

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

Human Rights Certificate

Prepared in accordance with Part 3 of the *Human Rights Act 2019* (Qld)

In accordance with section 41 of the *Human Rights Act 2019* (the HR Act), I, Bart Mellish MP, Minister for Transport and Main Roads and Minister for Digital Services, provide this human rights certificate with respect to the *Heavy Vehicle (Mass, Dimension and Loading) National Amendment Regulation 2024* (the Amendment Regulation) made under the *Heavy Vehicle National Law Act 2012* (the HVNL).

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

Overview of the Subordinate Legislation

When considering introducing more stringent noxious emissions standards, the Australian Government has a policy of harmonising Australia's vehicle standards, wherever possible, with the international standards established by the United Nations (UN) World Forum for the Harmonization of Vehicle Regulations. The current UN regulations for noxious emissions are based on 'Euro' standards adopted by the European Union. Euro standards are updated regularly and are currently set at Euro V in Australia. The Australian Government has agreed to adopt Euro VI as the baseline.

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.

However, the emission and safety systems required to meet ADR 80/04 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 ADR 80/04 compliant vehicles, on 3 May 2024 the Infrastructure and Transport Ministers' Meeting endorsed amendments to the *Heavy Vehicle (Mass, Dimension and Loading) National Regulation* to provide a 500kg mass increase for eligible heavy vehicles that comply with ADR 80/04.

To ensure consistency of heavy vehicle mass limits in HVNL participating jurisdictions, amendments to the *Heavy Vehicle (Mass, Dimension and Loading) National Regulation* will commence on 1 November 2024 to coincide with the commencement of ADR 80/04.

Human Rights Issues

The Amendment Regulation does not affect or engage a human right.

Conclusion

I consider that the Amendment Regulation is compatible with the *Human Rights Act 2019* because it does not raise a human rights issue.

Honourable Bart Mellish MP
Minister for Transport and Main Roads
Minister for Digital Services