

I hereby certify that this PUBLIC BILL has finally passed the
Legislative Assembly of Queensland.

Legislative Assembly Chamber,
Brisbane,

The Clerk of the Parliament.

3 June 2013

In the name and on behalf of the Queen, I assent to this Bill.

Priscilla Wrenley
Government House,

Brisbane, 3rd June, 2013



Queensland

No. 26 of 2013
A BILL for

An Act to amend the Forestry Act 1959, the Heavy Vehicle National Law Act 2012, the Motor Racing Events Act 1990, the Police Powers and Responsibilities Act 2000, the State Penalties Enforcement Act 1999, the Summary Offences Act 2005, the Tow Truck Act 1973, the Transport Operations (Road Use Management) Act 1995, the Work Health and Safety Act 2011 and the Youth Justice Act 1992 for particular purposes



Queensland

Transport and Other Legislation (Heavy Vehicle National Law) Amendment Bill 2013

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2013

A Bill

for

An Act to amend the *Forestry Act 1959*, the *Heavy Vehicle National Law Act 2012*, the *Motor Racing Events Act 1990*, the *Police Powers and Responsibilities Act 2000*, the *State Penalties Enforcement Act 1999*, the *Summary Offences Act 2005*, the *Tow Truck Act 1973*, the *Transport Operations (Road Use Management) Act 1995*, the *Work Health and Safety Act 2011* and the *Youth Justice Act 1992* for particular purposes

[s 1]

The Parliament of Queensland enacts—

Part 1 Preliminary

1 Short title

This Act may be cited as the *Transport and Other Legislation (Heavy Vehicle National Law) Amendment Act 2013*.

2 Commencement

This Act commences on a day to be fixed by proclamation.

Part 2 Amendment of Heavy Vehicle National Law Act 2012

3 Act amended

This part amends the *Heavy Vehicle National Law Act 2012*.

4 Amendment of s 3 (Definitions)

Section 3(2)—

insert—

the Law means the Heavy Vehicle National Law (Queensland).

TORUM means the *Transport Operations (Road Use Management) Act 1995*.

transport Act see TORUM, schedule 4.

5 Amendment of s 7 (Definitions of generic terms and terms having meaning provided by this Act)

Section 7, definition *Magistrates Court*—
omit.

6 Amendment of s 8 (Particular laws)

Section 8—
insert—

- (2) An offence against the Heavy Vehicle National Law (Queensland) prescribed under a regulation under the *State Penalties Enforcement Act 1999* as an infringement notice offence is an offence prescribed by a law of this jurisdiction for the purposes of section 591 of the Heavy Vehicle National Law (Queensland).
- (3) The *Transport Operations (Road Use Management) Act 1995* is specified for section 727(1), definition *relevant law* of the Heavy Vehicle National Law (Queensland).

7 Amendment of s 10 (Relevant tribunal or court)

(1) Section 10, 'QCAT'—
omit, insert—

Subject to subsections (2) and (3), QCAT

(2) Section 10—
insert—

- (2) A Magistrates Court is declared to be the relevant tribunal or court for this jurisdiction for the purposes of the following provisions of the Heavy Vehicle National Law (Queensland)—
 - (a) section 556;
 - (b) section 560;

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(c) section 565.

- (3) The reference to a relevant tribunal or court in section 727(1), definition *protected information*, paragraph (b)(iii) is a reference to any tribunal or court.

8 Replacement of s 18 (Definition)

Section 18—

omit, insert—

18 Definitions for pt 4

In this part—

commissioner means the police commissioner of this jurisdiction.

public safety condition means a condition directed at ensuring public safety.

9 Amendment of s 19 (Definitions)

- (1) Section 19, heading, ‘Definitions’—

omit, insert—

Definitions for div 2

- (2) Section 19, definitions *commissioner* and *public safety condition*—

omit.

10 Amendment of s 20 (Other consents under s 118 of the Law)

Section 20—

insert—

- (3) To remove any doubt, it is declared that subsection (1), as limited by subsection (2), is, for section 167(2)(d) of the Law, a law of this

jurisdiction that requires consultation with third parties.

11 Amendment of s 21 (Other consents under s 124 of the Law)

Section 21—

insert—

- (3) To remove any doubt, it is declared that subsection (1), as limited by subsection (2), is, for section 167(2)(d) of the Law, a law of this jurisdiction that requires consultation with third parties.

12 Amendment of s 30 (Additional Regulator certificates)

(1) Section 30(1)—

insert—

- (m) a stated vehicle's GCM or GVM was a stated amount, and how the amount was identified;

(2) Section 30(3), '(1)(a) to (l)'—

omit, insert—

(1)(a) to (m)

13 Amendment of s 31 (Additional road authority certificates)

(1) Section 31(1)—

insert—

- (f) a stated vehicle's GCM or GVM was a stated amount, and how the amount was identified;

(2) Section 31(3), '(1)(a) to (e)'—

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omit, insert—

(1)(a) to (f)

(3) Section 31(4), definition *transport Act*—

omit.

