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**THE LEGISLATIVE ASSEMBLY FOR THE  
AUSTRALIAN CAPITAL TERRITORY**

**TENTH ASSEMBLY**

**Heavy Vehicle National Legislation Amendment Regulation 2024**

**Explanatory Statement**

**Presented by  
Chris Steel MLA  
Minister for Transport  
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Australian Capital Territory

# Heavy Vehicle National Legislation Amendment Regulation 2024

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

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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 New South Wales (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 Infrastructure and Transport Ministers Meeting (ITMM) comprised of Commonwealth, State, Territory and New Zealand Government's transport and infrastructure portfolio Ministers.

Where ITMM approves an amendment to the HVNL, that amendment is progressed through the Queensland Parliament and, in the case of the ACT, is 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 then Minister for Justice and Community Safety agreed that an explanatory statement would be provided in support of any national amendment regulation tabled in the Legislative Assembly.

The *Heavy Vehicle National Legislation Amendment Regulation 2024* (the regulation) was published on the NSW Legislation register and commenced on 12 April 2024.

## **Purpose of this Regulation**

The purpose of the regulation is to amend the *Heavy Vehicle (Mass, Dimension and Loading) National Regulation* (the MDL regulation) and the *Heavy Vehicle (Vehicle Standards) National Regulation* (the VS regulation).

The amendments include:

1. providing requirements for a Safer Freight Vehicle as defined in section 153A(2) of the HVNL.
2. updating requirements for measurement of the dimensions of heavy vehicles, taking into account safety technologies introduced into the Commonwealth Australian Design Rules (ADRs) that apply to Safer Freight Vehicles.

## **Human rights implications**

There are no human rights implications arising from these amendments.

## **Climate change implications**

There are no climate change implications arising from these amendments.

## **Clause notes**

Clauses 1 and 2 of the regulation are formal provisions dealing with the name and commencement of the regulation.

Clause 3 provides that the amendment regulation amends the MDL regulation.

Clause 4 inserts Section 5B to the MDL regulation, introducing provisions for safer freight vehicles as defined by section 153A(2) of the HVNL. This new section specifies the different physical dimensions and the additional ADRs to which a safer freight vehicle must comply.

Clause 5 inserts Section 6C to Schedule 6 of the MDL regulation, introducing provisions for disregarding certain devices fitted to the front of a heavy vehicle when measuring the length of a heavy vehicle and providing references to relevant definitions.

Clause 5 also amends section 7(1) of Schedule 6 of the MDL regulation, including provision for safer freight vehicles individually or as part of a combination to be wider than 2.5m.

Clause 6 amends section 14 of Schedule 8 of the MDL regulation, making the requirement also applicable to a safer freight combination and including a definition

of safer freight combination that applies to the section. The clause also numbers the subsections within section 14 of Schedule 8 of the MDL regulation.

Clause 7 provides that the regulation amends the VS regulation.

Clause 8 substitutes section 8 of the VS regulation, amending the requirements to disregard certain devices when measuring the width of a heavy vehicle.

The substituted section specifies different requirements for vehicles manufactured on or after 1 October 2023 for the following devices that are fitted to a heavy vehicle:

- mirrors;
- indirect vision devices;
- permanently fixed webbing assembly-type devices;
- tyre pressure gauges;
- vehicle anti-skid devices; and
- central tyre inflation systems.

Clause 8 also introduces provisions to disregard the deflected part of tyre sidewalls, monitoring devices fitted as part of an automated driving system or a close-proximity information system, cross-view mirrors and devices other than cross-view mirrors that allow the driver to see objects in an area adjacent to the heavy vehicle when measuring the width of a heavy vehicle.

Clause 9 amends Section 13A(1) of Schedule 2 of the VS regulation, replacing a requirement to comply with ADR 14/02 in relation to a class IV front mirror with a requirement to meet ADR 14/03 or a later version of ADR 14.