

Transport and Other Legislation Amendment Bill 2023

Statement of Compatibility

FOR

Amendments during consideration in detail to be moved by the Honourable Bart Mellish MP, Minister for Transport and Main Roads and Minister for Digital Services

Prepared in accordance with Part 3 of the *Human Rights Act 2019*

In accordance with section 38 of the *Human Rights Act 2019*, I, the Honourable Bart Mellish MP, Minister for Transport and Main Roads and Minister for Digital Services, make this statement of compatibility with respect to the amendments to be moved during consideration in detail of the Transport and Other Legislation Amendment Bill 2023 (the Bill).

In my opinion, the Bill is compatible with the human rights protected by the *Human Rights Act 2019* (HR Act). I base my opinion on the reasons outlined in this statement.

Overview of the Bill

On 14 September 2023, the Commonwealth Minister for Infrastructure, Transport, Regional Development and Local Government, the Honourable Catherine King MP, signed the Safer Freight Vehicles package.

The Commonwealth's Safer Freight Vehicles package includes four new Australian Design Rules (ADRs) and amends six existing ADRs.

These ADR changes reflect an increase in overall vehicle width limit from the current 2.50m to 2.55m for heavy motor vehicles fitted with Safer Freight Vehicle technology, and to exclude various devices for indirect vision (e.g. mirrors, cameras) and monitoring devices to detect other road users (e.g. blind spot information systems for the detection of vehicles, bicycles, and/or pedestrians) to be excluded when measuring the length and width of a heavy motor vehicle.

These ADRs commenced nationally on 1 October 2023.

The purpose of the amendments to be moved during consideration in detail of the Bill is to align the *Heavy Vehicle National Law Act 2012* (HVNL) with changes to ADR dimension requirements for heavy vehicles. This will be achieved by inserting new definitions for safer freight vehicles and safer freight combinations into the HVNL.

Amendments to the HVNL are required as soon as possible after the 1 October 2023 commencement date to enable consistency of heavy freight vehicle dimensions in HVNL participating jurisdictions. The Northern Territory and Western Australia will conduct their own concurrent amendment processes.

The other amendment to be moved during consideration in detail of the Bill is to make a cross reference correction in section 34B as inserted by clause 6.

Consequential amendments to HVNL supporting regulations will be made to specify dimension limits for safer freight vehicles and ensure that indirect vision devices will be disregarded when measuring the length and width of heavy vehicles.

Human Rights Issues

Human rights relevant to the Bill (Part 2, Division 2 and 3 *Human Rights Act 2019*)

The amendments to the HVNL provide access to safer freight vehicles and the amendment to correct a cross reference are minor and technical in nature and do not engage a human right.

Conclusion

In my opinion, the amendments to be moved during consideration in detail of the Bill are compatible with human rights under the *Human Rights Act 2019* because they do not limit a human right.

Bart Mellish MP
Minister for Transport and Main Roads
Minister for Digital Services