

Interstate Road Transport Amendment Regulations 1999 (No. 2)

1999 No. 133

EXPLANATORY STATEMENT

STATUTORY RULES 1999 NO. 133

Issued by Authority of the Minister for Transport and Regional Services

Interstate Road Transport Act 1985

Interstate Road Transport Amendment Regulations 1999 (No. 2)

Subsection 56(1) of the Interstate *Road* Transport Act 1985 (the Act) provides that the GovernorGeneral may make regulations, prescribing matters required or permitted by the Act to be prescribed, or necessary or convenient to be prescribed for carrying out or giving effect to the Act.

Subsection 56(2) further provides that, without limiting the generality of subsection 56(1), the regulations may make provision for, among other things: regulating the use and operation of registered motor vehicles and trailers; prescribing operating standards, and regulating specified conduct or activities m, or m connection with die operation or use of, registered motor vehicles or trailers.

Section 13 of the Act further provides for the making of regulations for and in relation to:

- requirements for registered motor vehicles and trailers,
- and requiring a registered motor vehicle or trailer, other than a B-double, to comply with mass limits.

Section 12A of the Act further provides that regulations may provide for regulation of B-doubles engaged m commercial Interstate road transport, including regulating their maximum loaded **mass**.

The Act and the Interstate Road Transport Regulations 1986 (the Regulations) establish the Federal Interstate Registration Scheme (FIRS), which provides a national licensing scheme for heavy vehicles on interstate journeys, as an alternative to the various State registration requirements. The States and Territories administer FIRS on behalf of the Commonwealth.

The purpose of the Regulations is to prescribe, among other things, the maximum allowable mass that may be carried by vehicles, both in term of gross mass and mass that can be carried on each axle group of a vehicle.

The Regulations make provision for policies that have been agreed by the Australian Transport Council. These policies have already been implemented, or are being concurrently implemented, in a number of jurisdictions. The Regulations provide for:

higher mass limits for vehicles fitted with road friendly suspensions (and, in the case of triaxle vehicles, accredited under a mass management compliance assurance scheme); and

- graduated penalties for overloading.
- A Regulatory Impact Statement is attached, add sin the amendments.

Details of the Regulations are attached.

The Regulations commenced on gazettal.

ATTACHMENT

Interstate Road Transport Amendment Regulations 1999 (No. 2)

The amendments to the Regulations contain the following features:

Regulation 1 cites the name of the Regulations as the *Interstate Road Transport Amendment Regulations 1999 (No. 2)*.

Regulation 2 provides that regulations 1, 2 and 3, and Part 1 of Schedule 1, commence on gazettal, and Part 2 of Schedule 1 commences immediately after Part 1 of Schedule 1.

Regulation 3 provides that the *Interstate Road Transport Regulations 1986* are to be amended as set out in Schedule 1.

Schedule 1

Item 1 inserts a definition of 'air suspension system'.

A reference to 'motor vehicle' in the definitions and where it appears elsewhere in these regulations includes, unless the contrary intention appears, reference to the motor vehicle and any trailers that are attached to it (consistent with s3(2) of the Act).

Item 2 inserts a definition of 'higher mass limit vehicle'.

Item 3 inserts definitions of 'long combination vehicle', 'manufacturer's rating' and 'mass management compliance assurance scheme' (see new regulation 3A).

Item 4 inserts a definition of 'road friendly suspension' (see new regulation 3B).

Item 5 inserts a definition of 'severe risk overloading, defining that a level of overloading 20% or more over the maximum vehicle or axle mass permitted under the regulations (which may be the manufacturer's rating if that is less than the mass otherwise permitted) represents severe risk overloading.

Item 6 inserts regulation 3A which provides that the Minister may determine mass management compliance assurance schemes for the purposes of the regulations.

This item also inserts regulation 3B which provides that a vehicle has a road friendly suspension if it complies with certain specified conditions. These conditions include for vehicles manufactured or fitted with new suspension after 1 January 2000, at least one axle group complies with the certification performance standards set out in Schedule 1 (which is inserted by Item [24]), and for vehicles older than this, at least one axle group is fitted with air suspension. It also provides that the Minister may appoint a certifier to certify that a suspension type complies with the certification performance standard.

Item 7 corrects errors in existing definitions of 'heavy goods vehicle' and 'heavy omnibus'.

