

Heavy Vehicle National Legislation Amendment Regulation 2021

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

Contents

		Page
Part 1	Preliminary	
1	Short title	3
2	Commencement	3
Part 2	Amendment of Heavy Vehicle (Mass, Dimension and Loading) National Regulation	
3	Regulation amended	3
4	Amendment of Sch 6 (Dimension requirements)	3
5	Insertion of new Sch 6, s 6B	3
6	Amendment of Sch 8 (Conditions of mass or dimension exemptions applying to class 1 heavy vehicles)	4
Part 3	Amendment of Heavy Vehicle (Vehicle Standards) National Regulation	
Division 1	Preliminary	
7	Regulation amended	5
Division 2	General amendments	
8	Amendment of s 8 (Measurement of width of vehicles)	5
9	Amendment of Sch 2 (Other vehicle standards applying to single heavy vehicles)	6
10	Amendment of Sch 3 (Vehicle standards applying only to heavy combinations or particular heavy combinations)	8
Division 3	Amendments commencing on commencement of particular Commonwealth legislation	
11	Amendment of s 4 (Definitions)	8

Heavy Vehicle National Legislation Amendment Regulation 2021

Contents

12	Amendment of Sch 1 (Vehicle standards relating to ADRs applying to single heavy vehicles)	9
13	Amendment of Sch 2 (Other vehicle standards applying to single heavy vehicles)	11
14	Amendment of Sch 3 (Vehicle standards applying only to heavy combinations or particular heavy combinations)	12

Part 1 Preliminary

1 Short title

This Regulation may be cited as the *Heavy Vehicle National Legislation Amendment Regulation 2021*.

2 Commencement

- (1) This Regulation, other than Division 3 of Part 3, commences on 22 February 2021.
- (2) Division 3 of Part 3 commences on the commencement of section 15 of the *Road Vehicle Standards Act 2018* of the Commonwealth.

Part 2 Amendment of Heavy Vehicle (Mass, Dimension and Loading) National Regulation

3 Regulation amended

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

4 Amendment of Sch 6 (Dimension requirements)

Schedule 6, section 6A, ‘body’—

omit, insert—

overall length

5 Insertion of new Sch 6, s 6B

Schedule 6, after section 6A—

insert—

[s 6]

6B Length—indirect vision devices disregarded

For this Regulation, an indirect vision device fitted to a heavy vehicle is to be disregarded for the purposes of measuring the length of the heavy vehicle under section 3 or 4—

- (a) if the device is fitted to the heavy vehicle under section 13C(a) of Schedule 2 of the *Heavy Vehicle (Vehicle Standards) National Regulation*; or
- (b) for a device fitted to the heavy vehicle under section 13C(b) of Schedule 2 of the *Heavy Vehicle (Vehicle Standards) National Regulation*—unless the device projects more than 150mm beyond the overall length of the heavy vehicle.

6 Amendment of Sch 8 (Conditions of mass or dimension exemptions applying to class 1 heavy vehicles)

- (1) Schedule 8, section 3(3), definition *delineator*, paragraph (b)—

omit, insert—

- (b) complies with class 1, 2, 400 or 100 of the version of AS/NZS 1906 ‘Retroreflective materials and devices for road traffic control purposes’ applying to the delineator at the delineator’s date of manufacture.

- (2) Schedule 8, section 41(a)—

omit, insert—

- (a) a yellow surface complying with class 1, 2, 400 or 100 of the version of AS/NZS 1906 ‘Retroreflective materials and devices for road traffic control purposes’ applying to the warning sign at the sign’s date of manufacture; and

Part 3 Amendment of Heavy Vehicle (Vehicle Standards) National Regulation

Division 1 Preliminary

7 Regulation amended

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

Division 2 General amendments

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

- (1) Section 8(1)(h) and (i), ‘maximum distance across the body’—

omit, insert—

overall width

- (2) Section 8(1)(i), ‘2.55m.’—

omit, insert—

2.55m;

- (3) Section 8(1), after paragraph (i)—

insert—

- (j) a blind spot information system fitted to the heavy vehicle, if the overall width of the heavy vehicle, including the system, is not more than 2.6m;
- (k) an indirect vision device—
 - (i) fitted to the heavy vehicle under section 13C(a) of Schedule 2; or

[s 9]

- (ii) for a device fitted to the heavy vehicle under section 13C(b) of Schedule 2—if the overall width of the heavy vehicle, including the device, is not more than 2.55m.