14 Renumbering of ss 37 and 38

Sections 37 and 38—

renumber as sections 43 and 44.

15 Insertion of new ss 37–42

Part 4, division 5—

insert—

37 Use of force

- (1) For section 491(2) of the Law, a police officer is authorised to use force against a person in the exercise or purported exercise of a function under Chapter 9 of the Law if the *Police Powers and Responsibilities Act 2000* authorises the police officer to use the force against the person.
- (2) For section 492(1)(b) of the Law, the exercise of the power to use force against property is authorised for the purposes of the following provisions of the Law—
 - (a) section 497(4)(a);
 - (b) section 498(6);
 - (c) section 500(2)(c);
 - (d) section 518(6)(b);
 - (e) section 519(7);
 - (f) section 521(1);
 - (g) section 523(2).

38 Power to seize

If, apart from section 552(1) of the Law, a heavy vehicle, or a thing mentioned in section 552(1)(b) of the Law, is a thing that may be seized under Chapter 9 of the Law, it may be seized under Chapter 9 of the Law despite section 552(1).

39 Power to require production of driver licence

- (1) An authorised officer may, for compliance purposes, require the driver of a heavy vehicle to produce for inspection by the officer the driver's driver licence.
- (2) A person of whom a requirement is made under subsection (1) must comply with the requirement, unless the person has a reasonable excuse.

Maximum penalty—45 penalty units.

- (3) It is not a reasonable excuse for the person to fail to comply with a requirement made under subsection (1)—
 - (a) that the person does not have the driver licence in his or her immediate possession; or
 - (b) that complying with the requirement might tend to incriminate the person or make the person liable to a penalty.
- (4) The authorised officer may take a copy of, or an extract from, the driver's driver licence.

40 Commissioner consent for grant of blue light vehicle standards exemption

- (1) The Regulator may, under the Law, grant a blue light vehicle standards exemption only with the consent of the commissioner.

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- (2) The Regulator must ask the commissioner for the consent.
- (3) The commissioner must decide to give or not to give the consent within 28 days after the request is made.
- (4) The commissioner may decide to give the consent only if the commissioner is satisfied that the blue light vehicle standards exemption will not, or is not likely to, adversely affect public safety.
- (5) Without limiting subsection (4), the commissioner must be satisfied that the exemption will not, or is not likely to, operate to reduce the effectiveness of using blue lights to clearly identify to other road users vehicles being used for law enforcement or for an emergency.
- (6) Also, in deciding whether or not to give the consent, the commissioner must have regard to the approved guidelines for granting vehicle standards exemptions.
- (7) The commissioner may decide to consent to the grant of a blue light vehicle standards exemption subject to a condition that a stated public safety condition is imposed on the exemption.
- (8) If the commissioner decides to consent in a way mentioned in subsection (7), the Regulator must impose the public safety condition on the exemption.
- (9) Section 26 applies to a blue light vehicle standards exemption (notice) as if the exemption were a mass or dimension exemption (notice) for which the commissioner's consent was given.
- (10) Section 27, other than section 27(5)(b) and (c), applies to a blue light vehicle standards exemption (permit) as if the exemption were a

mass or dimension exemption (permit) for which the commissioner's consent was given.

(11) This section applies in relation to a blue light whether or not it is a light that flashes.

(12) In this section—

blue light vehicle standards exemption means—

(a) a blue light vehicle standards exemption (notice); or

(b) a blue light vehicle standards exemption (permit).

blue light vehicle standards exemption (notice) means a vehicle standards exemption (notice) that permits heavy vehicles of the category the subject of the exemption to be fitted with a blue light.

blue light vehicle standards exemption (permit) means a vehicle standards exemption (permit) that permits the heavy vehicle the subject of the exemption to be fitted with a blue light.

41 Commissioner permission for fitting of blue light if vehicle standards exemption is not required

(1) This section applies to a heavy vehicle, other than a police vehicle, that under the heavy vehicle standards may be fitted with a blue light.

(2) The heavy vehicle standards are taken to further provide that the heavy vehicle may be fitted with a blue light only if the commissioner has given written permission for the fitting of the light.

(3) A written permission for the fitting with a blue light of a heavy vehicle to which this section applies, given by the commissioner before the commencement of this section and still in force immediately before the commencement, is taken

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to be a written permission for the fitting of the light given under subsection (2).

(4) This section applies in relation to a blue light whether or not it is a light that flashes.

(5) In this section—

police vehicle means a heavy vehicle driven by a police officer in the course of the police officer's duty.

42 Provision of information and assistance by Queensland information holder

(1) Despite any other Act or law, a Queensland information holder is authorised, on the Queensland information holder's own initiative or at the request of the Regulator—

(a) to provide the Regulator with information (including personal information and information given in confidence) held by the department and reasonably required by the Regulator for administering the Law; and

(b) to provide the Regulator with other assistance reasonably required by the Regulator to exercise a function under the Law.

(2) To remove any doubt, it is declared that information given to the Regulator as authorised under subsection (1) is taken to be information obtained in the course of administering the Law, as mentioned in section 727(1), definition *protected information*, paragraph (a) of the Law.

