

Heavy Vehicle (Vehicle Standards) National Regulation

Explanatory Notes for SL 2013 No. 76

made under the

Heavy Vehicle National Law as applied by the *Heavy Vehicle National Law Act 2012* (Qld) and by the law of States and Territories

General outline

Short title

Heavy Vehicle (Vehicle Standards) National Regulation.

Authorising law

Section 730 of the *Heavy Vehicle National Law* contained in the Schedule to the *Heavy Vehicle National Law Act 2012* (Qld).

Policy objectives and the reasons for them

The Heavy Vehicle National Law (the National Law) is a Council of Australian Governments (COAG) reform that introduces a national scheme for the regulation of heavy vehicles used on public roads. The scheme is to be administered by the National Heavy Vehicle Regulator which is established by the *Heavy Vehicle National Law* and is based in Brisbane.

The policy objective of the Regulation is to prescribe nationally uniform standards with which heavy motor vehicles, trailers and combinations must comply to use roads.

It is intended that the Regulation will promote the safe use of heavy motor vehicles, trailers and combinations on the road.

Achievement of policy objectives

The Regulation is part of a suite of legislative measures to reconcile variations in state heavy vehicle laws to a single, unified approach applicable across all states and territories and through the establishment of the National Heavy Vehicle Regulator to administer those laws. This is achieved through the National Law and associated regulations being applied by state and territory jurisdictions as law in their respective jurisdictions.

The Vehicle Standards requirements contained in this regulation are largely consistent with those currently imposed in Queensland by the *Transport Operations (Road Use Management) Act 1995* (Qld) and the *Transport Operations (Road Use Management—Vehicle Standards and Safety) Regulation 2010* (Qld).

These legislative measures implement commitments in the *Intergovernmental Agreement on Heavy Vehicle Regulatory Reform* signed by the Council of Australian Governments on 19 August 2011.

The policy objectives of the regulation have been achieved by adopting the *Australian Vehicle Standards Rules 1999* (AVSRs), which sets out the standards for vehicles.

The AVSRs are influenced by the Australian Design Rules (ADRs), which are made under the *Motor Vehicle Standards Act 1989* (Cth) and apply to all motor vehicles imported into or manufactured in Australia since the introduction of those rules in the 1960s. The ADRs apply to the design and construction of new motor vehicles, while the AVSRs apply to their continued compliance with applicable ADRs, once the vehicle is first registered, as well as other matters such as heavy vehicles operating as combinations.

The adoption and consolidation of the AVSRs into the Regulation is critical for the effective operation of the vehicle standards provisions of the National Law.

In general, the application of the Regulation in state and territory jurisdictions should not require a significant change in jurisdictional practice, as there has been a high degree of uniformity amongst the jurisdictions in their implementation of the AVSRs.

The removal of one jurisdictional variation that is expected to lead to a net benefit is the removal of the requirement that B-Doubles be fitted with spray suppression devices. There is no scientific evidence that spray suppression devices built to the specified standard produce 'real-world' safety benefits. Furthermore, requiring B-doubles to be fitted with these devices, while other vehicles such as road trains are not, introduces inequity.

One matter included in the Regulation which is not in the AVSRs is specifying the requirements for conducting the DT80 test procedure for testing the exhaust emissions of diesel-powered vehicles. While the AVSRs set out the DT80 test procedure, they do not specify the requirements to be met by DT80 test facilities. Accordingly, the Regulation specifies the requirements set out in the *Fuel Tax Credit for Heavy Diesel Vehicles: Guidelines for Satisfying Environmental Criteria*. These requirements have been imposed on testing facilities to ensure accurate and uniform results.

Consistency with policy objectives of authorising law

The Regulation is consistent with the policy objectives of the *Heavy Vehicle National Law*, in particular, facilitating and regulating the use of heavy vehicles on roads in a way that promotes public safety by ensuring that such vehicles are of a standard and in a condition that prevents or minimises safety risks.

Inconsistency with policy objectives of other legislation

The Regulation is not inconsistent with the policy objectives of other legislation.

Benefits and costs of implementation

An independent cost benefit analysis was commissioned to ascertain the net benefits possible through adoption of the proposed National Law. The outcomes of this analysis are summarised in the explanatory notes for the *Heavy Vehicle National Law Bill 2012 (Qld)*.

There are no additional appreciable costs associated with implementing the Regulation.

Consistency with fundamental legislative principles

The Regulation is consistent with fundamental legislative principles.

Consultation

An earlier version of the Regulation was distributed for public comment when the exposure draft of the *Heavy Vehicle National Law* and Regulatory Impact Statement was released for public comment in February 2011. The comments provided by stakeholders in response to this earlier version of the Regulation were considered in developing the proposed regulation.

Ongoing consultation has been undertaken with state and territory stakeholders through the Project Implementation Board (PIB). Stakeholders through the PIB have been involved in the development of the Regulation and review of draft versions of the Regulation. Stakeholders agree with the proposed Regulation.

ENDNOTES

- 1 Laid before the Legislative Assembly on . . .
- 2 The administering agency is the National Heavy Vehicle Regulator.

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