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

**ROAD TRANSPORT LEGISLATION AMENDMENT REGULATION 2014 (NO 1)**

**SL2014-2**

**EXPLANATORY STATEMENT**

**Presented by  
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## **ROAD TRANSPORT LEGISLATION AMENDMENT REGULATION 2014 (No 1)**

### **OUTLINE**

This regulation is made under section 233 of the *Road Transport (General) Act 1999* and section 13 of the *Road Transport (Vehicle Registration) Act 1999*. It is consequential to the passing of the *Heavy Vehicle National Law (ACT) Act 2013* and the *Heavy Vehicle National Law (Consequential Amendments) Act 2013*, and will commence in conjunction with those laws.

#### **Background**

The Heavy Vehicle National Law (the National Law) is a schedule to the *Heavy Vehicle National Law Act 2012* (Qld). The National Law applies to vehicles (including buses) with a gross vehicle mass (GVM) over 4.5 tonnes. It consolidates model laws developed by the National Transport Commission and its predecessor, the National Road Transport Commission, and establishes the National Heavy Vehicle Regulator (the Regulator). Both the National Law and the Regulator are hosted by Queensland.

The purpose of the *Heavy Vehicle National Law (ACT) Act 2013* is to apply the National Law as a law of the Territory. The *Heavy Vehicle National Law (Consequential Amendments) Act 2013* is cognate with that Act, and repeals the *Road Transport (Mass, Dimensions and Loading) Act 2009* as well as making necessary amendments to other laws, in particular the road transport legislation.

#### **National regulations—heavy vehicle standards**

Part 13.5 of the National Law provides for the making of national regulations by the designated authority, the Queensland Governor, acting with the advice of the Executive Council of Queensland and on the unanimous recommendation of responsible Ministers. On the commencement of the *Heavy Vehicle National Law (ACT) Act 2013* the national law will be supported by a body of national regulations made on 31 May 2013.

The national regulations include the *Heavy Vehicle (Vehicle Standards) National Regulation*, which is available on the Queensland Legislation website.<sup>1</sup> It is also published on the NSW Legislation website in accordance with section 733 of the National Law.<sup>2</sup>

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<sup>1</sup> <https://www.legislation.qld.gov.au/LEGISLTN/SLS/2013/13SL076.pdf>. The Explanatory Notes for the *Heavy Vehicle (Vehicle Standards) National Regulation* are available at [https://www.legislation.qld.gov.au/LEGISLTN/SLS/RIS\\_EN/2013/13SL076E.pdf](https://www.legislation.qld.gov.au/LEGISLTN/SLS/RIS_EN/2013/13SL076E.pdf).

<sup>2</sup> <http://www.legislation.nsw.gov.au/sessionalview/sessional/subordleg/2013-248.pdf>.

The *Heavy Vehicle (Vehicle Standards) National Regulation* prescribes nationally uniform standards with which heavy motor vehicles, trailers and vehicles and combinations must comply, alongside the National Law, chapter 3 (Vehicle operations—standards and safety).

The *Heavy Vehicle (Vehicle Standards) National Regulation* adopts the existing Australian Vehicle Standards Rules (AVSRs), which have a high degree of uniformity among jurisdictions. The AVSRs support the Australian Design Rules (ADRs), which are made under the *Motor Vehicles Standards Act 1989* (Cwlth) and apply to all motor vehicles imported into or manufactured in Australia since the introduction of those rules in the 1960s. The ADRs apply to the design and construction of new motor vehicles, while the AVSRs apply to their continued compliance with applicable ADRs, once the vehicle is first registered, as well as other matters such as heavy vehicles operating as combinations.

#### *Amendments to Road Transport (Vehicle Registration) Regulation 2000*

In the ACT, these matters are currently prescribed in the *Road Transport (Vehicle Registration) Regulation 2000*, schedule 1 (Vehicle standards) for both heavy and light registrable vehicles that are used on a road or road related area.

This regulation contains consequential amendments to remove the application of schedule 1 to heavy vehicles. Schedule 1 will continue to apply to light registrable vehicles used on a road or road related area in the ACT. The amendments to schedule 1 do not constitute a substantive policy change—no new provisions are introduced or incorporated.

