

# Heavy Vehicle (Vehicle Standards) National Amendment Regulation 2023

Explanatory notes for SL 2023 No. 15

made under the

*Heavy Vehicle National Law Act 2012*

## General Outline

### Short title

The *Heavy Vehicle (Vehicle Standards) National Amendment Regulation 2023*.

### 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 policy objective of the *Heavy Vehicle (Vehicle Standards) National Regulation* (the Regulation) is to prescribe nationally uniform standards with which heavy motor vehicles, trailers and combinations must comply to use roads.

In the course of regular maintenance of the Regulation, a number of minor matters were identified including:

- inconsistent terminology and alignment compared to the Australian Design Rules,
- lack of clarity around the operation of the standards, and
- lack of clarity around the flash rate of warning lights attached to buses.

The Infrastructure and Transport Ministers' Meeting (ITMM) is responsible for overseeing national heavy vehicle reform. 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.

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The Minister for Transport and Main Roads currently represents Queensland at ITMM, as well as the Deputy Premier, Minister for State Development, Infrastructure, Local Government and Planning and Minister Assisting the Premier on Olympic and Paralympic Games Infrastructure.

The *Heavy Vehicle (Vehicle Standards) National Amendment Regulation 2023* (the Amendment Regulation) makes minor or technical amendments to the Regulation endorsed by the ITMM on 9 December 2022.

## **Achievement of policy objectives**

The amendments in the Amendment Regulation will:

- better align the Regulation with the Australian Design Rules and clarify requirements and terminology,
- improve the operation of the standards by making minor technical drafting amendments,
- clarify that warning lights attached to a bus must emit a flashing yellow light alternately between 90 and 180 times per minute, and
- allow for a bus that is manufactured before or within 12 months of the commencement to adhere to the current requirements.

The Amendment Regulation will commence on 31 March 2023.

## **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**

The Amendment Regulation will 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 road safety.

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.

## Consistency with fundamental legislative principles

The Amendment Regulation does not breach any fundamental legislative principles.

## Consultation

The proposed amendments have undergone extensive consultation through the National Transport Commission's (NTC) annual legislative maintenance process, including public consultation and meetings of the Vehicle Standards Maintenance Advisory Group (VS-MAG).

Membership of the VS-MAG includes the NTC and National Heavy Vehicle Regulator (NHVR), all state, federal, and territory road transport agencies, and relevant peak industry associations, including Heavy Vehicle Industry Australia, the Australian Trucking Association, the Australian Livestock and Rural Transporters Association, the Truck Industry Council, and the Federal Chamber of Automotive Industries.

Additionally, as members of these national associations, the Queensland Trucking Association and the Livestock and Rural Transporters Association of Queensland also participate in the maintenance process.

All jurisdictions, the NHVR, and industry representatives support the proposed changes. In addition, a public consultation process on the amendments was also undertaken by the NTC. A consultation report and draft amendments were published on the NTC's website from 18 February 2022 to 31 March 2022 for public comment.

The NTC did not receive any formal submissions but did receive some informal questions via email that they responded to in the lead up to the consultation period closing.

In accordance with the *Queensland Government Guide to Better Regulation*, TMR applied a self-assessable exclusion from undertaking further regulatory impact analysis on the amendments based on category (g) - regulatory proposals that are of a machinery nature and where no substantive policy change has been made.