

Heavy Vehicle (Mass, Dimension and Loading) National Amendment Regulation 2018

Subordinate Legislation 2018 No. 151

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 (Mass, Dimension and Loading) National Amendment Regulation 2018*.

2 Commencement

This regulation commences immediately after the commencement of the *Heavy Vehicle National Law Amendment Act 2018*, section 12.

3 Regulation amended

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

4 Replacement of s 38 (Loading requirements)

Section 38—

omit, insert—

38 Loading requirements

- (1) The loading requirements applying to a heavy vehicle are stated in section 1 of Schedule 7.
- (2) The loading performance standards for heavy vehicles for the purposes of section 115 of the Law are stated in section 2 of Schedule 7.

5 Amendment of Sch 7 (Loading requirements)

- (1) Schedule 7, heading, after ‘requirements’—

insert—

and loading performance standards

- (2) Schedule 7, section 1, note—

omit.

- (3) Schedule 7—

insert—

2 Loading performance standards

- (1) A load on a heavy vehicle must be restrained by a load restraint system that—
 - (a) prevents the load from moving in relation to the heavy vehicle (other than movement allowed under subsection (2)) in the circumstances mentioned in subsection (3); and
 - (b) at a minimum, is capable of withstanding the forces that would result in the circumstances mentioned in subsection (3).
- (2) A load may move in relation to the heavy vehicle if—
 - (a) the vehicle's stability and weight distribution are not adversely affected by the movement; and
 - (b) the load does not become dislodged from the vehicle.

Examples of load movement that may be permitted under subsection (2)—

- a load contained within the sides or enclosure of the heavy vehicle that is restrained from moving horizontally may be able to move vertically
 - a load of very light objects, or a loose bulk load, that is contained within the sides or enclosure of the heavy vehicle may be able to move horizontally and vertically
 - a bulk liquid load contained within the sides or enclosure of the heavy vehicle
- (3) For subsection (1), the circumstances are that the loaded vehicle is subjected to—
 - (a) any of the following, separately—
 - (i) 0.8g deceleration in a forward direction;

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- (ii) 0.5g deceleration in a rearward direction;
 - (iii) 0.5g acceleration in a lateral direction; and
 - (b) if friction or limited vertical displacement is relied on to comply with paragraph (a)—0.2g acceleration in a vertical direction relative to the load.
- (4) However, the heavy vehicle's load restraint system is taken to comply with subsection (1) for a journey if—
- (a) a mass or dimension exemption is in force for the vehicle for the journey; and
 - (b) the vehicle complies with the mass or dimension exemption; and
 - (c) an engineer has given a certificate—
 - (i) describing the load restraint system; and
 - (ii) certifying that the load restraint system is suitable to safely restrain the load, taking into consideration the nature of the load and the conditions reasonably expected to be experienced during the journey; and
 - (d) the driver of the vehicle keeps a copy of the engineer's certificate in the driver's possession during the journey.

Note—

Mass or dimension exemptions are dealt with in Division 2 and Division 3 of Part 4.5 of the Law.

- (5) In this section—

chartered engineer means an individual who has been awarded chartered status by Engineers Australia.

engineer means a chartered engineer or a

registered professional engineer.

g means gravitational acceleration and is equal to 9.81m/s².

registered professional engineer means an individual who is registered as a professional engineer by the Association of Professional Engineers Australia.

6 Amendment of Sch 9 (Imposition of road conditions in relation to a class 2 heavy vehicle)

Schedule 9, column 2, third row, ‘to protect vulnerable road infrastructure’—

omit, insert—

to protect road infrastructure

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 24 September 2018.
- 2 Published on the NSW legislation website in accordance with Part 6A of the *Interpretation Act 1987* of NSW on 25 September 2018.
- 3 The administering agency is the National Heavy Vehicle Regulator.

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