

Heavy Vehicle National Law and Other Legislation Amendment (Postponement) Regulation 2017

Explanatory notes for SL 2017 No. 217

made under the

Heavy Vehicle National Law and Other Legislation Amendment Act 2016

General Outline

Short title

Heavy Vehicle National Law and Other Legislation Amendment (Postponement) Regulation 2017

Authorising law

Section 15DA of the *Acts Interpretation Act 1954*

Section 2 of the *Heavy Vehicle National Law and Other Legislation Amendment Act 2016*

Policy objectives and the reasons for them

The *Heavy Vehicle National Law and Other Legislation Amendment Act 2016* (Amendment Act 2016) was assented to on 9 December 2016. Chapter 4 (Amendment of Transport Operations (Passenger Transport) Act 1994) commenced on this date, with Chapter 2 (Responsibility amendments) and Chapter 3 (Maintenance amendments) to commence on a day to be fixed by proclamation.

Chapter 3 (Maintenance amendments) was proclaimed on 1 July 2017.

Provisions within Chapter 2 of the Amendment Act 2016 are the first component of chain of responsibility (CoR) reforms to the *Heavy Vehicle National Law Act 2012* (HVNL).

In November 2015, the Transport and Infrastructure Council approved detailed policy recommendations and a three-phased approach to reform HVNL CoR and executive officer liability (EOL) provisions.

The first phase of amendments reformulated existing HVNL obligations on all current CoR parties as a positive due diligence obligation to ensure chain parties comply with their primary duty of care. These amendments are contained within Chapter 2 of the Amendment Act 2016.

Achievement of policy objectives

The policy objective will be achieved by postponing the automatic commencement of Chapter 2 of the Amendment Act 2016 to enable commencement by proclamation of all three phases of CoR reforms in mid-2018.

The postponement regulation must be commenced prior to the automatic commencement of Chapter 2 on 10 December 2017.

Consistency with policy objectives of authorising law

The regulation remains consistent with the main objectives of the Amendment Act 2016. The regulation only postpones the commencement of un-commenced provisions (Chapter 2) within the Amendment Act 2016.

Inconsistency with policy objectives of other legislation

The regulation is consistent with the policy objectives of other legislation.

Benefits and costs of implementation

There are no financial benefits nor costs associated with postponing commencement of Chapter 2 of the Amendment Act 2016.

Consistency with fundamental legislative principles

The regulation does not breach any fundamental legislative principles.

Consultation

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 G—Regulatory proposals that are of a machinery nature).