(3) This section does not limit section 660 of the Law.

(4) Nothing done, or authorised to be done, by a Queensland information holder in acting under subsection (1)—

- (a) constitutes a breach of, or default under, an Act or other law; or
 - (b) constitutes a breach of, or default under, a contract, agreement, understanding or undertaking; or
 - (c) constitutes a breach of a duty of confidence (whether arising by contract, in equity or by custom or in any other way); or
 - (d) constitutes a civil or criminal wrong; or
 - (e) terminates an agreement or obligation, or fulfils any condition that allows a person to terminate an agreement or obligation, or gives rise to any other right or remedy; or
 - (f) releases a surety or any other obligee wholly or in part from an obligation.
- (5) In this section—
- Queensland information holder*** means—
- (a) the chief executive; or
 - (b) an officer or employee of the department who has access to information held by the department in the ordinary course of performing duties in the department.

16 Amendment of s 43 (Regulation-making power)

Section 43, as renumbered—

insert—

- (2) A regulation may modify the application of a national regulation in Queensland.

17 Insertion of new pt 6, div 1, hdg

Before section 44, as renumbered—

[s 18]

insert—

Division 1 The Regulator

18 Insertion of new pt 6, divs 2–4

Part 6—

insert—

Division 2 Operation of general savings and transitional provision

45 Definitions for div 2

In this division—

commencement means the commencement of this division.

general savings and transitional provision means section 748 of the Law.

46 Operation of general savings and transitional provision

This division does not affect the operation of the general savings and transitional provision except to the extent expressly provided for.

47 Investigation and enforcement for offences committed before commencement

- (1) To remove any doubt, it is declared that the general savings and transitional provision does not affect the operation of the *Acts Interpretation Act 1954*, section 20 in relation to a relevant offence.

- (2) A transport Act, as in force before the commencement, continues to apply for the purposes of a relevant offence—
- (a) as if the Law was not in force; and
 - (b) if the transport Act was amended on the commencement—as if the transport Act had not been amended on the commencement.

Example—

In the investigation of a relevant offence, an embargo notice is issued, before the commencement, under section 46B of TORUM. A breach of the embargo notice after the commencement would be dealt with as an offence under TORUM as in force before the commencement.

- (3) Without limiting subsections (1) and (2)—
- (a) a transport Act, as in force before the commencement, continues to have effect for all matters arising, whether before or after the commencement—
 - (i) in the investigation of the relevant offence; or
 - (ii) in the enforcement of any transport Act in relation to the relevant offence; and
 - (b) a proceeding for the relevant offence or an associated offence may be started under a transport Act as in force before the commencement; and
 - (c) the *State Penalties Enforcement Act 1999*, as in force before the commencement, applies to the relevant offence and any associated offence.

Examples—

- 1 In the investigation of a relevant offence, an embargo notice could be issued, after the commencement, under section 46B of TORUM. A subsequent breach of the embargo notice would be dealt with as an

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offence under TORUM as in force before the commencement.

2 A provision of TORUM that is repealed on the commencement, but that was in force before the commencement as an aid to the giving of evidence, would continue to apply, or could be applied, for a proceeding for an offence against a transport Act alleged to have been committed before the commencement.

(4) Section 748(5) of the Law applies to a relevant prosecution as if it were a prosecution referred to in section 748(3)(c) of the Law.

(5) In this section—

associated offence means any offence arising out of any investigation or enforcement as mentioned in subsection (3)(a).

relevant offence means an offence committed or suspected to have been committed under a transport Act before the commencement.

relevant prosecution means the prosecution of—

- (a) a relevant offence; and
- (b) any other offence that, under this section, is dealt with as an offence under a transport Act.

48 Particular orders continue to have effect under TORUM after commencement

- (1) The general savings and transitional provision does not apply to a TORUM order or VSS notice.
- (2) TORUM, as in force before the commencement, continues to apply for the purposes of a TORUM order as if—
 - (a) the Law was not in force; and
 - (b) TORUM had not been amended on the commencement.

Example—

Before the commencement, a court made a supervisory intervention order under section 164B of TORUM, requiring a person to give a compliance report to the chief executive, as mentioned in section 164C of TORUM, by a stated time that is after the commencement. A failure to give the report by the stated time would be dealt with as an offence under section 164E of TORUM even though sections 164B and 164E are repealed on the commencement.

- (3) TORUM, including the VSS regulation, as in force immediately before the commencement, continues to apply for the purposes of a VSS notice as if—
 - (a) the Law was not in force; and
 - (b) TORUM, including the VSS regulation, had not been amended on the commencement.
- (4) Without limiting subsections (2) and (3)—
 - (a) TORUM, including the VSS regulation, as in force before the commencement, continues to have effect for all matters arising after the commencement—
 - (i) in the investigation of a relevant offence; or
 - (ii) in the enforcement of TORUM, including the VSS regulation, in relation to a relevant offence; and
 - (b) a proceeding for a relevant offence may be started under TORUM as in force before the commencement; and
 - (c) the *State Penalties Enforcement Act 1999*, as in force before the commencement, continues to have effect in relation to a relevant offence.
- (5) Section 748(5) of the Law applies to the prosecution of a relevant offence as if it were a

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prosecution referred to in section 748(3)(c) of the Law.