Due to the complexity of developing new light vehicle standards following the removal of heavy vehicle standards to the *Heavy Vehicle (Vehicle Standards) National Regulation*, this regulation has been developed separately to the *Heavy Vehicle National Law (ACT) Act 2013* and the *Heavy Vehicle National Law (Consequential Amendments) Act 2013*. This regulation will take effect in conjunction with those laws.

When this regulation commences, the *Heavy Vehicle (Vehicle Standards) National Regulation* will apply to heavy motor vehicles, trailers and combinations, while schedule 1 of the *Road Transport (Vehicle Registration) Regulation 2000* will apply only to light motor vehicles, trailers and combinations.

#### *Road Transport (Offences) Regulation 2005*

This Regulation amends 2 short descriptions in part 1.2A of schedule 1 of the *Road Transport (Offences) Regulation 2005*. Schedule 1 sets out the short descriptions, penalties and demerit points for road transport infringement notice offences. The implementation of

new infringement notices for the National Law requires a technical amendment to the regulation.

The ACT Policing 'autocite' infringement notice system indexes infringement notice offences by their short descriptions (the text set out in column 3 of schedule 1). This requires the short description of each offence to be unique.

Two pairs of offences inserted into schedule 1 by the *Heavy Vehicle National Law (Consequential Amendments) Act 2013* (items 1.1 and 1.2, and items 93 and 95) have identical short descriptions.

This regulation amends these items to make each of the short descriptions unique. It also amends item 76.2 of schedule 1 to correct an offence penalty and infringement penalty provided for the offence of 'person accompanying driver fail to comply with authorised officer's direction to leave/not enter vehicle'. This brings it into line with other jurisdictions' legislation.

#### Policy and human rights implications

The amendments in this regulation are technical in nature and do not engage human rights independently of the broader heavy vehicle scheme of which they form part. For that reason, readers are directed to the human rights discussion in the Explanatory Statement for the *Heavy Vehicle National Law (ACT) Act 2013*.

## CLAUSE NOTES

### **PART 1      PRELIMINARY**

#### **Section 1      Name of regulation**

This section is a formal provision that sets out the name of the regulation.

#### **Section 2      Commencement**

This section is a formal provision that provides for the commencement of the regulation. The regulation will commence on the day the *Heavy Vehicle National Law (ACT) Act 2013*, section 7 commences.

#### **Section 3      Legislation amended**

This section states that this regulation amends the *Road Transport (Offences) Regulation 2005* and the *Road Transport (Vehicle Registration) Regulation 2000*.

### **PART 2      ROAD TRANSPORT (OFFENCES) REGULATION 2005**

#### **Section 4      Schedule 1, part 1.2A, item 1.1, column 3**

This section amends the short description of part 1.1 to make it unique, facilitating its entry into the autocite system used by ACT Policing.

#### **Section 5      Schedule 1, part 1.2A, item 1.2, column 3**

This section amends the short description of part 1.2 to make it unique.

#### **Section 6      Schedule 1, part 1.2A, item 76.2, columns 4 and 5**

This section substitutes the offence penalty and infringement penalty for these offences to \$6 000 and \$600 respectively. \$6 000 is the maximum penalty provided by the National Law, section 524 (5) (Direction to leave heavy vehicle).

By national agreement, the infringement penalty is set at a value of 10% of the maximum court imposable penalty amount.<sup>3</sup>

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<sup>3</sup> See the Explanatory Statement for the *Heavy Vehicle National Law (Consequential Amendments) Act 2013*, pages 12 to 14.

## **Section 7      Schedule 1, part 1.2A, item 93, column 3**

This section amends the short description of this item to distinguish it from part 1.2A, item 95, column 3 ('person responsible for keeping document not certify copy or entry in document when required by authorised officer'). Item 95 will retain the existing short description.

## **PART 3      ROAD TRANSPORT (VEHICLE REGISTRATION) REGULATION 2000**

### **Section 8      Section 5A (2), example 2**

This section substitutes example 2 because the instrument mentioned, the UN ECE Agreement, has been omitted from the regulation by another amendment.

### **Section 9      Section 59 (8), new definition of *traffic offence detection device***

This section relocates the definition of *traffic offence detection device* from the dictionary, as the definition is only used in section 59.

### **Sections 10 to 12**

These sections amend provisions relating to the issue of defect notices, to ensure that defect notices under the *Road Transport (Vehicle Registration) Regulation 2000* apply only to light vehicles. Vehicle defect notices for heavy vehicles will be issued under the National Law.

