

Australian Capital Territory

ROAD TRANSPORT (DIMENSIONS AND MASS) ACT 1990

ROAD TRANSPORT (DIMENSIONS AND MASS) OVERSIZE VEHICLES EXEMPTION NOTICE 2004

DISALLOWABLE INSTRUMENT DI2004-73

EXPLANATORY STATEMENT

Overview

This instrument replaces DI2000-331, which ceased to have effect on 1 August 2003 in accordance with a sunset clause inserted in the instrument.

Background

The *Road Transport (Dimensions and Mass) Act 1990* (the Act) governs the operation of heavy vehicles in the ACT. In particular, Part IV of the Act deals with access to the road network for heavy vehicles and vehicle combinations that exceed standard mass and dimension limits.

The Act was amended in 1996 to give effect to nationally agreed standards and simplified administrative procedures for regulating the dimensions and mass of heavy vehicles, pending the full implementation of nationally uniform road transport legislation.

Section 31A of the Act enables the Minister to issue notices exempting specified classes of vehicles or combinations from any or all of the normal requirements of Part II of the Act (relating to vehicle dimension and design) or Part III (relating to loads and equipment). The same section also allows the Minister to exempt specified classes of persons from having to comply with Section 37, which prohibits driving certain types of vehicle combinations in the ACT.

Section 31A of the Act provides that an exemption notice is a disallowable instrument under the *Legislation Act 2001*.

Vehicles and Conditions of the Notice

This notice exempts vehicles, which comply with this notice from the requirements of Section 9 (relating to vehicle dimensions) and Section 24 (relating to the gross mass of vehicles and combinations).

This exemption notice permits complying vehicles to travel in the ACT on approved routes without the need to obtain permits for these journeys.

These and the other conditions that apply to the operation of the vehicle to which this notice applies are contained in the Schedule to the Instrument:

Part 1 of the Schedule specifies travel requirements;

Part 2 specifies operating requirements and restrictions;

Part 3 specifies mass and dimension limits;

Part 4, 5 and 6 specify requirements for warning devices, signs, delineators and flags;

Part 7 provides for approved routes and travel requirements. These approved routes and the travel restrictions and conditions applying to them are listed in the Attachment to the Schedule. (Vehicles to which this notice applies will continue to require individual permits in order to operate on any route not listed in the Attachment.)

The exemption notice also exempts a person who drives a vehicle to which the notice or current permit applies, from committing an offence under Section 37, provided that he or she holds a current licence to drive these vehicles.

An exemption notice is subject to any conditions specified in the notice, including conditions specified in Section 30 of the Act such as:

- Operating speed;
- The mass carried by a wheel, axle loads and maximum gross vehicle operating masses;
- Vehicle dimensions;
- The routes on which and times at which vehicles or combinations may operate;
- The securing of equipment and loads;
- Requirements for strengthening bridges and other structures and indemnities for damage; and
- Any other matter relating to the safety of persons or property.

It is a condition of the exemption notice that a copy be carried in any vehicle to which this notice applies operating in the ACT in accordance with its terms.

The conditions defined in the exemption notice are consistent with those, which apply in New South Wales.