

EXPLANATORY STATEMENT

Select Legislative Instrument 2006 No. 56

Issued by the Authority of the Minister for Transport and Regional Services

Interstate Road Transport Act 1985

Interstate Road Transport Amendment Regulations 2006 (No. 1)

Subsection 56(1) of the *Interstate Road Transport Act 1985* (the Act) provides that the Governor-General may make regulations, not inconsistent with the Act, 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.

Section 12B of the Act provides that regulations may make provision for regulating the operation of B-doubles, which are prime movers with two attached trailers. The regulations may provide for the maximum exterior dimensions of a B-double or any of its component parts and any requirements as to the specifications or condition of any part of a B-double or any equipment on, or forming part of, a B-double.

The purpose in amending the Regulations is to implement an agreed national position adopted by the Australian Transport Council (ATC) on 19 October 2005 to increase the available length of B-double combinations from 25 metres to 26 metres, subject to certain requirements.

The amending Regulations specifically allow Federal Interstate Registration Scheme vehicles to operate on approved state and territory roads at 26 metres. FIRS vehicles are heavy vehicles (over 4.5 tonnes) engaged solely in interstate trade. The Act and the *Interstate Road Transport Regulations 1986* provide for their operation. This amendment does not alter the “normal” nationally agreed configuration of the standard B-double of 25 metres. Instead, it creates a new class of B-double that sits parallel with the 25 metre B-double requirements subject to the 26 metre B-double combination meeting the prescribed exemption conditions. This change delivers productivity benefits for industry whilst achieving improved safety outcomes for B-double drivers and road users.

Consultation has been extensive and was facilitated by the National Transport Commission (NTC) in conjunction with State and Territory jurisdictions and industry. The NTC is an independent statutory body with ongoing responsibility for developing, monitoring and maintaining uniform or nationally consistent regulatory and operational reforms relating to road, rail and intermodal transport and is directly accountable to Commonwealth, State and territory Ministers through the ATC.

A draft example of the regulation amendment was contained in the Regulation Impact Statement (**Attachment B**) that accompanied the approved policy proposal. That draft example was substantially the same as the ATC approved regulation amendment. The policy proposal was issued for jurisdiction and public comment in January 2004 following a Discussion Paper circulated to State and Territory jurisdictions in February 2003. The policy proposal modified the approach taken in the previous paper and addressed the concerns raised by jurisdictions at that time.

Responses from transport industry operators and vehicle manufacturers strongly supported the proposal as enabling improved physical driving environment for drivers through superior vehicles and improved cabins, and benefiting the supply and utilisation of prime movers. Jurisdictions responded to the policy proposal by seeking variations to the proposal that would include more direct and obvious safety outcomes. Agreement was achieved by the

NTC from the transport industry suppliers and operators on the inclusion of the exemption conditions.

Previous subregulations 12P(2) and (3) that prescribed the length of a B-double used for the cartage of cattle, sheep, pigs or horses have been moved to new regulation 12PA. There is no change to the legislative effect of these provisions which have been moved to provide improved readability.

Details of the Regulations are set out in Attachment A.

The Act specifies no conditions that need to be satisfied before the power to make the Regulation may be exercised.

The Regulations are a legislative instrument for the purposes of the *Legislative Instruments Act 2003* (LI Act).

The Regulations are taken to have commenced on 25 November 2005. The retrospective commencement provides legal certainty for FIRS operators, who have been required to operate under State or Territory permit arrangements until the *Interstate Road Transport Regulations 1986* was amended.

Details of the *Interstate Road Transport Amendment Regulations 2006 (No. 1)*

Regulation 1 – Name of Regulations

This regulation provides that the title of the Regulations is the *Interstate Road Transport Amendment Regulations 2006 (No. 1)*.

Regulation 2 – Commencement

This regulation provides for the retrospective commencement of the amending regulations from 25 November 2005.

Regulation 3 – Amendment of *Interstate Road Transport Regulations 1986*

This regulation provides that the *Interstate Road Transport Regulations 1986* (the Principal Regulations) are amended as set out in Schedule 1.

Schedule 1 Amendments

Item 1 – Regulation 12P

This item substitutes existing regulation 12P with new regulations 12P and 12PA. The new provisions retain the existing 25 metre length limit for a B-double, a prime mover with two attached trailers, and provide an additional optional regime whereby the maximum overall length of a B-double is increased from 25 metres to 26 metres. This amendment does not alter the “normal” nationally agreed configuration of the standard B-double, but instead creates a new class of B-double and would sit parallel with the 25 metre B-double requirements. The addition of an option for 26 metre B-doubles will deliver productivity benefits for industry whilst achieving improved safety in vehicle handling dynamics and stability outcomes.

New subregulation 12P(1) retains the statutory maximum B-double length of 25 metres. New subregulation 12P(2) provides an exemption to operate at 26 metres in a State or Territory that provides for the increase in length and includes the exemption conditions set out in subregulation 12P(3). Subregulation 12P(2) also requires that an operator be able to demonstrate compliance with the exemptions conditions as determined by a State or Territory in which the B-double may operate.

New subregulation 12P(3) sets out the exemption conditions required to operate at the increased length of 26 metres. They provide that the distance between the kingpin on the lead trailer and the rear of the B-double (i.e. the trailing length) is limited to 20.6 metres; the increased length is also accompanied by additional safety features on the prime mover and the prime mover does not have a load carrying area. The additional safety features are front underrun protective devices (eg separate bullbar) and stronger cabs. These features must comply with the standards set out in United Nations Economic Commission for Europe Regulation 93 [front underrun protection] and Regulation 29 [cabin strength] which are available at <http://www.unece.org/trans/main/sp29/wp29regs.html>.

By constraining the trailing length, 26 metre B-doubles have swept paths (turning ability) that are similar to the common B-double under present 25 metre constraints but which eliminate the worst swept path outcomes.

New subregulation 12P(4) provides for definitions that State includes Territory for the purpose of regulation 12P and defines the ‘UN ECE Agreement’ (the United Nations Economic Commission for Europe Agreement) referred to in subregulation 12P(3).

Examples 1 and 2 for paragraph 12P(2)(a) provide examples of the options that a State may use to permit the operation of 26 metre B-doubles in that State.

The example given for paragraph 12P(2)(c) describes a method of demonstrating compliance to the exemption conditions that a State may specify.

Note 1 provides a reference to the website where UN ECE regulations 29 and 93 specified in the exemption conditions in subregulation 12P(3) may be sourced. *Note 2* directs the reader to regulation 12L which provides that a B-double may only operate on designated routes.

New regulation 12PA replicates old subregulations 12P(2) and (3) which prescribed the length dimension of a B-double used for the cartage of cattle, sheep, pigs or horses. There is no change to the legislative effect of these two provisions which have been moved to improve readability.