### **Section 13      Section 103**

This section substitutes the definition of *applicable vehicle standards*. For heavy vehicles, the applicable vehicle standards are the heavy vehicle standards within the meaning of the National Law. For light vehicles, the applicable vehicle standards are the requirements mentioned in schedule 1 of the regulation that apply to the vehicle.

### **Sections 14 to 45**

Sections 14 to 45 amend provisions in part 6.1, which deals with general requirements in relation to vehicle standards. The amendments ensure the provisions apply only to light vehicles (or light motor vehicles, light trailers or light combinations, where appropriate).

## **Sections 46 to 48**

These sections amend provisions in part 6.5 (Defect notices) to ensure the provisions apply only to light vehicles.

Defect notices for heavy vehicles will be issued under the National Law, part 9.3, division 6 (Further powers in relation to heavy vehicles concerning heavy vehicle standards).

## **Sections 49 to 52**

These sections replace references to the *Road Transport (Mass, Dimensions and Loading) Act 2009* with the National Law. This amendment is consequential to the repeal of the *Road Transport (Mass, Dimensions and Loading) Act 2009* by the *Heavy Vehicle National Law (Consequential Amendments) Act 2013*.

Under the National Law, national regulations may prescribe requirements about the dimensions of a heavy vehicle.

## **Section 53     Schedule 1**

This section omits and substitutes schedule 1 (Vehicle standards) of the *Road Transport (Vehicle Registration) Regulation 2000*.

New schedule 1 sets out vehicle standards applying to light vehicles only – schedule 1, section 1.7 provides that the schedule does not apply to a heavy vehicle or a combination that includes a heavy vehicle. However, light vehicle standards still apply to a light vehicle if the light vehicle forms part of a heavy combination under the National Law.

Any examples, notes and diagrams which were relevant to heavy vehicle matters only have been omitted or replaced, and the remaining sections renumbered.

The following table sets out the matters relating to heavy vehicle standards which have been omitted from the new schedule 1, and the corresponding provision (if any) in the National Regulations for those matters.

<b>Provision omitted from sch 1</b>	<b>Matter relating to heavy vehicles</b>	<b>Corresponding National Regulation provision<sup>4</sup></b>
1.34 (1) (a), (3)	Mudguards	sch 2, s 10 (Mudguards)
1.42 (5)	Electrical wiring, components, connections and installations of a semitrailer, dog trailer or converter dolly used in a road train over 19m long	sch 3, s 4 (Electrical wiring, connections and installations)
1.48 (3) and (4)	Windscreen-washers for motor vehicle built after 1982 with GVM >4.5t	sch 2, s 22 (Windscreen wipers and washers)
1.54	Tyres for use on vehicles with GVM >4.5t	sch 2, s 26 (Tyres—suitability)
1.57 (2) (a) (i)	Tyre tread pattern	sch 2, s 28 (Tyre tread)
1.63	Compliance plate to be attached to certain heavy trailers	None (ACT specific provision)
1.65	Warning signs for combinations over 22m long	sch 3, s 5 (Warning signs for combinations longer than 22m)
1.67	Specifications for warning signs	sch 2, s 78 (Specifications for warning signs)
1.68	Left-hand drive signs	sch 2, s 31 (Left-hand drive signs)
1.69 (2)	Axle configuration for articulated buses	sch 2, s 32 (2) (Axle configuration)
1.73 (2) and (3)	Length of controlled access buses and articulated buses	<i>Heavy Vehicle (Mass, Dimension and Loading) National Regulation, sch 6, s 3 (Length—general)</i>
1.74 (4) and (5)	Length of trailers built to transport certain animals on 2 or more decks	<i>Heavy Vehicle (Mass, Dimension and Loading) National Regulation, sch 6, s 4 (Length—trailers)</i>
1.75	Length of heavy combinations	<i>Heavy Vehicle (Mass, Dimension and Loading) National Regulation, sch 6, s 3 (Length—general)</i>
1.76 (4)	Rear overhang of controlled access bus	None (ACT specific provision)

<sup>4</sup> Provision is in the *Heavy Vehicle (Vehicle Standards) National Regulation* unless otherwise stated.



