



New South Wales

Road Transport Efficiency Bill 2003

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.

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.

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.



New South Wales

Road Transport Efficiency Bill 2003

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New South Wales

Road Transport Efficiency Bill 2003

No. , 2002

A Bill for

An Act to improve the efficiency of road transport in certain respects; and for other purposes.

Clause 1 Road Transport Efficiency Bill 2003

Part 1 Preliminary

The Legislature of New South Wales enacts: 1

Part 1 Preliminary 2

1 Name of Act 3

This Act is the *Road Transport Efficiency Act 2003*. 4

2 Commencement 5

This Act commences on the date of assent. 6

3 Definitions 7

(1) Terms used in this Act have the same meanings as in the *Road Transport (Mass, Loading and Access) Regulation 1996*, except in so far as they are defined in subsection (2). 8
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(2) In this Act: 11

Authority means: 12

(a) the Minister, or 13

(b) a person to whom the powers of the Minister are delegated for the purposes of the provision in which the term is used. 14
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grain means kinds of grain specified in the regulations. 16

livestock means cattle, sheep or pigs, or any other animals prescribed by the regulations. 17
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regulation mass limits (however expressed) means mass limits imposed by or under the *Road Transport (Mass, Loading and Access) Regulation 1996*. 19
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road friendly suspension means a system of suspension for vehicles or combinations that complies with the requirements specified in the regulations. 22
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specified, in relation to an authorisation or regulation under this Act, means specified, described or referred to in the authorisation or regulation. 25
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4 Notes 28

Notes included in this Act do not form part of this Act. 29

5	Operation of Act	1
(1)	This Act is to be construed with, and as if it formed part of, the <i>Roads Act 1993</i> .	2 3
(2)	In the event of an inconsistency between this Act and the <i>Roads Act 1993</i> , this Act prevails to the extent of the inconsistency.	4 5

Part 2 Livestock loading	1
6 Purpose	2
The purpose of this Part is:	3
(a) to provide for the establishment of a scheme to authorise certain vehicles and combinations to be loaded to optimum densities for efficient movement of livestock and to minimise bruising to the animals, and	4 5 6 7
(b) to empower the imposition of conditions, including conditions to protect road infrastructure, in connection with the grant of any such authorisation.	8 9 10
7 Establishment of scheme	11
(1) The Authority may, by notice published in the Gazette, establish a scheme to authorise vehicles or combinations that carry livestock and that exceed specified regulation mass limits to travel on roads if they comply with:	12 13 14 15
(a) mass and dimension limits, and	16
(b) conditions (including conditions relating to the protection of road infrastructure),	17 18
specified in the notice or in an authorisation under the scheme.	19
(2) Without limiting the conditions that may be included, the conditions may specify the areas in which or the roads on which a vehicle or combination may only be driven under an authorisation.	20 21 22
(3) The scheme may specify provisions of the <i>Road Transport (Mass, Loading and Access) Regulation 1996</i> from which the operator or driver of a vehicle or combination covered by an authorisation is exempt while complying with the applicable limits and conditions.	23 24 25 26
8 Grant of authorisation	27
The scheme under this Part may provide that an authorisation may be granted under the scheme by:	28 29
(a) the notice by which the scheme is established, or	30
(b) a later notice of authorisation published in the Gazette, or	31
(c) a permit granted to the operator of a particular vehicle or combination.	32 33

9 Accreditation	1
An authorisation under this Part must not be granted in relation to vehicles or combinations whose owners, operators or drivers do not satisfy the applicable accreditation requirements (if any) specified in the regulations.	2 3 4 5
10 Effect of authorisation	6
A person does not commit an offence in respect of a vehicle or combination that exceeds a regulation mass limit referred to in section 7 if:	7 8 9
(a) an authorisation under this Part is in force in relation to the vehicle or combination, and	10 11
(b) the limits and conditions applicable under the scheme are not contravened.	12 13
11 Amendment or revocation of scheme or authorisation	14
(1) The Authority may amend or revoke a scheme established under this Part by a later notice published in the Gazette.	15 16
(2) The Authority may amend or revoke a notice of authorisation by a later notice published in the Gazette.	17 18
(3) The Authority may amend or revoke a permit of authorisation by a notice that is served on or sent to the operator of the vehicle or combination concerned or is published in the Gazette.	19 20 21
(4) The Authority may remove a vehicle or combination from coverage under a scheme or notice of authorisation by a later notice that is served on or sent to the operator of the vehicle or combination concerned or is published in the Gazette.	22 23 24 25

