

# Heavy Vehicle National Legislation Amendment Regulation 2021

## Subordinate Legislation 2021 No. 9

made under the

Heavy Vehicle National Law as applied by the *Heavy Vehicle National Law Act 2012* (Qld) and by the law of States and Territories

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## Part 1 Preliminary

### 1 Short title

This Regulation may be cited as the *Heavy Vehicle National Legislation Amendment Regulation 2021*.

### 2 Commencement

- (1) This Regulation, other than Division 3 of Part 3, commences on 22 February 2021.
- (2) Division 3 of Part 3 commences on the commencement of section 15 of the *Road Vehicle Standards Act 2018* of the Commonwealth.

## Part 2 Amendment of Heavy Vehicle (Mass, Dimension and Loading) National Regulation

### 3 Regulation amended

This Part amends the *Heavy Vehicle (Mass, Dimension and Loading) National Regulation*.

### 4 Amendment of Sch 6 (Dimension requirements)

Schedule 6, section 6A, ‘body’—  
*omit, insert—*  
overall length

### 5 Insertion of new Sch 6, s 6B

Schedule 6, after section 6A—  
*insert—*

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### **6B Length—indirect vision devices disregarded**

For this Regulation, an indirect vision device fitted to a heavy vehicle is to be disregarded for the purposes of measuring the length of the heavy vehicle under section 3 or 4—

- (a) if the device is fitted to the heavy vehicle under section 13C(a) of Schedule 2 of the *Heavy Vehicle (Vehicle Standards) National Regulation*; or
- (b) for a device fitted to the heavy vehicle under section 13C(b) of Schedule 2 of the *Heavy Vehicle (Vehicle Standards) National Regulation*—unless the device projects more than 150mm beyond the overall length of the heavy vehicle.

## **6 Amendment of Sch 8 (Conditions of mass or dimension exemptions applying to class 1 heavy vehicles)**

- (1) Schedule 8, section 3(3), definition *delineator*, paragraph (b)—  
*omit, insert—*
  - (b) complies with class 1, 2, 400 or 100 of the version of AS/NZS 1906 ‘Retroreflective materials and devices for road traffic control purposes’ applying to the delineator at the delineator’s date of manufacture.
- (2) Schedule 8, section 41(a)—  
*omit, insert—*
  - (a) a yellow surface complying with class 1, 2, 400 or 100 of the version of AS/NZS 1906 ‘Retroreflective materials and devices for road traffic control purposes’ applying to the warning sign at the sign’s date of manufacture; and

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## **Part 3**                      **Amendment of Heavy Vehicle (Vehicle Standards) National Regulation**

### **Division 1**                      **Preliminary**

#### **7**                      **Regulation amended**

This Part amends the *Heavy Vehicle (Vehicle Standards) National Regulation*.

### **Division 2**                      **General amendments**

#### **8**                      **Amendment of s 8 (Measurement of width of vehicles)**

- (1) Section 8(1)(h) and (i), ‘maximum distance across the body’—

*omit, insert—*

overall width

- (2) Section 8(1)(i), ‘2.55m.’—

*omit, insert—*

2.55m;

- (3) Section 8(1), after paragraph (i)—

*insert—*

- (j) a blind spot information system fitted to the heavy vehicle, if the overall width of the heavy vehicle, including the system, is not more than 2.6m;
- (k) an indirect vision device—
  - (i) fitted to the heavy vehicle under section 13C(a) of Schedule 2; or

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- (ii) for a device fitted to the heavy vehicle under section 13C(b) of Schedule 2—if the overall width of the heavy vehicle, including the device, is not more than 2.55m.

## 9 Amendment of Sch 2 (Other vehicle standards applying to single heavy vehicles)

- (1) Schedule 2, section 13A(2), ‘body’—

*omit, insert—*

overall length

- (2) Schedule 2, after section 13A—

*insert—*

### 13B Blind spot information systems

A heavy vehicle may be fitted with a blind spot information system that—

- (a) demonstrates compliance with *UN ECE Regulation No. 151 Uniform provisions concerning the approval of motor vehicles with regard to the Blind Spot Information System for the Detection of Bicycles*; or
- (b) demonstrates compliance with another standard that—
  - (i) the Regulator is satisfied is equivalent, or substantially similar, to the UN standard specified in paragraph (a); and
  - (ii) is prescribed by the Regulator by notice on the Regulator’s website; and
  - (iii) is available free of charge.

