

## Old Transport and Main Roads (TMR) and National Heavy Vehicle Regulator (NHVR) Regulations

Summary –

- **From 20 April 2024** responsibility for compliance with rules for heavy vehicles (all vehicles exceeding 4.5 tonne mass) has been transferred from TMR to **NHVR**.
- NHVR will have substantially more compliance officers monitoring rules pertaining to loading sugar cane in bins, use of flotation tyres, weight of heavy vehicles etc in the Burdekin from the commencement of the 2024 season.
- **Harvesting Contractors** should ensure compliance with:
  - loading of bins (that is, **bins must not be overloaded** so that cane spills off the top of bins on to the road);
  - drivers to not exceed fatigue management rules;
  - Use of flotation tyres; and
  - Weight/mass of vehicles.
- **Growers** should ensure compliance with primary duty as the consignor in the chain of responsibility for the transport of the cane to the siding, as far as is reasonably practicable. For example, proper instructions are given to harvesting contractor/haulout drivers in relation to any farm obstacles (drains, power lines, recycle pits etc); encourage compliance with loading of bins etc. Note: as the farm is a joint workplace, Workplace Health and Safety regulations are also applicable.

See below for further information:

### Loading of bins

- Bins do not have to be covered at this stage.
- Enforcement action will be taken where bins are over filled or billets are dropped on the road.
- **NB:** The sugar industry is operating on an exemption for covering a load. This exemption is currently under review. Should contravention of the guidelines occur (over filled bins or spillage of billets on the roadway) this may jeopardise this exemption.
- **Harvesting Contractors need to therefore be vigilant that bins are not over filled and there is no spillage of billets on the roadway.**

### Guidelines:

See **attached** Guidelines for Loading of Sugar Industry Cane Haulage Units for Travel on Public Roads (negotiated with TMR in 2013).

Summary of Guidelines –

- Cane bins must be loaded in a manner such that the resulting freeboard (vertical distance between the top rail of the bin and the lower edge of a cane peak) is sufficient to contain any settling which during the trip is likely to occur.
- **NB:** There should be no risk of spillage over the top of the bin.

- Any loss of cane billets on a public road is to be removed as soon as possible by the vehicle operator or contractor. Failure to do so may incur an infringement notice (Ensure it is safe to remove the billets from the roadway and do not create a hazard to other road users).

### **Flotation Tyres – Old Class 3 Tandem Drive Axle Mass Exemption Notice 2022**

- Pursuant to the Heavy Vehicle National Law (Exemption Notice 2022 (No. 1) (*attached*) commenced on 1 July 2022 and expired 30 June 2027 cane haulout trucks fitted with flotation tyres in Queensland are exempt from certain mass requirements.
- **Flotation Tyre** means Alliance MPT382 flotation tyres, size 600/50R22.5.
- **Exemption** – section 4 Mass limits for a single axle or axle group, conditional on mass limits:
  - A. **Mass** – on tandem axle drive group must not exceed 16.5 t; and
  - B. **Speed limit ratings** – See Appendix 1 (*attached*).
- **Record keeping** – must maintain written records showing how the risks are managed for each journey in relation to:
  - A. Tyre inflation pressure; and
  - B. Axle mass loading when the vehicle is operated on the road.
- **Conditions on vehicle modifications** (Modification Code D3 (Fitting of non-standard rear wheel components) of the National Code of Practice Heavy Vehicle Modifications (VSB6)) must be complied with (*attached*) except when either of the following applies:
  - A. Fitment of flotation tyres is an original vehicle manufacturer’s approved option and manufacturer’s requirements for fitting flotation tyres are complied with; or
  - B. The cane haulout truck was fitted with flotation tyres and operating under the previous Exemption Notice 2017 prior to 1 July 2022 **AND** documented evidence showing that when fitted with flotation tyres the haulout truck speedometer calibration, speed limiting and braking performance complies with vehicle standards requirements.

### **Heavy Vehicle – Fatigue management – primary producers**

- Applies where the GVM is over 12 tonne or a combination of truck/attached implement (ie bins) is over 12 tonne.
- **Operating a heavy vehicle** = includes driving, supervising another driving; sitting in the driver’s seat while the engine is running; loading/unloading; inspecting the vehicle; attending to the load; cleaning or refuelling the vehicle.
- Waiting for the delivery of bins does not equate to working if the driver is not occupying the driver’s seat whilst the engine is running.
- **Record keeping:** drivers and operators must track work and rest to insure compliance and not driving whilst impaired by fatigue.
- **In a 24 hour period**, a driver must have at least 12 hours of rest time (ie not operating a heavy vehicle – see above definition), including:
  - 15 minutes within the first 5 ½ hours;
  - 30 minutes within the first 8 hours;
  - 60 minutes within the first 11 hours;
  - 7 continuous hours of stationary rest time.
- **Maximum hours of work within 7 days** – 72 hours work time and 24 continuous hours stationary rest time required (ie only work 6 out of 7 days)
- **Mandatory minimum rest break** – every 14 days – 2 x night rest breaks **and** 2 x night rest breaks taken on consecutive days.

- Under Chain of Responsibility (see below) – must take reasonable steps to ensure drivers are not impaired by fatigue.

### **National Heavy Vehicle Law:**

**NB: NHV Law applies where the vehicle has a 4.5 tonne mass or greater.**

**All people in the “Chain of Responsibility” have primary duties to ensure the safety of your transport activities.**

- **Chain of Responsibility** – every person in the chain has a duty to ensure **as far as is reasonably practical the safety of your transport activities.**
- **Primary Duty** – that is, things you can influence or control or your ability to control, eliminate or minimise risk.
- **Primary Duty** – is to manage the risks and hazards that arise from your transport activities, namely:
  - Identify the risk;
  - Assess the risk; and
  - Eliminate or minimise (if elimination is not possible) the risk.
- **People in the “Chain of Responsibility” that have a “Primary Duty”** include:
  - **Grower = consignor** (consigns the goods for transport).
  - **Miller = consignee** (receives the goods being transported).
  - **Harvesting Contractor = employer** and employs a driver.
  - **Prime Contractor** = engaging someone to drive a heavy vehicle.
  - **Manager or Executive** = someone who takes part in the management of the business – must exercise due diligence to ensure that the business complies with its primary duty.
- **Driver** – is not in the chain of responsibility, however, has other duties in relation to compliance with regulations of operating a heavy vehicle, fatigue management and State Government traffic and licence laws.

**Note: This is for general information purposes only; it is not meant to be comprehensive and is not to be taken as the giving of legal advice.**