

NSW Minerals Council

Inquiry into the impacts on health of air quality in Australia Answers to Questions on Notice – 16 April 2013 – Newcastle

In relation to the question on notice relevant to myself on page 28 of the Hansard, I can provide the following response:

The *Road Transport (Mass, Loading and Access) Regulation 2005* - Section 61 states the following:

“(1) A load on a vehicle or a trailer must not be placed in a way that makes the vehicle unstable or unsafe.

(2) A load on a vehicle or a trailer must be secured so that it is unlikely to fall or be dislodged from the vehicle.

(3) An appropriate method must be used to restrain the load on a vehicle.

(4) In proceedings for a contravention of a requirement under this clause, it is sufficient for the prosecution to prove that the load on the vehicle was not placed, secured or restrained (as the case requires) in a way that met the performance standards recommended in the Load Restraint Guide: Guidelines and performance standards for the safe carriage of loads on road vehicles, Second Edition, as published by the National Transport Commission in April 2004.

(5) In proceedings for a failure to comply with this clause, a document purporting to be the Load Restraint Guide referred to subclause (4) is taken to be the Load Restraint Guide, unless the document is proved by the defendant not to be the Load Restraint Guide.

(6) If the prosecution in proceedings for a contravention of a requirement under subclause (2) proves that the load, or part of the load, had fallen off the vehicle, the burden of proof is on the defendant to show compliance.”

All vehicle loads are governed by this legislation to ensure the safety of other vehicles on roads.

3 May 2013