



Victoria Government Gazette

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Road Safety Act 1986

ROAD SAFETY (VEHICLES) REGULATIONS 2009

Class 1, 2 and 3 Vehicles with Advanced Environmental and Safety Technology

1. Purpose

The purpose of this notice is to exempt class 1, 2 and 3 vehicles that have advanced environmental and safety technology from a mass limit in the Road Safety (Vehicles) Regulations 2009 (in this notice referred to as the Vehicles Regulations).

2. Authorising provisions

This notice is made under regulations 178, 188, 193(2) and 194 of the Vehicles Regulations. Regulation 193(2) provides that the Roads Corporation, by a notice published in the Government Gazette, may declare a category of vehicles to be class 3 vehicles.

Regulation 178 provides that the Roads Corporation may, by a notice published in the Government Gazette, exempt a category of class 1 vehicles from any requirement in Schedule 7, including a mass or dimension limit other than a limit that relates to a GVM (gross vehicle mass), a GCM (gross combination mass) or a manufacturer's limit.

Regulation 188 provides that the Roads Corporation may, by a notice published in the Government Gazette, exempt a category of class 2 vehicles from any requirement in Schedule 8, including a mass or dimension limit other than a limit that relates to a GVM, a GCM or a manufacturer's limit.

Regulation 194 provides that the Roads Corporation may, by a notice published in the Government Gazette, exempt a category of class 3 vehicles from any requirement in Schedule 9, including a mass or dimension limit other than a limit that relates to a GVM, a GCM or a manufacturer's limit.

3. Commencement

This notice comes into operation on the date it is published in the Government Gazette.

4. Revocation

The notice published in Government Gazette No. S 333 on 28 December 2006 entitled Class 1, 2 and 3 Vehicles with Advanced Environmental and Safety Technologies is revoked.

5. Expiry

This notice expires on 9 November 2014.

6. Definitions

In this notice –

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 it cannot be removed without being damaged or destroyed, and that contains the following information –

- (a) the trade name, or manufacturer's mark, for the front underrun protection vehicle, the front underrun protection device, the protrusion or, in the case of cabin strength, the prime mover; and
- (b) in the case of a front underrun protection device or protrusion –
 - (i) the make and model of the vehicle or vehicles which the device or protrusion has been designed and certified to fit; and
 - (ii) the approval number issued by the competent entity; and

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- (c) the competent entity's identification number; and
- (d) whether the approval is for –
 - (i) a front underrun protection device; or
 - (ii) a front underrun protection vehicle; or
 - (iii) cabin strength; or
 - (iv) a protrusion which, if fitted, is compatible with the prime mover's compliance as a front underrun protection vehicle; and
- (e) a statement that the vehicle was manufactured to comply with ADR 80/01, ADR 80/02 or a later version of ADR 80;

competent entity means –

- (a) a person or organisation that has been authorised by the Roads Corporation, or equivalent road authority in another Australian jurisdiction, to –
 - (i) certify that the UNECE requirements for front underrun protection and cabin strength have been met and continue to be met; and
 - (ii) authorise the fixing of approval plates to a front underrun protection device or a front underrun protection vehicle; or
- (b) a heavy vehicle manufacturer that has been issued with a licensee number by the Department of Transport, Infrastructure, Regional Development and Local Government;

compliance plate means a plate placed on a vehicle under the **Motor Vehicle Standards Act 1989** of the Commonwealth;

E-mark means an approval mark arranged and issued in accordance with Annex 4 of UNECE Regulation No. 93 or Annex 2 of UNECE Regulation No. 29;

front underrun protection device means a device fitted to a prime mover –

- (a) that complies with UNECE Regulation No. 93, including the requirements in sections 6 and 8 of that Regulation;
- (b) where laboratory testing, carried out in accordance with the procedures and using the test conditions in Annex 5 of UNECE Regulation No. 93, has established compliance with the performance requirements of UNECE Regulation No. 93;

front underrun protection vehicle means a vehicle that is designed and constructed to comply with the requirements in section 10 of UNECE Regulation No. 93;

protrusions –

- (a) includes bull-bars, roo-bars, nudge-bars and cow catchers; and
- (b) does not include driving lights, fog lights, running lights or aerials;

UNECE means the United Nations Economic Commission for Europe; and

UNECE Regulation 93 means the agreement published by UNECE entitled Agreement Concerning the Adoption of Uniform Conditions of Approval and Reciprocal Recognition of Approval for Motor Vehicle Equipment and Parts made on 20 March 1958, E/ECE/324; E/ECE/TRANS/505 Rev. 1/Add 92 15 March 1994.

Note: All other words and phrases in this notice have the same meanings as in the **Road Safety Act 1986** and the Regulations under that Act.

7. Declaration of class 3 vehicles

For the purposes of regulation 193 of the Vehicles Regulations, I, George Mavroyeni, delegate of the Roads Corporation, declare that a vehicle is a class 3 vehicle if –

- (a) the vehicle's engine complies with the emission control requirements of ADR 80/01, ADR 80/02 or a later version of ADR 80; and

- (b) the vehicle is fitted with a front underrun protection device that complies with UNECE Regulation No. 93; and
- (c) the vehicle has a cabin that complies with UNECE Regulation No. 29; and
- (d) the mass limit on the steer axle is not more than 6.5 tonnes; and
- (e) the vehicle has appropriately rated tyres, axles, and suspension to allow 6.5 tonnes on its steer axle; and
- (f) the vehicle has a GVM of 15 tonnes or more; and
- (g) the vehicle is not a twin-steer truck, a bus or a coach; and
- (h) the driving compartment of the vehicle contains the VicRoads information bulletin entitled 6.5 Tonnes Steer Axles and all other permits and VicRoads information bulletins relevant to the vehicle; and
- (i) the vehicle is fitted with an easily accessible and clearly visible –
 - (i) compliance plate dated January 2008 or later; or
 - (ii) approval plate affixed on the cabin near the compliance plate.

8. Mass limit exemption for class 1, 2 and 3 vehicles

For the purposes of regulations 178, 188 and 194 of the Vehicles Regulations, I, George Mavroyeni, delegate of the Roads Corporation, exempt a class 1, 2 or 3 vehicle from the requirement, in Schedule 7, 8 and 9, respectively, to comply with the mass limit in Table 1 of regulation 159 of 6.0 tonnes on its steer axle, provided that –

- (a) the vehicle's engine complies with the emission control requirements of ADR 80/01, ADR 80/02 or a later version of ADR 80; and
- (b) the vehicle is fitted with a front underrun protection device that complies with UNECE Regulation No. 93; and
- (c) the vehicle has a cabin that complies with UNECE Regulation No. 29; and
- (d) the mass limit on the steer axle is not more than 6.5 tonnes; and
- (e) the vehicle has appropriately rated tyres, axles and suspension to allow 6.5 tonnes on its steer axle; and
- (f) the vehicle has a GVM of 15 tonnes or more; and
- (g) the vehicle is not a twin-steer truck, a bus or a coach; and
- (h) the driving compartment of the vehicle contains the VicRoads information bulletin entitled 6.5 Tonnes Steer Axles and all other permits and VicRoads information bulletins relevant to the vehicle; and
- (i) the vehicle is fitted with an easily accessible and clearly visible –
 - (i) compliance plate dated January 2008 or later; or
 - (ii) approval plate affixed on the cabin near the compliance plate.

Dated 23 December 2009

GEORGE MAVROYENI
Executive Director
Road Safety and Network Access
Roads Corporation

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