

# Heavy Vehicle (Mass, Dimension and Loading) National Amendment Regulation 2024

Explanatory notes for SL 2024 No. 201

made under the

*Heavy Vehicle National Law Act 2012*

## General Outline

### Short title

Heavy Vehicle (Mass, Dimension and Loading) National Amendment Regulation 2024.

### Authorising law

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

### Policy objectives and the reasons for them

The HVNL is national scheme legislation for the regulation of heavy vehicles adopted as applied law by all participating jurisdictions, which includes Queensland, New South Wales, the Australian Capital Territory, Victoria, South Australia, and Tasmania. Operational provisions of the HVNL commenced on 10 February 2014.

The HVNL regulates matters about the operation of heavy vehicles, including heavy vehicle standards. The HVNL also includes chain of responsibility offences, enforcement powers and administrative provisions.

As host jurisdiction, Queensland must first pass HVNL amendments before they can be applied by other participating jurisdictions.

The Australian Design Rules (ADRs) implement national standards for road vehicle emissions, safety, and anti-theft. All new road vehicles manufactured in Australia, and imported new or second-hand vehicles, must comply with relevant ADRs when they are first supplied to the Australian market. ADRs are made under the *Road Vehicle Standards Act 2018* (Cth). Noxious emissions emanating from heavy passenger and commercial vehicles are regulated through specific ADRs.

When developing national vehicle standards, the Australian Government has committed to harmonising its technical requirements with those adopted in the relevant United Nations (UN) regulations where possible. Harmonisation with UN regulations facilitates international trade

and minimises compliance costs, while ensuring a high level of safety and environmental performance. The current UN regulation for heavy vehicle noxious emissions (UN Regulation 49) is based on the Euro VI requirements adopted in the European Union. Equivalent standards have also been adopted in the United States, Canada, Europe, Japan, China, Korea, and India. These countries, which account for over 80 per cent of global new vehicle sales, also require heavy vehicle manufacturers to meet increasingly stringent safety and fuel efficiency standards.

On 13 October 2022, the Federal Minister for Infrastructure, Transport, Regional Development and Local Government announced new Vehicle Standard (Australian Design Rule 80/04 – Emission Control for Heavy Vehicles) 2023 (ADR 80/04).

These new standards are mandatory for newly-approved heavy vehicle models supplied from 1 November 2024 and all heavy vehicles supplied to Australia from 1 November 2025. ADR 80/04 implements Euro VI, or equivalent, noxious emission standards for heavy vehicles.

Governments have identified the decarbonisation of transport as a strategic priority. Increasing the uptake of ADR 80/04 (Euro VI or equivalent heavy vehicle emission standards) will support this priority by improving the fuel efficiency of new heavy vehicles by up to 10 per cent.

However, the emission systems required to meet ADR 80/04 and the advanced safety systems packaged with these vehicles are expected to increase the unladen mass of a new heavy vehicle by up to 500kg. If existing mass limits remain unchanged, this will inhibit the uptake of newer, safer, and cleaner heavy vehicles, as operators will not be able to legally carry the same amount of freight as older heavy vehicles. Vehicles that are not required to meet Euro VI standards could be up to 500kg lighter. It may also force manufacturers to change models supplied to the Australian market, which could reduce vehicle operability and/or safety.

To ensure no productivity loss for these vehicles, the Infrastructure and Transport Ministers' Meeting (ITMM) unanimously agreed to amend the *Heavy Vehicle (Mass, Dimension and Loading) Regulation* (the MDL Regulation) to achieve a 500kg mass increase for heavy vehicles that comply with ADR 80/04.

ITMM is responsible for overseeing national heavy vehicle reform. Council membership comprises Ministers from the Federal Government, each state and territory with portfolio responsibility for transport and infrastructure issues, and representatives from New Zealand and the Australian Local Government Association.

The Minister for Transport and Main Roads and Minister for Digital Services, is Queensland's responsible Minister for HVNL matters considered by ITMM.

Amendments to the MDL Regulation were unanimously endorsed by ITMM on 3 May 2024.

## **Achievement of policy objectives**

Policy objectives will be achieved by amending the MDL Regulation to provide a 500kg mass limit increase for heavy vehicles that are compliant with ADR 80/04.

Amending the MDL Regulation will also achieve the policy objective of ensuring consistent heavy freight vehicle dimensions apply within HVNL participating jurisdictions.

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.

To facilitate the effective implementation of these amendments, and to provide a common commencement date in all participating jurisdictions, the *Heavy Vehicle (Mass, Dimension and Loading) National Amendment Regulation 2024* (the Amendment Regulation) will commence on 1 November 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 consultation process concerning a mass increase of 500kg for ADR 80/04 compliant vehicles was undertaken by the National Transport Commission in conjunction with the Federal Department of Infrastructure, Transport, Regional Development, Communications and the Arts to identify any potential barriers or impediments.

Consultation was undertaken with jurisdictions, industry, the National Heavy Vehicle Regulator (NHVR), and the Australian Local Government Association through the HVNL Mass and Dimension Advisory Group, the HVNL Review Reform Advisory Committee, and ITMM.

Industry membership of those groups included the Australian Trucking Association (ATA), Australian Livestock and Rural Transporters Association (ALRTA), Truck Industry Council (TIC), Bus Industry Council, and the Heavy Vehicle Industry Association.

ITMM conducted 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.

The Department of Transport and Main Roads was actively involved during consideration of the mass increase through membership of the HVNL Mass and Dimension Advisory Group, Reform Advisory Committee, and ITMM.

Industry associations that attend ITMM on behalf of their member associations include the ATA, TIC, and ALRTA. As members of these national associations, the Queensland Trucking Association and the Livestock and Rural Transporters Association of Queensland participate in the consultation process.

There was widespread support from all jurisdictions, the NHVR, and industry for increasing the mass of heavy freight vehicles by 500kg for ADR 80/04 compliant heavy vehicles.

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