

# Heavy Vehicle (Registration) National Regulation

made under the

Heavy Vehicle National Law as applied by the law of States and Territories

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## **1 Short title**

This Regulation may be cited as the *Heavy Vehicle (Registration) National Regulation*.

## **2 Commencement**

This Regulation commences in a particular jurisdiction on the day on which Chapter 12, Part 12.2A of the Law commences in that jurisdiction.

*Note—*

In this Regulation, a reference to ‘the Law’ is a reference to the *Heavy Vehicle National Law*. See section 12 of Schedule 1 of the *Heavy Vehicle National Law*.

## **3 Definitions**

The dictionary in schedule 1 defines particular words used in this Regulation.

## **4 Information about registered heavy vehicles included in database of heavy vehicles**

The Regulator must include in the database of heavy vehicles the following information for each heavy vehicle registered under a law of a participating jurisdiction—

- (a) the garage address;
- (b) the registration number;
- (c) the make and model;
- (d) the year of manufacture;
- (e) the body type;
- (f) the number of axles;
- (g) the VIN or, if there is no VIN, the chassis number, engine number or another number that identifies the vehicle;
- (h) the dates on which the registration starts and expires;

- (i) the registration charge code assigned to the vehicle.

## **5 Information about registered operators of heavy vehicles included in database of heavy vehicles**

- (1) The Regulator must include in the database of heavy vehicles the following information for each registered operator of a heavy vehicle registered under a law of a participating jurisdiction—
  - (a) the registered operator's name;
  - (b) the registered operator's address;
  - (c) the registered operator's customer number.
- (2) In this section—

*customer number*, for a registered operator, means the number a registration authority gives to the operator to identify the operator as the registered operator of a heavy vehicle.

## **6 Information about registered heavy vehicles to be given to Regulator**

- (1) For section 686A(4) of the Law, a registration authority for a participating jurisdiction must give the Regulator the information mentioned in section 4 for each heavy vehicle registered under a law of the participating jurisdiction.
- (2) Subsection (3) applies if a registration authority records on a vehicle register any of the following information about a heavy vehicle—
  - (a) the engine make and number;
  - (b) the number of engine cylinders;
  - (c) the fuel type;
  - (d) the GVM and, if applicable, the GCM;
  - (e) the tare mass;
  - (f) the body colour;

- (g) the seating capacity;
  - (h) the number of wheels;
  - (i) the axle configuration, including the number of axles and the spacing between each axle;
  - (j) if the vehicle is conditionally registered under an Australian road law, the conditions of the registration.
- (3) The registration authority must—
  - (a) give the information to the Regulator; and
  - (b) the Regulator must include the information in the database of heavy vehicles.

## **7 Information about registered operators of heavy vehicles to be given to Regulator**

- (1) For section 686A(4) of the Law, a registration authority for a participating jurisdiction must give the Regulator the information mentioned in section 5 for each registered operator of a heavy vehicle registered under a law of the participating jurisdiction.
- (2) Subsection (3) applies if a registration authority records on a vehicle register any of the following information about a registered operator of a heavy vehicle—
  - (a) the registered operator's telephone number;
  - (b) the registered operator's electronic contact details;
  - (c) the registered operator's gender;
  - (d) the registered operator's date of birth;
  - (e) the registered operator's ACN;
  - (f) if the registered operator has been granted concessional registration for the vehicle under an Australian road law, details about the concession.
- (3) The registration authority must—
  - (a) give the information to the Regulator; and

- (b) the Regulator must include the information in the database of heavy vehicles.

## **8 Information about vehicle defect notices**

- (1) This section applies if an authorised officer—
  - (a) issues a vehicle defect notice for a heavy vehicle under an Australian road law; and
  - (b) the Regulator is notified about the issue of the defect notice.
- (2) The Regulator must record information about the vehicle defect notice in the database of heavy vehicles, including the day, if known, when the notice is cleared or withdrawn.

## **9 Changes to information in database of heavy vehicles**

If a registration authority notifies the Regulator about a change in information about a heavy vehicle or the registered operator of the vehicle included in the database of heavy vehicles, the Regulator must amend the database to record the change.

