



Western Australia

Road Traffic (Towed Agricultural Implements) Regulations 1995

Compare between:

[01 Apr 2006, 01-d0-03] and [04 Dec 2006, 01-e0-03]

Western Australia

Road Traffic Act 1974

Road Traffic (Towed Agricultural Implements) Regulations 1995

1. Citation

These regulations may be cited as the *Road Traffic (Towed Agricultural Implements) Regulations 1995*¹.

[2. *Omitted under the Reprints Act 1984 s. 7(4)(f).*]

3. Interpretation

- (1) In these regulations, unless the contrary intention appears —
- “**flashing amber light**” has a meaning that is affected by regulation 11;
 - “**night-time**” means the period between sunset and sunrise;
 - “**on a road**” includes partly on a road;
 - “**tow**” includes haul;
 - “**towed implement**” means an agricultural implement which is being towed by a motor vehicle or is attached to a motor vehicle for the purpose of being towed by it;
 - “**towing vehicle**” means a motor vehicle which is towing an agricultural implement or is attached to an agricultural implement for the purpose of towing it;
 - “**used**”, in relation to a vehicle or a combination, includes being driven, or towed, and being left stationary;

“Vehicle Standards” means the *Road Traffic (Vehicle Standards) Regulations 2002*, the *Road Traffic (Vehicle Standards) Rules 2002* and the *Road Traffic (Animal Drawn Vehicles) Regulations 2002*.

- (2) Nothing in these regulations prevents the application to a towing vehicle, a pilot vehicle or an escort vehicle, of any other written law.
- (3) Unless the contrary intention appears, a term used in these regulations has the same meaning as it has in the *Road Traffic (Vehicle Standards) Regulations 2002*.

[Regulation 3 amended in Gazette 1 Nov 2002 p. 5394; 24 Feb 2006 p. 885.]

4. Lighting equipment generally

- (1) If a towed implement is being towed on a road at night-time there must be fitted to the towed implement, and connected electrically to the towing vehicle, lighting equipment which complies with these regulations.
- (2) Where the lighting equipment referred to in subregulation (1) is fitted by means of a light board, that light board —
 - (a) must be securely installed; and
 - (b) may —
 - (i) be installed with straps; and
 - (ii) incorporate a wiring harness connected to a suitable connector on the towing vehicle.
- (3) In this regulation **“lighting equipment”** means lights, reflectors and ancillary equipment.

[Regulation 4 amended in Gazette 1 Nov 2002 p. 5395; 24 Feb 2006 p. 888.]

5. Positioning of lighting equipment generally

All lights and reflectors required by these regulations —

- (a) subject to paragraph (b), must be fitted not less than 400 mm and not more than 1.5 m above ground level;
- (b) where there is no suitable structure not more than 1.5 m above ground level to which those lights and reflectors can be fitted, may be fitted higher than, but as near as possible to 1.5 m above ground level;
- (c) must be fitted symmetrically, to each side of the rear of the agricultural implement, and —
 - (i) wherever possible, horizontally and inwards in the sequence stop light, reflector, rear light and signalling light; or
 - (ii) where it is not possible to fit those lights and reflectors in accordance with subparagraph (i), be fitted vertically, in the sequence referred to with the stop light on the top and the signalling light on the bottom;
- (d) must have the outer edge of their reflective or illuminated area not more than 400 mm from each of the lateral extremities of the agricultural implement; and
- (e) must diffuse or direct their emitted or reflected light so as not to cause glare adversely affecting the vision of a person.

[Regulation 5 amended in Gazette 1 Nov 2002 p. 5395-6.]

6. Stop lights

- (1) Subject to subregulation (2), there must be fitted to each towed implement towed on a road 2 stop lights —
 - (a) each of which, when lighted, displays a red light clearly visible in sunlight at all distances up to 60 m to the rear of the towed implement; and
 - (b) each of which is lighted when the foot brake of the towing vehicle is applied.

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- (2) Subregulation (1) does not apply if the combination of which the towed implement is a part is fitted with a flashing amber light in accordance with regulation 11 and that light is operating whenever the combination is being moved on a road.

