

# Road Transport (Dimensions and Mass) 6.5 Tonnes Single Steer Axle Exemption Notice 2009 (No 2)

Disallowable Instrument DI2009—132

made under the

*Road Transport (Dimensions and Mass) Act 1990*, section 31A (1) (Exemptions)

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## 1. Name of Instrument

This Instrument is the *Road Transport (Dimensions and Mass) 6.5 Tonnes Single Steer Axle Exemption Notice 2009 (No 2)*.

## 2. Commencement

This instrument commences on the day after its notification.

## 3. Vehicle Exemption

I exempt a vehicle that complies with, and is operated in accordance with, the conditions set out in the schedule from the mass requirements of sections 24 and 25 of the Act in respect of the steer axle mass of the vehicle.

## 4. Revocation

Disallowable instrument DI2009-27 of 6 March 2009 is revoked.

## 5. Displacement of Legislation Act, s 47 (6)

The Legislation Act, section 47 (6) does not apply to this instrument.

**Note** The text of an applied, adopted or incorporated instrument, whether applied as in force at a particular time or from time to time, is taken to be a notifiable instrument if the operation of the Legislation Act, s 47 (5) or (6) is not disapplied (see s 47 (7)).

Minister for Transport

3 June 2009

## SCHEDULE TO 6.5 TONNES SINGLE STEER AXLE EXEMPTION NOTICE (No 2)

### Part 1 – Preliminary

Unless stated otherwise, words and expressions used in this Notice have the same meaning as those set out in the Dictionary forming part of the *Road Transport (Dimensions and Mass) Act 1990*.

A reference to UN ECE Regulation 29 or 93 is a reference to the regulation as in force from time to time.

### Part 2 - Application

This Notice applies to heavy vehicles with a manufacturer's Gross Vehicle Mass (**GVM**) of 15 tonnes or more.

This Notice exempts a heavy vehicle which is fitted with—

(a) an engine complying with the emission control requirements of ADR 80/01 or a later version of ADR 80; and

(b) a complying Front Under-run Protection Device; and

*Note* See the definition of **complying Front Under-run Protection Device** in pt 3.

(c) a cabin that complies with UN ECE Regulation No. 29—

from the mass limit of 6.0 tonnes on its steer axle set out in schedule 2 of the *Road Transport (Dimension and Mass) (Mass Limits of Vehicles or Combinations) Determination 2006 (No 1)* (DI2006-119); provided that—

i. the mass limit on that steer axle is not more than 6.5 tonnes; and

ii. the vehicle has appropriately rated tyres, axle, and suspension to allow 6.5 tonnes on its steer axle; and

iii. the vehicle is not a twin-steer heavy vehicle, bus or coach; and

iv. the driving compartment of the heavy vehicle contains a copy of this exemption notice; and

v. compliance with ADR 80/01, or a later version of ADR 80, is verified by an Approval Plate that is affixed on the vehicle cabin and in the proximity of the vehicle CPA (Compliance) plate/label, except where the vehicle is fitted with a Compliance Plate dated January 2008, or later (in which case it will be accepted as complying with ADR 80/01).

*Note 1* The Australian Design Rules are available on the Federal Register of Legislative Instruments which is accessible at [www.conlaw.gov.au](http://www.conlaw.gov.au).

*Note 2* The United Nations Economic Commission for Europe's regulations are accessible at [www.unece.org](http://www.unece.org).

Where a vehicle meets the requirements set out in paragraphs (a) to (c) above, the increased mass on the steer axle is to be disregarded when considering whether the vehicle complies with any mass requirement set out in Schedule 2 of the *Road Transport (Dimension and Mass) (Mass Limits of Vehicles or Combinations) Determination 2006 (No 1)* (DI2006-119).

Nothing in this Notice authorises the driving of a heavy vehicle in a manner or in a condition or place that is otherwise prohibited by another Territory law. Without limiting this statement, the mass limits for a vehicle to which this Notice applies are the same as those set out in schedules 1 and 2 of the *Road Transport (Dimension and Mass) (Mass Limits of Vehicles or Combinations) Determination 2006 (No 1)* (DI2006-119) except where a different mass limit is specified in this Notice.

