

Australian Capital Territory

# Heavy Vehicle (General) National Amendment Regulation

Subordinate law SL[2018]–

made under the

Heavy Vehicle National Law (ACT), s30 (Regulation-making power)

## EXPLANATORY STATEMENT

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### Introduction

This explanatory statement relates to the *Heavy Vehicle (General) National Amendment Regulation* (the Amendment Regulation) as presented to the Legislative Assembly. It has been prepared in order to assist the reader of the regulation. It does not form part of the legislation and has not been endorsed by the Assembly.

This explanatory statement must be read in conjunction with the regulation. It is not, and is not meant to be, a comprehensive description of the regulation. What is said about a provision is not taken as an authoritative guide to the meaning of a provision, this being a task for the courts.

### Operation and amendment of the Heavy Vehicle National Law

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 as so applying may be referred to as the *Heavy Vehicle National Law (ACT)* (the HVNL).

Regulations under the HVNL are published on the New South Wales legislation register.

Maintenance of the national heavy vehicle legislation is the responsibility of the National Transport Commission (NTC), and is subject to approval by the Transport and Infrastructure Council (the Council) comprised of each State and Territory 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 Legislative Assembly within 6 sitting days of notification on the NSW legislation register.

### **Human rights and climate change implications**

There are no human rights or climate change implications arising from this regulation.

### **Amendments by the *Heavy Vehicle (General) National Amendment Regulation***

The Amendment Regulation amends the *Heavy Vehicle (General) National Regulation*. It provides for payment of the part of the registration fee paid by owners and operators of heavy vehicles identified as the Regulatory Component to the National Heavy Vehicle Regulator. It also provides for the fee for the application for a written work diary to increase from \$20 to \$25.

### **Notes on clauses**

#### **Clause 1      Short title**

This clause provides that the regulation may be cited as the *Heavy Vehicle (General) National Amendment Regulation*.

#### **Clause 2      Commencement**

This clause provides that the regulation commences on 1 July 2016.

#### **Clause 3      Regulation amended**

This clause provides that the regulation amended by the *Heavy Vehicle (General) National Amendment Regulation* is the *Heavy Vehicle (General) National Regulation*.

#### **Clause 4      Insertion of new s69A**

This clause provides that there is a new clause to be inserted into the *Heavy Vehicle (General) National Regulation*. The clause provides that for section 688(3) of the Heavy Vehicle National Law, the regulatory component is the regulatory component of the registration fees paid in respect of a heavy vehicle. It also provides that an amount equal to the regulatory component may be paid to the Fund. The Fund is an account managed by the National Heavy Vehicle Regulator (NHVR).

#### **Clause 5      Amendment of sch 1 (Fees)**

Provides for an increase in the fee to apply for a written work diary from \$20 to \$25. This increase will not change the current applicable fees for a work diary as currently applicable by *Road Transport (General) Fees for Publications Determination 2017*

*(No 1) and previously the Road Transport (General) Fees For Publications  
Determination 2016 (No 1).*