

# Heavy Vehicle National Legislation Amendment Regulation 2021

## 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* (HRA), I, Mark Bailey MP, Minister for Transport and Main Roads, provide this human rights certificate with respect to the *Heavy Vehicle National Legislation Amendment Regulation 2021* (Amendment Regulation) made under the *Heavy Vehicle National Law Act 2012*.

In my opinion, the Amendment Regulation, as tabled in the Legislative Assembly, is compatible with the human rights protected by the HRA. I base my opinion on the reasons outlined in this statement.

### Overview of the Subordinate Legislation

The Heavy Vehicle National Law (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.

Maintenance of the HVNL is the joint responsibility of the National Transport Commission and the National Heavy Vehicle Regulator, in consultation with all state and territory road transport authorities and peak heavy vehicle industry associations, through the HVNL Maintenance Advisory Group.

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

On 20 November 2020, ITMM endorsed amendments to the *Heavy Vehicle (Vehicle Standards) National Regulation* (VS Regulation) and the *Heavy Vehicle (Mass, Dimension and Loading) National Regulation* (MDL Regulation). These amendments make changes to:

- support the deployment of Blind Spot Information Systems (BSIS) and Indirect Vision Devices (IVD) as recognised vehicle standards;
- ensure the measurement of width of a heavy vehicle does not include a BSIS or IVD under the VS Regulation;
- exclude an IVD from the measurement of length of a heavy vehicle under the MDL Regulation;

- extend the requirement that tyres fitted to a heavy motor vehicle must not have cleats or other gripping devices that could damage road safety surfaces to apply to heavy trailers under the VS Regulation; and
- replace references to class 1 and class 2 retroreflected material to class 400 and class 100, respectively, to align with the revised national standard under the MDL and VS Regulations.

The amendments will allow a heavy vehicle to be fitted with a BSIS and/or an IVD without infringing prescribed heavy vehicle width and length requirements. The amendments also update terminology to align with revised standards and enhance protection of road infrastructure.

#### *Consequential Amendments to the Heavy Vehicle (Vehicle Standards) National Regulation*

On 21 March 2019, Ministers of the former Transport and Infrastructure Council (now ITMM) endorsed consequential amendments to the VS Regulation that are necessary to align with the new *Road Vehicle Standards Act 2018* (Cwlth) (RVSA). These amendments include:

- Amending the definition of ADR to refer to the RVSA and the definition of Vehicle Identification Number to capture vehicles administered under the RVSA; and
- Amending regulations that link to particular approvals under the *Motor Vehicle Standards Act 1989* (MVSA), to also capture approvals under the RVSA.

These amendments are minor and technical changes to ensure alignment with the RVSA and continued application of ADR to heavy vehicles.

The RVSA will modernise the regulation of road vehicles that are entering the Australian marketplace for the first time and replace the current arrangements for road vehicles at the national level that currently exist under MVSA. The RVSA will replace physical identification/compliance plates as the marker of a vehicle's suitability to enter the Australian marketplace with an online, publicly-searchable database – the Register of Approved Vehicles. Entry of a vehicle on the Register is intended to clarify to the registering authorities and consumers that the vehicle is suitable to be sold, leased, or otherwise provided in Australia for use on a public road, subject to the conditions of registration.

## **Human Rights Issues**

Upon analysis, the Amendment Regulation does not affect or engage a human right. As the purpose of the Amendment Regulation is to reduce the regulatory burden and improve regulatory outcomes for drivers, operators and regulators of heavy vehicles, the impact of the Amendment Regulation is entirely beneficial.

## Conclusion

I consider that the Amendment Regulation is compatible with the HRA because it does not raise a human rights issue.

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

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