9 Amendment of Sch 2 (Other vehicle standards applying to single heavy vehicles)

- (1) Schedule 2, section 13A(2), ‘body’—

omit, insert—

overall length

- (2) Schedule 2, after section 13A—

insert—

13B Blind spot information systems

A heavy vehicle may be fitted with a blind spot information system that—

- (a) demonstrates compliance with *UN ECE Regulation No. 151 Uniform provisions concerning the approval of motor vehicles with regard to the Blind Spot Information System for the Detection of Bicycles*; or
- (b) demonstrates compliance with another standard that—
 - (i) the Regulator is satisfied is equivalent, or substantially similar, to the UN standard specified in paragraph (a); and
 - (ii) is prescribed by the Regulator by notice on the Regulator’s website; and
 - (iii) is available free of charge.

13C Indirect vision devices

A heavy vehicle may be fitted with an indirect

vision device—

- (a) that complies with the requirements of ADR 14/02 or a later version of ADR 14; or
 - (b) if the device is fitted at least 2m above the ground—
 - (i) that is used for the sole purpose of observing the traffic area adjacent to the vehicle which cannot be observed by direct vision; and
 - (ii) may be a conventional mirror, camera-monitor, or other device that is able to present information about the indirect field of vision to the driver.
- (3) Schedule 2, section 28(1), ‘heavy motor vehicle’—
omit, insert—
heavy vehicle
- (4) Schedule 2, section 78(3)(d)—
omit, insert—
(d) have a yellow surface complying with class 1, 2, 400 or 100 of the version of AS/NZS 1906 ‘Retroreflective materials and devices for road traffic control purposes’ applying to the warning sign at the sign’s date of manufacture.
- (5) Schedule 2, section 108A(2)(c)—
omit, insert—
(c) it has a yellow surface that complies with class 2 or 100 of the version of AS/NZS 1906.1 ‘Retroreflective materials and devices for road traffic control purposes—Retroreflective sheeting’ applying to the label at the label’s date of manufacture.

[s 10]

(6) Schedule 2, section 108B(2)(c)—

omit, insert—

- (c) it has a blue surface that complies with class 2 or 100 of the version of AS/NZS 1906.1 ‘Retroreflective materials and devices for road traffic control purposes—Retroreflective sheeting’ applying to the label at the label’s date of manufacture.

10 Amendment of Sch 3 (Vehicle standards applying only to heavy combinations or particular heavy combinations)

Schedule 3, section 6(2)(a)—

omit, insert—

- (a) a yellow surface complying with class 1, 2, 400 or 100 of the version of AS/NZS 1906 ‘Retroreflective materials and devices for road traffic control purposes’ applying to the warning sign at the sign’s date of manufacture; and

Division 3 Amendments commencing on commencement of particular Commonwealth legislation

11 Amendment of s 4 (Definitions)

(1) Section 4, definitions *Motor Vehicle Standards Act, second edition ADR* and *third edition ADR*—

omit.

(2) Section 4—

insert—

RAV means the Register of Approved Vehicles

kept under section 14(1) of the *Road Vehicle Standards Act 2018*.

12 Amendment of Sch 1 (Vehicle standards relating to ADRs applying to single heavy vehicles)

(1) Schedule 1, section 3—

omit, insert—

3 Vehicles that are not road vehicles

A vehicle need not comply with an ADR applied by section 1(1) or 2(1) if—

- (a) before the repeal of the *Motor Vehicle Standards Act 1989* a determination or declaration under section 5B of that Act provided that the vehicle is not a road vehicle for the purposes of that Act; or
- (b) a determination under section 6(5)(b) or (6)(b) of the *Road Vehicle Standards Act 2018* provides that the vehicle is not a road vehicle for the purposes of that Act.

