

Heavy Vehicle National Legislation Amendment Regulation 2018

made under the

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

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Part 1 Preliminary

1 Short title

This regulation may be cited as the *Heavy Vehicle National Legislation Amendment Regulation 2018*.

2 Commencement

This regulation commences on 1 July 2018.

Part 2 Amendment of Heavy Vehicle (General) National Regulation

3 Regulation amended

This part amends the *Heavy Vehicle (General) National Regulation*.

4 Amendment of s 28 (Vehicle standards—exemptions for PBS vehicles)

(1) Section 28, before ‘For’—

insert—

(1)

(2) Section 28(1)(a), as renumbered by this section, all dot points—

omit, insert—

- clauses 6.1.1 and 6.2.1 (total length)
- clause 6.2.2 (drawbar length)
- clauses 6.1.2 and 6.2.3 (rear overhang)
- clauses 6.1.3 and 6.2.4 (height)
- clauses 6.1.5 and 6.2.6 (overall width)

[s 4]

- clause 9.4 (retractable axle), other than to the extent it requires a vehicle to comply with clause 6.1.4, 6.1.6, 6.2.5 or 6.2.7;
- (3) Section 28(1)(b), as renumbered by this section, ‘5.3’—
omit, insert—
5.2
- (4) Section 28—
insert—
- (2) A reference in subsection (1) to a clause of an ADR is a reference to—
- (a) the version of the clause applying to the heavy vehicle as a vehicle standard; and
 - (b) if another clause was superseded by the clause (including with modification or because of a renumbering of the ADR) and a version of the superseded clause applies to the heavy vehicle as a vehicle standard—the version of the superseded clause applying to the heavy vehicle as a vehicle standard; and
- Example—*
- An ADR is amended so that a clause mentioned in subsection (1) replaces a previous clause in the ADR. For a heavy vehicle to which the replaced clause applies as a vehicle standard, the reference to the clause in subsection (1) is a reference to the replaced clause applying to the heavy vehicle as a vehicle standard.
- (c) if the clause is omitted and remade (with or without modification) or renumbered and a version of the clause as remade or renumbered applies to the heavy vehicle as a vehicle standard—the version of the clause as remade or renumbered applying to the heavy vehicle as a vehicle standard.
- (3) A reference to a clause of an ADR mentioned in subsection (1) in a PBS vehicle approval is taken

to be a reference to the version of the clause mentioned in subsection (2).

5 Insertion of new Pt 6A

After Part 6—

insert—

**Part 6A Miscellaneous
provision**

**57A Qualification of authorised officers—Law, s
481**

For section 481(1)(d) of the Law the classes are—

- (a) individuals whose services are used by a participating jurisdiction under an arrangement entered into with the employer of the individuals; and
- (b) individuals who are consultants or contractors engaged by a participating jurisdiction.

6 Amendment of Pt 7, hdg (Savings and transitional provisions)

Part 7, heading, after ‘provisions’—

insert—

for section 755 of the Law

7 Insertion of new Pt 7A

After Part 7—

insert—

[s 8]

Part 7A Other savings and transitional provision

69AReferences to ADR clauses in current PBS vehicle approvals

- (1) Section 28(3) applies—
 - (a) to a current PBS approval; and
 - (b) in relation to a clause of an ADR mentioned in section 28 as in force before the commencement as if the clause were mentioned in section 28(1).
- (2) A reference in a current PBS approval to clause 5.3 of ADR 62 is taken to be, and to always have been, a reference to clause 5.2 of ADR 62.
- (3) In this section—

current PBS approval means a PBS vehicle approval in force on the commencement.

8 Replacement of s 69A (Payments into Fund—regulatory component)

Section 69A—

omit, insert—

69A Authorisation for s 688 of the Law

- (1) For section 688(1)(e) of the Law, an amount equal to the regulatory component of the paid registration charges is to be paid into the Fund.
- (2) In this section—

paid registration charges means the charges paid for the registration of a heavy vehicle under a law of a participating jurisdiction or the Commonwealth, taking into account any later refund of the charges.

regulatory component, of the paid registration charges, means the component of the charges—

- (a) prescribed under a law of a participating jurisdiction or the Commonwealth as the regulatory component of the charges; or
- (b) paid to, or received by, a participating jurisdiction, under a law of the jurisdiction or the Commonwealth, for payment into the Fund.

9 Amendment of Sch 1 (Fees)

- (1) Schedule 1, items 2 and 5, column 3, ‘27.00’—

omit, insert—

31.00

- (2) Schedule 1—

insert—

- 16 An application for a HML permit under section 21 of the *Heavy Vehicle (Mass, Dimension and Loading) National Regulation*

70.00

Part 3 Amendment of Heavy Vehicle (Mass, Dimension and Loading) National Regulation

10 Regulation amended

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

11 Amendment of s 3 (Definitions)

- (1) Section 3—

[s 11]

insert—

axle group, for Schedule 1, includes a group of at least 5 axles.

complying anti-lock braking system, for an eligible 2-axle bus, means an anti-lock braking system that complies with—

