

Queensland



Explanatory Notes for SL 1995 No. 401

Transport Operations (Road Use Management) Act 1995

Transport Infrastructure (Roads) Act 1991

Traffic Act 1949

TRANSPORT AND TRAFFIC AMENDMENT REGULATION (No. 1) 1995

GENERAL OUTLINE

Title

Transport and Traffic Amendment Regulation (No. 1) 1995.

Authorising Law

This explanatory note pertains to the *Transport and Traffic Amendment Regulation (No. 1) 1995* under the *Transport Operations (Road Use Management) Act 1995*. Section 75 of the Act provides the head of power to make this regulation.

Objective of the legislation

The policy objectives of the legislation are to introduce into the *Transport Operations (Road Use Management) Regulations 1995*—

- mass and loading requirements that are consistent with the regulations contained in the national legislation and cover any vehicles currently registered that do not meet the national requirements

- introduce a revised livestock loading scheme whilst maintaining the existing system for vehicles permitted to transport livestock which do not meet the requirements of the revised scheme
- implement a phase out of semitrailers with a tare in excess of 15 tonne from the previous permitted livestock loading system and introduce a fee structure for their continued use during the phase out period. A regulatory impact statement has been released under gazettal for public consultation to address this aspect. No additional comments were received as a result of this regulatory impact statement
- introduce powers and conditions for authorised officers concerning the stopping of private vehicles similar to those which appear in the *Motor Vehicle Safety Regulation 1994*.

How will the policy objectives be achieved?

The proposed changes covered in this legislation include—

- implementing the national mass and loading regulations in line with the department's commitment to the national reform process
- consolidating mass and loading requirements into 1 single set of regulations
- implementing a new livestock loading scheme to operate under gazetted performance guidelines which negate the requirement for permits
- phasing out of the existing livestock loading permit scheme by 30 June 2003
- implementing a fee structure for semitrailers with a tare in excess of 15 tonne which continue to operate in the existing livestock loading permit scheme
- imposing restrictions on the stopping of private vehicles by Queensland Transport Authorised Officers by applying the same restrictions as previously approved by Cabinet in relation to the *Motor Vehicle Safety Regulation 1994*

- amendment to the of the *Transport Operations (Road Use Management) Regulation 1995*, section 5 (Fees) by introducing a penalty clause to cover the situation where a vehicle is not registered to haul a trailer but does so without paying the appropriate registration fee.

Consistency with Authorising Law/Other Legislation

The proposed legislation is consistent with the policy objectives of the authorising law because it meets the law's overall objectives of efficient and effective management of road use in the State and provides a scheme for managing the use of the State's roads. The proposed legislation is not inconsistent with the policy objectives of other legislation.

Alternative Regulatory Options

Alternative means of achieving the policy objectives were considered including the option of not making subordinate legislation. These options were rejected as the legislation is part of the Government's obligation in accordance with the national Heads of Government Agreement. The rejected options relating to livestock loading are further addressed in the Regulatory Impact Statement.

Benefits and costs of implementation

There are no additional costs associated with the introduction of this legislation. Conversely it is anticipated that additional revenue of \$8.8 million will be collected over a period of 8 years through the phase out fee being imposed for semitrailers with a tare in excess of 15 tonne operating under section 25 of the proposed legislation. The benefits and costs of the proposed legislation and the rejected alternatives are further discussed in the Regulatory Impact Statement.

Fundamental Legislative Principles

The proposed legislation has sufficient regard to the rights and liberties of individuals and the institution of Parliament.

Consultation

How was the consultation conducted?

Consultation on the mass and loading sections of the proposed legislation was conducted through a national forum including State stakeholders.

Livestock loading was consulted primarily through a committee of stakeholders which held regular meetings to develop the policy direction. A Regulatory Impact Statement was also released to which no additional comments were received.

The proposed section of the legislation concerning the powers of Authorised Officers when stopping private vehicles is similar to legislation passed in November 1994 as part of the *Motor Vehicles Safety Regulation 1994* and was satisfactorily consulted at that time.

