

State Penalties Enforcement (Heavy Vehicle National Law) Amendment Regulation 2017

Explanatory notes for SL 2017 No. 114

made under the

State Penalties Enforcement Act 1999

General Outline

Short title

State Penalties Enforcement (Heavy Vehicle National Law) Amendment Regulation 2017

Authorising law

Section 2 of the *State Penalties Enforcement Act 1999*.

Policy objectives and the reasons for them

The *Heavy Vehicle National Law and Other Legislation Amendment Act 2016* made a range of minor or technical amendments to the *Heavy Vehicle National Law Act 2012* (HVNL) identified predominantly through the maintenance process undertaken by the National Transport Commission (NTC), aided by jurisdictions, the National Heavy Vehicle Regulator (NHVR), enforcement agencies and key heavy vehicle industry members.

This same maintenance process identified a range of amendments to the *Heavy Vehicle (General) National Regulation*, the *Heavy Vehicle (Mass, Dimension and Loading) National Regulation*, and the *Heavy Vehicle (Vehicle Standards) National Regulation*. These amendments will be made through the *Heavy Vehicle National Amendment Regulation 2017*.

The Transport and Infrastructure Council (the Council) is responsible for overseeing national heavy vehicle reform. The Council is chaired by the Deputy Prime Minister and Minister for Infrastructure and Regional Development, and is comprised of each state and territories' Transport and Infrastructure portfolio Ministers.

Queensland members to the Council are the Honourable Jackie Trad MP, Deputy Premier, Minister for Transport and Minister for Infrastructure and Planning, and the Honourable Mark Bailey MP, Minister for Main Roads, Road Safety and Ports and Minister for Energy, Biofuels and Water Supply. A 'one vote per jurisdiction' principle applies to all matters decided by Council.

The *Schedule of Infringement Penalties and Demerit Points* is an administrative document that sets out offences under the HVNL that should attract infringement penalties, and/or demerit points. It is used by participating states and territories to inform amendments to their local laws.

Ministers at the 19 May 2017 Council meeting approved changes to the *Schedule of Infringement Penalties and Demerit Points* that reflect new and revised offences in the HVNL and corrections to ensure consistency with current HVNL terminology.

The changes approved by Council will require minor amendments to Schedule 1 of the *State Penalties Enforcement Regulation 2014*.

Achievement of policy objectives

The policy objective is achieved by the effective implementation of the State Penalties Enforcement (Heavy Vehicle National Law) Amendment Regulation 2017. To provide a common commencement date in all participating jurisdictions, the amendments will commence with Chapter 3 of the *Heavy Vehicle National Law and Other Legislation Amendment Act 2016* on 1 July 2017.

Consistency with policy objectives of authorising law

The Amendment Regulation is consistent with the objectives of the *State Penalties Enforcement Act 1999*.

Inconsistency with policy objectives of other legislation

The Amendment Regulation is not inconsistent with the policy objectives of other legislation.

Benefits and costs of implementation

There are no financial implications as the amendments are largely administrative in nature. All costs for Queensland will be met within the Department of Transport and Main Roads' existing budget allocation.

Consistency with fundamental legislative principles

The Amendment Regulation does not breach any fundamental legislative principles.

Consultation

Consultation was undertaken on a national level by the NTC with the NHVR, jurisdictions, industry and enforcement agencies.

The amendments were unanimously supported by Ministers at the 19 May 2017 Council meeting.

In accordance with the *Queensland Government Guide to Better Regulation*, the Office of Best Practice Regulation was not consulted about this regulation. The Department of Transport and Main Roads applied a self-assessable exclusion from undertaking further regulatory impact analysis (Category A— Regulatory proposals that make consequential amendments).

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