

Heavy Vehicle National Amendment Regulation 2017

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 Amendment Regulation 2017*.

2 Commencement

- (1) Part 2 commences when the *Heavy Vehicle National Law and Other Legislation Amendment Act 2016*, section 6 commences.
- (2) The remaining provisions commence when the *Heavy Vehicle National Law and Other Legislation Amendment Act 2016*, section 114 commences.

Part 2 Amendment of Heavy Vehicle (Fatigue Management) National Regulation

3 Regulation amended

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

4 Amendment of s 23 (Prescribed driver offence or fatigue duty under another law)

Section 23(1), ‘definitions in sections 228(4) and 229(5)’—
omit, insert—
definition in section 228(4)

5 Omission of ss 26 and 27

Sections 26 and 27—

[s 6]

omit.

Part 3 Amendment of Heavy Vehicle (General) National Regulation

6 Regulation amended

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

7 Amendment of s 11 (Approval must state particular conditions for design for vehicle fitted with quad-axle group)

Section 11(2)(g)—

omit.

8 Insertion of new s 72

Part 8—

insert—

72 Increase of fee amounts

(1) This section applies to the fees in Schedule 1 for section 740A(2) of the Law.

(2) The amount of the increase of each fee that is to happen on each 1 July, as stated in section 740A of the Law, is the amount decided in accordance with the following formula—

CPI indexation factor × Maximum fee amount

(3) The amount decided under subsection (2) is to be rounded up or down to the nearest multiple of \$1.00, rounding an amount of 50c upwards.

(4) If the amount worked out under subsections (2) and (3) for a particular 1 July is less than nil, no

increase happens on that 1 July.

- (5) The *CPI indexation factor* for a particular 1 July is the amount of percentage points worked out using the following formula—

CPI indexation factor =

$$\frac{\text{Sum of index numbers for the 4 quarters in the recent calendar year}}{\text{Sum of index numbers for the 4 quarters in the previous calendar year}}$$

where—

index number, for a quarter, means the All Groups Consumer Price Index number that is the weighted average of the 8 capital cities and is published by the Australian Statistician for that quarter.

previous calendar year means the last calendar year before the recent calendar year.

recent calendar year means the calendar year that ended most recently before the 1 July in question.

Part 4 **Amendment of Heavy Vehicle (Mass, Dimension and Loading) National Regulation**

9 **Regulation amended**

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

10 **Amendment of s 3 (Definitions)**

Section 3, definition *relevant accreditation label*—
omit.

[s 11]

11 Omission of pt 2, div 2 (CML heavy vehicle accreditation label)

Part 2, division 2—

omit.

12 Amendment of s 15A (Process for amending a stated map or stated list)

Section 15A(2)(b), ‘14.’—

omit, insert—

14,

13 Amendment of s 17 (Amendment or cancellation of HML declaration on Regulator’s initiative)

(1) Section 17(3), from ‘notice in’ to ‘website’—

omit, insert—

public notice

(2) Section 17(5)—

omit, insert—

(5) The Regulator must publish a public notice of the amendment or cancellation.

14 Amendment of s 18 (Amendment or cancellation of HML declaration on request by relevant road manager)

Section 18(5)—

omit, insert—

(5) The Regulator must publish a public notice of the amendment or cancellation.

15 Amendment of s 19 (Immediate suspension)

Section 19(2) and (3)—

omit, insert—

- (3) The Regulator may, by public notice, immediately suspend the declaration until the earliest of the following—
- (a) the end of 56 days after the day the public notice is published;
 - (b) the Regulator publishes a notice under section 17(5) or 18(5) and the amendment or cancellation takes effect under section 17(6) or 18(6);
 - (c) the Regulator cancels the suspension by public notice.

16 Omission of pt 2, div 3, sdiv 3 (Other provision)

Part 2, division 3, subdivision 3—

omit.

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

Schedule 5, section 2(4), second mention—

renumber as schedule 5, section 2(5).

18 Replacement of sch 6, s 7 (Width)

Schedule 6, section 7—

omit, insert—

7 Width

A heavy vehicle must not be wider than 2.5m.

Note—

See the *Heavy Vehicle (Vehicle Standards) National Regulation*, section 8 for the measurement of the width of a heavy vehicle.

[s 19]

Part 5 **Amendment of Heavy Vehicle (Vehicle Standards) National Regulation**

19 **Regulation amended**

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

20 **Amendment of s 4 (Definitions)**

(1) Section 4, definitions *exempt vehicle* and *former Australian Transport Council*—

omit.

(2) Section 4—

insert—

Air Services Act means the *Air Services Act 1995* (Cwlth).

Airservices Australia see the Air Services Act, section 7.

Airservices Australia vehicle means a vehicle driven by any of the following persons in the course of the person's duty to Airservices Australia—

- (a) the Chief Executive Officer of Airservices Australia appointed under the Air Services Act, section 34;
- (b) a person appointed to act as Chief Executive Officer of Airservices Australia under the Air Services Act, section 41;
- (c) a person employed under the Air Services Act, section 42;
- (d) a person engaged as a consultant under the Air Services Act, section 43.

Australian Border Force see the *Australian Border Force Act 2015* (Cwlth), section 4(1).

Australian Border Force vehicle means a vehicle driven by an Immigration and Border Protection worker in the course of the worker's duty to the Australian Border Force.

exempt vehicle means any of the following heavy vehicles—

- (a) an Airservices Australia vehicle;
- (b) an Australian Border Force vehicle;
- (c) an emergency vehicle;
- (d) a police vehicle;
- (e) a road enforcement vehicle.

