

Australian Capital Territory

Heavy Vehicle National Amendment Regulation 2019

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

EXPLANATORY STATEMENT

The *Heavy Vehicle National Law (ACT) Act 2013* (the Act) which commenced on 10 February 2014 provides that the Heavy Vehicle National Law set out in the schedule to the Queensland Act, as amended from time to time, applies as a territory law, as modified by schedule 1 of the Act, and may be referred to as the *Heavy Vehicle National Law (ACT)* (the HVNL).

Section 730 of the Heavy Vehicle National Law (HVNL) provides the Queensland Governor acting with the advice of the Executive Council of Queensland and on the unanimous recommendation of the responsible Ministers the power to make regulations for the HVNL.

Regulations under the HVNL are notified on the NSW legislation register.

Maintenance of policy aspects of the HVNL is the responsibility of the National Transport Commission (NTC) and maintenance of operational aspects is the responsibility of the National Heavy Vehicle Regulator (NHVR). Amendments to the HVNL are subject to approval by the Transport and Infrastructure Council (the Council) comprised of Commonwealth, State, Territory and New Zealand Government's transport and infrastructure portfolio Ministers.

Where the Council approves an amendment to the HVNL, that amendment is progressed through the Queensland Parliament and, in the case of the ACT, adopted automatically. While the HVNL provides that the majority of the *Legislation Act 2001* (the Legislation Act) does not apply in respect of the HVNL, section 8 of the Act provides that chapter 7 of the Legislation Act applies to a national regulation as if a reference to a subordinate law were a reference to a national regulation. As such, national regulations, and national amendment regulations, are required to be presented to the ACT Legislative Assembly within 20 sitting days of notification on the NSW legislation register.

While not required, the Minister for Justice, Consumer Affairs and Road Safety has agreed that an explanatory statement would be provided in support of any national amendment regulation tabled in the Legislative Assembly.

The Heavy Vehicle National Amendment Regulation 2019 was published on the NSW Legislation Register on 29 November 2019 and commenced on 10 December 2019.

Purpose of this Regulation

The purpose of this Regulation is to provide for an increase in mass to 22 tonnes for 3-axle buses that meet additional safety requirements, increase the allowable steer axle mass limit for road trains to 7.1 tonnes, to clarify vehicle standards requirements relating to vehicles required to have particular equipment, tyre tread depth, conspicuity marking on certain vehicles, labelling electric and hydrogen powered vehicles and to make technical amendments to definitions relating to transport enforcement vehicles.

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

Human rights implications

There are no human rights implications arising from the amendments.

Climate change implications

There are no climate change impacts arising from these amendments.