

## **EXPLANATORY STATEMENT**

### **Select Legislative Instrument 2006 No. 74**

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

*National Transport Commission Act 2003*

*National Transport Commission (Road Transport Legislation — Vehicle Standards)  
Amendment Regulations 2006 (No. 2)*

Section 52 of the *National Transport Commission Act 2003* (the Act) provides that the Governor-General may make regulations, not inconsistent with the Act, prescribing all 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.

The provisions of the Act are supported by the Inter-Governmental Agreement Regulatory and Operational Reform in Road, Rail and Intermodal Transport (IGA), which serves to formalise the cooperative arrangements between the Commonwealth, States and Territories and define the roles and responsibilities of the NTC, ATC and the jurisdictions. Clause 14 of the IGA requires the Commonwealth to submit model legislation for inclusion in schedules to regulations under the Act. The proposed Regulations would implement this commitment.

The purpose of the Regulations is to amend the *Australian Vehicle Standards Rules 1999* (the Rules) to implement an agreed national position on the length of B-double combinations.

The Rules are contained in Schedule 2 to the *National Transport Commission (Road Transport Legislation – Vehicle Standards) Regulations 2006*. Those Regulations set out road transport legislation, in the form of Vehicles Standards Regulations and the Australian Vehicle Standards Rules respectively, regarding the design of road vehicles. The amendments allow B-doubles, defined as a combination consisting of a prime mover towing 2 semi-trailers, to be up to 26 metres under certain defined circumstances.

Paragraph 7(2)(a) of the Act provides that any model legislation set out in regulations does not have the force of law. The model legislation serves as a repository for nationally agreed reforms which are then implemented by jurisdictions.

Item 44 of the table to subsection 44(2) of the *Legislative Instruments Act 2003* together with item 7 of Schedule 2 to of the *Legislative Instruments Regulations 2004* operate to provide that the Regulations are not subject to disallowance. In addition, item 51 of the table to subsection 54(2) of the *Legislative Instruments Act 2003* together with item 4 of Schedule 3 to the *Legislative Instruments Regulations 2004* operate to provide that the Regulations are not subject to sunseting.

Details of the Regulations are set out in the [Attachment](#).

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

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

The Regulations commenced on the day after they were registered.

**ATTACHMENT****Details of the National Transport Commission (Road Transport Legislation – Vehicle Standards) Amendment Regulations 2006 (No. 2)****Regulation 1 – Name of Regulations**

This Regulation provides that the title of the Regulations is the *National Transport Commission (Road Transport Legislation – Vehicle Standards) Amendment Regulations 2006 (No. 2)*.

**Regulation 2 – Commencement**

This Regulation s for the Regulations to commence on the day after they are registered.

**Regulation 3 – Model legislation – Australian Vehicle Standards Amendment Rule 2006**

This Regulation provides that for the purposes of section 7 of the *National Transport Commission Act 2003*, the Schedule to the Regulations sets out model legislation, in the form of amending Regulations about vehicle standards.

**Regulation 4 - Amendment of National Transport Commission (Road Transport Legislation — Vehicle Standards) Regulations 2006**

This Regulation provides that Schedule 1 amends the text set out in Schedule 2 to the *National Transport Commission (Road Transport Legislation — Vehicle Standards) Regulations 2006*, as if a reference in Schedule 1 to a provision of the *Australian Vehicle Standards Rules 1999* were a reference to the corresponding provision in the text set out in Schedule 2 to those Regulations.

**Schedule 1- Text of the Australian Vehicle Standards Amendment Rules 2006**

The text set out in Schedule 1 amends rule 69 of the *Australian Vehicle Standards Rules 1999* to implement an agreed national position on increasing the length of B-double combinations to 26 metres, under certain defined circumstances.

In particular the text inserts a new subrule 69(4) which would allow for a B-double up to 26 metres long as long as the four elements detailed in paragraphs (a) – (d) are met.

This amendment allows B-double combinations to operate with an overall length up to 26 metres subject to provisions intended to improve safety outcomes for B-double drivers and road users. It provides an additional optional regime whereby the maximum overall length of a B-double would be raised from 25 metres (under subrule 69(3)) to 26 metres provided 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 and the increased length is accompanied by additional safety features on the prime mover. These safety features are front underrun protective devices, which are designed to ensure that safety features on passenger cars deploy properly in the event of a collision, and stronger cabs. Operators have the choice of remaining with the existing 25 metre regime or moving to the 26 metre regime.

By constraining the trailing length, 26 metre B-doubles will occupy a total road space through a turn (the swept path) that is similar to the common B-doubles under present 25 metre constraints and which would eliminate the worst swept path outcomes.

Paragraphs (c) and (d) ensure that the 26 metre B-double combinations protect the occupants of the cab of a commercial vehicle through adherence to certain conditions on the cab area.

As the 26 metre regime is optional and the existing 25 metre regulations will remain, 25 metre B-doubles that currently exceed the 20.6 metre trailing length and/or do not have the additional safety features would be permitted to operate without change.