



HEAVY VEHICLE NATIONAL LAW

South Australia Class 1 Oyster Boat Exemption Notice 2023 (No.2)

1. Purpose

- 1) This notice grants exemptions from dimension requirements for class 1 heavy vehicles that are combinations that include an oyster boat or a trailer designed and built to transport an oyster boat.
- 2) This notice grants certain vehicle standards exemptions regarding braking systems.
- 3) This notice revokes and replaces *the South Australia Class 1 Oyster Boat Exemption Notice 2023 (No.1)*.

Note: This notice makes a clarification to the operation of braking and towing requirements for trailers.

2. Authorising provision

- 1) This notice is made under the following provision of the Heavy Vehicle National Law (HVNL):
 - a) Section 61 – Regulator’s power to make vehicle standards exemptions.
 - b) section 117 – *Regulator’s power to exempt category of class 1 or 3 heavy vehicles from compliance with mass or dimension requirement.*
 - c) section 23 of Schedule 1 – *Regulator’s power to amend or repeal instrument.*

3. Title

This exemption notice may be cited as the *South Australia Class 1 Oyster Boat Exemption Notice 2023 (No.2)*.

4. Commencement date

This notice commences on 7 July 2023.

5. Expiry date

This notice expires on 13 June 2028.

6. Definitions

Unless otherwise stated, words and expressions used in this notice have the same meanings as those in the HVNL and its regulations.

7. Application

- 1) This notice applies to a class 1 heavy vehicle that is a combination including:
 - a) a trailer designed and built to transport an oyster boat; or
 - b) an oyster boat that has its own wheels.
- 2) This notice only applies to heavy vehicles described in 1) that are being used for oyster harvesting.
- 3) This notice applies in South Australia.
- 4) A heavy vehicle to which this section applies and that complies with the conditions of this notice is an eligible vehicle.

8. Exemption – Vehicle Standards

- 1) This section applies to an oyster boat or oyster boat trailer that forms part of an eligible vehicle and that does not have a gross combination mass of more than 6t.
- 2) An oyster boat or oyster boat trailer described in 1) is exempt from the following vehicle standards applied by section 3 and the relevant schedule of the *Heavy Vehicle (Vehicle Standards) National Regulation (VS Regulation)*:
 - a) *Schedule 2 – Other vehicle standards applying to single heavy vehicles*
 - i. Part 7 Division 3 - heavy trailer braking systems

9. Exemption – Prescribed dimension requirements

- 1) An eligible vehicle is exempt from the following dimension requirements under Schedule 6 of the *Heavy Vehicle (Mass Dimension and Loading) National Regulation (MDL Regulation)*:
 - a) section 7 – Width
- 2) An exemption in 1) only applies to the trailer or oyster boat component of the eligible vehicle, and to extent that specific conditional dimension limits are provided in section 10 in this notice.

10. Condition – Maximum width

- 1) An oyster boat trailer or oyster boat that forms part of an eligible vehicle must not exceed 3.5m in width.
- 2) For this section, the width of a heavy vehicle must be measured in the same manner as in section 8 of the *Heavy Vehicle (Vehicle Standards) National Regulation*.

11. Condition - speed restriction

An eligible vehicle must not exceed 25kph.

12. Condition – times of travel

Travel is only permitted in the daytime, except where transporting of the oyster boat is directly involved in the harvesting of oysters.

13. Conditions – areas and routes

- 1) An eligible vehicle is authorised to operate on all public roads in the following local government areas, subject to the limitation in 2) and 3):

District Council of Ceduna
District Council of Streaky Bay
District Council of Lower Eyre Peninsula
District Council of Franklin Harbour
Yorke Peninsula Council
Kangaroo Island Council

- 2) Travel is only permitted for eligible combinations under this notice for the purpose of transporting an oyster boat:
 - a) from the place of processing to the beach and return; or
 - b) from the place of processing to the boat launching ramp and return.
- 3) Travel under 2) must be by the most direct practicable route.
- 4) For the purposes of section 119(1)(a) of the HVNL, an area or route specified in this section is a stated area or route to which this notice applies.
- 5) An eligible vehicle operating on an area or route specified in this notice must comply with the following conditions as specified for routes and areas set out in this section:
 - a) Road conditions pursuant to section 160 of the HVNL; and
 - b) Travel conditions pursuant to section 161 of the HVNL; and
 - c) Vehicle conditions pursuant to section 162 of the HVNL.

David Hourigan
Chief Regulatory and Policy Standards Officer
National Heavy Vehicle Regulator