*[Regulation 6 amended in Gazette 1 Nov 2002 p. 5395-6;
24 Feb 2006 p. 885.]*

7. Reflectors

- (1) Where an agricultural implement is towed or left stationary on a road at night-time the driver of the towing vehicle or the person who left the implement stationary must ensure that the towed implement, or in the case of an agricultural combination consisting of more than 1 towed implement, the rear implement of that combination, is fitted with 2 reflectors —
- (a) each of which, at night-time, emits a red reflection of the light projected on to that reflector by a headlight complying with Part 8 Division 2 of the *Road Traffic (Vehicle Standards) Rules 2002* so as to be visible clearly, at a distance of 100 m, to the driver of the vehicle from which that light is projected; and
 - (b) each of which consists of —
 - (i) a reflective tape with an area of not less than 25 sq cm and a width of not less than 25 mm; or
 - (ii) a reflecting lens of not less than 25 mm in diameter fitted to a rear light.
- (2) In addition to the reflectors required under subregulation (1) there may be fitted to an agricultural implement a third reflector which —
- (a) complies with the requirements of subregulation (1)(b); and
 - (b) occupies a central position between the signalling lights referred to in regulation 9.

[Regulation 7 amended in Gazette 1 Nov 2002 p. 5394 and 5395; 24 Feb 2006 p. 885 and 888.]

8. Rear lights

Where an agricultural implement is towed on a road at night-time, there must be fitted to that implement, or, in the case of an agricultural combination consisting of more than 1 towed implement, the rear implement of that combination, 2 rear lights —

- (a) each of which is of a power not exceeding 7 watts; and
- (b) each of which, when lighted, displays a red light clearly visible at night at all distances up to 200 m to the rear of the towed implement.

[Regulation 8 amended in Gazette 1 Nov 2002 p. 5395; 24 Feb 2006 p. 888.]

9. Signalling lights

Where an agricultural implement is towed on a road at night-time, there must be fitted to that implement, or, in the case of an agricultural combination consisting of more than 1 towed implement, the rear implement of that combination, 2 signalling lights —

- (a) each of which, when lighted, displays an amber light clearly visible in sunlight at all distances up to 60 m to the rear of the towed implement;
- (b) which are readily operated by the driver of the towing vehicle from his or her proper driving position;
- (c) the operation of which is indicated by means of a tell-tale indicator that is visible and audible to the driver of the towing vehicle;
- (d) the switching on of each of which is followed by the display of its light within a maximum period of one second and by the regular flashing of its light thereafter

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at a rate of not less than 60 times or more than 120 times, per minute;

- (e) each of which flashes in phase with its counterpart on the same side of the towing vehicle and is operated by the same control switch; and
- (f) which are capable of operating as flashing warning lights.

[Regulation 9 amended in Gazette 1 Nov 2002 p. 5395-6; 24 Feb 2006 p. 888.]

10. Clearance lights

- (1) Where an agricultural implement with a width exceeding 2.5 m is towed on a road at night-time, a clearance light must be fitted to each side of that implement.
- (2) In this regulation, “**clearance light**” means a light which, when lighted, gives an indication of the width of the towed implement from the front and from the rear of that implement.

[Regulation 10 amended in Gazette 1 Nov 2002 p. 5395; 24 Feb 2006 p. 888.]

11. Flashing amber light

If a provision of these regulations requires the use of a flashing amber light, the light and its use must comply with Schedule 2 clauses 39(a) and (b) and 40, and if the light is not a strobe light, clause 39(c) of the *Road Traffic (Vehicle Standards) Regulations 2002*.

[Regulation 11 inserted in Gazette 24 Feb 2006 p. 885.]

12. Brakes

- (1) An agricultural combination being used on a road must be capable of stopping from —
 - (a) a speed of 30 km/h; or
 - (b) the maximum speed of which it is capable,

whichever is the lower, within a distance not exceeding 15 m.

- (2) Any braking system on a towed implement which is capable of being connected to the towing vehicle must be connected to that vehicle while it and the towed implement are in motion on a road.

[Regulation 12 amended in Gazette 24 Feb 2006 p. 888.]

13. Safety of components and attachments

- (1) Every component of a towed implement being towed on a road must be maintained in such a condition as to be unlikely to render the use of that towed implement unsafe.
- (2) Any folded arm, mechanism or structure which —
 - (a) forms part of a towed implement; and
 - (b) is capable of moving so as to increase any of the dimensions of the towed implement,must be prevented from moving in that manner by chains, pins or some other mechanical locking system.
- (3) Any component or hopper, bin or other attachment of, or to, a towed implement which is capable of becoming loose or detached from that towed implement must be secured to prevent it from becoming loose or detached.