### 13C Indirect vision devices

A heavy vehicle may be fitted with an indirect

vision device—

- (a) that complies with the requirements of ADR 14/02 or a later version of ADR 14; or
- (b) if the device is fitted at least 2m above the ground—
  - (i) that is used for the sole purpose of observing the traffic area adjacent to the vehicle which cannot be observed by direct vision; and
  - (ii) may be a conventional mirror, camera-monitor, or other device that is able to present information about the indirect field of vision to the driver.

- (3) Schedule 2, section 28(1), ‘heavy motor vehicle’—

*omit, insert—*

heavy vehicle

- (4) Schedule 2, section 78(3)(d)—

*omit, insert—*

- (d) have a yellow surface complying with class 1, 2, 400 or 100 of the version of AS/NZS 1906 ‘Retroreflective materials and devices for road traffic control purposes’ applying to the warning sign at the sign’s date of manufacture.

- (5) Schedule 2, section 108A(2)(c)—

*omit, insert—*

- (c) it has a yellow surface that complies with class 2 or 100 of the version of AS/NZS 1906.1 ‘Retroreflective materials and devices for road traffic control purposes—Retroreflective sheeting’ applying to the label at the label’s date of manufacture.

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(6) Schedule 2, section 108B(2)(c)—

*omit, insert—*

- (c) it has a blue surface that complies with class 2 or 100 of the version of AS/NZS 1906.1 ‘Retroreflective materials and devices for road traffic control purposes—Retroreflective sheeting’ applying to the label at the label’s date of manufacture.

## 10 **Amendment of Sch 3 (Vehicle standards applying only to heavy combinations or particular heavy combinations)**

Schedule 3, section 6(2)(a)—

*omit, insert—*

- (a) a yellow surface complying with class 1, 2, 400 or 100 of the version of AS/NZS 1906 ‘Retroreflective materials and devices for road traffic control purposes’ applying to the warning sign at the sign’s date of manufacture; and

## **Division 3                      Amendments commencing on commencement of particular Commonwealth legislation**

### 11 **Amendment of s 4 (Definitions)**

(1) Section 4, definitions *Motor Vehicle Standards Act, second edition ADR* and *third edition ADR*—

*omit.*

(2) Section 4—

*insert—*

**RAV** means the Register of Approved Vehicles



kept under section 14(1) of the *Road Vehicle Standards Act 2018*.

## 12 Amendment of Sch 1 (Vehicle standards relating to ADRs applying to single heavy vehicles)

(1) Schedule 1, section 3—

*omit, insert—*

### 3 Vehicles that are not road vehicles

A vehicle need not comply with an ADR applied by section 1(1) or 2(1) if—

- (a) before the repeal of the *Motor Vehicle Standards Act 1989* a determination or declaration under section 5B of that Act provided that the vehicle is not a road vehicle for the purposes of that Act; or
- (b) a determination under section 6(5)(b) or (6)(b) of the *Road Vehicle Standards Act 2018* provides that the vehicle is not a road vehicle for the purposes of that Act.

(2) Schedule 1, section 4—

*omit, insert—*

### 4 Vehicles subject to particular approvals

- (1) A vehicle need not comply with an ADR applied by section 1(1) or 2(1) if—
  - (a) despite noncompliance with the ADR—
    - (i) before the repeal of the *Motor Vehicle Standards Act 1989* an approval was given under section 10A(2) or (3) to place an identification plate on the vehicle; or
    - (ii) an approval is given under item 4(2) or 6(2) of Schedule 3 to the *Road Vehicle Standards (Consequential and*

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*Transitional Provisions) Act 2018* of the Commonwealth; and

- (b) the vehicle complies with the approval conditions, if any.
- (2) A vehicle need not comply with an ADR applied by section 1(1) or 2(1) if—
  - (a) either—
    - (i) before the repeal of the *Motor Vehicle Standards Act 1989* the vehicle was permitted to be supplied to the market under section 14A(1) of that Act; or
    - (ii) an approval is given under item 11(2) of Schedule 3 to the *Road Vehicle Standards (Consequential and Transitional Provisions) Act 2018* of the Commonwealth; and
  - (b) the vehicle complies with the approval conditions, if any.
- (3) A vehicle need not comply with an ADR applied by section 1(1) or 2(1) if—
  - (a) before the repeal of the *Motor Vehicle Standards Act 1989* the vehicle was permitted to be used in transport in Australia under section 15(2) of that Act; and
  - (b) the vehicle complies with the approval conditions, if any.
- (3) Schedule 1, after section 4—