## **10 Access to information in database of heavy vehicles**

- (1) A registered operator of a heavy vehicle may ask the Regulator for—
  - (a) information about the heavy vehicle included in the database of heavy vehicles; or
  - (b) information about the registered operator included in the database of heavy vehicles.
- (2) The request must be accompanied by the relevant administrative fee for giving the information.
- (3) The Regulator must comply with the request by giving the information to the registered operator in the form of a certificate.

## Schedule 1      Dictionary

### section 3

*vehicle register*, for a heavy vehicle, means the register, however named, kept for the purpose of registering the heavy vehicle by the registration authority responsible for the registration of the heavy vehicle.

ENDNOTES

- 1 Made by the Queensland Governor, as defined under section 730(5) of the Heavy Vehicle National Law, acting on the advice of the Executive Council of Queensland on 21 June 2018.
- 2 Published on the NSW legislation website in accordance with Part 6A of the *Interpretation Act 1987* of NSW on 22 June 2018.
- 3 The administering agency is the Department of Transport and Main Roads.

# Heavy Vehicle (Registration) National Regulation

**Subordinate law SL2018–**

made under the

**Heavy Vehicle National Law (ACT), s 730 (National regulations)**

## EXPLANATORY STATEMENT

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### Introduction

This explanatory statement relates to the *Heavy Vehicle (Registration) National Regulation* (the 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 may be referred to as the *Heavy Vehicle National Law (ACT)* (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 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 and a reference in section 64 of the Legislation Act to 6 sitting days were a reference to 20 sitting days. As such, national regulations, and national amendment regulations, are required to be presented to the Legislative Assembly within 20 sitting days of notification on the NSW legislation register. The regulation was published on the NSW legislation website on 22 June 2018.

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

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

### **Outline of regulation**

In November 2016 the Council agreed to the development of a national registration business system delivering core functionality by 1 July 2018 including registration transactions being maintained by jurisdictions, a nationally agreed fleet and operator dataset being provided to the NHVR and issue of national plates by jurisdictions for new registrations.

The regulation provides for the NHVR to record information relating to heavy vehicle operators and vehicles consisting of a nationally agreed dataset of information supplied by road transport authorities in participating jurisdictions in a database established under section 686A of the HVNL.

The dataset and maintenance of it by the NHVR provides the NHVR with information it needs to perform its functions.

### **Notes on clauses**

#### **Clause 1                      Short title**

This clause cites the name of the regulation as the *Heavy Vehicle (Registration) National Regulation*.

#### **Clause 2                      Commencement**

This clause provides that the regulation will commence on the commencement of Chapter 12, Part 12.2A (Database of heavy vehicles) of the *Heavy Vehicle National Law and Other Legislation Amendment Act 2018*, being, 1 July 2018.

#### **Clause 3                      Definitions**

This clause specifies that the dictionary in schedule 1 of this regulation defines particular words used in this regulation.

#### **Clause 4                      Information about registered heavy vehicles including in database of heavy vehicles**

This clause specifies the information about heavy vehicles registered under a law of a participating jurisdiction to be included in the database.

#### **Clause 5                      Information about registered operators of heavy vehicles included in database of heavy vehicles**

This clause specifies the information about operators of heavy vehicle registered under a law of a participating jurisdiction to be included in the database.

**Clause 6                      Information about registered heavy vehicles to be given to Regulator**

This clause specifies the information about heavy vehicles registered under a law of a participating jurisdiction which must be given to the NHVR by the road transport authority. This information is to be contained in the database.

**Clause 7                      Information about registered operators of heavy vehicles to be given to Regulator**

This clause specifies the information about registered operators of heavy vehicles registered under a law of a participating jurisdiction which must be given to the NHVR by the road transport authority. This information is to be contained in the database.

**Clause 8                      Information about vehicle defect notices**

This clause specifies the information to be contained in the database about vehicle defect notices issued to heavy vehicles under a law of a participating jurisdiction.

**Clause 9                      Changes to information in database of heavy vehicles**

This clause provides for changes to information which is in the database about heavy vehicles or the registered operator of a heavy vehicle.

**Clause 10                    Access to information in database of heavy vehicles**

This clause provides requirements about heavy vehicle operators seeking information about a vehicle or themselves contained in the database in relation to a vehicle for which they are the registered operator and the NHVR providing that information.

**Schedule 1                  Dictionary**

The dictionary in schedule 1 provides the definition of *vehicle register*.