14. Safety chains

- (1) Each agricultural implement being towed on a road must be connected to the towing vehicle or, in the case of an agricultural combination consisting of more than one towed implement, to the implement in front of it, not only by a coupling but also by —
 - (a) safety chains that conform with and are fitted in accordance with subregulations (3) and (4); or
 - (b) a safe locking device that conforms with subregulation (2).

- (2) The safe locking device referred to in subregulation (1) must consist of a spring clip, split pin or similar device which is designed to mechanically capture the coupling to prevent the accidental disconnection of the coupling.
- (3) Safety chains referred to in subregulation (1) must —
 - (a) consist of 2 chains;
 - (b) be capable of keeping the agricultural implement in tow in the event of the failure or accidental disconnection of the coupling between that implement and the towing vehicle or the implement in front of that implement, as the case requires;
 - (c) be fitted to the frame or other substantial portion of the agricultural implement and to a substantial portion of the towing vehicle or the implement in front of that implement, as the case requires;
 - (d) not be liable to accidental disconnection; and
 - (e) permit all normal angular movements of the coupling referred to in paragraph (b) without unnecessary slack in the chains referred to in paragraph (a).
- (4) The chains referred to in subregulation (3)(a) must —
 - (a) be as short as practicable;
 - (b) be fitted in a crossed over position so as to prevent the forward end of the drawbar of the towed implement from striking the ground in the event of accidental disconnection of the coupling referred to in subregulation (3)(b);
 - (c) have their forward ends fitted to the towing vehicle or another towed implement, as the case requires, as close to the pivot of the coupling referred to in subregulation (3)(b) as practicable;
 - (d) each have links with the constituent metal thereof having a minimum diameter of 10 mm; and

- (e) each be attached to each end by a ring or shackle which is made of steel with a minimum diameter of 10 mm.

[Regulation 14 amended in Gazette 24 Feb 2006 p. 885-6.]

15. Portable warning signs

All agricultural combinations must carry and use portable warning signs in accordance with regulation 191 of the *Road Traffic Code 2000*, as though a reference in that regulation to a “heavy vehicle” included a reference to an agricultural combination.

[Regulation 15 amended in Gazette 27 Jul 2004 p. 3081; 24 Feb 2006 p. 886 and 888.]

16. Towed mass ratios

- (1) The mass of a towed implement being towed on a road by a towing vehicle other than an agricultural machine must not exceed twice the unloaded mass of the towing vehicle.

- (2) In this regulation —

“agricultural machine” has the meaning given to that term in the *Road Traffic (Vehicle Standards) Regulations 2002*;

“unloaded mass” has the same meaning as it has in the Vehicle Standards.

[Regulation 16 amended in Gazette 1 Nov 2002 p. 5394-5; 3 Jan 2003 p. 11; 24 Feb 2006 p. 886; 28 Nov 2006 p. 4917.]

17. Towing on a road at night-time

- (1) An agricultural combination must not be used on a road at night-time if it exceeds 3.5 m in width or 25 m in length.
- (2) An agricultural combination, other than a combination referred to in subregulation (1), may be used on a road at night-time if it —

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- (a) is fitted with a flashing amber light in accordance with regulation 11 and that light is operating whenever the combination is being moved on a road; and
- (b) complies with regulations 7, 8, 9 and 10.

[Regulation 17 amended in Gazette 24 Feb 2006 p. 888.]

18. Speed restrictions

An agricultural combination must not travel at a speed exceeding 20 km/h below the local speed limit or, where the local speed limit is 80 km/h or more, 80 km/h.

[Regulation 18 amended in Gazette 24 Feb 2006 p. 888.]

19. Movements of combinations within the metropolitan area, during peak hours and on freeways

- (1) An agricultural combination with a width not exceeding 2.5 m and a length not exceeding 25 m must not be used on a road within a radius of 30 km of the G.P.O. during peak hours.
- (2) An agricultural combination with a width exceeding 2.5 m or a length exceeding 25 m must not be used on a road within a radius of 30 km of the G.P.O. without the approval of the Commissioner of Main Roads under the *Main Roads Act 1930*.
- (3) An agricultural combination must not be used on a freeway.
- (4) In this regulation —
 - “**freeway**” means a road or portion of a road that is designated as a freeway by signs erected thereon or adjacent thereto;
 - “**peak hours**” means 7.30 a.m. to 9.00 a.m. and 4.30 p.m. to 6.00 p.m. on a Monday, Tuesday, Wednesday, Thursday or Friday, other than a public holiday.