- (a) if a version of ADR 35 later than ADR 35/01 applied to the bus at the bus's date of manufacture—the version of ADR 35 that applied to the bus at the bus's date of manufacture or a later version of ADR 35; or
- (b) otherwise—ADR 35/01 or a later version of ADR 35.

eligible 2-axle bus—

- 1 A bus is an *eligible 2-axle bus* if the bus—
 - (a) was manufactured before 1 January 2016; and
 - (b) has 2 axles, 1 of which is a single-drive axle fitted with dual tyres; and
 - (c) is 1 of the following—
 - (i) a complying bus;
 - (ii) an ultra-low floor bus;
 - (iii) a bus, other than an ultra-low floor bus, that is authorised to carry standing passengers;
 - (iv) a bus, other than an articulated bus, whose length is more than 12.5m but not more than 14.5m; and
 - (d) is fitted with—
 - (i) a complying anti-lock braking system; or

- (ii) a vehicle stability function that complies with the version of UN ECE Regulation No. 13 that applied to the bus at the bus's date of manufacture or a later version of UN ECE Regulation No. 13.

Note—

A vehicle stability function is also known as electronic stability control or ESC.

- 2 A bus is also an *eligible 2-axle bus* if the bus—
 - (a) was manufactured on or after 1 January 2016; and
 - (b) has 2 axles, 1 of which is a single-drive axle fitted with dual tyres; and
 - (c) is 1 of the following—
 - (i) a complying bus;
 - (ii) an ultra-low floor bus;
 - (iii) a bus, other than an ultra-low floor bus, that is authorised to carry standing passengers;
 - (iv) a bus, other than an articulated bus, whose length is more than 12.5m but not more than 14.5m; and
 - (d) is fitted with—
 - (i) a complying anti-lock braking system; and
 - (ii) either—
 - (A) an eligible electronic braking system; or

[s 11]

- (B) a vehicle stability function that complies with the version of UN ECE Regulation No. 13 that applied to the bus at the bus's date of manufacture or a later version of UN ECE Regulation No. 13.

eligible electronic braking system, for an eligible 2-axle bus, means a service brake system operating on the wheels of the bus that—

- (a) is primarily activated by electronic means; and
- (b) has a secondary means of activation if the electronic means of activation fails.

Example of secondary means of activation—

pneumatic activation

tag trailer means a trailer—

- (a) with 1 axle group or a single axle towards the rear of its load-carrying surface; and
- (b) connected to a towing vehicle by a drawbar.

- (2) Section 3, definition *complying steer axle vehicle*, paragraph (a), from 'in'—

omit, insert—

in—

- (i) ADR 80/01 or a later version of ADR 80; or
- (ii) if a version of ADR 80 later than ADR 80/01 applied to the vehicle at the vehicle's date of manufacture—the version of ADR 80 that applied to the vehicle at the vehicle's date of manufacture or a later version of ADR 80;

- (3) Section 3, definition *front articulation point*, paragraph (e), after 'semitrailer'—

insert—

or tag trailer

(4) Section 3, definition *HML permit*, ‘section 23(2)’—

omit, insert—

section 20(2)

12 Amendment of s 8 (Limitation imposed by manufacturer’s mass limits or other stated limit)

Section 8(8), definition *manufacturer’s mass limits*, paragraph (a)(ii) and (iii)—

omit, insert—

(ii) if a registration authority has, under an Australian road law, specified the total maximum loaded mass for the heavy vehicle and any vehicles it may lawfully tow—that mass; or

(iii) if a registration authority has, under an Australian road law, specified the vehicle’s maximum loaded mass—that mass; or

13 Amendment of s 9 (How to work out the relevant mass for a towing vehicle without a GCM)

Section 9(2), example, paragraph (b)—

omit, insert—

(b) a registration authority has not, under an Australian road law, specified the total maximum loaded mass for the vehicle and any vehicles it may lawfully tow at any given time because the vehicle has not been the subject of an application for registration under an Australian road law or an application for an unregistered heavy vehicle permit under the Law.

[s 14]

14 Amendment of Sch 1, s 2 (Mass limits for a single vehicle or combination)

- (1) Schedule 1, section 2(1)(a)(i)(A)—

omit, insert—

(A) if the bus has only 2 axles but is not an eligible 2-axle bus—16t; or

- (2) Schedule 1, section 2(1)(a)(iii)—

omit, insert—

(iii) for a bus that is an ultra-low floor bus with no axle groups and only 2 single axles but is not an eligible 2-axle bus—16t;

- (3) Schedule 1, section 2(1)(a)—

insert—

(iia) for an eligible 2-axle bus—18t;

- (4) Schedule 1, section 2(1)(a)(v)—

omit, insert—

(v) for a prime mover with a twinsteer axle group towing a tri-axle semitrailer—46.5t;

(vi) for a vehicle that is not mentioned in subparagraphs (i) to (v) and that is neither a B-double nor a road train—42.5t;

- (5) Schedule 1, section 2—

insert—

(4A) In a combination, the sum of the mass on the axle group or single axle of a tag trailer must not be more than the sum of the mass on the axle group or single axle of the towing vehicle.