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This Notice is not intended to limit the effect of any other instrument applying to a heavy vehicle notified in accordance with section 31A of the Act, except in so far as it allows for a higher mass limit.

### Part 3 - Definitions

**Approval Plate** means a decal, label or plate issued by a Competent Entity that is made of a material and fixed in such a way that they cannot be removed without being damaged or destroyed and that is easily accessible to, clearly visible to, and readable by, a police officer or authorised officer, and which contains the following information -

- a) manufacturer or trade name or mark of the Front Under-run Protection Vehicle, or Front Under-run Protection Device, or prime mover in the case of cabin strength, or protrusion as appropriate;
- b) in the case of a Front Under-run Protection Device or protrusion, the make of the vehicle or vehicles and the model or models of vehicle the component or device has been designed and certified to fit;
- c) the Competent Entity's unique identification number;
- d) the date of approval of the plate;
- e) in the case of a Front Under-run Protection Device or protrusion, the Approval Number issued by the Competent Entity;
- f) purpose of the approval, e.g. approval for a Front Under-run Protection Device, or for a Front Under-run Protection Vehicle (UN ECE 93), or for Cabin Strength (UN ECE 29), or that the protrusion, if fitted, is compatible with the prime mover's compliance as a Front Under-run Protection Vehicle (UN ECE 93), or other words or markings with a clearly equivalent meaning; and
- g) a statement that the vehicle was manufactured to comply with ADR 80/01 or later version of ADR 80.

**ADR** means Australian Design Rule.

**Competent Entity** means a person or organisation appointed by an Australian road authority, that is certified and issued with a unique identification number, with the power to certify that the UN ECE requirements for Front Under-run Protection and Cabin Strength have been met, and continue to be met, and who may authorise the fixing of appropriate Approval Plates to a Front Under-run Protection Device or a Front Under-run Protection Vehicle.

A Compliance Plate Approval (**CPA**) holding heavy vehicle manufacturer is deemed to be a Competent Entity. In the case of the prime mover original manufacturer, the unique identification number may be the Australian Government Department of Infrastructure, Transport, Regional Development and Local Government's Road Vehicle Certification System licensee number.

*Note* Generally, Competent Entities are approved to inspect and certify only those vehicles that are registered in the same jurisdiction as the Competent Entity's place of business. Despite this limitation, the Territory will accept inspection and certification from a Competent Entity appointed in any Australian jurisdiction.

**complying Front Under-run Protection Device** means a device fitted to a prime mover—

- (a) that complies with UN ECE Regulation No. 93 and meets all of the requirements set out in section 6 "Requirement for Front Under-run Protection" of Part I and section 8 "Requirements for Installation of an Approved Front Under-run Protection" of Part II of those Regulations; and
- (b) where compliance with the performance requirements of UN ECE Regulation No. 93 was established by laboratory testing carried out in accordance with the procedures set out in Annex 5 of UN ECE Regulation No. 93; and
- (c) that was tested using the Test Conditions set out in section 1 and the Test Procedure set out in section 3 of Annex 5. (Simulation of the test procedure by calculation or other such method as

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provided for in Section 1.3 of Annex 5 is not available under this guideline, except with the specific approval of the Authority or when approval has been granted using an E-mark issued pursuant to Annex 4 of UN ECE Regulation No. 93.)

**E-mark** means an approval mark arranged and issued in accordance with Annex 4 “Arrangements of Approval Marks” of UN ECE Regulation No. 93 or Annex 2 “Arrangements of Approval Marks” of UN ECE Regulation No. 29.

**Front Under-run Protection Device** means a Front Under-run Protection Device within the meaning of UN ECE Regulation 93.

**Front Under-run Protection Vehicle** means a vehicle that complies with UN ECE Regulation No. 93 because it is designed and constructed so that it meets all of the requirements of section 10 “Requirements for a vehicle with Front Under-run Protection” of Part III of those Regulations.

**protrusion**, in relation to a vehicle, includes a fitting of a kind known as a bull-bar, roo-bar, nudge-bar or cow catcher, but does not include lights or an aerial.

**UN ECE** means United Nations Economic Commission for Europe.

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