Immigration and Border Protection worker see the *Australian Border Force Act 2015* (Cwlth), section 4(1).

Ministerial Council means the Standing Ministerial Council—

- (a) that is established or recognised by the Council of Australian Governments; and
- (b) whose members include all Ministers in Australia having portfolio responsibility for transport and infrastructure.

- (3) Section 4, definitions *50mm kingpin*, *90mm kingpin*, *Australian Standard* and *British Standard*, note, 'at <www.standards.org.au>'—

omit.

- (4) Section 4, definition *road tank vehicle*, from 'seventh'—
omit, insert—

approved by the Ministerial Council.

[s 21]

21 Replacement of s 8 (Measurement of width of vehicles)

Section 8—

omit, insert—

8 Measurement of width of vehicles

For this Regulation, the width of a heavy vehicle is measured disregarding the following devices—

- (a) an anti-skid device mounted on the wheels of the heavy vehicle;
- (b) a central tyre inflation system fitted to the heavy vehicle;
- (c) a side marker light fitted to the heavy vehicle;
- (d) a mirror fitted to the heavy vehicle;
- (e) a reflector fitted to the heavy vehicle;
- (f) a signalling device fitted to the heavy vehicle;
- (g) a tyre pressure gauge fitted to the heavy vehicle;
- (h) a permanently fixed webbing assembly-type device, if the maximum distance across the body of the heavy vehicle, including any part of the device, is not more than 2.55m.

Example of permanently fixed webbing assembly-type device—

a curtain-side device

Note—

The *Heavy Vehicle (Mass, Dimension and Loading) National Regulation*, Schedule 6, section 7 prescribes the maximum width of a heavy vehicle.

22 Amendment of sch 2, s 12 (Rear vision mirrors)

- (1) Schedule 2, section 12(3), (4) and (5), from ‘width of the vehicle,’—

omit, insert—

width of the vehicle.

- (2) Schedule 2, section 12, note—

omit.

23 Amendment of sch 2, s 17 (Electrical wiring, connectors and conductors)

Schedule 2, section 17(3), first dot point, note, ‘at <www.standards.org.au>’—

omit.

24 Amendment of sch 2, s 21 (Window tinting)

- (1) Schedule 2, section 21(5), after ‘vehicle’—

insert—

, other than rear glazing,

- (2) Schedule 2, section 21—

insert—

(5A) A heavy motor vehicle’s rear glazing may be coated to achieve a luminous transmittance of 0% or more.

- (3) Schedule 2, section 21(6), ‘subsection (5)’—

omit, insert—

subsection (5) or (5A)

- (4) Schedule 2, section 21(8)—

insert—

rear glazing, for a heavy motor vehicle, means glazing used in a window or interior partition of

[s 25]

the heavy motor vehicle located behind the driver in the normal driving position.

- (5) Schedule 2, section 21(8), definition *luminous transmittance*—

omit, insert—

luminous transmittance, for glazing or a coating on glazing, means the amount of light that can pass through the glazing as a percentage of the amount of light that would be transmitted if the glazing or coating were absent.

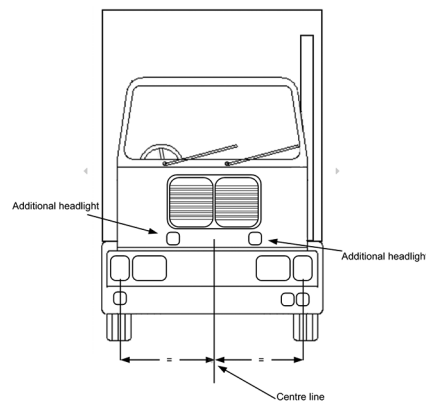
25 Amendment of sch 2, s 39 (Headlights to be fitted to vehicles)

Schedule 2, section 39(4) and (5)—

omit, insert—

- (4) Up to 4 additional headlights may be fitted to a heavy motor vehicle with 4 or more wheels.
- (5) An additional headlight fitted to a heavy motor vehicle must be fitted so that it faces forward and is symmetrical in relation to the centre-line of the vehicle.

Example—



26 Omission of sch 2, s 41 (How additional headlights are to be fitted)

Schedule 2, section 41—

omit.

27 Amendment of sch 2, s 59 (Fitting brake lights)

Schedule 2, section 59—

insert—

- (7) For this section, a light fitted to a heavy vehicle that functions as a brake light and a direction indicator light is taken to be a brake light if the heavy vehicle was built before 1 January 1973.

28 Amendment of sch 2, s 71 (Compulsory side reflectors on pole-type trailers)

Schedule 2, section 71(2), second mention—

renumber as schedule 2, section 71(3).

29 Amendment of sch 2, s 80 (Rear marking plates)

Schedule 2, section 80(4), definition *VSB 12*, note, ‘Transport <www.infrastructure.gov.au>’—

omit, insert—

Regional Development

30 Amendment of sch 2 (Other vehicle standards applying to single heavy vehicles)

- (1) Schedule 2, part 9, heading—

omit, insert—

Part 10

Maximum road speed limiting

[s 30]

- (2) Schedule 2, part 8, second mention, heading—
omit, insert—

Part 9

**Alternative fuel
systems**

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 29 June 2017.
- 2 Published on the NSW legislation website in accordance with Part 6A of the *Interpretation Act 1987* of NSW on 30 June 2017.
- 3 The administering agency is the National Heavy Vehicle Regulator.