

2025

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

ELEVENTH ASSEMBLY

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

**Presented by
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Heavy Vehicle (Mass, Dimension and Loading) National 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

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 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, but a reference in section 64 (1) to 6 sitting days were a reference to 20 sitting days and a reference to notification day were a reference to published. As such, national regulations, and national amendment regulations, are required to be presented to the ACT Legislative Assembly within 20 sitting days of publication 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 (Mass, Dimension and Loading) National Amendment Regulation 2024 commenced on 1 November 2024.

Purpose of this Regulation

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

The amendments include:

1. providing definitions and additional mass limits for Euro VI heavy vehicles.
2. including provisions for an allowance of transfer of mass between axles for Euro VI heavy 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. There may be a small environmental benefit through encouraging newer cleaner vehicles to be utilised to perform the same transport function and through the increased mass limits only applying to these newer cleaner vehicles maintaining productivity when compared to older less environmentally friendly vehicles.

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 *Heavy Vehicle (Mass, Dimension and Loading Standards) National Regulation* (MDL Regulation).

Clause 4 amends Section 3 to the MDL Regulation, introducing definitions for

- Euro VI vehicle (complying steer axle);
- Euro VI vehicle (single steer axle);
- Euro VI vehicle (twinsteer); and
- Euro VI mass transfer allowance.

Clause 5 amends Section 6(1) and (3), replacing a reference in order to include Schedule 5B of the MDL regulation in considering prescribed mass requirements.

Clause 6 amends section 7(1)(d) and the note for section 7(1), including additional subsection (1)(e) to provide for the Euro VI mass transfer allowance detailed in Schedule 5B.

Clause 7 amends section 2 of Schedule 1 of the MDL Regulation, adding subparagraphs (iva) to (ivc), providing different mass limits for eligible vehicles as single vehicles or in combinations.

Clause 8 provides for four amendments to section 5 of Schedule 1 of the MDL Regulation. The first amendment substitutes sections 5(1)(a) and (b) with sections 5(1)(a) to (d). This provides for different mass limits for eligible vehicles in relation to axle spacing listed in Table 2.

The second amendment in clause 8 substitutes sections 5(2)(a) and (b) of the MDL Regulation with sections 5(2)(a) to (d). This provides for different mass limits for eligible vehicles in relation to axle spacing listed in Table 3.

The third amendment in clause 8 substitutes wording to clarify that the mass of a road train relating to axle spacing must not be more than the Table 4 limit.

The fourth amendment in clause 8 amends sections 5(7) of the MDL by including definitions applicable to section 5 of the MDL Regulation for ‘table 2 limit’, ‘table 3 limit’ and ‘table 4 limit’.

Clause 9 amends Table 1 in Part 2 of Schedule 1 of the MDL Regulation, providing limits for masses on steer axles and on twinsteer axle groups for Euro VI vehicles.

Clause 10 amends Section 2 of Schedule 2 of the MDL Regulation, providing clarification that section (2) applies subject to section (3).

Clause 11 amends schedule 2 of the MDL Regulation by inserting section 3, providing for increases to concessional mass limits on drive axles for eligible vehicles.

Clause 12 amends Section 2 of Schedule 5 of the MDL Regulation, providing clarification that section (2) applies subject to section (3).

Clause 13 amends schedule 5 of the MDL Regulation by inserting section 3, providing for increases to higher mass limits on drive axles for eligible vehicles.

Clause 14 inserts schedule 5B of the MDL Regulation. Schedule 5B provides for eligible vehicles to transfer mass from the steer axle or steer axle group to the drive axle. Section 1 of Schedule 5 of the MDL Regulation provides limits and requirements for axle mass transfer when considering limits of axles and axle groups. Section 2 of Schedule 5 of the MDL Regulation provides limits and requirements for axle mass transfer with regard to the effect on axle spacing requirements.