

Heavy Vehicle National Amendment Regulation 2019

Explanatory notes for SL 2019 No. 238

made under the

Heavy Vehicle National Law Act 2012

General Outline

Short title

The *Heavy Vehicle National Amendment Regulation 2019*

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 (Council) is responsible for overseeing national heavy vehicle reform. Council 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 the Council 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 Amendment Regulation 2019* (the Amendment Regulation) makes a range of nationally agreed minor or technical amendments to the following HVNL regulations:

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

The amendments will clarify existing provisions, ensure alignment with Australian Design Rule requirements, introduce safety improvements and make the regulations more consistent. The changes will facilitate a better understanding and compliance with legislative requirements and contribute to the ongoing safe management of heavy vehicles.

Provisions contained within the *Heavy Vehicle National Amendment Regulation 2019* were unanimously endorsed by Ministers at Council meetings on 9 November 2018 and 2 August 2019.

Achievement of policy objectives

The *Heavy Vehicle National Amendment Regulation* is to commence on 10 December 2019.

The amendments to axle spacing limits will allow twin-steer, tri-axle, semi-trailer combinations to have the full benefit of a previous Council agreement that increased the operating mass limits for these combinations to 46.5 tonnes at general mass limits, and 49.5 tonnes at higher mass limits. The changes will ensure safe implementation of the increased mass limits and improve enforceability of the regulation.

A new administrative amendment is being inserted to clarify that axles being fitted with dual tyres is not limited to one set of dual tyres. This will not change the policy or operation of the regulation.

The amendments will also clarify that the mass on the axle group, or single axle of a tag trailer, must not be more than the sum of the mass on all the axles of the towing vehicle. This will ensure a 1:1 towing ratio between the towing vehicle and tag trailer.

Amendments to mass limits for three-axle buses will allow these vehicles to operate up to a mass limit of 22 tonnes. The amendments implement the policy agreed to by Council in November 2018 to address three-axle buses contravening current mass limits due to the need to comply with other requirements associated with mobility, safety and environment legislation. This amendment will also bring forward the introduction of advanced safety technology to Australia's three-axle bus and coach sector.

The amendment to increase the mass limit for eligible steer axle on road trains to 7.1 tonnes will enable operators to better meet current Australian Design Rules and will not cause additional impact to pavements and structures on road train routes. This increased mass is

balanced by a requirement to have wider tyres, of at least 375mm width, which results in no greater impact on road infrastructure than standard width tyres at 6.5 tonnes steer axle mass.

Heavy Vehicle (Vehicle Standards) National Regulation:

The amendments to this regulation will seek to better align the regulation with Australian Design Rules and clarify requirements and terminology under the law.

The amendment to provide that smart trailers must be connected to be considered 'in working order' clarifies that the vehicle and the system must be both in working order and connected.

The amendments to clarify that tyre treads should only be applied to the principal grooves of a tyre and not the secondary hairline grooves remove ambiguity and provides uniform application of the regulation.

The amended regulation will remove the requirement for certain heavy vehicles to have a white or silver band across the full width of the vehicle's body. This will affect heavy vehicles built after 20 February 2016 and streamline the regulation with amended Australian Design Rules.

The regulation will update labelling requirements of electric and hydrogen-powered vehicles modified after 1 January 2019 to include the words 'or modified' on the labels located at the front and rear number plates and will reduce the size of the label displayed.

Additionally, the regulation will amend warning sign requirements to deliver safety improvement outcomes by requiring vehicles longer than 22m to display a long vehicle warning sign and combinations longer than 30m to display a road train warning sign.

Consistency with policy objectives of authorising law

The *Heavy Vehicle National Amendment Regulation 2019* 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 *Heavy Vehicle National Amendment Regulation 2019* is not inconsistent with the policy objectives of other legislation.

Benefits and costs of implementation

There are no financial benefits or costs to the government associated with this regulation.

Consistency with fundamental legislative principles

The *Heavy Vehicle National Amendment Regulation 2019* 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.

The following organisations are members of the national associations that participate on their behalf in the HVNL maintenance process:

- Queensland Trucking Association;
- Livestock and Rural Transporters Association of Queensland;
- Queensland Bus Industry Council;
- Queensland Police Service.

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

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 involves 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.