

Road Transport Reform (Oversize and Overmass Vehicles) Regulations 1995 No. 123

EXPLANATORY STATEMENT

STATUTORY RULES 1995 No. 123

Issued by the Authority of the Minister for Transport

Road Transport Reform (Vehicles and Traffic) Act 1993

Road Transport Reform (Oversize and Overmass Vehicles) Regulations

Subsection 7(1) of the *Road Transport Reform (Vehicles and Traffic) Act 1993* (the Act) provides that the Governor-General may make regulations to apply to the Australian Capital Territory and the Jervis Bay Territory covering vehicle standards, driver and rider standards, vehicle operations and traffic rules.

The Road Transport Reform (Oversize and Overmass Vehicles) Regulations (the Regulations) provide for the conditions under which oversize and overmass vehicles and combinations may travel when exempted from normal dimension and mass limits.

Consistent with the Commonwealth, State and Territory Heads of Government Agreement entered into in July 1991 the purpose of the Regulations is to :

- (a) provide for uniform or consistent conditions, to be applied as part of a national scheme, under which oversize or overmass vehicles and combinations may travel safely and efficiently when exempted from normal dimension or mass limits; and
- (b) increase administrative efficiency by enabling classes of oversize or overmass vehicles or combinations to be exempted from normal dimension or mass limits by notice instead of individual permits.

The Regulations provide that road authorities may exempt vehicles or combinations from a mass or dimension limit requirement of the Road Transport Reform (Mass and Loading) Regulations (the Mass and Loading Regulations) or the Road Transport Reform (Heavy Vehicle Standards) Regulations (the Heavy Vehicle Standards Regulations) by notice or by issuing an individual permit. Where an exemption is effected by notice, the notice must be published in the Government Gazette.

Notices and permits must specify the vehicle or class of vehicles, the areas or routes to which it applies, the provisions of the Mass and Loading or Heavy Vehicle Standards Regulations from which exemption is given, the conditions under which exemption is given and how long it is to remain in force.

The conditions specified in the notice or permit must include the conditions set out in the Schedule to the Regulations that are applicable to the class of vehicles or combinations to which the notice or permit applies.

The Regulations provide for an offence where there is a breach of a condition of a notice or permit or an exemption given in the case of an emergency.

The Regulations further provide that a person convicted of an offence under these Regulations (not related to mass) is liable to a penalty not exceeding \$2,000 for an individual or \$10,000 for a body corporate. A person convicted of an offence for breaching a mass limit condition is liable to a penalty not exceeding \$3,000 for an individual or \$15,000 for a body corporate.

The Regulations provide that the driver or operator of an oversize or overmass vehicle or combination may be liable to prosecution under the Mass and Loading Regulations or the Heavy Vehicle Standards Regulations if the vehicle breaches a condition by travelling on a route other than a permitted route, at a time other than a time at which it is permitted to do so, with fewer than the required pilot or escort vehicles, or with an aggregate mass that is more than 10% in excess of the mass allowed by the notice or permit.

The driver of a pilot vehicle and the operator of the oversize vehicle are each guilty of an offence if a pilot vehicle accompanies an oversize vehicle which breaches the conditions of the notice or permit. The penalty for such an offence is \$2,000 for an individual or \$10,000 for a body corporate.

If an escort vehicle does not comply with the specific requirements of Part 5 of the Schedule to the Regulations, its driver and the operator of the oversize vehicle are each guilty of an offence. The penalty for such an offence does not exceed \$2,000 for an individual and \$10,000 for a body corporate.

The Regulations also provide that the road authority may exempt a vehicle, or its driver or operator from a requirement of these Regulations in the case of an emergency if the vehicle is to be used to protect life or property or to restore communication, water services etc.

The Schedule to the Regulations specifies mass and dimension limits, travel restrictions and route assessment for classes of vehicles travelling under notices, requirements for pilot and escort vehicles, and specifications for warning lights and signs.

The Regulations will be incorporated into the law of the States and the Northern Territory by means of adopting legislation, in accordance with the 1991 Reads of Government Agreement (Heavy Vehicles Agreement).

Regulations 1 and 2 commence on the day on which the making of the Regulations is notified in the Gazette. The remaining Regulations commence on a date agreed by the Ministerial Council for Road Transport and specified by the Minister by notice in the Gazette.

The Minute recommends that Regulations be made in the form proposed.