch 3  
am 2001 No 27 amdt 3.17**Issue of permit subject to conditions**

s 30 am 1996 No 5 s 15; 1999 No 79 sch 3; pars renum R5 LA

**Factors related to issue of permit**s 31 am 1996 No 5 s 16  
sub 1999 No 79 sch 3**Exemptions**s 31A ins 1996 No 5 s 17  
sub 2001 No 44 amdt 1.3693**Issue of exemption notice subject to conditions**s 31B ins 1996 No 5 s 17  
om 2001 No 44 amdt 1.3693**Form of exemption notices**s 31C ins 1996 No 5 s 17  
om 2001 No 44 amdt 1.3693

## Endnotes

4 Amendment history

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### **Offences**

pt 5 hdg sub 1996 No 5 s 18

### **Driving vehicle with trailer attached**

s 32 sub 1996 No 5 s 18; 2001 No 27 amdt 3.18

### **Offences—mass**

s 33 sub 1996 No 5 s 18  
am 1999 No 79 sch 3; 2001 No 44 amdt 1.3702

### **Offences—width of vehicles**

s 34 sub 1996 No 5 s 18  
am 1999 No 79 sch 3; 2001 No 44 amdt 1.3702

### **Offences—dimensions other than width**

s 35 sub 1996 No 5 s 18  
am 1999 No 79 sch 3; 2001 No 44 amdt 1.3702

### **Offences—design and tyre pressure, and conditions not related to mass or dimensions**

s 36 sub 1996 No 5 s 18  
am 1999 No 79 sch 3; 2001 No 44 amdt 1.3702

### **Use of trailer with articulated vehicle**

s 37 sub 1996 No 5 s 18; 1999 No 79 sch 3

### **Production of permit**

s 38 sub 1996 No 5 s 18; 1999 No 79 sch 3

### **Offences by people other than drivers**

s 39 sub 1996 No 5 s 18; 1999 No 79 sch 3

### **Other defences**

s 40 sub 1996 No 5 s 18  
om 1999 No 79 sch 3

### **No offence if permit or exemption in force**

s 40A hdg am 2001 No 44 amdt 1.3702  
s 40A ins 1996 No 5 s 18  
am 1999 No 79 sch 3; 2001 No 44 amdt 1.3702

### **Other defences**

s 40B ins 1996 No 5 s 18  
sub 1999 No 79 sch 3

### **Inspection of vehicles**

s 41 am 1996 No 5 s 19; 1999 No 79 sch 3; pars renum R5 LA

### **Certificate of inspection**

s 42 am 1999 No 79 sch 3

### **Unattended vehicles**

s 43 sub 1999 No 79 sch 3

**Offences related to s 43 notice**

s 44 am 1996 No 5 s 20; 1999 No 79 sch 3

**Directions related to loads**

s 45 am 1999 No 79 sch 3

**Notice of offence**

s 46 om 1996 No 5 s 21

**Contravention of directions under pt 6**

s 47 am 1996 No 5 s 22  
sub 1999 No 79 sch 3

**Obstruction of inspector**

s 48 am 1996 No 5 s 23  
om 1999 No 79 sch 3

**Infringement notices**

pt 6A hdg ins 1996 No 5 s 24  
om 1999 No 79 sch 3

**Interpretation**

s 48A ins 1996 No 5 s 24  
om 1999 No 79 sch 3

**Infringement notices**

s 48B ins 1996 No 5 s 24  
om 1999 No 79 sch 3

**Final infringement notices**

s 48C ins 1996 No 5 s 24  
om 1999 No 79 sch 3

**Discharge of liability for prescribed offences**

s 48D ins 1996 No 5 s 24  
om 1999 No 79 sch 3

**Application for withdrawal of infringement notices**

s 48E ins 1996 No 5 s 24  
om 1999 No 79 sch 3

**Withdrawal of infringement notices**

s 48F ins 1996 No 5 s 24  
om 1999 No 79 sch 3

**Extension of time for pensioners**

s 48G ins 1996 No 5 s 24  
om 1999 No 79 sch 3

**Prosecution of prescribed offences**

s 48H ins 1996 No 5 s 24  
om 1999 No 79 sch 3

## Endnotes

4 Amendment history

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### **Non-antecedent value of infringement notice offences**