(6) In this section—

relevant offence means an offence committed after the commencement relating to noncompliance with a TORUM order or VSS notice.

TORUM order means a requirement, direction, authorisation, notice or order if—

- (a) it was made or given under a TORUM order provision before the commencement; and
- (b) it applied to a vehicle that, on the commencement, becomes a heavy vehicle under the Law; and
- (c) immediately before the commencement it was still in force to require a person to do or not to do something.

TORUM order provision means any of the following provisions of TORUM as in force before the commencement—

- (a) section 36;
- (b) section 37(1);
- (c) section 38(2);
- (d) section 39E(2) or (4);
- (e) section 39F(2);
- (f) section 39G(2);
- (g) section 39K(2) or (3);
- (h) section 39L(2) or (3);
- (i) section 39M(2);
- (j) section 39N(2);
- (k) section 39Q(2);

(l) section 164B.

VSS notice means a defect notice given under section 8(2) of the VSS regulation if—

- (a) it was given before the commencement; and
- (b) it applied to a vehicle that, on the commencement, becomes a heavy vehicle under the Law; and
- (c) immediately before the commencement it was still in force to require a person to do or not to do something.

VSS regulation means the *Transport Operations (Road Use Management—Vehicle Standards and Safety) Regulation 2010* of Queensland.

49 Continuation of work diary exemption

- (1) A relevant exemption continues in force under the Law to the greatest practicable extent as if it were a work diary exemption (permit) under the Law.
- (2) However, for applying the Law to it, the relevant exemption—
 - (a) is not, and can not be made, the subject of a standard hours condition; and
 - (b) can not, when subsection (1) commences to have effect in relation to it, be made subject to any other conditions as mentioned in section 366(2) of the Law; and
 - (c) except to the extent it is amended or cancelled under section 370, 371 or 372 of the Law, continues in force until it would have expired if the Law had not been enacted.
- (3) This section does not limit the application of the general savings and transitional provision to a

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work diary exemption under the fatigue regulation that is not a relevant exemption.

(4) In this section—

fatigue regulation means the *Transport Operations (Road Use Management—Fatigue Management) Regulation 2008* of Queensland

relevant exemption means a work diary exemption under the fatigue regulation if the exemption—

(a) was granted on the basis of the chief executive's satisfaction under section 158(3)(a) of the fatigue regulation; and

(b) was in force immediately before the commencement of this section.

standard hours condition means a condition as mentioned in section 366(1) of the Law.

50 Declaratory regulation-making power for general savings and transitional provision

(1) A regulation (a *declaratory regulation*) may make provision of a declaratory nature, as provided for in subsection (2), in relation to the operation of the general savings and transitional provision.

(2) A declaratory regulation may in relation to a particular thing done under the former legislation before the commencement—

(a) declare that the general savings and transitional provision applies to it; or

(b) declare how the general savings and transitional provision applies to it.

(3) A declaratory regulation has effect according to its terms.

- (4) The operation of the general savings and transitional provision is not limited by the making of a declaratory regulation other than to the extent provided for in the declaratory regulation.
- (5) The transitional regulation-making power as provided for in division 3 does not apply to a declaratory regulation lawfully made under this section even if, apart from this section, the declaratory regulation could be made as a transitional regulation.
- (6) A declaratory regulation may not have retrospective operation.
- (7) If a declaratory regulation commences after the commencement, it does not affect the operation of the general savings and transitional provision in a way that disadvantages a person by—
 - (a) decreasing the person's rights; or
 - (b) imposing liabilities on the person.
- (8) A declaratory regulation must declare it is a declaratory regulation.

Division 3 General transitional matters

51 Transitional regulation-making power

- (1) A regulation (a *transitional regulation*) may make provision of a saving or transitional nature—
 - (a) for which it is necessary to make provision to allow or facilitate the change from the operation of the provisions of a transport Act to the operation of the provisions of the Law; and

[s 18]

- (b) for which this Act or the Law does not make provision or sufficient provision.
- (2) Without limiting subsection (1), a transitional regulation may continue the operation of a repealed provision.
- (3) A transitional regulation may have retrospective operation to a day not earlier than the commencement of this section.
- (4) To the extent to which a provision takes effect under subsection (3) from a day earlier than the day of the regulation's notification in the gazette, the provision does not operate to the disadvantage of a person by—
 - (a) decreasing the person's rights; or
 - (b) imposing liabilities on the person.
- (5) A transitional regulation must declare it is a transitional regulation.
- (6) This section and a transitional regulation expire 2 years after the day the regulation commences.