15 Amendment of Sch 1, Pt 2 (Axle Tables)

- (1) Schedule 1, Part 2, Table 1, first column, single axles and single axle groups, provision starting ‘Steer axles on—’, paragraph (a), after ‘bus’—

insert—

that is not an eligible 2-axle bus

- (2) Schedule 1, Part 2, Table 1, first and second columns, single axles and single axle groups, provision starting ‘Steer axles on—’, after paragraph (b)—

insert—

(ba) an eligible 2-axle bus	7.0
-----------------------------	-----

- (3) Schedule 1, Part 2, Table 1, first and second columns, single axles and single axle groups, provision starting ‘Single axle or single axle group fitted with dual tyres on—’, paragraphs (b) and (c)—

omit, insert—

(b) a complying bus, or a bus authorised to carry standing passengers under an Australian road law, that is not an eligible 2-axle bus	10.0
(c) an ultra-low floor bus with no axle groups and only 2 single axles that is not an eligible 2-axle bus	11.0
(ca) an eligible 2-axle bus	12.0

- (4) Schedule 1, Part 2, Table 1, first entry for quad-axle groups, ‘3775mm’—

omit, insert—

375mm

- (5) Schedule 1, Part 2, Table 1, after the entries for quad-axle groups—

insert—

[s 16]

Axle groups of 5 or more	
Rear group of 5 or more axles on a low loader fitted with single tyres with section widths of less than 375mm	15.0
Any other rear group of 5 or more axles on a low loader	20.0

16 Amendment of Sch 5, s 1 (Application of higher mass limits to single axle or axle group)

- (1) Schedule 5, section 1(1)(a), (2) and (3)(a), ‘single drive axle’—

omit, insert—

single-drive axle

- (2) Schedule 5, section 1(5)—

insert—

(ba) is not a truck and tag trailer combination;
and

17 Amendment of Sch 5, s 2 (Higher mass limits)

- (1) Schedule 5, section 2(1), ‘(4)’—

omit, insert—

(5)

- (2) Schedule 5, section 2(2)(a), ‘single drive axle’—

omit, insert—

single-drive axle

18 Amendment of Sch 6, s 3 (Length—general)

- (1) Schedule 6, section 3, heading, ‘general’—

omit, insert—

combination or single vehicle

- (2) Schedule 6, section 3(1), after ‘heavy vehicle’—
insert—
consisting of a combination or single vehicle
- (3) Schedule 6, section 3(1)(g)—
omit, insert—
(g) for another single vehicle—12.5m.
- (4) Schedule 6, section 3(2)—
omit.
- (5) Schedule 6, section 3(3)(b)(iii)—
omit, insert—
(iii) other than for a deck permitted under subsection (3A), does not have an area carrying, or built to carry, goods.
- (6) Schedule 6, section 3—
insert—
(3A) A prime mover in a B-double carrying, or designed to carry, vehicles may have a deck fitted over the top of the prime mover that is carrying, or built to carry, a vehicle.
- (7) Schedule 6, section 3(4)—
insert—
single vehicle means a heavy motor vehicle that is not towing another vehicle.

19 Amendment of Sch 6, s 4 (Length—trailers)

- (1) Schedule 6, section 4(2), ‘or dog trailer’—
omit, insert—
, dog trailer or tag trailer

[s 20]

- (2) Schedule 6, section 4(3)—

omit, insert—

- (3) The part of a semitrailer or tag trailer, or anything attached to a semitrailer or tag trailer, in front of the trailer's front articulation point, other than another vehicle, must not protrude beyond the prescribed limit.

20 Amendment of Sch 6, s 5 (Length—rear overhang)

- (1) Schedule 6, section 5(1)(a), 'or dog trailer'—

omit, insert—

, dog trailer or tag trailer

- (2) Schedule 6, section 5(2), after 'semitrailer'—

insert—

or tag trailer

21 Amendment of Sch 6, s 6 (Length—trailer drawbars)

Schedule 6, section 6(3), after 'semitrailer'—

insert—

or tag trailer

22 Amendment of Sch 6, s 7 (Width)

- (1) Schedule 6, section 7, before 'A'—

insert—

(1)

- (2) Schedule 6, section 7(1), as renumbered by this section,
note—

omit.

- (3) Schedule 6, section 7—

insert—

- (2) For this Regulation, the width of a heavy vehicle must be measured in accordance with section 8 of the *Heavy Vehicle (Vehicle Standards) National Regulation*.

23 Amendment of Sch 8, s 2 (Warning signs and flags)

- (1) Schedule 8, section 2(1)(c)(ii), ‘load.’—

omit, insert—

load; and

- (2) Schedule 8, section 2(1)—

insert—

- (d) if a load projects beyond a side of the vehicle—2 brightly coloured red, red and yellow, or yellow flags, each at least 450mm by 450mm, attached to the front and rear of each projecting side of the load at the outermost points.

24 Amendment of Sch 8, s 5 (Side and rear markers and warning lights for oversize vehicles used at night)

Schedule 8, section 5(1)(a)—

omit, insert—

- (a) side markers must be displayed—
- (i) not more than 2m apart along the total length of each side of the vehicle and any load projecting from the front or rear of the vehicle; and
 - (ii) at each corner of any load projecting from the front or rear of the vehicle; and

[s 25]

25 Amendment of Sch 8, s 11 (Assessing routes)

Schedule 8, section 11—

insert—

- (4) To remove any doubt, it is declared that a mass or dimension exemption is not permission for the purpose of subsection (3).

