

Heavy Vehicle National Law Amendment Regulation (No. 1) 2014

Explanatory notes for SL 2014 No. 215

made under the

Heavy Vehicle National Law Act 2012

General Outline

Short title

Heavy Vehicle National Law Amendment Regulation (No. 1) 2014

Authorising law

Section 43 of the *Heavy Vehicle National Law Act 2012*.

Policy objectives and the reasons for them

Queensland is proposing a derogation from a national heavy vehicle mass exception policy in the interests of protecting vulnerable structures across Queensland's road network.

The National Transport Commission (NTC) as part of its approved forward work program has developed a heavy vehicle policy which provides for a one tonne tri-axle mass transfer allowance for all heavy vehicle combinations for regulatory adoption through amendment to the *Heavy Vehicle (Mass, Dimension and Loading) National Regulation*.

This will allow heavy vehicle combinations to shift up to one tonne of mass from one single axle or an axle group and transfer the mass to another tri-axle group(s) (excluding steer axles and twinsteer axle groups) within the heavy vehicle combination. While this mass transfer will not affect the overall gross vehicle mass of the combination, it will allow heavy vehicle combinations to load up to 21 tonnes on a tri-axle group (up to one tonne over the allowable regulation axle mass limits for the group).

Queensland has maintained a position throughout the national policy development process, that the adoption of the one tonne tri-axle mass transfer allowance could not be supported for all Queensland roads.

Queensland's position to derogate from the national regulations will allow for an incremental approach to implementation thereby protecting vulnerable areas of Queensland's road network.

The amendments will commence on 29 September 2014.

Achievement of policy objectives

The Queensland Department of Transport and Main Roads' (the department) road and bridge engineering group have assessed the unrestricted application of the one tonne tri-axle mass transfer policy across the entire Queensland road network as presenting an unacceptable risk to certain vulnerable road infrastructure and structures.

Queensland's road network has been subject to extensive flood damage and degradation over the past few years that has left the network with a large number of vulnerable roads and structures that could not support the unrestricted adoption of the additional one tonne of mass on a tri-axle group.

Queensland will initially need to limit the application of this mass transfer allowance to roads and structures that have been assessed as suitable for the additional mass on a tri-axle group.

The department will work with road managers for each road (within areas or routes) to ensure an appropriate selection of roads is included for implementation of the policy.

To ensure industry is able to effectively identify which roads the one tonne tri-axle mass transfer is available for in Queensland, maps will be made and/or updated and published on the department's website (www.tmr.qld.gov.au) as well as the National Heavy Vehicle Regulator's website (www.nhvr.gov.au).

Consistency with policy objectives of authorising law

The amendment regulation remains consistent with the main objectives of the *Heavy Vehicle National Law Act 2012*. The amendment only restricts access of heavy vehicle combinations operating under the one tonne tri-axle mass transfer allowance to certain Queensland roads.

Inconsistency with policy objectives of other legislation

The regulation is consistent with the policy objectives of other legislation.

Benefits and costs of implementation

There are no implementation costs associated with this amendment.

If the national policy is not restricted to only those roads in Queensland approved by the chief executive there is an increased risk of heavy vehicle movements causing damage to vulnerable road infrastructure and structures. Rectification of infrastructure damage will subsequently increase costs to the state, as well as creating potential economic costs for industry through the use of route diversions and access restrictions.

The amendment to limit the application of the national policy does not reduce the rights or existing Queensland road access arrangements for the heavy vehicle industry and does not impose any new regulatory burden or costs of compliance for operators.

Consistency with fundamental legislative principles

The amendment does not breach any fundamental legislative principles.

Consultation

Consultation was undertaken with the National Transport Commission, the Local Government Association of Queensland, Agricultural Transport Industry Council member associations and the Road Freight Industry Council member associations, as well as the Queensland Office of Best Practice Regulation, Queensland Competition Authority.

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