

# Heavy Vehicle (Registration) National Regulation

Explanatory notes for SL 2018 No. 90

made under the

*Heavy Vehicle National Law Act 2012*

## General Outline

### Short title

The *Heavy Vehicle (Registration) National Regulation*.

### 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).

Chapter 2 Registration of the HVNL was intended to provide for the establishment of a national heavy vehicle registration scheme.

In May 2017, TIC approved development of a national operator fleet dataset in lieu of a national heavy vehicle registration scheme. As a result, Council agreed that Chapter 2 Registration was no longer fit for purpose and was to be removed from the HVNL.

Provisions within the *Heavy Vehicle National Law and Other Legislation Amendment Act 2018* (the Act) omitted Chapter 2 from the HVNL.

That Act also made consequential changes throughout the remainder of the HVNL to reflect that the majority of registration matters are not dealt with under the HVNL, but rather they are to be regulated under various jurisdictional laws. These amendments ensured jurisdictions would continue to perform registration related functions, but would also allow the NHVR access to registration data to perform its functions.

The national operator fleet dataset will comprise a single minimal dataset with common definitions and business rules, populated by clean and consistent data provided by all jurisdictions. The NHVR will be given full accessibility to the dataset on 1 July 2018, and will be responsible for its maintenance.

Provisions contained within the *Heavy Vehicle (Registration) National Regulation* (Registration Regulation) were unanimously endorsed by Ministers at the TIC meeting on 10 November 2017.

## **Achievement of policy objectives**

The Registration Regulation is to commence on 1 July 2018.

The Registration Regulation details the information to be contained in the dataset and its ongoing use, including;

- information about registered heavy vehicles;
- information about registered operators of heavy vehicles;
- information about registered heavy vehicles to be given to the NHVR;
- information about registered operators of heavy vehicles to be given to the NHVR;
- information about vehicle defect notices;
- changes to information in the database; and
- access to information in the database.

## **Consistency with policy objectives of authorising law**

The Registration 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 Registration 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 Registration Regulation does not breach any fundamental legislative principles.

## **Consultation**

The Registration Regulation has undergone extensive consultation through the NTC's annual legislative maintenance process, including meetings of 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.

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

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 regulation has undergone extensive consultation through the NTC's annual legislative maintenance process that includes membership of all state and territory road transport authorities, and peak industry associations for the trucking industry.

As the proposal relates to national law, and the regulation has been assessed and consulted on as part of the national process, OBPR confirmed that there would be limited benefit in undertaking further regulatory impact analysis.