

# Heavy Vehicle National Legislation Amendment Regulation 2018

Explanatory notes for SL 2018 No. 89

made under the

*Heavy Vehicle National Law Act 2012*

## General Outline

### Short title

The *Heavy Vehicle National Legislation Amendment Regulation 2018*.

### 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 regulations provide for the consistent regulation of heavy vehicle operations across most of Australia. Operational provisions of the HVNL commenced on 10 February 2014.

The HVNL regulates matters about the operation of heavy vehicles, such as their mass and dimensions, 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, and established the National Heavy Vehicle Regulator (NHVR) to administer the HVNL.

The Transport and Infrastructure Council (TIC) is responsible for overseeing national heavy vehicle reform. TIC membership comprises Ministers from the Commonwealth, each state and territory with portfolio responsibility for transport and infrastructure issues, and representatives from New Zealand and the Australian Local Government Association.

Queensland members to TIC are the Minister for Transport and Main Roads, and the Minister for State Development, Manufacturing, Infrastructure and Planning.

Maintenance of the HVNL is the joint responsibility of the National Transport Commission (NTC) and the NHVR, in consultation with all state and territory road transport authorities and peak heavy vehicle industry associations, through the HVNL Maintenance Advisory Group (HVNL-MAG).

The *Heavy Vehicle National Legislation Amendment Regulation 2018* (the Amendment Regulation) makes a range of nationally agreed minor or technical amendments to the following HVNL regulations:

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

The amendments will help clarify existing provisions and make the regulations more consistent, will facilitate better understanding and compliance with legislative requirements, and contribute to the ongoing safe management of heavy vehicles.

Provisions contained within the Amendment Regulation were unanimously endorsed by Ministers at TIC meetings on 19 May 2017 and 10 November 2017, and through an out-of-session vote on 10 May 2018.

## **Achievement of policy objectives**

The Amendment Regulation is to commence on 1 July 2018.

### *Heavy Vehicle (General) National Regulation*

Amendments to this regulation will replace superseded references to the Australian Design Rules (ADRs) for Performance Based Standard vehicle exemptions, and will insert new provisions to ensure the relevant version of the ADR clauses are made applicable when the referenced ADR clauses are superseded.

Amendments also prescribe specified persons that fall within a class of authorised officers.

The regulation will increase the fee for an accreditation application to add vehicles to or change vehicles currently nominated under the maintenance management accreditation scheme by an operator of a heavy vehicle. The fee will apply per vehicle.

The amendments will also increase the fee for an accreditation application by an operator to add vehicles to or change vehicles currently nominated under the mass management accreditation scheme by an operator of a heavy vehicle. The fee will apply per vehicle.

The regulation also introduces an application fee for a Higher Mass Limits permit.

Additionally, the amendments ensure the legislative authority for jurisdictions to pay the regulatory component of heavy vehicle registration charges to the NHVR continues, despite the repeal of Chapter 2 Registration and sections 688(2) and (3) of the HVNL on 1 July 2018.

### *Heavy Vehicle (Mass, Dimension and Loading) National Regulation*

Amendments to this regulation will provide for the use of warning signs and flags for loads that project beyond a side of a vehicle and the use of side and rear markers and warning lights for oversize vehicles at night.

The amendments will also include additional definitions for an axle group and tag trailer, as well as clarifying definitions for a complying steer axle vehicle and front articulation point.

Amendments to this regulation will allow two-axle buses to operate at increased mass limits contingent on fitting additional safety features, being Anti-lock Braking Systems, Electronic Braking Systems or Electronic Stability Control, depending on the year of manufacture of the bus.

The amendments will also allow a vehicle to be carried on top of the prime-mover of a 26 metre B-double heavy vehicle.

Additionally, the amendments also clarify that the 12.5 metre length dimension for 'another vehicle' does not apply to a trailer, as well as amending the definition of manufacturer's mass limits, and provides a new example of when to work out the relevant mass for a towing vehicle without knowing the Gross Combination Mass.

### *Heavy Vehicle (Vehicle Standards) National Regulation*

These amendments relate to the safe use of heavy vehicles in relation to load restraint and conspicuity markings, the requirement for supply of air or vacuum to brakes for automatic condensate drain valves, and how warning signs are to be displayed and maintained.

The amendments also detail requirements for labels to be affixed to the front and rear number plate of hydrogen powered and electric vehicles built after 1 January 2019.

## **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 for heavy vehicle operators.

## **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 benefits nor costs to the government associated with this regulation.

## Consistency with fundamental legislative principles

The Amendment Regulation does not breach any fundamental legislative principles.

## Consultation

Maintenance of the HVNL is the joint responsibility of the NTC and NHVR, in consultation with jurisdictions and heavy vehicle industry associations, through the HVNL-MAG.

Membership of the HVNL-MAG includes the NTC and NHVR, all state and territory road transport authorities and peak industry associations, including the Australian Trucking Association, the Australian Livestock and Rural Transporters Association, and the Bus Industry Confederation, as well as the Local Government Association of Queensland, and the Australia New Zealand Policing Advisory Agency.

Stakeholders provided their support during consultation and development of the amendments during the HVNL-MAG process.

The HVNL-MAG meets prior to Transport and Infrastructure Senior Officials' Committee meetings, which then approves HVNL-MAG amendments going forward for Council consideration.

A public consultation process on the amendments was also undertaken by the NTC. Draft versions of the amendment regulations were posted to both the NTC's Publications and Current Projects/Vehicle Standards Maintenance webpages in December 2016, along with a paper entitled *Light and Heavy Vehicle Standards Explanation of Amendments 2016*. The public consultation period was open until 3 February 2017.

The Office of Best Practice Regulation (OBPR) was consulted about the amendments in accordance with *The Queensland Government Guide to Better Regulation*.

OBPR noted that the amendments were unanimously endorsed by Ministers at Transport and Infrastructure Council meetings, and that the amendment regulation and an explanatory paper had undergone an extensive consultation process conducted by the NTC, including public consultation, and that submissions were received in support of the proposals.

As a result, OBPR considers the proposal is excluded under category (1) - proposals that have undergone an extensive impact assessment process - from further regulatory impact analysis.