26 Amendment of Sch 8, s 17 (Rear marking plates and warning patterns)

Schedule 8, section 17(3), definition *rear marking plate*, paragraph (b) and note—

omit, insert—

- (b) complies with the ‘VSB 12—National Code of Practice—Rear Marking Plates’ published by the Regulator.

Note—

A copy of the ‘VSB 12—National Code of Practice—Rear Marking Plates’ is available on the Regulator’s website at www.nhvr.gov.au.

27 Amendment of Sch 8, s 35 (Characteristics of warning light)

Schedule 8, section 35(1)(c)(i), ‘25W’—

omit, insert—

24W

28 Replacement of Sch 8, s 42 (Material of warning sign)

Schedule 8, section 42—

omit, insert—

42 Other specifications for warning signs

A warning sign on a class 1 heavy vehicle or pilot vehicle must—

- (a) be manufactured from a material appropriate to its intended use on the vehicle; and
- (b) be fitted so that the sign is unlikely to become dislocated or furl; and
- (c) be displayed so that the entire sign is clearly visible; and
- (d) be maintained so that it can be easily read by other road users.

29 Omission of Sch 8, s 43 (Keeping signs clean)

Schedule 8, section 43—

omit.

**Part 4 Amendment of Heavy Vehicle
 (Vehicle Standards) National
 Regulation**

30 Regulation amended

This part amends the *Heavy Vehicle (Vehicle Standards) National Regulation*.

31 Amendment of s 4 (Definitions)

Section 4—

insert—

ADR (Definitions and Vehicle Categories)
means the ADR titled ‘Vehicle Standard (Australian Design Rule—Definitions and Vehicle Categories) 2005’.

[s 32]

32 Amendment of s 8 (Measurement of width of vehicles)

- (1) Section 8, before ‘For’—

insert—

(1)

- (2) Section 8(1)(h), as renumbered by this section, ‘2.55m.’—

omit, insert—

2.55m;

- (3) Section 8(1), as renumbered by this section—

insert—

- (i) removable load restraint equipment, if the maximum distance across the body of the heavy vehicle, including any part of the equipment, is not more than 2.55m.

- (4) Section 8—

insert—

- (2) However, if both devices mentioned in subsection (1)(h) and (i) are fitted to a heavy vehicle at the same time the width of the vehicle is measured disregarding the devices only if the maximum distance across the body of the vehicle, including any part of either device, is not more than 2.55m.

33 Amendment of Sch 2, s 10 (Mudguards)

Schedule 2, section 10(5)(c), after ‘plates’—

insert—

or conspicuity markings

34 Amendment of Sch 2, s 23 (Wheels and tyres—size and capacity)

Schedule 2, section 23(3), definition *ADR (Definitions and Vehicle Categories)*—

omit.

35 Amendment of Sch 2, s 30 (White or silver band on particular vehicles)

Schedule 2, section 30(1)(c), after ‘plates’—

insert—

or conspicuity markings

36 Amendment of Sch 2, s 53 (External cabin lights)

Schedule 2, section 53—

insert—

(4) In this section—

cabin, of a heavy motor vehicle, includes a sleeper berth located immediately adjacent to the vehicle’s cabin.

sleeper berth means a sleeper berth within the meaning of ADR (Definitions and Vehicle Categories).

37 Amendment of Sch 2, s 80 (Rear marking plates)

(1) Schedule 2, section 80, heading, after ‘plates’—

insert—

and conspicuity markings

(2) Schedule 2, section 80(1), from ‘Rear’ to ‘VSB 12’—

omit, insert—

This section applies to the following vehicles

(3) Schedule 2, section 80(2)—

omit, insert—

(2) The vehicle must be fitted with—

[s 38]

(a) rear marking plates in a way that complies with VSB 12, even if the vehicle was built before the day stated in VSB 12; or

(b) conspicuity markings in a way that complies with ADR 13.

Note for subsection (2)(b)—

See also VSB 12 for requirements about ‘Do not overtake turning vehicle’ signs that may apply to a vehicle fitted with conspicuity markings.

(4) Schedule 2, section 80(3), after ‘plates’—

insert—

or conspicuity markings

(5) Schedule 2, section 80(3), ‘over’—

omit, insert—

more than

(6) Schedule 2, section 80(4), definition *VSB 12*—

omit.

(7) Schedule 2, section 80(4)—

insert—

conspicuity marking means a conspicuity marking within the meaning of ADR 13.

VSB 12 means the ‘VSB 12—National Code of Practice—Rear Marking Plates’ published by the Regulator.

Note—

A copy of VSB 12 is available on the Regulator’s website at www.nhvr.gov.au.