[Regulation 19 amended in Gazette 24 Feb 2006 p. 888.]

20. Parking of combinations on a carriageway

- (1) An agricultural combination, or any component of an agricultural combination, that exceeds 2.5 m in width must not be parked on a carriageway —
 - (a) in a built-up area; or
 - (b) outside a built-up area, except in a truck bay or other area set aside for the parking of vehicles.
- (2) In this regulation “**built-up area**” means the territory contiguous to and including any road —
 - (a) on which there is provision for lighting by means of street lights;
 - (b) which is built-up with structures devoted to business, industry or dwelling houses at intervals of less than one half kilometre; or
 - (c) beyond a sign indicating “BUILT-UP AREA” erected at the roadside to face drivers approaching a development consisting of dwelling houses, business or industrial structures.

[Regulation 20 amended in Gazette 1 Nov 2002 p. 5395-6; 24 Feb 2006 p. 886 and 888.]

21. Head lights

An agricultural vehicle, or the front vehicle in an agricultural combination, must have its low-beam headlights on while travelling in the daytime, unless it is not required under the Vehicle Standards to have headlights.

[Regulation 21 inserted in Gazette 24 Feb 2006 p. 886.]

22. Mirrors

Unless a flashing amber light is fitted to an agricultural combination in accordance with regulation 11 and is operated whenever the combination is being moved on a road a towing

vehicle must be equipped with mirrors which enable the driver to see vehicles approaching from the rear.

[Regulation 22 amended in Gazette 24 Feb 2006 p. 888.]

23. Warning flags

An agricultural combination that exceeds 2.5 m in width must not be used on a road unless warning flags, made of high visibility yellow or orange material and of at least 0.45 sq m in size are attached to each lateral extremity of the combination.

[Regulation 23 amended in Gazette 24 Feb 2006 p. 888.]

24. Certain vehicles may be equipped with flashing amber light

A towing vehicle, a pilot vehicle and an escort vehicle may be fitted with a flashing amber light in accordance with regulation 11 which may only be operated while —

- (a) the towing vehicle is towing, on a road, an agricultural implement —
 - (i) at night-time; or
 - (ii) exceeding 2.5 m in width and 25 m in length; or
 - (iii) the shape and dimensions of which are such as to obscure the driver's rearward view;
- (b) the pilot motor vehicle is piloting an agricultural combination which is being used on a road; or
- (c) the escort motor vehicle is escorting an agricultural combination which is being used on a road,

as the case requires.

[Regulation 24 amended in Gazette 24 Feb 2006 p. 888.]

25. Oversize combinations

- (1) An agricultural combination which exceeds 3.5 m in width or 25 m in length must not be used on a road unless —

- (a) warning signs displaying the word “OVERSIZE” are affixed to the front of the towing vehicle and the rear of the towed implement or, in the case of a combination consisting of more than 1 towed implement, the rear towed implement; and
 - (b) it is preceded, at a distance of not more than 500 m or less than 300 m, by a pilot vehicle and followed, at a distance of not more than 300 m or less than 200 m, by a pilot vehicle.
- (2) On and from 1 January 1997 warning signs referred to in subregulation (1) and warning signs on pilot vehicles must —
- (a) subject to subregulation (3), be made of a rigid material;
 - (b) have lettering in upper case and at least —
 - (i) 200 mm high with a brush stroke at least 28 mm wide for the word “OVERSIZE”; and
 - (ii) 100 mm high with a brush stroke at least 15 mm wide for the words “LOAD AHEAD”,in black on a yellow reflective background; and
 - (c) be of the following dimensions —
 - (i) 1 200 mm long and 450 mm wide in the case of a single line of lettering; or
 - (ii) 1 200 mm long and 600 mm wide in the case of a double line of lettering.
- (3) Where a rigid sign cannot adequately be mounted on the rear of a towed implement a flexible sign, not being made of paper or cloth, which otherwise complies with subregulation (2) may be used on that implement.
- (4) A pilot vehicle may carry a load or tow a trailer or an agricultural implement as long as the vehicle, together with its load, if any —
- (a) has a loaded mass (ascertained in accordance with the Vehicle Standards) that does not exceed 4.5 t; and

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- (b) together with the trailer or implement, if any, does not exceed 25 m in length or 2.5 m in width.
- (5) Despite subregulation (1)(b), a pilot vehicle to the rear of the combination is not required for a combination which exceeds 3.5 m in width or 25 m in length if the combination is fitted with a flashing amber light in accordance with regulation 11 and that light is operating whenever the combination is being moved on a road.

