

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to provide for the establishment of schemes enabling certain vehicles to exceed current mass limits, on a restricted and conditional basis, where the vehicles are carrying livestock or grain or have road friendly suspension systems. The schemes correspond to arrangements operating elsewhere in Australia.

Outline of provisions

Part 1 Preliminary

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on the date of assent.

Clause 3 provides for the interpretation of terms used in the proposed Act.

Clause 4 states that notes in the proposed Act do not form part of the Act.

Clause 5 provides that the proposed Act is taken to form part of the *Roads Act 1993*. The proposed Act relates to mass limits contained in the *Road Transport (Mass, Loading and Access) Regulation 1996* made under the *Roads Act 1993*, and this clause will enable appropriate legislative provisions to apply to the proposed Act as well as to that Regulation.

Part 2 Livestock loading

This Part provides for the establishment of a scheme to authorise certain vehicles to be loaded with livestock to optimise densities and to minimise bruising to the animals, and to exempt scheme participants from liability for breaches of specific mass limits while they comply with limits and conditions under the scheme.

Clause 6 states the purpose of the Part.

Clause 7 provides for the establishment of the scheme by notice in the Gazette. The scheme will provide for the authorisation of vehicles to exceed specific mass limits so long as they comply with certain mass and dimension limits and with applicable conditions.

Clause 8 provides for the manner in which an authorisation can be granted under the scheme.

Clause 9 makes provision for accreditation of intending participants in the scheme.

Clause 10 states that a participant in the scheme does not commit an offence for breaches of specific mass limits while complying with applicable limits and conditions under the scheme.

Clause 11 provides for the amendment or revocation of the scheme or authorisations under the scheme.

Part 3 Grain harvest loading

This Part provides for the establishment of a scheme to authorise certain vehicles to be loaded with grain to take into account the difficulty in field loading bulk commodities with varying moisture contents and densities, and to exempt scheme participants from liability for breaches of specific mass limits while they comply with limits and conditions under the scheme.

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Clause 12 states the purpose of the Part.

Clause 13 provides for the establishment of the scheme by notice in the Gazette. The scheme will provide for the authorisation of vehicles to exceed specific mass limits so long as they comply with certain mass and dimension limits and with applicable conditions.

Clause 14 provides for the manner in which an authorisation can be granted under the scheme.

Clause 15 makes provision for accreditation of intending participants in the scheme and of persons to whom grain is to be delivered or by whom grain is to be received

under the scheme.

Clause 16 provides maximum mass limits that may be allowed by authorisations under the scheme.

Clause 17 states that a participant in the scheme does not commit an offence for breaches of specific mass limits while complying with applicable limits and conditions under the scheme.

Clause 18 provides for the amendment or revocation of the scheme or authorisations under the scheme.

Part 4 Vehicles with road friendly suspensions

This Part provides for the establishment of a scheme to authorise certain vehicles with “road friendly suspensions” to operate with increased mass limits, and to exempt scheme participants from liability for breaches of specific mass limits while they comply with limits and conditions under the scheme.

The term “road friendly suspension” is used in other road transport legislation and refers to suspension systems that comply with specific standards that are generally adopted at a national level. The regulations under the proposed Act will identify these suspension systems by reference to requirements specified, described or referred to in the regulations.

Clause 19 states the purpose of the Part.

Clause 20 provides for the establishment of the scheme by notice in the Gazette. The scheme will provide for the authorisation of vehicles to exceed specific mass limits so long as they comply with certain mass and dimension limits and with applicable conditions.

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Clause 21 provides for the manner in which an authorisation can be granted under the scheme.

Clause 22 makes provision for accreditation of intending participants in the scheme.

Clause 23 states that a participant in the scheme does not commit an offence for breaches of specific mass limits while complying with applicable limits and conditions under the scheme.

Clause 24 provides for the amendment or revocation of the scheme or authorisations under the scheme.

Part 5 Miscellaneous

Clause 25 provides for recognition of authorisations given under arrangements operating under a law of the Commonwealth or another State or Territory.

Clause 26 makes it clear that compliance with a scheme does not affect obligations to comply with other requirements relating to vehicles.

Clause 27 makes it clear that it is not intended that the proposed Act would prevent the creation (under other legislation) of other arrangements to deal with matters that are covered by any of the schemes under the proposed Act.

Clause 28 enables the Minister to delegate functions under the proposed Act.

Clause 29 enables a permit under a scheme to be granted with conditions that are in addition to or in substitution for conditions specified in the notice establishing the scheme.

Clause 30 provides for notices under the proposed Act to be in writing.

Clause 31 authorises the making of regulations for the purposes of the proposed Act.