38 Amendment of Sch 2, s 86 (Supply of air or vacuum to brakes)

Schedule 2, section 86(1)(c)—

omit, insert—

- (c) there must be, at the lowest point of each air brake reservoir in the vehicle's braking system—
 - (i) a manual condensate drain valve; or
 - (ii) an automatic condensate drain valve that also allows water to be removed from the compressed air reserve manually; and

39 Insertion of new Sch 2, ss 108A and 108B

Schedule 2, part 9—

insert—

108A Hydrogen-powered vehicles

- (1) A hydrogen-powered vehicle built after 1 January 2019 must have fixed conspicuously to its front and rear number plates—
 - (a) for a vehicle fitted with 1 hydrogen fuel container—a label that complies with subsection (2); or
 - (b) for a vehicle fitted with 2 or more hydrogen fuel containers—2 labels that comply with subsection (2).
- (2) For subsection (1), a label complies with this subsection if—
 - (a) it is affixed to a plate made of metal that is at least 1mm thick; and
 - (b) the label, and the plate to which it is affixed, is a regular pentagonal shape—
 - (i) each side of which is 25mm long; and
 - (ii) each interior angle of which is 108°; and

[s 39]

- (c) it has a yellow surface that complies with class 2 of AS 1906.1 ‘Retroreflective Materials and Devices for Road Traffic Control Purposes—Retroreflective Sheeting’; and
- (d) it is marked ‘H’ in a black capital letter that is at least 10mm high and has the orientation shown in the example; and
- (e) it is fixed to the number plates so that the letter on the label is in an upright position; and
- (f) it does not wholly or partly obscure any characters on the number plates.

Example of label for hydrogen-powered vehicle—



Note—

The example of the label is for illustrative purposes only and does not represent the label’s actual size, dimensions or colour.

- (3) In this section—

hydrogen-powered vehicle means a heavy motor vehicle that—

- (a) is powered by a hydrogen fuel system; and
- (b) has 1 or more hydrogen fuel containers fitted to the vehicle for the system.

108B Electric-powered vehicles

- (1) An electric-powered vehicle built after 1 January 2019 must have fixed conspicuously to its front and rear number plates a label that complies with subsection (2).
- (2) For subsection (1), a label complies with this subsection if—
 - (a) it is affixed to a plate made of metal that is at least 1mm thick; and
 - (b) the label, and the plate to which it is affixed, is an equilateral triangular shape—
 - (i) each side of which is 35mm in length; and
 - (ii) each interior angle of which is 60°; and
 - (c) it has a blue surface that complies with class 2 of AS 1906.1 ‘Retroreflective Materials and Devices for Road Traffic Control Purposes—Retroreflective Sheeting’; and
 - (d) it is marked ‘EV’ in white capital letters that are at least 8mm high and have the orientation shown in the example; and
 - (e) it is fixed to the number plates so that the letters on the label are in an upright position; and
 - (f) it does not wholly or partly obscure any characters on the number plates.

Example of label for electric-powered vehicle—

[s 40]



Note—

The example of the label is for illustrative purposes only and does not represent the label's actual size, dimensions or colour.

- (3) However, this section does not apply to a vehicle to which section 108A applies even if the vehicle is fitted with an electric motor or traction motor that is used in conjunction with a hydrogen fuel system for the propulsion of the vehicle.
- (4) In this section—
 - electric-powered vehicle*** means a heavy motor vehicle that is powered by 1 or more electric motors or traction motors that—
 - (a) are the only propulsion system for the vehicle; or
 - (b) are used in conjunction with another propulsion system for the vehicle.

40 Amendment of Sch 3, s 6 (Specifications for warning signs)

- (1) Schedule 3, section 6(3)—

omit, insert—

- (3) A road train warning sign or long vehicle warning sign must be manufactured from a material appropriate to its intended use on the vehicle.
- (2) Schedule 3, section 6—

insert—

- (9A) However, a road train warning sign, or a long vehicle warning sign, split into 2 parts need not have a border between the 2 parts.

- (3) Schedule 3, section 6(11)(b), ‘level.’—

omit, insert—

level; and

- (4) Schedule 3, section 6(11)—

insert—

- (c) the warning sign is unlikely to become dislocated or furl.

- (5) Schedule 3, section 6—

insert—

- (13) A road train warning sign or long vehicle warning sign must—
 - (a) be displayed so that the entire sign is clearly visible; and
 - (b) be maintained so that it can be easily read by other road users.

ENDNOTES

- 1 Made by the Queensland Governor, as defined under section 730(5) of the Heavy Vehicle National Law, acting with the advice of the Executive Council of Queensland and on the unanimous recommendation of the responsible Ministers, 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 National Heavy Vehicle Regulator.

Heavy Vehicle National Legislation Amendment Regulation 2018

Subordinate law SL2018–

made under the

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

EXPLANATORY STATEMENT

Introduction

This explanatory statement relates to the *Heavy Vehicle National Legislation Amendment Regulation 2018* (the amendment regulation) as presented to the Legislative Assembly. It has been prepared in order to assist the reader of the amendment 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 amendment regulation.

Outline of regulation

As part of the ongoing development and review of the HVNL, the NTC, in consultation with jurisdictions, industry and enforcement agencies, identified a number of maintenance amendment issues which were addressed through the *Heavy Vehicle National Law Amendment Act 2017* (the Amendment Act) and the amendment regulation which were approved by the Council in May 2017.