[Regulation 25 amended in Gazette 1 Nov 2002 p. 5395; 24 Feb 2006 p. 886-7 and 888.]

25A. Communication between drivers

- (1) An oversize agricultural combination and any accompanying pilot vehicle or escort vehicle must each have an electronic device that allows the drivers to communicate effectively with each other.
- (2) Subregulation (1) does not apply if —
 - (a) the combination includes an oversize agricultural machine; or
 - (b) the escort vehicle (if there is one) is a police vehicle.

[Regulation 25A inserted in Gazette 24 Feb 2006 p. 887.]

26. Convoys

- (1) No more than 2 agricultural combinations may be moved in a convoy.
- (2) Regulation 25(1)(b) does not apply to an agricultural combination if the combination is moved in a convoy with another agricultural combination as long as the convoy is preceded by a pilot vehicle and followed by a pilot vehicle each of which is fitted with an amber flashing light in accordance with regulation 11 which is operating whenever the convoy is being moved on a road.

[Regulation 26 amended in Gazette 24 Feb 2006 p. 887.]

27. Movement of excessively high combinations

- (1) Where an agricultural combination exceeds 4.3 m in height or may come into contact with an electricity supply line while being used on a road it must not be used on that road unless written permission has been obtained from —
 - (a) the Electricity Networks Corporation established by section 4(1)(b) of the *Electricity Corporations Act 2005*;
or
 - (b) the Regional Power Corporation established by section 4(1)(d) of the *Electricity Corporations Act 2005*,as the case requires.
- (2) A written permission under subregulation (1) may be made subject to compliance with specified requirements including a requirement that the combination be escorted by a police officer while being used.
- (3) A written permission under subregulation (1) is valid for 12 months from the day it is obtained.

[Regulation 27 amended in Gazette 24 Feb 2006 p. 887 and 888; 31 Mar 2006 p. 1352.]

28. Movement of excessively wide or long combinations

- (1) Where an agricultural combination exceeds 7.5 m in width or 30 m in length it shall not be used on a road unless a permit issued under this regulation is in force in relation to that combination and any conditions to which that permit is subject are complied with.
- (2) A permit issued under this regulation must be in a form approved by the Commissioner of Police and may be issued by a police officer or an employee, within the meaning of the *Public Sector Management Act 1994*, of the Police Service, authorised for that purpose.

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- (3) A permit issued under this regulation may be subject to such specified conditions as the person issuing the permit considers necessary to ensure the combination is moved safely, including —
- (a) any speed limit to be observed while moving the combination;
 - (b) the route to be followed by the combination;
 - (c) the times during which the combination may be used on a road; and
 - (d) whether the combination must be accompanied by a police escort when being used on a road.
- (4) A permit issued under this regulation may be obtained without payment of a fee and is valid for 12 months from the day on which it was issued.
- (5) A police officer or employee of the Police Service must not refuse to issue a permit under this regulation unless the use of the combination on a road forming the whole or any part of the route to be followed by that combination would endanger safety.

[Regulation 28 amended in Gazette 24 Feb 2006 p. 887 and 888.]

29. Limit on combinations

No more than 3 agricultural implements may be towed in an agricultural combination.

[Regulation 29 amended in Gazette 24 Feb 2006 p. 888.]

29A. Director General may grant exemptions

- (1) Subject to subregulation (4), the Director General may, by notice published in the *Gazette* —
- (a) exempt any agricultural implement or any class or classes of agricultural implement from the operation of any of these regulations; and

- (b) vary or revoke a notice under paragraph (a).
- (2) An exemption is subject to any conditions specified by the Director General in the notice.
- (3) If a condition to which an exemption is subject is not complied with, the exemption ceases to have effect.
- (4) A notice published under this regulation cannot limit the operation of regulation 13, 14, 18, 19, 20, 27, 28 or 29.

