

# **Proclamation made under the *Heavy Vehicle National Law and Other Legislation Amendment Act 2019***

## **Human Rights Certificate**

### **Prepared in accordance with Part 3 of the *Human Rights Act 2019***

In accordance with section 41 of the *Human Rights Act 2019*, I, the Honourable Mark Bailey MP, Minister for Transport and Main Roads, provide this human rights certificate with respect to a Proclamation to commence provisions of the *Heavy Vehicle National Law and Other Legislation Amendment Act 2019* (Amendment Act) made under the *Heavy Vehicle National Law Act 2012* (HVNL).

In my opinion, the Proclamation, as tabled in the Legislative Assembly, is compatible with the human rights protected by the *Human Rights Act 2019*. I base my opinion on the reasons outlined in this statement.

### **Overview of the Subordinate Legislation**

The Amendment Act addressed a number of operational, minor and technical drafting issues that will improve roadside enforcement, reduce the compliance burden for industry and reduce the administrative burden for the National Heavy Vehicle Regulator (NHVR).

The Amendment Act amends the HVNL by providing an express head of power for authorised officers to give advice, information and education; clarifies that the giving of advice, information and education is a function of the NHVR; removes minor inconsistencies between major and minor defect notices and self-clearing defect notices; allows authorised officers to permit the use of a heavy vehicle subject to a self-clearing defect notice after the period to take corrective action has expired; and by recognising certain modifications to heavy vehicles approved in non-participating jurisdictions.

To facilitate the effective implementation of the amendments and to provide a common commencement date in all participating jurisdictions, Part 3 of the Amendment Act must commence on 28 February 2020, other than sections 10 and 11.

### **Human Rights Issues**

#### **Human rights relevant to the subordinate legislation (Part 2, Division 2 and 3 *Human Rights Act 2019*)**

Upon analysis, the Proclamation does not engage any human right. Commencement of the Proclamation is designed to ensure the effective implementation of the amendments within the Amendment Act and provide a common commencement date for all participating jurisdictions.

This is an administrative, machinery of government function that does not engage any human right.

## **Conclusion**

I consider that the Proclamation to commence Part 3 of the Amendment Act, other than sections 10 and 11, is compatible with the *Human Rights Act 2019* because the mechanical nature of the commencement date does not engage any human right.

**The Honourable Mark Bailey MP**  
Minister for Transport and Main Roads

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