52 References in documents to repealed or amended provisions

- (1) This section applies to a document if—
 - (a) there is a reference in the document to a provision (the *affected provision*) of TORUM as in force before the commencement of this section; and
 - (b) the affected provision is repealed or amended on the commencement of this section having regard to the commencement of the Law.
- (2) The reference may, if the context permits, be taken to be a reference to a provision of the Law corresponding to the affected provision.

- (3) In this section—
document does not include an Act.

Division 4 Interim registration provisions

53 Definitions for div 4

In this division—

Chapter 2 means Chapter 2 of the Law.

participating jurisdiction means a participating jurisdiction for the purposes of the Law, other than for the purposes of Chapter 6.

Queensland regulation means the *Transport Operations (Road Use Management—Vehicle Registration) Regulation 2010* of Queensland as made under TORUM.

registration law means—

- (a) the Queensland regulation; or
- (b) a law of a participating jurisdiction that substantially corresponds to the Queensland regulation.

54 Purpose of div 4

This division provides for the interpretation or operation of the Law, other than Chapter 2, having regard to the delayed commencement of Chapter 2.

55 Exclusion

This division does not apply to the interpretation of section 4(b) or 6(2) of the Law.

[s 18]

56 Applying particular definitions

Until the commencement of Chapter 2, a term defined in section 5 of the Law and listed in column 1 of the following table has the meaning in the Law that is listed in column 2 of the table.

Table

Column 1	Column 2
Term defined in s 5 of the Law	Meaning in the Law until commencement of Chapter 2
<i>registration</i> , of a heavy vehicle	registration of the heavy vehicle under a registration law
<i>registration number</i> , for a heavy vehicle	the identifying registration number, however described, given to the heavy vehicle under a registration law
<i>vehicle register</i>	the register of vehicles, however named, kept under a registration law

Note—

Schedule 1, section 13(2) of the Law provides that definitions in or applicable to the Law apply except so far as the context or subject matter otherwise indicates or requires.

57 References to ‘this Law’ in particular circumstances

- (1) Until the commencement of Chapter 2, the reference in section 458(a) of the Law to ‘this Law’ is taken to be a reference to ‘a registration law’.
- (2) Until the commencement of Chapter 2, the reference in each of sections 520(2)(b) and 521(3)(c) to ‘this Law’ is taken to be a reference to ‘this Law or a registration law’.

58 GVM and GCM

- (1) Until the commencement of Chapter 2, a heavy vehicle's GVM under the Law is the vehicle's GVM under TORUM.
- (2) Until the commencement of Chapter 2, a heavy vehicle's GCM under the Law is the vehicle's GCM under the Queensland regulation.

59 Applying s 60 of the Law (Compliance with heavy vehicle standards)

- (1) Until the commencement of Chapter 2—
 - (a) this section applies to a heavy vehicle; and
 - (b) section 60(3) to (5) of the Law does not apply to a heavy vehicle.
- (2) A person does not commit an offence against section 60(1) of the Law in relation to a heavy vehicle's noncompliance with a heavy vehicle standard if, and to the extent, the noncompliance relates to a noncompliance—
 - (a) if the vehicle is registered under the Queensland regulation—known to the chief executive when the vehicle was registered under the regulation; or
 - (b) if the vehicle is registered under another registration law—known to the government entity of the participating jurisdiction responsible for administering the registration law when the vehicle was registered under the registration law.
- (3) For the purposes of subsection (2), the chief executive, or the participating jurisdiction's government entity, is taken to know of a heavy vehicle's noncompliance with a heavy vehicle standard when the vehicle was registered under a

[s 18]

registration law if the noncompliance is mentioned in—

- (a) an operations plate that was installed on the vehicle when it was registered; or
 - (b) a certificate of approved operations issued for the vehicle and in force when the vehicle was registered; or
 - (c) a document obtained by the chief executive or government entity under a registration law in connection with the registration of the vehicle.
- (4) Subsection (2) applies only if the heavy vehicle, and its use on a road, complies with the conditions of the registration.

60 Cancellation of Queensland regulation registration for failure to present heavy vehicle for inspection

Until the commencement of Chapter 2—

- (a) section 522(6) of the Law does not apply in relation to a heavy vehicle; and
- (b) a ground exists to cancel a heavy vehicle's registration under the Queensland regulation if there is a failure to produce or allow the heavy vehicle to be inspected as required under section 522 of the Law.

61 Adjustment of particular provisions relating to registration suspension or cancellation

- (1) Until the commencement of Chapter 2, section 527(1)(i) of the Law is taken to require that a vehicle defect notice given for a heavy vehicle must state that the registration law under which the vehicle is registered may provide that the vehicle's registration may be suspended or

cancelled if the notice is not cleared by the Regulator under section 530 of the Law.

- (2) Until the commencement of Chapter 2—
 - (a) the reference in section 598 of the Law to the registration of a heavy vehicle is taken to be a reference to registration of the heavy vehicle under the Queensland regulation; and
 - (b) section 598(2) of the Law is taken to permit the court to cancel a registration but not to suspend it.

62 Authorisation for s 688 of the Law (Payments into Fund)

Until the commencement of Chapter 2, for section 688(1)(e) of the Law, an amount equal to any regulatory component that may be prescribed by the national regulations for the purposes of section 688(3), definition *road use component* of the Law is authorised to be paid into the Fund.

