

Parliamentary Counsel Committee

Heavy Vehicle (Vehicle Standards) National Regulation Amendment Regulation 2018

made under the

Heavy Vehicle National Law as applied by the law of States and Territories

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Consultation Draft

[s 1]

1 Short title

This Regulation may be cited as the *Heavy Vehicle (Vehicle Standards) National Regulation Amendment Regulation 2018*.

2 Commencement

This Regulation commences on [../../].

Drafting note—

The commencement of this Regulation will be determined at a later stage.

3 Regulation amended

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

4 Amendment of s 4 (Definitions)

(1) Section 4, definition *road enforcement vehicle*—

omit.

(2) Section 4—

insert—

approved camera recording device means a camera recording device approved by the Regulator under section 106E.

approved engine brake noise measuring and recording device means an engine brake noise measuring and recording device approved by the Regulator under section 106E.

camera recording device means a device designed to be attached to an approved engine brake noise measuring and recording device for the purpose of producing, for a vehicle that has

any noise it emits measured and recorded by that device, a document containing one or more images of the vehicle together with details of—

- (a) the modulated RMS of that noise as recorded by that device; and
- (b) the date, time and place the measurement was taken and recorded.

engine brake means a device that uses force within a vehicle's engine or transmission system for the purpose of deceleration of the vehicle.

engine brake noise measuring and recording device means a device that measures and records the engine brake noise emitted by a vehicle.

Engine Brake Noise Test Procedures means the document entitled 'National In-Service Engine Brake Noise Test Procedures for Heavy Vehicles' dated August 2007 published by the National Transport Commission, as amended from time to time.

modulated RMS means the figure that results from applying the method set out in the Engine Brake Noise Test Procedures to a heavy vehicle's engine brake noise as measured and recorded by an approved engine brake noise measuring and recording device in accordance with the procedures set out in the Procedures.

transport enforcement vehicle means a motor vehicle—

- (a) marked as a vehicle of a road authority for a participating jurisdiction and used by the authority for the purpose of investigating or prosecuting an offence against an Australian road law; or

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(b) used by the Regulator for the purpose of investigating or prosecuting an offence against an Australian road law.

- (3) Section 4, definition *exempt vehicle*, paragraph (e), ‘road’—
omit, insert—
transport

5 Amendment of s 11 (Compliance with requirement to have particular equipment)

Section 11, ‘the equipment is in working order.’—

omit, insert—

the equipment is—

- (a) in working order; and
(b) if the equipment must be connected to the vehicle for it to perform its intended function—connected to the vehicle.

6 Amendment of Sch 2, s 28 (Tyre tread)

- (1) Schedule 2, section 28(2), after ‘deep’—

omit, insert—

in all principal grooves on the tyre

- (2) Schedule 2, section 28(4)—

insert—

principal grooves, in relation to a tyre, means the wide grooves—

- (a) positioned in the central zone of the tyre tread; and
(b) in which tread wear indicators are located.

tread wear indicators, in relation to a tyre, means projections within a groove of the tyre that

indicate the degree of wear on the tyre's tread.

7 Omission of Sch 2, s 30 (White or silver band on particular vehicles)

Schedule 2, section 30—

omit.

8 Amendment of Sch 2, s 60 (Performance and operation of brake lights)

Schedule 2, section 60(6)—

omit.

9 Amendment of Sch 2, Pt 7 (Braking systems)

Schedule 2, Part 7, after heading—

insert—

Note—

See also Part 8, Division 3, Subdivision 4 about limits on engine brake noise.

10 Insertion of new Sch 2, Pt 8, Div 3, Sdiv 4

Schedule 2, Part 8, Division 3—

insert—

Subdivision 4 Limits on engine brake noise

106A Limit for modulated RMS

- (1) An engine brake device fitted to a heavy motor vehicle must not emit noise that has a modulated RMS of more than 8.

[s 10]

- (2) In this section—

engine brake device includes any exhaust outlets of the device, and things attached to the exhaust outlets, including mufflers.

106B Engine brake devices not complying with s 106A

- (1) This section applies if an engine brake device fitted to a vehicle contravenes section 106A.
- (2) The operator of the vehicle commits an offence.

106C Evidence of engine brake noise in particular document

- (1) This section applies to a document—
- (a) produced by—
- (i) an approved engine brake noise measuring and recording device; or
- (ii) an approved camera recording device; and
- (b) that shows 1 or more images of a vehicle together with details purporting to be a modulated RMS and the date, time and place at which the modulated RMS was measured and recorded.
- (2) The document—
- (a) is admissible in any proceedings; and
- (b) is evidence that the engine brake noise emitted from the engine brake device fitted to the vehicle shown in the document had the modulated RMS at the date, time and place shown in the document.

106D Certificate evidence of engine brake noise

- (1) This section applies to a statement in a certificate purporting to have been issued by the Regulator that, at a specified time or during a specified period—
 - (a) a specified device is, or was, an approved engine brake noise measuring and recording device or an approved camera recording device; or
 - (b) a specified approved engine brake noise measuring and recording device or approved camera recording device was tested or sealed in a specified way; or
 - (c) a specified approved engine brake noise measuring and recording device or an approved camera recording device was operated in a specified way; or
 - (d) a specified modulated RMS relates to a specified vehicle.
- (2) The statement is admissible in any proceedings and is evidence of the matters stated.

106E Regulator may approve particular devices

The Regulator may approve either of the following devices as suitable for the enforcement of engine brake noise limits—

- (a) a camera recording device;
- (b) an engine brake noise measuring and recording device.

11 Amendment of Sch 2, s 108A (Hydrogen-powered vehicles)

- (1) Schedule 2, section 108A(1), after ‘built’—

[s 12]

insert—

, or a vehicle modified to be a hydrogen-powered vehicle,

- (2) Schedule 2, section 108A(2)(b)(i), ‘25mm’—

omit, insert—

20mm

12 Amendment of Sch 2, s 108B (Electric-powered vehicles)

- (1) Schedule 2, section 108B(1), after ‘built’—

insert—

, or a vehicle modified to be an electric-powered vehicle,

- (2) Schedule 2, section 108B(2)(b)(i), ‘35mm’—

omit, insert—

30mm

13 Amendment of Sch 3, s 5 (Warning signs for combinations longer than 22m)

Schedule 3, section 5(1) to (3)—

omit, insert—

- (1) A combination longer than 22m, but not longer than 30m, must display a long vehicle warning sign.
- (2) A combination longer than 30m must display a road train warning sign.