s 48J ins 1996 No 5 s 24  
om 1999 No 79 sch 3

### **Service of notices**

s 48K ins 1996 No 5 s 24  
om 1999 No 79 sch 3

### **Evidence**

s 48L ins 1996 No 5 s 24  
om 1999 No 79 sch 3

### **Approval of portable weighing devices**

s 49 am 1996 No 5 s 25; 1999 No 79 sch 3  
sub 2001 No 27 amdt 3.19

### **Evidence of mass**

s 50 am 1999 No 79 sch 3; 2001 No 44 amdt 1.3694, amdt 1.3695

### **Determination of mass or load with approved portable weighing device**

s 51 am 1999 No 79 sch 3

### **Certificates to be evidence**

s 52 am 1999 No 79 sch 3; 2001 No 27 amdt 3.20

### **Interfering with approved portable weighing device**

s 53 am 1996 No 5 s 26

### **Evidence**

s 54 am 1994 No 60 sch 1; 1996 No 5 s 27  
sub 1999 No 79 sch 3

### **References to Motor Vehicles (Dimensions and Mass) Act**

s 55 sub 1999 No 79 sch 3

### **Certificates of inspectors to be evidence**

s 56 am 1996 No 5 s 28  
om 1999 No 79 sch 3

### **Determinations**

s 57 am 1996 No 5 s 29; 1999 No 79 sch 3; 2001 No 44  
amdt 1.3696, amdt 1.3697; ss renum R3 LA (see 2001 No 44  
amdt 1.3698)

### **Regulation-making power**

s 58 ins 1999 No 79 sch 3  
am 2001 No 44 amdt 1.3699

### **Transitional**

pt 9 hdg ins 1999 No 79 sch 3  
om 2001 No 27 amdt 3.21



**Existing permits**

s 59 ins 1999 No 79 sch 3  
om 2001 No 27 amdt 3.21

**Existing applications**

s 60 ins 1999 No 79 sch 3  
om 2001 No 27 amdt 3.21

**Evidentiary certificates**

s 61 ins 1999 No 79 sch 3  
om 2001 No 27 amdt 3.21

**Notice of approval of portable weighing device**

sch 1 hdg sub 1996 No 5 s 30  
sch 1 om 1999 No 79 sch 3

**On-the-spot fines**

sch 2 hdg ins 1996 No 5 s 31  
sch 2 om 1999 No 79 sch 3

**Dictionary**

dict ins 1999 No 79 sch 3  
am 2002 No 30 amdt 3.694  
defs reloc from s 3 1999 No 79 sch 3  
def **approved form** om 2001 No 27 amdt 3.22  
def **authorised person** sub 2002 No 30 amdt 3.695  
def **exemption notice** sub 2001 No 44 amdt 1.3700  
def **function** om 2002 No 30 amdt 3.696  
def **road** am 2002 No 30 amdt 3.697  
def **road related area** am 2002 No 30 amdt 3.697  
def **the regulations** om 2001 No 44 amdt 1.3701  
def **this Act** (or **the Act**) om 2001 No 44 amdt 1.3701

## Endnotes

5 Earlier republishings

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### 5 Earlier republishings

Some earlier republishings were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republishings have also been published in printed format. These republishings are marked with an asterisk (\*) in column 1. Electronic and printed versions of an authorised republication are identical.

Republication No	Amendments to	Republication date
1	Act 1994 No 97	28 February 1995
2	Act 1999 No 79	1 March 2000
3	Act 2001 No 44	12 September 2001
4	Act 2001 No 62	3 December 2001
5	A2002-30	20 September 2002
6	A2005-20	2 June 2005

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