63 Supplementary certificates

- (1) A certificate purporting to be issued by the entity that, under section 11, is the road authority for this jurisdiction, and stating that, at a stated time or during a stated period—
 - (a) a stated vehicle was or was not registered under the Queensland regulation on the basis of its being a heavy vehicle; or
 - (b) a stated vehicle registered under the Queensland regulation was or was not registered as a heavy vehicle of a stated category; or
 - (c) a stated person was or was not the registered operator, under TORUM, of a stated vehicle

[s 19]

registered under the Queensland regulation;
or

- (d) a stated registration under the Queensland regulation was or was not changed or cancelled under that regulation;

is evidence of the matter.

- (2) Section 715 of the Law applies to a matter mentioned in subsection (1)(a) to (d) as if the matter was stated in a certificate under subsection 712 of the Law.

Part 3

Amendment of Police Powers and Responsibilities Act 2000

19 Act amended

This part amends the *Police Powers and Responsibilities Act 2000*.

20 Insertion of new s 53C

Chapter 3—

insert—

53C Application of corresponding HVNL(Q) penalty amounts

- (1) This section applies to a penalty for an offence against a provision of this chapter (the *relevant PP&R provision*) if the penalty provides for an amount of penalty to be the corresponding HVNL(Q) penalty amount.
- (2) For the relevant PP&R provision, the corresponding HVNL(Q) penalty amount is the same dollar amount that, when the offence is

committed, is the amount of penalty applying for an offence against the relevant PP&R provision's corresponding HVNL(Q) provision.

Note—

If the amount of penalty applying for an offence against a corresponding HVNL(Q) provision is increased under section 737 of the Heavy Vehicle National Law (Queensland), the Regulator under the Law is required under that section to publish the new amount on the Regulator's website.

- (3) For a provision of this Act listed in column 1 of the following table, the corresponding HVNL(Q) provision is the provision of the Heavy Vehicle National Law (Queensland) listed in column 2 of the table.

Table

Column 1	Column 2
Provision of this Act that is a relevant PP&R provision	Provision of Heavy Vehicle National Law (Queensland) that is the corresponding HVNL(Q) provision
section 60(2)	section 513(4)
section 61(4)	section 516(3)
section 62(2)	section 514(3)
section 65(3)	section 522(5)
section 66(3)	section 529
section 66(5)	section 526(4)
section 66(6)	section 528(3)
section 68(3)	section 577(4)

[s 21]

21 Amendment of s 54 (Power of inquiry into road use contraventions)

Section 54(1) and (2), after ‘Road Use Management Act’—
insert—

or the Heavy Vehicle National Law (Queensland)

22 Amendment of s 55 (Power to require information about identity of drivers of vehicles etc.)

Section 55(1), after ‘Road Use Management Act’—
insert—

or the Heavy Vehicle National Law (Queensland)

23 Amendment of s 58 (Production of driver licence)

(1) Section 58(1)(a), (b) and (c), after ‘Road Use Management Act’—

insert—

or the Heavy Vehicle National Law (Queensland)

(2) Section 58(1)(e), after ‘heavy vehicle’—

insert—

or for enforcing the Heavy Vehicle National Law (Queensland)

24 Amendment of s 60 (Stopping vehicles for prescribed purposes)

(1) Section 60(2), penalty—

omit, insert—

Maximum penalty—

(a) for a private vehicle—60 penalty units; or

(b) for a heavy vehicle, if the purpose for stopping the vehicle is HVNL(Q)

compliance or enforcement—the corresponding HVNL(Q) penalty amount; or

Note—

On the commencement of this note, the corresponding HVNL(Q) penalty amount was \$6000. Generally, see section 53C.

(c) otherwise—90 penalty units.

(2) Section 60(3)(a), after ‘a transport Act’—

insert—

or the Heavy Vehicle National Law (Queensland)

(3) Section 60(3)(b)—

omit, insert—

(b) to check whether the vehicle complies, or the person is complying, with a transport Act or the Heavy Vehicle National Law (Queensland);

25 Amendment of s 61 (Power to require vehicles to be moved)

(1) Section 61(3)—

omit, insert—

(3) However, the place must be—

(a) for a private vehicle—within a 5km radius from where the vehicle was stationary or stopped; or

(b) for another vehicle—within a 30km radius from—

(i) where the vehicle was stationary or stopped; or

(ii) if the requirement is given within the course of the vehicle’s journey—any

[s 26]

point along the forward route of the journey.

(2) Section 61(4)—

omit.

(3) Section 61(5), penalty—

omit, insert—

Maximum penalty—

(a) for a private vehicle—60 penalty units; or

(b) for a heavy vehicle, if the power to be exercised by the police officer as mentioned in subsection (2) is for HVNL(Q) compliance or enforcement—the corresponding HVNL(Q) penalty amount; or

Note—

On the commencement of this note, the corresponding HVNL(Q) penalty amount was \$6000. Generally, see section 53C.

