

# **Heavy Vehicle National Legislation Amendment Regulation 2020**

Explanatory notes for SL 2020 No. 19

made under the

*Heavy Vehicle National Law Act 2012*

## **General Outline**

### **Short title**

*Heavy Vehicle National Legislation Amendment Regulation 2020*

### **Authorising law**

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

### **Policy objectives and the reasons for them**

Operational provisions of the *Heavy Vehicle National Law Act 2012* (HVNL) and associated regulations commenced on 10 February 2014, and 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 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.

In accordance with section 730 of the HVNL, Queensland is seeking to make the *Heavy Vehicle National Legislation Amendment Regulation 2020* (Amendment Regulation), which makes a range of minor amendments to the following HVNL regulations:

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

Maintenance of the HVNL is the joint responsibility of the National Transport Commission (NTC) and 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 results of HVNL-MAG consideration are forwarded to the Transport and Infrastructure Council (Council) for endorsement. Council is responsible for overseeing national heavy vehicle reform, is chaired by the Deputy Prime Minister and Minister for Infrastructure and Regional Development, and comprises each state and territories' transport and infrastructure portfolio Ministers.

Council undertakes a rigorous discussion and approval process of the relevant regulation amendments, having regard to supporting documentation, financial and resource implications and regulatory risks and sensitivities.

Queensland members to Council are the Honourable Mark Bailey MP, Minister for Transport and Main Roads, and the Honourable Cameron Dick MP, Minister for State Development, Manufacturing, Infrastructure and Planning. A 'one vote per jurisdiction' principle applies to all matters decided by the Council.

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

On 18 May 2018, Council endorsed an amendment to the HVNL and *Heavy Vehicle (Mass, Dimension and Loading) National Regulation* (MDL Regulation) that would increase the allowed volume on certain heavy vehicles where mass is not the constraint by allowing specified semi-trailers to operate at 4.6m high under the HVNL without the need for a notice or individual permit.

This amendment will extend the current 4.3 metre height limit for specified semi-trailers to a 4.6 metre height limit for any semi-trailer combination that:

- is not a Performance Based Standards scheme vehicle
- has an air suspension system with effective dampers fitted
- has a deck height not higher than 1.2m for at least half of its deck length
- has a mass of no more than 90 per cent of the prescribed mass limit for the combination.

The amendment also provides that a specified semitrailer is not a restricted access vehicle.

The main objective of this amendment is to allow specified semi-trailers to operate at 4.6m high under the HVNL without the need for a notice or individual permit. This amendment will reduce administrative burden for industry, the regulator and road managers.

This amendment is tied to section 14 of Part 3 of the *Heavy Vehicle National Law and Other Legislation Amendment Act 2019*, which is to commence by proclamation on 28 February 2020.

On 22 November 2019, Council endorsed an amendment with the objective of better aligning the MDL Regulation and the *Heavy Vehicle (Vehicle Standards) National Regulation* with the Australian Design Rules (ADR), clarify requirements and terminology, and introduce safety improvements. This amendment would allow a heavy vehicle to be fitted with a front

safety (blind spot) mirror to improve driver visibility of the immediate front of the vehicle from the driving position.

The MDL Regulation is being amended so that the fitment of the front safety mirror is not included in the measurement of the length of a heavy vehicle, unless the mirror projects more than 150mm beyond the body of the heavy vehicle.

*Amendments to the Heavy Vehicle (Vehicle Standards) National Regulation.*

On 22 November 2019, Council endorsed the following amendments to the *Heavy Vehicle (Vehicle Standards) National Regulation*:

- in relation to a heavy motor vehicle built before 1 January 2005, a component of the steering system of the vehicle that is essential for effective steering of the vehicle must be built to transmit energy by mechanical means only
- a heavy motor vehicle may be fitted with a front blind spot mirror that complies with the requirements of ADR 14/02 in relation to a Class VI front mirror
- a front blind spot mirror, fitted to a heavy motor vehicle, is to be disregarded for the purpose of requirements about the length of a motor vehicle in third edition ADR 43/04 unless the mirror projects more than 150mm beyond the body of the heavy vehicle.

Provisions contained within the Amendment Regulation were unanimously endorsed by Ministers at Council meetings on 18 May 2018 and 22 November 2019.

## **Achievement of policy objectives**

The policy objective is achieved by the effective implementation of the Amendment Regulation.

To facilitate the effective implementation of the amendments, and to provide a common commencement date in all participating jurisdictions, the Amendment Regulation must commence on 28 February 2020.

## **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. Any costs for Queensland will be met within the Department of Transport and Main Roads' existing budget allocation.

The Amendment Regulation will also provide regulatory benefits to drivers, operators and regulators through the clarification of requirements and terminology and introduction of safety improvements that will reduce regulatory burden and increase transport efficiency.

Industry will benefit from an amendment that will increase the allowed volume on certain heavy vehicles where mass is not the constraint. Certain specified semi-trailers will be able to operate at 4.6m high without the need for a notice or individual permit. This amendment will reduce the administrative burden for industry, the NHVR and road managers.

Another amendment will provide road safety and operational benefits through the improvement of driver visibility of the immediate front of the vehicle from the driving position.

## **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.

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.