The amendment regulation makes a range of nationally agreed minor or technical amendments to the:

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

The amendment regulation helps to clarify existing provisions and make the regulations more consistent, facilitates better understanding and compliance with legislative requirements, and contributes to the ongoing safe management of heavy vehicles.

Notes on clauses

Part 1 Preliminary

Clause 1 Short title

This clause cites the name of the amendment regulation as the *Heavy Vehicle National Legislation Amendment Regulation 2018* (the amendment regulation).

Clause 2 Commencement

This clause provides that the amendment regulation commenced on 1 July 2018.

Part 2 Amendment of Heavy Vehicle (General) National Regulation

Clause 3 Regulation amended

This clause identifies that Part 2 of the amendment regulation amends the *Heavy Vehicle (General) National Regulation* (the HV(Gen)NR).

Clause 4 Amendment of s 28 (Vehicle standards—exemptions for PBS vehicles)

This clause replaces superseded references to the Australian Design Rules (ADRs) for performance based standard vehicle exemptions and inserts new provisions to make it clear that the exemption from the ADR is an exemption from the ADR that is applicable to the vehicles and to ensure the relevant version of the ADR clauses are applicable should the referenced ADR clauses be superseded. It also corrects an error to reference clause 5.2 of ADR 63 instead of clause 5.3.

Clause 5 Insertion of new Pt 6A

This clause inserts a new part and provision into the HV(Gen)NR. The new provision prescribes, for the purpose of section 481 (1) (d) of the HVNL, specified individuals that fall within ‘a class’ who the NHVR may appoint as an authorised officer for the purpose of the HVNL. It provides that people who are employees, consultants or contractors engaged by a participating jurisdiction may be appointed by the NHVR as an authorised officer.

Clause 6 Amendment of Pt 7, hdg (Savings and transitional provisions)

This clause amends the heading of Part 7 to reference section 755 (National regulations for savings and transitional matters) of the HVNL, to which, the part relates.

Clause 7 Insertion of new Pt 7A

This clause inserts a new part and provision into the HV(Gen)NR. The new provision provides that for PBS approvals in force on commencement of the amendment regulation that references to a clause of an ADR mentioned in clause 28 of the HV(Gen)NR before the commencement of the amendment regulation as if the reference were to an ADR mentioned in the HV(Gen)NR after commencement of the amendment regulation. The provision also corrects references in PBS approvals in force at the commencement of the amendment regulation from a reference to clause 5.3 of ADR 62 to a reference to clause 5.2 of ADR 62.

Clause 8 Replacement of s 69A (Payments into Fund—regulatory component)

This clause replaces existing section 69A and updates references to the HVNL. The clause ensures the legislative authority for participating jurisdictions to pay the regulatory component of heavy vehicle registration charges to the NHVR continues, despite the repeal of Chapter 2 (Registration) and sections 688 (2) and (3) of the HVNL on 1 July 2018.

Clause 9 Amendment of Sch 1 (Fees)

This clause increases the fee of \$27 to \$31 for an accreditation application to add vehicles to or change vehicles currently nominated under the *maintenance management accreditation scheme* by an operator of a heavy vehicle. The fee is applied per vehicle.

The clause also increases the fee of \$27 to \$31 for an accreditation application by an operator to add vehicles to or change vehicles currently nominated under the *mass*

management accreditation scheme by an operator of a heavy vehicle. The fee is applied per vehicle.

The clause also introduces an application fee of \$70 for a Higher Mass Limits (HML) permit.

The fees are payable by the operator of the heavy vehicle to the NHVR. The increase in the accreditation fees and the introduction of the HML permit fee reflects the cost of the NHVR in processing these applications and in the case of the HML permit fee aligns the fee with the permit fees for the issue or renewal of mass and dimension exemptions and class 2 heavy vehicle authorisations.

While the Accreditation chapter of the HVNL is currently disappplied in the ACT, ACT operators of heavy vehicles can enrol their business and vehicles in accreditation arrangements through other participating jurisdictions and obtain the benefits of that accreditation as is applicable to their operations.

Part 3 Amendment of Heavy Vehicle (Mass, Dimension and Loading) National Regulation

Clause 10 Regulation amended

This clause identifies that Part 3 of the amendment regulation amends the *Heavy Vehicle (Mass, Dimension and Loading) National Regulation* (the HV(MDL)NR).

Clause 11 Amendment of s 3 (Definitions)

This clause inserts definitions of *axle group*, *complying anti-lock braking system*, *eligible 2-axle bus*, *eligible electronic braking system* and *tag trailer* into the HV(MDL)NR.

Clause 12 Amendment of s 8 (Limitation imposed by manufacture's mass limits or other stated limit)

This clause amends the definition of manufacturer's mass limit in section 8 by omitting references to the National Heavy Vehicle Regulator and repealed sections of the HVNL and replacing them with registration authority and an Australian road law. The amendment reflects the repeal of Chapter 2 of the HVNL on 1 July 2018 and recognises that states and territories will be responsible for the registration of heavy vehicles including, where appropriate, specifying maximum loaded masses for a heavy vehicle and any vehicles it may tow.