*insert—*

**4A Vehicles subject to particular approvals etc under Road Vehicle Standards Act 2018**

A vehicle need not comply with an ADR applied by section 1(1) or 2(1) if—

- 
- (a) the vehicle satisfied an entry pathway under section 15(2) of the *Road Vehicle Standards Act 2018*; and
  - (b) despite noncompliance with the ADR, the vehicle is entered on the RAV.
- (4) Schedule 1, section 5(4), definition *personally imported vehicle*, paragraph (c)—  
*omit, insert—*
- (c) has—
    - (i) if the vehicle was imported before the repeal of the *Motor Vehicle Standards Act 1989*—undertaken to comply with any requirements relating to road safety imposed for the vehicle under the *Motor Vehicle Standards Regulations 1989* of the Commonwealth; or
    - (ii) otherwise—complied with the rules made under the *Road Vehicle Standards Act 2018*; and

### 13 **Amendment of Sch 2 (Other vehicle standards applying to single heavy vehicles)**

- (1) Schedule 2, section 3, heading, ‘Motor Vehicle Standards Act approval’—  
*omit, insert—*
  - particular approval**
- (2) Schedule 2, section 3(c)—  
*omit, insert—*
  - (c) despite the noncompliance—
    - (i) before the repeal of the *Motor Vehicle Standards Act 1989* an approval was given under section 10A(2) or (3) of

[s 14]

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that Act to place an identification plate on the vehicle; or

(ii) an approval is given under item 4(2) or 6(2) of Schedule 3 to the *Road Vehicle Standards (Consequential and Transitional Provisions) Act 2018* of the Commonwealth; or

(iii) the vehicle has satisfied an entry pathway under section 15(2) of the *Road Vehicle Standards Act 2018* and the vehicle is entered on the RAV; and

(3) Schedule 2, section 101—

*omit, insert—*

#### **101 Meaning of certified to ADR 83/00**

For the purposes of this Division, a vehicle is certified to ADR 83/00 if—

(a) before the repeal of the *Motor Vehicle Standards Act 1989* an approval was given under section 10A of that Act to place an identification plate showing compliance with ADR 83/00 on the vehicle; or

(b) an approval is given under item 4(2) or 6(2) of Schedule 3 to the *Road Vehicle Standards (Consequential and Transitional Provisions) Act 2018* of the Commonwealth; or

(c) the vehicle has satisfied an entry pathway under section 15(2) of the *Road Vehicle Standards Act 2018*, including compliance with ADR 83/00, and the vehicle is entered on the RAV.

### **14 Amendment of Sch 3 (Vehicle standards applying only to heavy combinations or particular heavy combinations)**

(1) Schedule 3, section 3, heading, ‘Motor Vehicle Standards Act approval’—

*omit, insert—*

**particular approval**

(2) Schedule 3, section 3(c)—

*omit, insert—*

(c) despite the noncompliance—

- (i) before the repeal of the *Motor Vehicle Standards Act 1989* an approval was given under section 10A(2) or (3) of that Act to place an identification plate on the vehicle; or
- (ii) an approval is given under item 4(2) or 6(2) of Schedule 3 to the *Road Vehicle Standards (Consequential and Transitional Provisions) Act 2018* of the Commonwealth; or
- (iii) the vehicle has satisfied an entry pathway under section 15(2) of the *Road Vehicle Standards Act 2018* and the vehicle is entered on the RAV; and

ENDNOTES

- 1 Made by the Queensland Governor, as defined under section 730(5) of the Heavy Vehicle National Law, acting with the advice of the Executive Council of Queensland, on 11 February 2021.
- 2 Published on the NSW legislation website in accordance with Part 6A of the *Interpretation Act 1987* of NSW on 12 February 2021.
- 3 The administering agency is the National Heavy Vehicle Regulator.

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