(2) Schedule 1, section 4—

omit, insert—

4 Vehicles subject to particular approvals

(1) A vehicle need not comply with an ADR applied by section 1(1) or 2(1) if—

- (a) despite noncompliance with the ADR—
 - (i) before the repeal of the *Motor Vehicle Standards Act 1989* an approval was given under section 10A(2) or (3) to place an identification plate on the vehicle; or
 - (ii) an approval is given under item 4(2) or 6(2) of Schedule 3 to the *Road Vehicle Standards (Consequential and*

[s 12]

Transitional Provisions) Act 2018 of the Commonwealth; and

- (b) the vehicle complies with the approval conditions, if any.
- (2) A vehicle need not comply with an ADR applied by section 1(1) or 2(1) if—
 - (a) either—
 - (i) before the repeal of the *Motor Vehicle Standards Act 1989* the vehicle was permitted to be supplied to the market under section 14A(1) of that Act; or
 - (ii) an approval is given under item 11(2) of Schedule 3 to the *Road Vehicle Standards (Consequential and Transitional Provisions) Act 2018* of the Commonwealth; and
 - (b) the vehicle complies with the approval conditions, if any.
- (3) A vehicle need not comply with an ADR applied by section 1(1) or 2(1) if—
 - (a) before the repeal of the *Motor Vehicle Standards Act 1989* the vehicle was permitted to be used in transport in Australia under section 15(2) of that Act; and
 - (b) the vehicle complies with the approval conditions, if any.
- (3) Schedule 1, after section 4—

insert—

4A Vehicles subject to particular approvals etc under Road Vehicle Standards Act 2018

A vehicle need not comply with an ADR applied by section 1(1) or 2(1) if—

- (a) the vehicle satisfied an entry pathway under section 15(2) of the *Road Vehicle Standards Act 2018*; and
 - (b) despite noncompliance with the ADR, the vehicle is entered on the RAV.
- (4) Schedule 1, section 5(4), definition *personally imported vehicle*, paragraph (c)—
omit, insert—
- (c) has—
 - (i) if the vehicle was imported before the repeal of the *Motor Vehicle Standards Act 1989*—undertaken to comply with any requirements relating to road safety imposed for the vehicle under the *Motor Vehicle Standards Regulations 1989* of the Commonwealth; or
 - (ii) otherwise—complied with the rules made under the *Road Vehicle Standards Act 2018*; and

13 Amendment of Sch 2 (Other vehicle standards applying to single heavy vehicles)

- (1) Schedule 2, section 3, heading, ‘Motor Vehicle Standards Act approval’—
omit, insert—
- particular approval**
- (2) Schedule 2, section 3(c)—
omit, insert—
- (c) despite the noncompliance—
 - (i) before the repeal of the *Motor Vehicle Standards Act 1989* an approval was given under section 10A(2) or (3) of

[s 14]

that Act to place an identification plate on the vehicle; or

- (ii) an approval is given under item 4(2) or 6(2) of Schedule 3 to the *Road Vehicle Standards (Consequential and Transitional Provisions) Act 2018* of the Commonwealth; or
- (iii) the vehicle has satisfied an entry pathway under section 15(2) of the *Road Vehicle Standards Act 2018* and the vehicle is entered on the RAV; and

(3) Schedule 2, section 101—

omit, insert—

101 Meaning of certified to ADR 83/00

For the purposes of this Division, a vehicle is certified to ADR 83/00 if—

- (a) before the repeal of the *Motor Vehicle Standards Act 1989* an approval was given under section 10A of that Act to place an identification plate showing compliance with ADR 83/00 on the vehicle; or
- (b) an approval is given under item 4(2) or 6(2) of Schedule 3 to the *Road Vehicle Standards (Consequential and Transitional Provisions) Act 2018* of the Commonwealth; or
- (c) the vehicle has satisfied an entry pathway under section 15(2) of the *Road Vehicle Standards Act 2018*, including compliance with ADR 83/00, and the vehicle is entered on the RAV.

14 Amendment of Sch 3 (Vehicle standards applying only to heavy combinations or particular heavy combinations)

(1) Schedule 3, section 3, heading, ‘Motor Vehicle Standards Act approval’—

omit, insert—

particular approval

(2) Schedule 3, section 3(c)—

omit, insert—

(c) despite the noncompliance—

- (i) before the repeal of the *Motor Vehicle Standards Act 1989* an approval was given under section 10A(2) or (3) of that Act to place an identification plate on the vehicle; or
- (ii) an approval is given under item 4(2) or 6(2) of Schedule 3 to the *Road Vehicle Standards (Consequential and Transitional Provisions) Act 2018* of the Commonwealth; or
- (iii) the vehicle has satisfied an entry pathway under section 15(2) of the *Road Vehicle Standards Act 2018* and the vehicle is entered on the RAV; and

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, on 11 February 2021.
- 2 Published on the NSW legislation website in accordance with Part 6A of the *Interpretation Act 1987* of NSW on 12 February 2021.
- 3 The administering agency is the National Heavy Vehicle Regulator.