

Australian Capital Territory

Road Transport (Dimensions and Mass) Concessional Mass Limits (CML) Exemption Notice 2006

Disallowable Instrument DI 2006—134

made under the

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

EXPLANATORY STATEMENT

Legislative Context

Section 31A of the *Road Transport (Dimensions and Mass) Act 1990* (the Act) allows the Minister to issue notices exempting specified classes of vehicles or combinations from any or all of the normal requirements of Part II of the Act (relating to vehicle dimension and design) or Part III (relating to loads and equipment).

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

Determination

Vehicles and Conditions of the Notice

The exemption notice exempts vehicles and operators accredited under the Mass Management module of the National Heavy Vehicle Accreditation Scheme (NHVAS), from the provisions of DI2006-119, which currently determines vehicle mass limits, subject to the conditions and requirements set out in the Schedule to this Notice.

As part of the national compliance and enforcement reform package, Austroads established a measurement adjustment (MA's) weighing regime, that will reduce the mass available to accredited operators under the existing concessional mass arrangements that were provided for in the *Alternative Compliance National Policy*, approved by ATC in November 1997.

The introduction of CML for operators accredited under the Mass Management module of the National Heavy Vehicle Accreditation Scheme (NHVAS) will give effect to the COAG recommendation, (10 Feb 06 – National Competition Policy review) on the implementation of previously agreed national policies.

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The concessional mass limits for operators accredited in the Mass Management module of NHVAS provides an incentive to join operator accreditation and a means of retaining access to current productivity levels following the introduction of the MA's.

The ACT does not offer NHVAS accreditation due to the small number of heavy vehicle operators in the ACT and the costs associated with running such a scheme. There is an arrangement in place whereby NSW will accept into their NHVAS, ACT heavy vehicle operators seeking to join an accreditation scheme.

The Exemption Notice reflects nationally agreed policy relating to increasing the mass limits on the vehicles described in the Notice. Under the Notice, vehicles complying with the nationally agreed concessional mass limits will not require permits to operate in the ACT.

These and the other conditions that apply to the operation of vehicles operating at CML in the ACT are contained in the Schedule to the Instrument:

Part 1 of the Schedule - specifies eligible and non-eligible vehicles or combinations; and

Part 2 - specifies operating requirements and other conditions, including mass limits.

It is a condition of the exemption notice that a copy of the exemption notice and any other Notice pertaining to the vehicle or combination, be carried in any vehicle to which this notice applies while operating in the ACT in accordance with its terms.

The conditions specified in the exemption notice are consistent with those that will apply in all jurisdictions from 1 July 2006.

The instrument takes effect on 1 July 2006.

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