(c) otherwise—90 penalty units.

(4) Section 61(5) to (7)—

renumber as section 61(4) to (6).

26 Amendment of s 62 (Requirement to remain at a place)

Section 62(2), penalty—

omit, insert—

Maximum penalty—

(a) for a heavy vehicle, if the function to be performed or power to be exercised by the police officer is for HVNL(Q) compliance or enforcement—the corresponding HVNL(Q) penalty amount; or

Note—

On the commencement of this note, the corresponding HVNL(Q) penalty amount was \$6000. Generally, see section 53C.

(b) otherwise—60 penalty units.

27 Amendment of s 63 (Power to inspect vehicles)

(1) Section 63(1)(b)—

omit, insert—

(b) has been stopped under section 60 or under the Heavy Vehicle National Law (Queensland); or

(2) Section 63(2), after ‘transport Act’—

insert—

or the Heavy Vehicle National Law (Queensland)

28 Amendment of s 64 (Power to enter vehicles etc. other than for vehicle inspection)

(1) Section 64(1)(a), after ‘this Act’—

insert—

or the Heavy Vehicle National Law (Queensland)

(2) Section 64(1)(b), after ‘heavy vehicle’—

insert—

or prescribed vehicle

(3) Section 64(1)(c) and (d), after ‘transport Act’—

insert—

or the Heavy Vehicle National Law (Queensland)

(4) Section 64(1)(e), ‘a transport Act’—

omit, insert—

the Heavy Vehicle National Law (Queensland)

[s 29]

(5) Section 64(2)—

omit, insert—

(2) The police officer may, for enforcing a transport Act or the Heavy Vehicle National Law (Queensland)—

- (a) enter the vehicle; or
- (b) search any part of the vehicle; or
- (c) inspect, measure, weigh, test, photograph or film the vehicle or anything in or on it; or
- (d) take samples of the vehicle or anything in it; or
- (e) copy, or take an extract from, a document in the vehicle; or

Example—

download information contained on a disk, tape or other device

- (f) move the vehicle's load; or
- (g) take the persons, equipment and materials the officer reasonably requires into the vehicle.

(3) In this section—

document includes a work diary as defined in the Heavy Vehicle National Law (Queensland), section 221.

prescribed vehicle means a prescribed vehicle under the Road Use Management Act.

29 Amendment of s 65 (Power to require vehicle inspections)

(1) Section 65(1), after 'transport Act'—

insert—

or the Heavy Vehicle National Law (Queensland)

(2) Section 65(3), penalty—

omit, insert—

Maximum penalty—

- (a) for a heavy vehicle, if the inspection relates to compliance with the Heavy Vehicle National Law (Queensland)—the corresponding HVNL(Q) penalty amount; or

Note—

On the commencement of this note, the corresponding HVNL(Q) penalty amount was \$6000. Generally, see section 53C.

- (b) otherwise—60 penalty units.

30 Amendment of s 66 (Power to prohibit use of vehicles)

(1) Section 66(1)(a) and (b), after ‘Road Use Management Act’—

insert—

or the Heavy Vehicle National Law (Queensland)

(2) Section 66(3), penalty—

omit, insert—

Maximum penalty—

- (a) for a private vehicle—60 penalty units; or
- (b) for a heavy vehicle, if the requirement under subsection (1) relates to compliance with the Heavy Vehicle National Law (Queensland)—the corresponding HVNL(Q) penalty amount; or

Note—

On the commencement of this note, the corresponding HVNL(Q) penalty amount was \$3000. Generally, see section 53C.

- (c) otherwise—90 penalty units.

[s 31]

(3) Section 66(5), penalty—

omit, insert—

Maximum penalty—

- (a) for a heavy vehicle, if the requirement under subsection (1) relates to compliance with the Heavy Vehicle National Law (Queensland)—the corresponding HVNL(Q) penalty amount; or

Note—

On the commencement of this note, the corresponding HVNL(Q) penalty amount was \$3000. Generally, see section 53C.

- (b) otherwise—30 penalty units.

(4) Section 66(6), penalty—

omit, insert—

Maximum penalty—

- (a) for a heavy vehicle, if the requirement under subsection (1) relates to compliance with the Heavy Vehicle National Law (Queensland)—the corresponding HVNL(Q) penalty amount; or

Note—

On the commencement of this note, the corresponding HVNL(Q) penalty amount was \$3000. Generally, see section 53C.

- (b) otherwise—30 penalty units.

31 Amendment of s 67 (Power to prohibit persons driving)

(1) Section 67(1), after ‘section 60’—

insert—

or under the Heavy Vehicle National Law (Queensland)

- (2) Section 67(3), penalty—

omit, insert—

Maximum penalty for subsection (3)—

- (a) for a private vehicle—60 penalty units; or
- (b) otherwise—90 penalty units.

