

Road Transport (Dimensions and Mass) 6.5 Tonnes Single Steer Axle Exemption Notice 2009 (No 2)

Disallowable Instrument DI 2009—132

made under the

Road Transport (Dimensions and Mass) Act 1990, section 31A (1) (Exemptions)

EXPLANATORY STATEMENT

Legislative Context

Mass limits applicable to heavy vehicles are determined under the *Road Transport (Dimensions and Mass) Act 1990* (*the Act*).

Schedules 1 and 2 of the *Road Transport (Dimension and Mass) (Mass Limits of Vehicles or Combinations) Determination 2006 (No 1)* (DI2006-119) set out the mass limits determined by the Minister for the purposes of section 24 of the Act in relation to the gross mass of a vehicle and section 25 of the Act in relation to the mass carried by the wheel of an axle, the axle load of an axle, or the axle group load of an axle group of a vehicle.

Section 31A of the Act allows the Minister to issue notices exempting specified classes of heavy vehicles or combinations from any or all of the normal requirements of Part 3 (relating to loads and equipment).

Section 31A of the Act provides that an exemption notice is a disallowable instrument under the *Legislation Act 2001*.

Background

Australian Transport Ministers agreed in October 2006 to support a National Transport Commission recommendation to increase the steer axle mass limit by 500kgs for certain heavy trucks.

The policy encourages the uptake of heavy trucks that are all equipped with cleaner engines, front under-run protection and stronger, safer cabins. The additional equipment adds weight to the front steer axle, therefore the allowable mass on steer axles has been increased to accommodate the extra weight. Positive outcomes from this initiative include significant improvements for the environment and expected reduction in the severity of accidents involving heavy trucks.

Vehicle eligibility for increased axle mass

Heavy trucks with a gross vehicle mass (*GVM*) of 15 tonnes or more that are fitted with lower emission engines, front under-run protection systems and stronger, safer cabins will be permitted to have an additional 500kg on the front steer axle to a maximum limit of 6.5 tonnes. Additionally, the 500kg increase also applies to the *GVM* and gross combination mass (*GCM*) of the vehicle.

The increased weight limits are available to operators provided:

- (a) the vehicle is fitted with an engine complying with the emission control requirements of Australian Design Rule 80/01 or a later version of ADR 80; and
- (b) the vehicle is fitted with front under-run protection system that complies with the United Nations Economic Commission for Europe (*UN ECE*) Regulation No 93; and
- (c) the vehicle is fitted with a cabin that complies with UN ECE Regulation No. 29.

If a vehicle is currently entitled to operate with a steer axle mass of more than 6.0 tonnes, but not more than 6.5 tonnes, the vehicle is only permitted to operate to a maximum of 6.5 tonnes. If a vehicle is currently entitled to operate with a steer axle mass of more than 6.5 tonnes, additional mass is not permitted under this exemption.

The *GVM* and *GCM* of the vehicle may only increase by the additional mass applied to the front steer axle. For example, if the front steer axle has increased by 250kg due to being equipped with front under-run protection, cabin strength and ADR 80/01 engines, the *GVM* and *GCM* can only be increased by 250kg. The remaining 250kg is not permitted to be utilised on any other axle group.

Conditions of operation

Vehicles seeking eligibility to operate at the higher mass limit must be identified with the fitment of approval plates indicating the vehicle meets ADR 80/01, front under-run protection and cabin strength.

New trucks supplied to the market that are compliant with ADR80/01 (or a later version), the UN ECE 29 cab strength and the UN ECE 93 front under-run protection system will have an approval plate/s fitted by the manufacturer to indicate compliance to these standards.

Any truck modified by the fitting of an additional device, that is not an approved front under-run protection device, must be approved by a Competent Entity.

In the case where a bull bar is fitted to a vehicle with a front under-run protection system that is integral to the vehicle, then the bull bar must be plated to identify that it is compatible with the vehicle's compliance to UN ECE 93.

If a vehicle is plated by the manufacturer as complying with ADR80/01 (or a later version) and UN ECE 29 (cab strength), but not with UN ECE 93 (front under-run protection system), it is not entitled to exceed 6.0 tonnes on the steer axle. If an approved front under-run protection system is subsequently fitted and approved it would then be entitled to carry up to 6.5 tonnes on the steer axle.

A Competent Entity is a Compliance Plate Approval (*CPA*) holder of heavy vehicle manufacturing or a person or organisation appointed by an Australian Road Authority, and issued with a unique identification number, to certify that the requirements for front under-run protection and cabin strength have been met, and continue to be met, and who may authorise the fixing of approval plates to a front under-run protection device and a vehicle.

In the case of a CPA holder the unique identification number may be the Australian Government Department of Infrastructure, Transport, Regional Development and Local Government's Road Vehicle Certification System licensee number.

It is a condition of the exemption notice that a copy of the exemption notice be carried in any vehicle to which the notice applies while operating in the ACT in accordance with its terms.

The conditions specified in the exemption notice are consistent with those which apply in New South Wales.

Commencement

The instrument takes effect on the day after its notification on the legislation register.

Displacement of the Legislation Act, section 47 (6)

The notice specifies certain matters by reference to Australian Design Rule 80, and United Nations Economic Commission for Europe regulations, as in force from time to time. Section 5 of the instrument displaces the operation of section 47 (6) of the *Legislation Act 2001*. The effect of the displacement is that the design rule and regulations are not notifiable instruments. However, the notice includes notes about where the design rule and regulations may be accessed.