Clause 13 Amendment of s 9 (How to work out the relevant mass for a towing vehicle without a GCM)

This clause amends the example in section 9 by omitting references to the National Heavy Vehicle Regulator and repealed sections of the HVNL and replacing them with registration authority and an Australian road law. The amendment reflects the repeal of Chapter 2 of the HVNL on 1 July 2018 and recognises that states and territories will be responsible for the registration of heavy vehicles including, where appropriate, specifying maximum loaded masses for a heavy vehicle and any vehicles it may tow.

Clause 14 Amendment of Sch 1, s 2 (Mass limits for a single vehicle or combination)

This clause amends the mass limit requirements to provide for eligible 2-axle buses (as provided by the definition inserted by clause 11) to operate at up to 18 tonnes. Non-eligible buses will remain limited to operating at up to 16 tonnes. The clause also provides for twin-steer prime movers towing tri-axle semi-trailers as a single combination to operate at up to 46.5 tonnes. The clause also provides that the mass on the axle or axle group of a tag trailer (as provided by the definition inserted by clause 11) to not be more than the sum of the axles or axle groups of the towing vehicle i.e. the force the tag trailer exerts on the road cannot be more than the force the towing vehicle exerts on the road.

Clause 15 Amendment of Sch 1, Pt 2 (Axle Tables)

This clause amends Table 1 – Axle mass limits table to give effect to the mass amendments described by clause 14. It corrects an error in relation to tyre widths on quad axle groups. It also inserts axle mass limits for axle groups that have five or more axles.

Clause 16 Amendment of Sch 5, s 1 (Application of higher mass limits to single axle or axle group)

This clause amends subclauses in section 1 of Schedule 5 to refer to single-drive axles instead of single drive axles. It is a grammatical change only. It also amends section 1 (5) to insert a provision to clarify that the prescribed higher mass limits do not apply to a truck and tag axle combination necessitated by the inclusion of the definition of a tag trailer by clause 11.

Clause 17 Amendment of Sch 5, s 2 (Higher mass limits)

This clause corrects an error in subsection 2 (1) of the schedule. The existing subsection provided that higher mass limits applied instead of the general mass limits in subsections (2) to (4). The correction extends the exceptions to include the requirements of subclause (5). It also amends a reference to a single drive axle to a single-drive axle as a grammatical change only.

Clause 18 Amendment of Sch 6, s 3 (Length—general)

This clause amends the heading of section 3 in Schedule 6 from Length-general to Length-combination or single vehicle to better reflect what the section prescribes. It clarifies this by including similar wording in subsection (1) and amending subsection (g) to refer to another single vehicle instead of another vehicle and inserting a definition of single vehicle to mean a heavy motor vehicle that is not towing another vehicle.

The clause also gives effect to the agreement of Council to allow 26m B-doubles that are carrying or designed to carry vehicles, to carry a vehicle above the cabin of the B-double combination. This is achieved by omitting the existing subsection 3 (2) that is no longer necessary and inserting subsections 3 (3) (b) (iii) and 3A.

Clause 19 Amendment of Sch 6, s 4 (Length—trailers)

This clause amends subsection 4 (2) of schedule 6 to provide for dimension limits to apply to tag trailers in a similar manner to which they apply to dog trailers and semi-trailers. This is necessitated by the inclusion of a definition of tag trailer in the regulation.

Clause 20 Amendment of Sch 6, s 5 (Length—rear overhang)

Clause 21 Amendment of Sch 6, s 6 (Length—trailer drawbars)

This clause inserts the reference to a tag trailer into section 6 of schedule 6. This gives effect to provide for dimension limits to apply to tag trailers in the same way as they apply to dog trailers and semi-trailers. This is necessitated by the inclusion of a definition of tag trailer in the regulation.

Clause 22 Amendment of Sch 6, s 7 (Width)

This clause amends section 7 of schedule 6 by converting the note into a substantive provision and renumbering the section. There is no material change as a result of this amendment.

Clause 23 Amendment of Sch 8, s 2 (Warning signs and flags)

This clause amends subsection 2 (1) (c) (ii) of schedule 8 and inserts subsection 2 (1) (d) into schedule 8 to provide that warning flags must be located at the widest points on a load projecting beyond the side of a vehicle as well as at the sides of the front and rear of the load.

Clause 24 Amendment of Sch 8, s 5 (Side and rear markers and warning lights for oversize vehicles used at night)

This clause amends section 5 of schedule 8 by replacing the existing subsection 5 (1) (a) with new subsections to clarify that side marker lamps at the corners of loads projecting from vehicles as well as along the side of the vehicle and load when oversize vehicles are travelling at night.

Clause 25 Amendment of Sch 8, s 11 (Assessing routes)

This clause inserts a new subclause 11 (4) into schedule 8 to clarify that a mass or dimension exemption is not permission granted by an entity responsible for relevant services or property for a vehicle to travel along a route.

Clause 26 Amendment of Sch 8, s 17 (Rear marking plates and warning patterns)

This clause amends the existing subclause 17 (3) (b) and the note in schedule 8 to reflect the transfer of responsibility for maintenance and publication of VSB 12 the National Code of Practice – Rear Marking Plates to the NHVR including that a copy of the code is available on the Regulator's website.