<b>Provision omitted from sch 1</b>	<b>Matter relating to heavy vehicles</b>	<b>Corresponding National Regulation provision<sup>4</sup></b>
1.77 (1) (a) and (b)	Trailer drawbar length	<i>Heavy Vehicle (Mass, Dimension and Loading) National Regulation, sch 6, s 6 (Length—trailer drawbars)</i>
1.78	Height of vehicles used to transport cattle/sheep/pigs/horses, double deck buses and vehicles built to carry vehicles on 2 or more decks	<i>Heavy Vehicle (Mass, Dimension and Loading) National Regulation, sch 6, s 8 (Height)</i>
1.126	Rear marking plates	sch 2, s 80 (Rear marking plates)
1.133 (2)	Design and performance requirements for braking system for vehicle with GVM >4.5t	sch 2, s 84 (Components of a braking system)
1.135 (1) (b)	Air storage tank capacity for air brakes fitted to vehicle with GVM >4.5t	sch 2, s 86 (Supply of air or vacuum to brakes)
1.139 (7) and (8)	Protection against loss of supply line air or brake control signal air for braking system of heavy vehicle towing a trailer with air brakes	sch 2, s 90 (Air or vacuum brakes on heavy motor vehicles)
1.141 (2)	Operation of brakes on unloaded converter dolly <3t being towed by vehicle with GVM >12t	sch 2, s 92 (Operation of brakes on a heavy trailer)
Division 1.9.4	Additional brake requirements for B-doubles and long road trains	sch 3, pt 4 (Braking systems)
Table 1.155A.1, items 3 and 4	Rate of NO <sub>x</sub> emissions for diesel-powered vehicles with GVM >12t	sch 2, s 96 (Exhaust emissions—diesel-powered vehicles)
Table 1.155A.2, items 3 and 4	Rate of particle emissions for diesel-powered vehicles with GVM >12t	sch 2, s 96 (Exhaust emissions—diesel-powered vehicles)
1.156 (3)	Positioning and shielding of exposed section of vertical exhaust system fitted to heavy motor vehicle other than a bus	sch 2, s 99 (Exhaust systems)
1.156 (6)	Fitting of vertical exhaust system fitted to a heavy motor vehicle	sch 2, s 99 (Exhaust systems)
Table 1.160, items 3 and 6	Stationary noise levels of other vehicles with diesel engines with a GVM >12t	sch 2, s 105 (Stationary noise levels—other vehicles with diesel engines)

<b>Provision omitted from sch 1</b>	<b>Matter relating to heavy vehicles</b>	<b>Corresponding National Regulation provision<sup>4</sup></b>
Part 1.12	Maximum road speed limiting	sch 2, pt 9 (Maximum road speed limiting)
Division 1.13.2	Additional coupling requirements for B-doubles and long road trains	sch 3, pt 5, div 2 (Additional coupling requirements for B-doubles and long road trains)

## Sections 54 to 75

These sections amend the *Road Transport (Vehicle Registration) 2000*, dictionary, inserting new definitions of **light combination**, **light motor vehicle** and **light trailer** into the dictionary, omitting definitions which are only relevant to heavy vehicle standards and updating cross-references.

The table below shows which definitions are omitted from the *Road Transport (Vehicle Registration) Regulation*, and the location of the corresponding definitions under the National Law.

Definition omitted	Location of corresponding definition
<b>50mm kingpin</b>	<i>Heavy Vehicle (Vehicle Standards) National Regulation</i> , s 4 (Definitions)
<b>75mm kingpin</b>	<i>Heavy Vehicle (Vehicle Standards) National Regulation</i> , s 4
<b>90mm kingpin</b>	National Law, s 5 (Definitions)
<b>articulated bus</b>	National Law, s 5
<b>B-double</b>	National Law, s 5
<b>controlled access bus</b>	a bus, other than an articulated bus, over 12.5m long corresponds to a <b>class 2 heavy vehicle</b> : see National Law, s 136 (a) (ii) (C)
<b>D-value</b>	
<b>night</b>	Legislation Act, dictionary, part 1
<b>quad axle group</b>	National Law, s 5
<b>road tank vehicle</b>	<i>Heavy Vehicle (Vehicle Standards) National Regulation</i> , s 4
<b>road train</b>	National Law, s 5
<b>total loss</b>	none – unused definition
<b>twinsteer axle group</b>	National Law, s 5