

Heavy Vehicle (Mass, Dimension and Loading) National Amendment Regulation

Explanatory notes for SL 2014 No. 9

made under the

Heavy Vehicle National Law as applied by the *Heavy Vehicle National Law Act 2012* (Qld) and by the law of States and Territories

General Outline

Short title

Heavy Vehicle (Mass, Dimension and Loading) National Amendment Regulation

Authorising law

Section 730 of the Heavy Vehicle National Law contained in the Schedule to the *Heavy Vehicle National Law Act 2012* (Qld).

Policy objectives and the reasons for them

Under the *Heavy Vehicle National Law Act 2012* (Qld) B-doubles and road trains that are complying with mass and dimension requirements are class 2 vehicles. If a B-double or road train is operating in excess of the mass or dimension requirements prescribed in the *Heavy Vehicle (Mass, Dimension and Loading) National Regulation* it is no longer a class 2 vehicle and would be a class 3 vehicle.

The policy objective is to ensure that the general mass limit of 42.5 tonnes does not apply to a B-double or road train when operating in excess of prescribed mass or dimension limits.

Achievement of policy objectives

The amendment regulation achieves the policy objective by replacing references to class 2 heavy vehicles (which include only B-doubles and road trains that comply with prescribed mass and dimension requirements) in schedules 1 and 5 of the regulation with a reference to B-doubles and road trains.

This will mean that B-doubles and road trains will be subject to the existing mass limits that apply in states and territories and not to a total mass limit of 42.5 tonnes whenever they exceed any prescribed mass or dimension limit.

Failure to amend the *Heavy Vehicle (Mass, Dimension and Loading) National Regulation*, would mean that every time a B-double or road train was operating beyond prescribed mass or dimension limits, it would be committing a severe risk mass breach which attracts a maximum penalty of up to \$20,000.

The proposed amendment will ensure that the use of B-doubles and road trains is not restricted by the imposition of an excessive penalty for what could be a slight breach of a mass or dimension requirement. This amendment is reasonable and practicable as it ensures consistency with the current legislation in states and territories about the mass limits for B-doubles and road trains.

The amendment will take effect in time for the commencement of the *Heavy Vehicle (Mass, Dimension and Loading) National Regulation* so that the correct mass limits will apply from the commencement of the national scheme.

Consistency with policy objectives of authorising law

The regulation is consistent with the main objectives of the Heavy Vehicle National Law which are to promote public safety; manage the impact of heavy vehicles on the environment, road infrastructure and public amenity; promote industry productivity and efficiency in the road transport of goods and passengers by heavy vehicles; and to encourage and promote productive, efficient, innovative and safe business practices.

Inconsistency with policy objectives of other legislation

The regulation is consistent with the policy objectives of other legislation.

Benefits and costs of implementation

There are no costs incurred by implementation of the regulation as it restores the current mass limits applying to B-doubles and road trains.

Consistency with fundamental legislative principles

The regulation is consistent with the fundamental legislative principles.

Consultation

Consultation using national reform approval processes has been undertaken with the National Heavy Vehicle Regulator, transport departments and road authorities in each participating state and territory.