Clause 27 Amendment of Sch 8, s 35 (Characteristics of warning light)

This clause amends subsection 35 (1) (c) (i) to reduce the requirement for power of a LED technology warning light from 25 watts to 24 watts, reflecting warning lights that are available in the market.

Clause 28 Replacement of Sch 8, s 42 (Material of warning sign)

This clause recasts the existing section 42 in Schedule 8 to provide that a warning sign must be made of material appropriate for its use rather than specifying material that can be used, and requiring that it be fitted such that it is unlikely to become dislodged or to furl and be displayed and maintained such that the entire sign is clearly visible and readable by other road users.

Clause 29 Omission of Sch 8, s 43 (Keeping signs clean)

This clause is omitted because it is no longer necessary due to the inclusion of subsection 42 (d) by clause 28 that requires signs to be maintained such that they can be easily read by other road users.

**Part 4 Amendment of Heavy Vehicle (Vehicle Standards)
National Regulation**

Clause 30 Regulation amended

This clause identifies that Part 4 of the amendment regulation amends the *Heavy Vehicle (Vehicle Standards) National Regulation*.

Clause 31 Amendment of s 4 (Definitions)

This clause inserts the definition of *ADR (Definitions and Vehicle Categories)* into the dictionary of the regulation.

Clause 32 Amendment of s 8 (Measurement of width of vehicles)

This clause renumbers section 8, adds a new subsection to provide that removable load restraint equipment can be disregarded when measuring the width of a vehicle provided the width across the vehicle including the removable load restraint equipment is not more than 2.55m. The clause also inserts a new subclause 8 (2) to provide that permanently affixed webbing type devices and removable load restraint equipment can be disregarded in measuring width if both are fitted to the vehicle if the overall width of the vehicle including across any part of either device is not more than 2.55m.

Clause 33 Amendment of Sch 2, s 10 (Mudguards)

This clause amends the existing subclause 10 (5) (c) in schedule 2 to provide that the outside of the rear of a mudflap or mudguard need not be painted white or silver if the vehicle is fitted with conspicuity markings as an alternative to rear marking plates.

Clause 34 Amendment of Sch 2, s 23 (Wheels and tyres—size and capacity)

This clause omits the definition of *ADR (Definitions and Vehicle Categories)* from section 23 of the regulation as it is not needed because it has been included in the dictionary of the regulation by clause 31.

Clause 35 Amendment of Sch 2, s 30 (White or silver band on particular vehicles)

This clause amends section 30 of schedule 2 to provide that the rear of certain vehicle need not have white or silver band if the vehicle is fitted with conspicuity markings as an alternative to rear marking plates.

Clause 36 Amendment of Sch 2, s 53 (External cabin lights)

This clause inserts definitions of *cabin* and *sleeper berth* in section 53 of schedule 2 to clarify that external cabin lights may be fitted to the sleeper berth part of the cabin of a heavy vehicle fitted with external clearance lights.

Clause 37 Amendment of Sch 2, s 80 (Rear marking plates)

This clause amends section 80 of schedule 2 to provide that certain vehicles may be fitted with conspicuity markings in accordance with the relevant Australian Design Rule (ADR) – ADR 13 instead of rear marking plates in accordance with VSB 12 – National Code of Practice – Rear Marking Plates.

Clause 38 Amendment of Sch 2, s 86 (Supply of air or vacuum to brakes)

This clause replaces the existing subclause 86 (1) (c) of schedule 2 to clarify that an automatic condensate drain valve must also be able to be operated manually to meet the requirement.

Clause 39 Insertion of new Sch 2, ss 108A and 108B

This clause inserts new sections 108A and 108B to require labels to be affixed to the front and rear number plates of hydrogen and electrically (including hybrid) powered vehicles manufactured after 1 January 2019. The labels will comprise two components a plate at least 1mm thick and a label attached to that plate. The labels for hydrogen powered vehicles are required to be pentagonal in shape 25mm on a side with a yellow retro reflective surface and a black capital letter H at least 10mm tall on it. The labels for an electrically powered vehicle are required to be triangular in shape 35mm on a side with a blue retroreflective surface and white capital letters E and V at least 10mm tall on it. These marking requirements are similar to the marking requirements for “gas” powered vehicles, and provide warnings to emergency workers as to the motive power of the vehicle and the additional or different risks the vehicle may present in the case of a vehicle crash.

Clause 40 Amendment of Sch 3, s 6 (Specifications for warning signs)

This clause recasts the existing section 6 in Schedule 3 to provide that a warning sign must be made of material appropriate for its use rather than specifying material that can be used, and requiring that it be fitted such that it is unlikely to become dislodged or to furl and be displayed and maintained such that the entire sign is clearly visible and readable by other road users. These amendments are similar to those provided for warning signs on class 1 heavy vehicles or pilot and escort vehicles in the HV(MDL)NR by clause 28 above. The clause also inserts subclause 9A to clarify that a road train or long vehicle warning sign that is split into two parts need not have a black border on the edges of the sign where the sign is split.