Results of consultation

There has been consultation with—

- Department of Primary Industries
- Department of Housing, Local Government and Planning
- Livestock Transporter's Association of Queensland
- Queensland Cattleman's Union
- United Grazier's Association
- National Road Transport Commission
- Office of Rural Communities
- Office of the Cabinet
- Queensland Road Transport Association
- Queensland Police Service
- Treasury.

Implementation of the Mass and Loading Regulations is widely supported by industry and the states and territories.

Whilst the livestock industry and livestock transporters indicated a preference for no charges, all parties support revised livestock loading scheme as an acceptable compromise.

NOTES ON PROVISIONS

Details of specific clauses are as follows.

PART 1—PRELIMINARY

Section 1 states the short title of the regulation.

PART 2—AMENDMENT OF TRANSPORT OPERATIONS (ROAD USE MANAGEMENT) REGULATION 1995

Section 2 cites the regulation that is amended by this part.

Section 3 replaces the existing section 4 with sections 4 to 4C.

Section 4 prescribes a Transport Act provided for in the *Transport Operations (Road Use Management) Act 1995*, schedule 3. This section outlines the Acts which are Transport Acts.

Sections 4A to 4C restricts and determines the powers of Authorised Officers in stopping private vehicles.

Section 4 provides for a penalty to be imposed if a person uses a vehicle in a configuration that requires a higher registration fee without paying the appropriate fee.

Section 5 inserts new sections 12 to 34.

Section 12 provides for fees to be applied to a semitrailer used under a permit issued under the *Transport Infrastructure (Roads) Regulation 1991*, section 3.05 which pertains to section 25 of this regulation. It also requires the semitrailer to be weighed in order to establish the appropriate fee.

Section 13 stipulates the vehicles to which part 3 applies.

Section 14 states the performance standard for mass as a regulation required in the *Transport Operations (Road Use Management) Act 1995*, chapter 3, section 15(1)(b).

Section 15 sets the penalty for not complying with a mass requirement for a vehicle.

Section 16 sets the penalty for not complying with a mass requirement for a trailer.

Section 17 sets the penalty for not complying with a mass requirement for a combination.

Section 18 provides the method of determining the tare mass of a vehicle.

Section 19 provides the method of determining the tyre mass of a vehicle.

Section 20 provides the method of determining the axle mass of a vehicle.

Section 21 provides the method of determining the vehicle mass.

Section 22 provides that the method of determination stated in sections 18 to 21 is not the only way to determine tare and mass—i.e. a manufacturer's letter may apply if a weighing device is not available.

Note—sections 18 to 22 were previously provided for in the *Transport Infrastructure (Roads) Regulation 1991*, sections 3.01, 3.02, 3.03 and 3.04 which are to be repealed by this regulation.

Section 23 provides for vehicles carrying livestock to operate in excess of regulation mass requirements under performance guidelines. It further requires the operator to comply with and carry the guidelines, and sets the penalty for non compliance.

Section 24 permits the chief executive to issue guidelines and specifies the subject about which guidelines may be issued.

Section 25 allows vehicles operating under a permit issued under the *Transport Infrastructure (Roads) Regulation 1991*, section 3.05 as at 1 July 1996 to continue operations.

Section 26 provides for the phase out of semitrailers with a tare of more than 15 tonne operating under section 24.

Section 27 applies the *Transport Operations (Road Use Management) Act 1995*, sections 50 and 57 to this part. It provides for an offence if a person

refuses to give information about an offence and outlines the persons liable for an offence.

Part 4—Loading

Section 28 stipulates the application of this part which covers the load on a vehicle or combination.

Section 29 states the performance standard for loading as a regulation required in the *Transport Operations (Road Use Management) Act 1995*, chapter 3, section 15(1)(b).

Section 30 sets the penalty for not complying with a loading requirement for a vehicle.

Section 31 sets the penalty for not complying with a loading requirement for a trailer being towed by a vehicle.

Section 32 sets the penalty for not complying with a loading requirement for a vehicle combination.

Section 33 provides evidentiary aids for loading offences and calls up the Load Restraint Guide.

