

Interstate Road Transport Amendment Regulations 2004 (No. 1) 2004 No. 346

EXPLANATORY STATEMENT

STATUTORY RULES 2004 NO. 346

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

Interstate Road Transport Act 1985

Interstate Road Transport Amendment Regulations 2004 (No. 1)

The *Interstate Road Transport Act 1985* (the Act) provides for the registration of vehicles involved in interstate trade and commerce under the Federal Interstate Registration Scheme (FIRS). The States and Territories administer the Scheme on behalf of the Australian Government.

Subsection 56(1) of the Act provides that the Governor-General may make regulations, not inconsistent with the Act, prescribing 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.

Subsection 43A(1) of the Act provides that the Minister may determine that certain roads or categories of roads are 'federal routes'. Subject to certain exceptions, the *Interstate Road Transport Regulations 1986* (the Principal Regulations) prohibit the operation of a B-double on a route other than a federal route (subregulation 12L(1)). A B-double consists of a prime mover hauling two semi-trailers.

In addition, subregulation 12C(5) of the Principal Regulations authorises the Minister to determine routes on which a higher mass limit vehicle, other than a B-double, may be driven. Paragraph 12C(6)(a) permits a person to operate such a higher mass vehicle in a State or Territory on such a route.

The Minister's determinations of federal routes are notified in the *Gazette*. Determinations currently in force under subsection 43A(1) of the Act and subregulation 12C(5) of the Principal Regulations refer to routes specified in instruments made under State and Territory legislation.

Under present arrangements Australian Government determinations must be periodically updated to reflect any changes in the State and Territory instruments. Because State and Territory instruments change regularly and advice about such changes is not always provided promptly, Australian Government determinations can be out of date soon after they are gazetted.

The purpose of the Regulations is to remove the necessity for the Minister to determine federal routes for B-doubles and higher mass limit vehicles in line with changes made by the States and Territories. The Regulations now allow such vehicles to operate on routes authorised under a "relevant instrument", being an instrument made under specified State and Territory laws. This arrangement recognises all State and Territory routes and restrictions for the safety of infrastructure that are appropriate. However, it does not impose additional State and Territory conditions on B-doubles or higher mass limit vehicles registered under FIRS.

The Regulations allow for the recognition of all State and Territory routes in a more efficient manner, remove uncertainty and provide clarity for operators.

The Australian Government retains the ability to make determinations under subsection 43A(1) of the Act and subregulation 12C(5) of the Principal Regulations should the need arise to specify routes other than those authorised by the States and Territories.

The Regulations require that B-doubles and higher mass limit vehicles registered under FIRS must comply with the operational requirements of FIRS on routes determined by relevant State and Territory authorities. Conditions relating to the safety of infrastructure imposed by authorities (for example, bridge weight capacity) are also applied to B-doubles and higher mass limit vehicles registered under FIRS. Other conditions (non-infrastructure safety) do not apply to B-doubles and higher mass limit vehicles registered under FIRS.

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

The Regulations commenced on the date of their notification in the *Gazette*.

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

ATTACHMENT

Details of the *Interstate Road Transport Amendment Regulations 2004 (No. 1)*

1 Name of Regulations

This regulation provides that these regulations are cited as the *Interstate Road Transport Amendment Regulations 2004 (No. 1)*.

2 Commencement

This regulation provides that these regulations commenced on the date of their notification in the *Gazette*.

3 Amendment of *Interstate Road Transport Amendment Regulations 2004 (No. 1)*.

This regulation provides that Schedule 1 amends the *Interstate Road Transport Regulations 1986*.

Schedule 1 Amendments commencing on gazettal

Item 1 Subregulation 12C(5), note

This item substitutes the note after subregulation 12C(5) which is a cross-reference to the operation of B-doubles, to reflect amendments to subregulation 12L(1) contained in item 5, below.

Item 2 Paragraph 12C(6)(a)

This item substitutes Paragraph 12C(6)(a) to specify that a higher mass limit vehicle may also travel on a route that is authorised under a relevant instrument in addition to a route determined by the Minister. 'Relevant instrument' is defined in new subregulation 12C(8) - see item 4, below.

Item 3 After subregulation 12C(6), including the penalty

This item inserts a new subregulation 12C(6A) to clarify that higher mass limit vehicles must be operated in accordance with any conditions relating to infrastructure safety to which the relevant instrument for the route is subject. This does not impose additional State and Territory conditions on higher mass limit vehicles registered under the FIRS. An offence against subregulation 12C(6A) will attract a penalty of 10 penalty units. Under the *Crimes Act 1914* one penalty unit equals \$110.

Item 4 After subregulation 12C(7), including the note

This item inserts a new subregulation 12C(8) to define a 'relevant instrument' for higher mass limit vehicles as an instrument made under a State or Territory law that is set out in Part 1 of new Schedule 4A.

Item 5 Subregulation 12L(1), including the penalty

This item substitutes 12L(1) to specify that a B-double vehicle may also travel on a route that is authorised under a relevant instrument in addition to a route determined by the Minister.

'Relevant instrument' is defined in new subregulation 12L(5) - see item 8, below. An offence against subregulation 12L(1) attracts a penalty of 10 penalty units.

Item 6 Subregulation 12L(2)

This item omits *'federal route'* from subregulation 12L(2) and inserts *'a route mentioned in paragraph (1) (a) and (b)'*, to reflect the amendments made by item 5, above.

Item 7 After subregulation 12L(2)

This item inserts a new subregulation 12L(2A) to specify that B-doubles must be operated in accordance with any conditions relating to infrastructure safety to which the relevant instrument for the route is subject. This does not impose additional State and Territory conditions on higher mass limit vehicles registered under the FIRS. An offence against subregulation 12L(2A) attracts a penalty of 10 penalty units.

Item 8 After subregulation 12L(4), including the note

This item inserts a new subregulation 12L(5) to define a 'relevant instrument' for B-doubles as an instrument made under a State or Territory law that is set out in Part 2 of new Schedule 4A.

Item 9 After Schedule 4

This item inserts Schedule 4A, to specify the State and Territory laws under which relevant instruments are made; Part 1 specifies laws for higher mass limit vehicles and Part 2 specifies laws for B-doubles.