

TR307

ROAD TRAFFIC ACT 1974

ROAD TRAFFIC CODE AMENDMENT REGULATIONS (No. 2) 1997

Made by the Governor in Executive Council.

Citation

1. These regulations may be cited as the *Road Traffic Code Amendment Regulations (No. 2) 1997*.

Principal regulations

2. In these regulations the *Road Traffic Code 1975** is referred to as the principal regulations.

[* Reprinted as at 23 September 1997.]

Regulation 1211 amended

3. Regulation 1211 of the principal regulations is amended in subregulation (3) that begins "A driver is not required" by deleting the subregulation designation "(3)" and substituting the subregulation designation "(4)".

Regulation 1610 amended

4. (1) Regulation 1610 (1) and (1a) of the principal regulations are repealed and the following subregulations are substituted —

"

(1) A person shall not drive a vehicle carrying a load that is placed on the vehicle in a way that makes the vehicle unstable or otherwise unsafe.

(1a) A person shall not drive a vehicle carrying a load unless the load is restrained on the vehicle so that the load, or any portion of it, is unlikely —

(a) to fall from the vehicle; or

(b) to become dislodged from the place on the vehicle where it is restrained.

(1b) A person shall not drive a vehicle carrying a load unless the load is restrained on the vehicle by a system appropriate to the load.

(2) After regulation 1610 (2) of the principal regulations the following subregulation is inserted —

"

(3) In this regulation and regulation 1610A —

"to become dislodged from", in relation to a vehicle, does not include to fall from the vehicle.

Regulation 1610A inserted

5. After regulation 1610 of the principal regulations the following regulation is inserted —

"

Evidentiary provisions relating to securing of loads

1610A. (1) In any proceedings for an offence against regulation 1610 (1), evidence that the load on the vehicle driven by the defendant was not restrained on the vehicle by a system that complies with the performance standards is evidence that the load was placed on the vehicle in a way that made the vehicle unstable or otherwise unsafe and, in the absence of evidence to the contrary, is proof of that fact.

(2) In any proceedings for an offence against regulation 1610 (1a) (a), evidence that —

(a) the load on the vehicle driven by the defendant was not restrained on the vehicle by a system that complies with the performance standards; or

(b) the load, or any portion of it, on the vehicle driven by the defendant fell from the vehicle,

is evidence that the load was not restrained on the vehicle so that the load, or any portion of it, was unlikely to fall from the vehicle and, in the absence of evidence to the contrary, is proof of that fact.

(3) In any proceedings for an offence against regulation 1610 (1a) (b), evidence that —

- (a) the load on the vehicle driven by the defendant was not restrained on the vehicle by a system that complies with the performance standards; or
- (b) the load, or any portion of it, became dislodged from the place on the vehicle where it was restrained,

is evidence that the load was not restrained on the vehicle so that the load, or any portion of it, was unlikely to become dislodged from the place on the vehicle where it was restrained and, in the absence of evidence to the contrary, is proof of that fact.

(4) In any proceedings for an offence against regulation 1610 (1b), evidence that the load on the vehicle driven by the defendant was not restrained on the vehicle by a system that complies with the performance standards is evidence that the load was not restrained on the vehicle by a system appropriate to the load and, in the absence of evidence to the contrary, is proof of that fact.

(5) In this regulation —

“g” means the force equivalent to the force generated by the rate of acceleration due to gravity, which is to be taken to be 9.81 metres per second per second for the purposes of the performance standards;

“the performance standards”, in relation to a system by means of which a load is restrained on a vehicle, means the requirement that the system is capable of restraining the load on the vehicle despite being subjected to each of the following forces separately —

- (a) 0.8 g deceleration in a forward direction;
- (b) 0.5 g deceleration in a backward direction;
- (c) 0.5 g acceleration in a lateral direction;
- (d) 0.2 g acceleration, relative to the load, in a vertical direction.

By Command of the Governor,

M. C. WAUCHOPE, Clerk of the Executive Council.