Part 3 Grain harvest loading 1

12 Purpose 2

The purpose of this Part is: 3

- (a) to provide for the establishment of a scheme to authorise certain vehicles and combinations to be loaded with grain to take into account the difficulty in field loading bulk commodities with varying moisture contents and densities, and 4
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7
- (b) to empower the imposition of conditions, including conditions to protect road infrastructure, in connection with the grant of any such authorisation. 8
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13 Establishment of scheme 11

(1) The Authority may, by notice published in the Gazette, establish a scheme to authorise vehicles or combinations that carry grain and that exceed specified regulation mass limits to travel on roads if they comply with: 12
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- (a) mass and dimension limits, and 16
- (b) conditions (including conditions relating to the protection of road infrastructure), 17
18

specified in the notice or in an authorisation under the scheme. 19

(2) Without limiting the conditions that may be included, the conditions may specify the areas in which or the roads on which a vehicle or combination may only be driven under an authorisation. 20
21
22

(3) The scheme may specify provisions of the *Road Transport (Mass, Loading and Access) Regulation 1996* from which the operator or driver of a vehicle or combination covered by an authorisation is exempt while complying with the applicable limits and conditions. 23
24
25
26

14 Grant of authorisation 27

The scheme under this Part may provide that an authorisation may be granted under the scheme by: 28
29

- (a) the notice by which the scheme is established, or 30
- (b) a later notice of authorisation published in the Gazette, or 31
- (c) a permit granted to the operator of a particular vehicle or combination. 32
33

15 Accreditation	1
(1) An authorisation under this Part must not be granted in relation to vehicles or combinations whose owners, operators or drivers do not satisfy the applicable accreditation requirements (if any) specified in the regulations.	2 3 4 5
(2) An authorisation under this Part must not be granted so as to authorise delivery of grain to or receipt of grain by a person or facility that does not satisfy the applicable accreditation requirements (if any) specified in the regulations.	6 7 8 9
16 Maximum level by which mass limits may be exceeded	10
(1) An authorisation under this Part may allow vehicles or combinations covered by the authorisation to operate up to but not exceeding:	11 12
(a) 7.5% over regulation gross mass limits, and	13
(b) 10% over regulation axle mass limits or axle group mass limits.	14
(2) An authorisation under this Part cannot allow vehicles or combinations covered by the authorisation to operate over the manufacturers' gross mass ratings.	15 16 17
17 Effect of authorisation	18
A person does not commit an offence in respect of a vehicle or combination that exceeds a regulation mass limit referred to in section 13 if:	19 20 21
(a) an authorisation under this Part is in force in relation to the vehicle or combination, and	22 23
(b) the limits and conditions applicable under the scheme are not contravened.	24 25
18 Amendment or revocation of scheme or authorisation	26
(1) The Authority may amend or revoke a scheme established under this Part by a later notice published in the Gazette.	27 28
(2) The Authority may amend or revoke a notice of authorisation by a later notice published in the Gazette.	29 30
(3) The Authority may amend or revoke a permit of authorisation by a notice that is served on or sent to the operator of the vehicle or combination concerned or is published in the Gazette.	31 32 33

Part 4 Vehicles with road friendly suspensions	1
19 Purpose	2
(1) The purpose of this Part is:	3
(a) to provide for the establishment of a scheme to authorise certain vehicles and combinations with road friendly suspensions to have increased mass limits, and	4 5 6
(b) to empower the imposition of conditions, including conditions to protect road infrastructure, in connection with the grant of any such authorisation.	7 8 9
(2) The purpose of the scheme is:	10
(a) to enhance community welfare, and	11
(b) to increase the productivity of the road transport industry, and	12
(c) to improve road safety, and	13
(d) to facilitate trade and economic benefit, and	14
(e) to advance the public interest.	15
20 Establishment of scheme	16
(1) The Authority may, by notice published in the Gazette, establish a scheme to authorise vehicles or combinations that have road friendly suspensions and that exceed specified regulation mass limits to travel on roads if they comply with:	17 18 19 20
(a) mass and dimension limits, and	21
(b) conditions (including conditions relating to the protection of road infrastructure),	22 23
specified in the notice or in an authorisation under the scheme.	24
(2) Without limiting the conditions that may be included, the conditions may specify the areas in which or the roads on which a vehicle or combination may only be driven under an authorisation.	25 26 27
(3) The scheme may specify provisions of the <i>Road Transport (Mass, Loading and Access) Regulation 1996</i> from which the operator or driver of a vehicle or combination covered by an authorisation is exempt while complying with the applicable limits and conditions.	28 29 30 31