Section 34 applies the *Transport Operations (Road Use Management) Act 1995*, sections 50 and 57 to this part. It provides for an offence if a person refuses to give information about an offence and outlines the persons liable for an offence. This applies for heavy vehicles only and not private vehicles.

Section 6 inserts new schedules 4 to 11.

Schedule 4 sets the fees applying to semitrailers in excess of 15 tonnes that are used as livestock vehicles. Sections 12, 25 and 26 of this regulation refers. These fees have been agreed to by industry and made available for public comment in a regulatory impact statement.

Schedule 5 sets the vehicle mass limits which apply to part 3.

Section 1 specifies the requirements for the mass limits on tyres, wheels and axles and includes specific requirements for retractable axles.

Section 2 specifies the requirements in relation to axle spacing on a vehicle or combination.

Section 3 specifies the requirement of a single vehicle to operate within the manufacturers safety rating.

Section 4 specifies the requirements for a vehicle combination in relation to total mass carried on the road.

Section 5 requires all axle groups (other than twin steer) to have a load sharing suspension system.

Section 6 specifies that vehicles not covered by schedule 5 are covered by schedule 8. This covers all vehicles currently registered that do not meet national standards.

Schedule 6 sets the actual mass limits for tyres, wheels and axles.

Schedule 7 sets the actual mass limits for a vehicle relating to axle spacing.

Note—schedules 5, 6 and 7 provide the mass requirements that are consistent with the regulations contained in the national legislation.

Schedule 8 specifies the requirements for vehicles and combinations that do not comply with the national legislation as set out in schedule 5—i.e. there are vehicles currently registered that do not have load sharing suspensions or do not meet dimension requirements and have lower mass limits as a result.

Schedule 9 sets the actual mass limits for axles and axle groups that do not meet the requirements of schedule 5.

Schedule 10 sets the actual mass limits for gross mass for vehicles that do not meet the requirements of schedule 5.

Note—schedules 9 and 10 are the mass limits prescribed for non conforming vehicles under the *Transport Infrastructure (Roads) Regulation 1991*, sections 3.03 and 3.04 to be repealed by this amendment.

Schedule 11 sets the loading obligations for loading of vehicles and trailers consistent with the regulations contained in the national legislation.

Section 7 is an amendment of schedule 5 (Dictionary) to be renumbered as schedule 12 and provides for definitions consistent with national legislation required to substantiate this *Transport and Traffic Amendment Regulation 1995*.

Section 8 is an insert of attachment not forming part of the regulation. This attachment is required to advise readers of the requirements for a permit covering vehicles operating under section 25 of this amendment.

PART 3—AMENDMENT OF TRANSPORT INFRASTRUCTURE (ROADS) REGULATION 1991

Section 9 cites the regulation amended by this part.

Section 10 repeals sections 3.01 to 3.05 which are no longer necessary as this amendment covers the requirements of these sections.

Section 11 amends the requirement for a vehicle to enter a checking site. This previously applied to vehicles with a tare of more than 4 tonnes and now applies to vehicles with a tare in excess of 4.5 tonnes.

Section 12 amends section 3.08 of the *Transport Infrastructure (Roads) Regulation 1991* by replacing a repealed regulation reference with the new reference.

Section 13 amends section 5.01 of the *Transport Infrastructure (Roads) Regulation 1991* by replacing a repealed regulation reference with the new reference.

Section 14 provides for a transitional continuation of the *Transport Infrastructure (Roads) Regulation 1991*, section 3.05 until 1 July 1996.

Section 15 amends the fee for a traditional registration plate to include the cost of manufacture.

PART 4—AMENDMENT OF TRAFFIC REGULATION 1962

Section 16 cites the regulation amended by this part.

Section 17 omits definitions no longer required due to the repeal of section 77.

Section 18 amends the definition of heavy motor vehicle from 4 tonnes to 4.5 tonnes to comply with the national approach and the requirements of this amendment.

Section 19 repeals section 77 which is no longer necessary as loading is covered by schedule 11 of this amendment.

ENDNOTES

1. Laid before the Legislative Assembly on . . .
2. The administering agency is the Department of Transport.