Item 8 inserts a new regulation 12A which provides that Division 2A of the Regulations does not apply to long combination vehicles. Mass limits for these vehicles are governed by State and Territory laws.

Item 9 substitutes existing paragraph 12A(1)(b) with 'manufacturer's rating, to improve consistency.

Item 10 amends regulation 12A by inserting new subregulation (4). The new subregulation provides that if a vehicle has road friendly suspension certain increases in permitted gross mass limits apply. (This is subject to the vehicle meeting the requirements of new regulation 12C (which is inserted by Item [12])).

Item 11 amends regulation 12B which deals with axle loads by substituting a new paragraph 12B(1)(c) for the existing paragraph. The provision allows for increases in individual axle group mass limits for vehicles with road friendly suspension, and, if required, mass management accreditation. (This is subject to the vehicle meeting the requirements of new regulation 12C (which is inserted by Item [12])).

Item 12 inserts new regulation 12C, which specifies conditions under which the higher permitted mass for road friendly vehicles in new subregulation 12A(4) and new paragraph 12B(1)(c) apply. The regulation requires that triaxle vehicles must be accredited under a mass management compliance assurance scheme, and their drivers must carry evidence of the accreditation (this evidence may include a sticker issued under the scheme and affixed to the vehicle). The regulation also stipulates that vehicles carrying the higher mass may only be operated on a route determined by the Minister, or on a route on which they are allowed to operate by a State or Territory (paragraphs 12C(4) and (5)). The operation of B-doubles on Federal routes is provided for under existing regulation 12L, which has similar provisions to subregulations 12C(4) and (5), but the requirements under 12C apply to B-doubles in all other respects.

Item 13 amends paragraph 12H(1)(b), which deals with overloading on axle mass, to ensure consistency with the amendments above defining the permitted mass.

Item 14 amends paragraph 12H(1)(c), which deals with overloading on vehicle mass, to ensure consistency with the amendments above defining the permitted mass.

Item 15 omits paragraphs 12H(1)(d) and (f), as they become redundant with the amendments to 12H(1)(b) and (c) (Items [13] and [14]).

Item 16 omits the penalty in subregulation 12H(2) as the penalty is now to be set out in a new subregulation 12H(2A) which is inserted by Item [17].

Item 17 inserts a new subregulation 12H(2A) which provides a graduated scale of overloading penalties for increasing severity of overloading, for vehicles other than B-doubles. The maximum penalty does not increase. Note 1 to the provision points out that it does not apply to B-doubles as B-double offences and penalties we set out in section 12D of the Act. Note 2 to the provision notes that s4B(3) of the Crimes Act 1914 should be referred to for penalties for bodies corporate. Note 3 to the provision notes that an overloaded vehicle may be required to unload part of its load.

Item 18 omits the note regarding B-double penalties following subregulation 12H(4) as that note is now dealt with in a note to new subregulation 12H(2A) (inserted by Item [17]).

Item 19 inserts new subregulations 12H(5) and (6) which require that the owner of a vehicle must cause the vehicle not to be severe risk overloaded more than twice in three years.

A note to the regulations indicates that under s 11 of the Act, registration authorities may cancel or suspend registration of a vehicle if the owner does not comply with this regulation.

Item 20 amends subregulation 12L(1) to provide that a person may only operate a B-double on a route that applies to that vehicle.

Item 21 inserts new subregulations (3) and (4) into regulation 16 which deals with the Issue of Certificates of Registration. The new provisions enable registration authorities to record a vehicle's eligibility for higher mass limits.

Item 22 inserts new subregulations 18(3) and (4) which require that if a vehicle's manufacturer's rating is revised so that it may utilise a higher permitted mass, its owner must obtain a new registration certificate or label before that higher mass can be carried.

Item 23 corrects a typographical error in regulation 52.

Item 24 inserts a new Schedule 1AA which sets out a certification performance standard for road friendly suspension (see new regulation 3B). This Schedule is renumbered as Schedule 1 by Item [29].

Item 25 provides for a new column in schedule IB to list higher wide load limits.

Items 26, 27 and 28 provide for specific higher axle load limits.

Item 29 renumbers references to the Schedules under the regulations.

Item 30 renumbers Schedule 1AA as Schedule 1

Item 31 renumbers Schedule 1 as Schedule 2.

Item 32 renumbers Schedule 1A as Schedule 3.

Item 33 renumbers Schedule 1B as Schedule 4.

Item 34 renumbers Schedule 4 as Schedule 5.