21	Grant of authorisation	1
	The scheme under this Part may provide that an authorisation may be granted under the scheme by:	2
		3
	(a) the notice by which the scheme is established, or	4
	(b) a later notice of authorisation published in the Gazette, or	5
	(c) a permit granted to the operator of a particular vehicle or combination.	6
		7
22	Accreditation	8
	An authorisation under this Part must not be granted in relation to vehicles or combinations whose owners, operators or drivers do not satisfy the applicable accreditation requirements (if any) specified in the regulations.	9
		10
		11
		12
23	Effect of authorisation	13
	A person does not commit an offence in respect of a vehicle or combination that exceeds a regulation mass limit referred to in section 20 if:	14
		15
		16
	(a) an authorisation under this Part is in force in relation to the vehicle or combination, and	17
		18
	(b) the limits and conditions applicable under the scheme are not contravened.	19
		20
24	Amendment or revocation of scheme or authorisation	21
	(1) The Authority may amend or revoke a scheme established under this Part by a later notice published in the Gazette.	22
		23
	(2) The Authority may amend or revoke a notice of authorisation by a later notice published in the Gazette.	24
		25
	(3) The Authority may amend or revoke a permit of authorisation by a notice that is served on or sent to the operator of the vehicle or combination concerned or is published in the Gazette.	26
		27
		28
	(4) The Authority may remove a vehicle or combination from coverage under a scheme or notice of authorisation by a later notice that is served on or sent to the operator of the vehicle or combination concerned or is published in the Gazette.	29
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Part 5 Miscellaneous

25	Recognition of schemes of other jurisdictions	2
(1)	The regulations may declare an authorisation (however expressed) granted or given under a scheme established under the law of the Commonwealth or another State or Territory to be an authorisation that corresponds to an authorisation granted under a scheme established under this Act.	3 4 5 6 7
(2)	This Act applies to a declared authorisation as if it had been granted under this Act, and so applies:	8 9
(a)	subject to paragraph (b), with any necessary modifications, and	10
(b)	with any modifications specified in the regulations.	11
26	Contraventions of other laws	12
	Nothing in this Act, or in a notice or permit under this Act, authorises the driving of a vehicle or combination in a manner or in a condition or place that is contrary to any law except as specifically provided in this Act or in a notice or permit under this Act.	13 14 15 16
	Note. For example, the exemption under Part 4 of certain vehicles or combinations with road friendly suspension from mass limits does not permit such a vehicle or combination when used on a particular road to be driven over any bridge on that road in contravention of a signposted mass or dimension limit in relation to that bridge.	17 18 19 20 21
27	Other authorisations or exemptions not affected	22
(1)	Nothing in this Act, or in a scheme, notice or permit under this Act, prevents:	23 24
(a)	the making of a regulation under another Act, or	25
(b)	the publication or issue of a notice or permit under another Act or under a regulation under another Act,	26 27
	for:	28
(c)	authorising vehicles or combinations or categories of vehicles or combinations to be driven in contravention of any requirements or limits or of anything else in relation to any of the matters to which this Act applies, or	29 30 31 32
(d)	exempting vehicles or combinations or categories of vehicles or combinations from any requirements or limits or from anything else in relation to any of the matters to which this Act applies.	33 34 35

(2)	A reference in this section to another Act includes a reference to the <i>Roads Act 1993</i> .	1 2
28	Delegation	3
(1)	The Minister may delegate to any person any of the Minister's functions under this Act, other than this power of delegation.	4 5
(2)	A delegate may sub-delegate to any person any delegated function if and to the extent authorised in the instrument of delegation or in another instrument signed by the Minister.	6 7 8
29	Permits	9
	A permit granted under a scheme established under this Act may contain conditions that are in addition to or in substitution for any conditions that are specified in the notice by which the scheme is established.	10 11 12 13
30	Notices	14
	Notices under this Act are to be in writing.	15
31	Regulations	16
	The Governor may make regulations, not inconsistent with this Act, for or with respect to any matter that by this Act is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Act.	17 18 19 20