

Heavy Vehicle National Amendment Regulation 2017

Explanatory notes for SL 2017 No. 113

made under the

Heavy Vehicle National Law Act 2012

General Outline

Short title

Heavy Vehicle National Amendment Regulation 2017

Authorising law

Section 730 of the *Heavy Vehicle National Law Act 2012*.

Policy objectives and the reasons for them

The *Heavy Vehicle National Law Act 2012* (HVNL) and associated national regulations, which commenced on 10 February 2014, provide for the consistent regulation of heavy vehicle operations across most of Australia.

The HVNL regulates matters about the operation of heavy vehicles such as the mass and dimensions of heavy vehicles, vehicle safety standards, the work and rest hours of heavy vehicle drivers and other measures to manage fatigue, heavy vehicle accreditation, speed compliance and the use of intelligent transport systems. The HVNL also includes chain of responsibility offences, enforcement powers and administrative provisions.

Maintenance of the HVNL is the responsibility of the National Transport Commission (NTC), and is subject to approval by the Transport and Infrastructure Council (the Council), which is responsible for overseeing national heavy vehicle reform. The Council is chaired by the Deputy Prime Minister and Minister for Infrastructure and Regional Development, and is comprised of each state and territories' Transport and Infrastructure portfolio Ministers.

Queensland members to the Council are the Honourable Jackie Trad MP, Deputy Premier, Minister for Transport and Minister for Infrastructure and Planning, and the Honourable Mark Bailey MP, Minister for Main Roads, Road Safety and Ports and Minister for Energy, Biofuels and Water Supply. A 'one vote per jurisdiction' principle applies to all matters decided by Council.

As part of the ongoing development and review of the HVNL, the NTC, in consultation with the National Heavy Vehicle Regulator (NHVR), jurisdictions, industry and enforcement agencies identified a number of minor and technical issues which are addressed through the *Heavy Vehicle National Law and Other Legislation Amendment Act 2016* and the Heavy Vehicle National Amendment Regulation 2017 (the Amendment Regulation).

Achievement of policy objectives

The Amendment Regulation amends the:

- *Heavy Vehicle (General) National Regulation*
- *Heavy Vehicle (Mass, Dimension and Loading) National Regulation*
- *Heavy Vehicle (Vehicle Standards) National Regulation*

The Amendment Regulation will commence on 1 July 2017 when Chapter 3 of the *Heavy Vehicle National Law and Other Legislation Amendment Act 2016* commences by proclamation.

Heavy Vehicle (General) National Regulation

The amendments to the *Heavy Vehicle (General) National Regulation*:

- remove duplication of new requirements about display and legibility of National Heavy Vehicle Accreditation Scheme labels inserted by the *Heavy Vehicle National Law Amendment Act 2016*;
- insert the method for increasing fee amounts under the HVNL for purposes of new section 740A of the *Heavy Vehicle National Law Amendment Act 2016* that allows fees set by the NHVR in the National Regulations to commence automatically on 1 July each year.

Heavy Vehicle (Mass, Dimension and Loading) National Regulation

The amendments to the *Heavy Vehicle (Mass, Dimension and Loading) National Regulation*:

- remove duplication of new requirements about display and legibility of National Heavy Vehicle Accreditation Scheme labels inserted by the *Heavy Vehicle National Law and Other Legislation Amendment Act 2016*;
- remove the mandatory requirements for the NHVR to publish various notices about Higher Mass Limits declarations in national newspapers and provide discretion for the NHVR to publish elsewhere if the NHVR considers it appropriate. This is achieved by replacing the specific notice requirements with reference to *public notice* defined in section 5 of the *Heavy Vehicle National Law Amendment Act 2016*;
- remove duplication about the measurement of width of heavy vehicles; and
- correct technical or administrative errors.

Heavy Vehicle (Vehicle Standards) National Regulation

The amendments to the *Heavy Vehicle (Vehicle Standards) National Regulation*:

- update some definitions to reflect current legislative drafting practice and various terminology changes;
- clarify how the width of a heavy vehicle is measured for consistency with how the width of a light vehicle is measured;
- align the requirements about window tinting with those prescribed by the Australian Design Rules;
- allow for an increase in the number of headlights that may be fitted to a heavy vehicle provided certain conditions are met;
- clarify that brake lights used as direction indicator lights are deemed to be brake lights if fitted to a heavy vehicle built before 1 January 1973;
- correct technical, administrative or drafting errors.

Consistency with policy objectives of authorising law

The Amendment Regulation remains consistent with the main objectives and safety standards of the HVNL, while reducing the administrative burden and increasing uniformity and equity for heavy vehicle drivers.

Inconsistency with policy objectives of other legislation

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

Benefits and costs of implementation

There are no financial implications as the amendments are largely administrative in nature. All costs for Queensland will be met within the Department of Transport and Main Roads' existing budget allocation.

Consistency with fundamental legislative principles

The Amendment Regulation does not breach any fundamental legislative principles.

Consultation

Consultation was undertaken on a national level by the NTC with the NHVR, jurisdictions, industry and enforcement agencies.

The amendments were unanimously supported by Ministers at an out of session meeting of the Transport and Infrastructure Council on 3 June 2016.

In accordance with the *Queensland Government Guide to Better Regulation*, the Office of Best Practice Regulation was not consulted about this regulation. The Department of Transport and Main Roads applied a self-assessable exclusion from undertaking further regulatory impact analysis (Category A— Regulatory proposals that make consequential amendments).

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