

## TRANSPORT FOR NEW SOUTH WALES EXEMPTION ORDER

*Road Transport (Vehicle Registration) Regulation 2017 – Cl.11E of Schedule 2*

I, Paul Duignan, Director Vehicle Safety, Safety, Environment & Regulation, Transport for NSW (TfNSW), pursuant to Clause 11E of Schedule 2 to the *Road Transport (Vehicle Registration) Regulation 2017* (the **Regulation**), exempt the registered operator of a vehicle meeting the definition of Class of Vehicle below, from the requirements specified in **Schedule 1**, subject to the conditions specified in **Schedule 2**.

### **DEFINITION: CLASS OF VEHICLE**

The **Class of Vehicle** to which this Exemption applies is a motor vehicle that has:

- a Gross Vehicle Mass (GVM) of 4.5 tonnes or less; and
- is an MA, MB, MC or NA category vehicle; and
- is used by a person with disability or a person trained in the use of the installed hand controls, and
- is equipped with driver hand controls which allow the service brake to be hand operated.

### **DURATION**

This exemption remains in force for any vehicle certified from this date until 31 December 2023 unless revoked earlier by TfNSW.

### **SCHEDULE 1 - REQUIREMENTS**

Clause 22 of Schedule 2 to the *Road Transport (Vehicle Registration) Regulation 2017* - that the vehicle must comply (for the purposes of the applicable vehicle standards for registration) with **ADR.31/04 Brake systems for Passenger Cars**, Appendix A, Clauses 5.1.2.1 & 5.1.2.2 (or an earlier or later version of that Rule & its corresponding relevant clauses), relative to the operation of the service brake.

**NOTE:** *If that installation adversely affects the vehicle's continued compliance with ADRs 69/00 & 73/00 (which relate to a driver's knee airbag that may be fitted) an exemption from those ADRs will need to be requested from TfNSW.*

### **SCHEDULE 2 - CONDITIONS**

This Exemption is granted subject to the following Conditions:

- 1) This Exemption applies only to the installation of hand controls allowing the service brake to be hand operated.
- 2) This Exemption is valid only when the hand controls are installed for operation by a person with supportive medical evidence identifying their special needs and/or disability.
- 3) The driver must carry a copy of the Exemption in the vehicle and produce them upon request to a TfNSW Officer or a NSW Police officer.
- 4) A VSCCS Compliance Certificate must be issued for the modified vehicle certifying that:
  - a. When installed, the replacement hand controls and their anchorages are securely attached to the vehicle and are suitable for the application loads generated during their use.

**(cont.)**

- b. When the replacement hand controls are installed, the vehicle's brake and accelerator pedals can still be operated in the normal manner by a person servicing the vehicle or assessing it for registration purposes.
- c. A durable, wear resistant warning label is permanently affixed to the dash or instrument panel directly in front of the driver, so as to be clearly visible and legible to that person.
- d. The warning label clearly states (in black 5mm high letters on a yellow background) the following:

**CAUTION**

**This vehicle's driving controls have been modified to suit the particular requirements of the driver. Use of these replacement controls by a person not specifically trained in their use may render the vehicle unsafe.**

- e. modifications covered by this certificate do not affect the normal operation of any airbag or vehicle system (if so, a separate request for individual exemption should be made to TfNSW).
- 5) A driver with disability operating the vehicle must have had a driver assessment report issued by a recognised and trained Occupational Therapist (or a person holding the relevant tertiary qualifications in assessing and training a driver with disability) and may only operate those controls chosen by the Occupational Therapist (or that person) and deemed suitable for the driver.
  - 6) Each person instructing a driver with disability must hold a valid NSW driving instructor's licence and the relevant tertiary qualifications in assessing and training a driver with disability.
  - 7) The vehicle must be restored to its original 'as manufactured' condition before being sold, traded or otherwise disposed of.
  - 8) This Exemption is valid only if the acknowledgment provided in **Item 1** is signed by the vehicle's **Registered Operator**.

### ITEM 1

#### Installation & Use of Driver Hand Controls.

I understand and accept that:

- i) installing and using driver hand controls to operate a vehicle's service brake may have serious safety consequences to a person not trained in the use of those controls.
- ii) I accept full responsibility for ensuring that the driving controls are removed if a person not specifically trained in their use will operate this vehicle.

Signed: \_\_\_\_\_ Registered Operator                      Date: \_\_\_\_\_

**NOTE:** A copy of this Exemption Order must be provided to an Authorised Examiner checking your vehicle for NSW registration purposes in accordance with the Rules for Authorised Inspection Stations.



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 Paul Duignan  
 Director Vehicle Safety  
 Safety, Environment & Regulation  
 Transport for NSW

**Issued:            20 May 2021**