[Regulation 29A inserted in Gazette 15 Jan 1999 p. 117-18.]

29B. Movements of combinations may be authorised by permits

- (1) If the Director General is satisfied that it is appropriate to do so in respect of a proposed movement of an agricultural combination, the Director General may, subject to subregulation (7), issue a permit under this regulation that authorises the combination to be moved on a road otherwise than in accordance with any of these regulations, as specified in the permit.
- (2) A permit issued under this regulation must be in a form approved by the Director General.
- (3) A permit issued under this regulation is subject to —
 - (a) the condition that it must be carried by the driver of the towing vehicle while the combination is being moved under the authority of the permit; and
 - (b) any conditions that the Director General considers necessary to ensure the combination is moved safely that are specified in the permit.
- (4) Without limiting paragraph (b) of subregulation (3), the conditions that may be specified under that paragraph include —
 - (a) any speed limit to be observed by the person driving the towing vehicle;

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- (b) the route to be followed by the combination;
 - (c) the times during which the combination may be moved on a road; and
 - (d) whether the combination must be accompanied by a police escort when being moved on a road.
- (5) If a condition to which a permit issued under this regulation is subject is not complied with, the permit ceases to have effect.
- (6) A permit issued under this regulation may be obtained without payment of a fee and is valid for the period specified in the permit.
- (7) A permit issued under this regulation cannot limit the operation of regulation 13, 14, 18, 19, 20, 27, 28 or 29.

[Regulation 29B inserted in Gazette 15 Jan 1999 p. 118-19; amended in Gazette 24 Feb 2006 p. 888.]

30. General duty of drivers and offences and penalties

- (1) Except where otherwise provided by these regulations the driver of a towing vehicle shall ensure that these regulations are complied with.
- (2) A person who contravenes subregulation (1) or regulation 7(1) commits an offence.

Penalty: Eight penalty units (8 PU).

[Regulation 30 amended in Gazette 23 Dec 1997 p. 7460.]

[31.] *Omitted under the Reprints Act 1984 s. 7(4)(e).]*

Notes

- ¹ This is a compilation of the *Road Traffic (Towed Agricultural Implements) Regulations 1995* and includes the amendments made by the other written laws referred to in the following table. The table also contains information about any reprint.

Compilation table

Citation	Gazettal	Commencement
<i>Road Traffic (Towed Agricultural Implements) Regulations 1995</i>	12 May 1995 p. 1809-18	12 May 1995
<i>Road Traffic (Towed Agricultural Implements) Amendment Regulations 1997</i>	23 Dec 1997 p. 7459-60	1 Jan 1998 (see r. 2 and <i>Gazette</i> 23 Dec 1997 p. 7400)
<i>Road Traffic (Towed Agricultural Implements) Amendment Regulations 1999</i>	15 Jan 1999 p. 117-19	15 Jan 1999
<i>Road Traffic (Vehicle Standards) (Consequential Provisions) Regulations 2002 Pt. 5</i>	1 Nov 2002 p. 5388-400	1 Nov 2002 (see r. 2)
<i>Road Traffic (Vehicle Standards 2002) Amendment Regulations 2002 r. 13(2)</i>	3 Jan 2003 p. 5-11	3 Jan 2003
Reprint 1: The Road Traffic (Towed Agricultural Implements) Regulations 1995 as at 9 May 2003 (includes amendments listed above)		
<i>Road Traffic (Towed Agricultural Implements) Amendment Regulations 2004</i>	27 Jul 2004 p. 3081	27 Jul 2004
<i>Road Traffic (Towed Agricultural Implements) Amendment Regulations 2006</i>	24 Feb 2006 p. 884-8	24 Feb 2006
<i>Electricity Corporations (Consequential Amendments) Regulations 2006 r. 85</i>	31 Mar 2006 p. 1299-57	1 Apr 2006 (see r. 2)
<u><i>Road Traffic (Towed Agricultural Implements) Amendment Regulations (No. 2) 2006</i></u>	<u>28 Nov 2006</u> <u>p. 4917</u>	<u>4 Dec 2006 (see r. 2 and <i>Gazette</i> 28 Nov 2006 p. 4889)</u>