

EXPLANATORY STATEMENT

Select Legislative Instrument 2006 No. 162

Issued by Authority of the Minister for Transport and Regional Services

Interstate Road Transport Act 1985

Interstate Road Transport Amendment Regulations 2006 (No. 2)

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 or necessary or convenient to be prescribed for carrying out or giving effect to the Act.

Paragraph 56(2)(a) of the Act provides for the making of regulations for the operation of registered motor vehicles and trailers and prescribing operating standards (including mass limits). Section 12A and paragraphs 12B(2)(a) and 13(1)(aa) of the Act provide for mass limits of registered motor vehicles and B-doubles, and a requirement for these vehicles to comply with such mass limits as specified in the regulations.

The amended Regulations implement the agreed national position adopted by Australian Transport Council Ministers on 8 June 2006 to implement Concessional Mass Limits (CML) by 1 July 2006.

Regulations dealing with the operation of mass limits for Federal Interstate Registration Scheme (FIRS) vehicles are prescribed in Division 2A of the *Interstate Road Transport Regulations 1986* (the Principal Regulations). Schedules 3 and 4 specify axle spacing and axle load limits respectively, and limit the gross mass for specific vehicles and vehicle combinations. CML is an additional tier of mass limits applicable under the Mass Management Module of the National Heavy Vehicle Accreditation Scheme (NHVAS). Regulation 3A of the Principal Regulations provides that the Minister may determine mass management compliance assurance schemes for FIRS vehicles.

This new tier of mass limits provides certain vehicles and combinations accredited under NHVAS with an additional 5% or 1 tonne (whichever is the lesser) where the allowable gross mass limit that would otherwise be permitted does not exceed 55 tonnes and an additional 2 tonnes for vehicles where the allowable gross mass limit exceeds 55 tonnes.

The Regulations amended the Principal Regulations to allow FIRS vehicles access to the CML, subject to the conditions that the vehicle owner is accredited under a mass management compliance assurance scheme and that the vehicle has been nominated to be included in that scheme. The Regulations aim to deliver productivity benefits for the road transport industry whilst maintaining safety outcomes for these vehicles.

Details of the Regulations are set out in the Attachment.

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

The Regulations commenced on 1 July 2006.

Details of the *Interstate Road Transport Amendment Regulations 2006 (No. 2)*

Regulation 1 – Name of Regulations

This Regulation provides that the title of the Regulations is the *Interstate Road Transport Amendment Regulations 2006 (No. 2)*.

Regulation 2 – Commencement

This Regulations commenced on 1 July 2006.

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] – Subregulation 2(1) – Interpretation

This item inserts definitions for Concessional Mass Limits (CML) and Concessional Mass Limit Vehicles including the associated accreditation requirements for vehicles to operate under CML.

Item [2] – Subparagraph 12A(4)(b)(i) and (ii)

This item is a consequential amendment resulting from renumbering columns in the replacement Schedule 4 to include a new Column 4 for CML and the subsequent movement of the column “Higher axle load limit” to Column 5.

The amended provision further provides for the inclusion of CML within the provision and reflects the new Schedule 4 arrangements. The provision specifies that if a vehicle or combination is not eligible for Higher Mass Limits, the mass limit that will apply is either the CML (Column 4 of Schedule 4) or the permitted gross mass limit (statutory base limit) (Column 3 of Schedule 4).

Item [3] – Subparagraph 12B(1)(c)(ii)

This item is a consequential amendment resulting from renumbering columns in the replacement Schedule 4 to include a new Column 4 for CML and the subsequent movement of the column “Higher axle load limit” to Column 5.

Item [4] – After regulation 12B

This item inserts new regulation 12BA Concessional mass limits

New subregulation 12BA (1) sets out the method for the calculation of concessional mass limits by reference to a vehicle’s maximum axle mass limits, axle spacing limits and permitted laden mass.

Note after new subregulation 12BA(1)(b)

This note explains that the axle mass limits set out in Column 4 of Schedule 4 are derived from the calculations specified under paragraph 12BA(1)(b).

New subregulation 12BA(2) inserts a vehicle safety provision that provides that the gross mass limits applicable for a CML vehicle or combination cannot exceed the manufacturer’s mass limit ratings.

Note after subregulation 12BA(2)

This note explains that the CML calculated under Regulation 12BA is separate amount to what is provided for in Regulation 12A which provides only for the permitted gross mass limit (statutory base limit).

Item [5] – Schedule 4 – Axle Load Limits

This item substitutes existing Schedule 4 with a new Schedule 4 which sets out maximum axle load limits by reference to axle groups for three classes of mass: Statutory Mass Limits (column 3), Concessional Mass Limits (column 4) and Higher Mass Limits (column 5).