

Heavy Vehicle National Legislation Amendment Regulation 2024

Explanatory notes for SL 2024 No. 36

made under the

Heavy Vehicle National Law Act 2012

General Outline

Short title

The Heavy Vehicle National Legislation Amendment Regulation 2024.

Authorising law

Section 730 of the Heavy Vehicle National Law contained in the Schedule to the *Heavy Vehicle National Law Act 2012 (Qld)*.

Policy objectives and the reasons for them

The objective of the amendments is to amend supporting regulations to the Heavy Vehicle National Law (HVNL) in order to align the HVNL with the Australian Design Rules (ADR) Safer Freight Vehicles package, specifically to:

- increase overall vehicle width from 2.50m to 2.55m for heavy motor vehicles (excluding buses) fitted with safer freight vehicle technology
- exclude certain safety technologies and features when measuring the width and length of a vehicle.

Safer Freight Vehicles package

On 14 September 2023, the Commonwealth Minister for Infrastructure, Transport, Regional Development and Local Government, the Honourable Catherine King MP, signed the Safer Freight Vehicles package which commenced nationally on 1 October 2023.

The Commonwealth's Safer Freight Vehicles package includes four new ADRs and amends six existing ADRs. These ADR changes reflect an increase in overall vehicle width limit from the current 2.50m to 2.55m for heavy motor vehicles fitted with Safer Freight Vehicle technology. The changes also exclude various devices when measuring the length and width of a heavy motor vehicle. These devices include indirect vision devices (e.g. mirrors, cameras) and monitoring devices (e.g. blind spot information systems for the detection of vehicles, bicycles,

and/or pedestrians) used to detect other road users.

The new ADRs implementing additional safety features are primarily harmonised with international vehicle regulations developed by the United Nations, in line with existing practices and agreements of the Commonwealth Government.

The purpose of the legislative amendments are to align the HVNL supporting regulations with changes to ADR dimension requirements for heavy vehicles.

Aligning the HVNL with ADRs contributes to the application of nationally consistent heavy vehicle regulation. This means reduced red tape and regulatory burden for the heavy vehicle industry. It also reduces the cost of compliance with regulatory requirements for the heavy vehicle industry through the application of nationally consistent regulations.

Achievement of policy objectives

The amendments achieve the policy objectives by amending the HVNL supporting regulations to align the HVNL supporting regulations with changes to ADR dimension requirements for heavy vehicles in the ways outlined below.

Definitions for safer freight vehicles and safer freight combinations will be inserted into HVNL supporting regulations, along with details of specified dimension limits for safer freight vehicles. Supporting HVNL regulations will also be amended to ensure that indirect vision devices will be disregarded when measuring the length and width of heavy vehicles.

Amendments to the HVNL supporting regulations are required as soon as possible after the 1 October 2023 ADR commencement date to enable consistency of heavy freight vehicle dimensions in HVNL participating jurisdictions. The Northern Territory and Western Australia will conduct their own concurrent amendment processes.

To facilitate the effective implementation of these amendments the *Heavy Vehicle National Legislation Amendment Regulation 2024* (Amendment Regulation) must commence on 12 April 2024.

Consistency with policy objectives of authorising law

The Amendment Regulation remains consistent with the main objectives and safety standards of the HVNL, while increasing uniformity and reducing administrative burden 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

It is intended that government costs incurred through implementation of the amendments will be met within existing budget and resource allocations.

Consistency with fundamental legislative principles

The Amendment Regulation does not breach any fundamental legislative principles.

Consultation

A public consultation process concerning Safer Freight Vehicles was undertaken by the Commonwealth Department of Infrastructure, Transport, Regional Development, Communications and the Arts (the Commonwealth department) to identify any potential barriers or impediments to the supply of safer and cleaner heavy freight vehicles.

Public comment was sought on a range of policy options through publication of the *Safer Freight Vehicles Discussion Paper* (Commonwealth of Australia, 2021a) and draft ADRs on the Commonwealth department's website, for a 10-week public comment period, which closed on 30 June 2021.

The Commonwealth then consulted further with both jurisdictions and industry stakeholders through its established ADR consultative forums, before releasing the Commonwealth's *Safer Freight Vehicles: Impact analysis of options for maximum overall width* (Impact Analysis) in September 2023.

The Department of Transport and Main Roads' response to the *Safer Freight Vehicles Discussion Paper* was included in the Impact Analysis under Appendix 14 – Public Comment, Safer Freight Vehicles Discussion Paper.

The purpose of the Impact Analysis was to consider the case for increasing the maximum allowable width for freight vehicles in Australia from 2.50m to 2.55m for heavy vehicles fitted with safer freight vehicle technology. The Impact Analysis also considered changes to allow various devices to be excluded from vehicle width and length measurements. These devices included indirect vision devices (e.g. mirrors, cameras) and monitoring devices (e.g. blind spot information systems for the detection of vehicles, bicycles and/or pedestrians) used to detect other road users.

There was widespread support for increasing the overall width of heavy freight vehicles to 2.55m for vehicles fitted with safer freight vehicle technology, and to exclude various indirect vision devices, such as blind spot information systems for the detection of vehicles and vulnerable road users, when measuring the length and width of a heavy motor vehicle.