

New Road Transport National Compliance and Enforcement Laws

Information Sheet 3 - Categories of risk for breaches

National model legislation covering road transport of goods and passengers is to be introduced throughout Australia.

The new laws have been developed by the National Transport Commission in consultation with all Australian licensing jurisdictions and industry representatives.

The Department of Transport stresses that no load that exceeds the limits is acceptable.

However, to maximise consistency of compliance and enforcement throughout Australia and to reflect more accurately the impact of breaches on road safety, damage to infrastructure and unfair competition categories of risk have been developed. Western Australia will be adopting the three categories, which will apply to all mass, dimension and loading offences:

- **Minor**
- **Substantial**
- **Severe**



The category into which the breach falls will be determined initially by how much the load exceeds the statutory limits. In addition to this, the breach may move into a higher category if it occurs under circumstances that increase the risk or danger to the public (eg a load projecting at night-time or in conditions of reduced visibility may be considered in a higher category than if it occurred during times of good visibility).

Specific details of the factors affecting the categories of risk are spelt out in the new legislation. The fundamental break points for the various risk categories are outlined on the next page.

You should note that if you are caught repeatedly breaching the laws, even as a minor risk, you could be deemed a persistent offender and you could face more severe sanctions.

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	Minor	Substantial	Severe
Mass	Less than 105% of maximum permitted mass	Equal to or greater than 105% and less than 120% of the maximum permitted mass	Equal to or greater than 120% of the maximum permitted mass
Length	Less than 350mm over the maximum permitted length	Equal to or greater than 350mm and less than 600mm over the maximum permitted length	Equal to or greater than 600mm over the maximum permitted length
Width	Less than 100mm over the maximum permitted width	Equal to or greater than 100mm and less than 150mm over the maximum permitted width	Equal to or greater than 150mm over the maximum permitted width
Projection	Less than 40mm over the maximum permitted projection	Equal to or greater than 40mm and less than 80mm over the maximum permitted projection	Equal to or greater than 80mm over the maximum permitted projection
Height	Less than 150mm over the maximum permitted height	Equal to or greater than 150mm and less than 300mm over the maximum permitted height	Equal to or greater than 300mm over the maximum permitted height
Loading	Not assessed on quantitative values See Part 4 of the Model Legislation		

Further information

The model legislation is available on:

The National Transport Commission web site at:
www.ntc.gov.au/filemedia/Reforms/RTRCandEBill3Nov203.pdf

The Department of Transport at: www.transport.wa.gov.au

If you have further questions, you may e-mail us on: cande@transport.wa.gov.au