32 Amendment of s 68 (Power to enable effective and safe exercise of other powers)

- (1) Section 68(2)(a), after ‘transport Act’—

insert—

or the Heavy Vehicle National Law (Queensland)

- (2) Section 68(3), penalty—

omit, insert—

Maximum penalty for subsection (3)—

- (a) for a private vehicle—60 penalty units; or
- (b) for a heavy vehicle, if the requirement relates to the safe exercise of a power under the Heavy Vehicle National Law (Queensland)—the corresponding HVNL(Q) penalty amount; or

Note—

On the commencement of this note, the corresponding HVNL(Q) penalty amount was \$10000. Generally, see section 53C.

- (c) otherwise—90 penalty units.

33 Amendment of s 69A (Meaning of *type 1* and *type 2* vehicle related offences)

- (1) Section 69A(2)(e)—

omit, insert—

[s 34]

- (e) an offence against the Road Use Management Act or the Heavy Vehicle National Law (Queensland) prescribed under a regulation for this paragraph involving a motor vehicle being driven on a road if—
 - (i) a defect notice has been issued in relation to the motor vehicle under this Act, the Road Use Management Act or the Heavy Vehicle National Law (Queensland); and
 - (ii) under the notice, the motor vehicle must be inspected by an authorised officer under the Road Use Management Act or the Heavy Vehicle National Law (Queensland) to ensure it complies with that Act or Law.
- (2) Section 69A(3)(a) and (b), after ‘Road Use Management Act’—
insert—
or the Heavy Vehicle National Law (Queensland)
- (3) Section 69A(6)—
insert—
defect notice includes a vehicle defect notice under the Heavy Vehicle National Law (Queensland).
- (4) Section 69A(6), note for subsections (4) and (5)—
relocate to section 69A(5).

34 Amendment of s 125 (Prescribed circumstances for s 124)

- (1) Section 125(1)(d), ‘the following Acts’—

omit, insert—

the following

(2) Section 125(1)(d)—

insert as first dot point—

- the Heavy Vehicle National Law (Queensland)

35 Amendment of s 382 (Notice to appear may be issued for offence)

Section 382(4), after ‘Road Use Management Act’—

insert—

or the Heavy Vehicle National Law (Queensland)

36 Amendment of sch 6 (Dictionary)

(1) Schedule 6, definition *heavy vehicle*—

omit.

(2) Schedule 6—

insert—

heavy vehicle means a heavy vehicle for the purposes of the Heavy Vehicle National Law (Queensland), as provided for in section 6 of the Law.

HVNL(Q) compliance means checking whether a vehicle complies, or a person is complying, with the Heavy Vehicle National Law (Queensland).

HVNL(Q) enforcement means enforcing the Heavy Vehicle National Law (Queensland).

[s 37]

Part 4

Amendment of Transport Operations (Road Use Management) Act 1995

37 Act amended

This part amends the *Transport Operations (Road Use Management) Act 1995*.

38 Amendment of s 3 (Objectives)

Section 3—

insert—

- (3) It is acknowledged that the objectives as stated in subsection (1), and the scheme as outlined in subsection (2), are limited in their application to heavy vehicles to the extent that the national scheme for facilitating and regulating the use of heavy vehicles on roads, having effect in Queensland as the Heavy Vehicle National Law (Queensland), applies to heavy vehicles in the place of this Act.

39 Amendment of s 15 (Alternative ways of complying with Act)

Section 15(8)—

insert—

vehicle means a private vehicle or a prescribed vehicle.

40 Amendment of s 17C (Chief executive may obtain information from commissioner)

Section 17C(6), definition *AIS approval—*

omit, insert—

AIS approval means an approval granted under a regulation that authorises its holder to operate a station (whether fixed or mobile) at which—

- (a) vehicles may be inspected for compliance with vehicle standards under a regulation made under section 148; or
- (b) heavy vehicles may be inspected for compliance with heavy vehicle standards under the national regulations (HVNL).

41 Amendment of s 18 (Grounds for amending, suspending or cancelling approvals)

(1) Section 18(1)(c)(i)—

omit, insert—

- (i) an offence against—
 - (A) this Act or a corresponding law; or
 - (B) the Heavy Vehicle National Law or a law of another State that corresponds to a provision of the Heavy Vehicle National Law; or

(2) Section 18(1)(d)—

omit, insert—

- (d) for the registration of a motor vehicle with a GVM of more than 4.5t—the vehicle has been used to commit an offence against—
 - (i) this Act or a corresponding law; or
 - (ii) the Heavy Vehicle National Law or a law of another State that corresponds to a provision of the Heavy Vehicle National Law;

(3) Section 18(1)(i)—

omit, insert—

[s 42]

- (i) for an approval that is a dangerous goods driver licence—the person to whom the licence is granted no longer satisfies the criteria, however described, under the regulation that provides for the licence;

(4) Section 18(1)(j)—

omit.

42 Omission of s 19B (Application of ss 18–19A to corresponding approvals)

Section 19B—

omit.

43 Amendment of s 26A (Further power to enter place of business in relation to heavy vehicle or prescribed dangerous goods vehicle)

(1) Section 26A, heading, ‘heavy vehicle or’—

omit.

(2) Section 26A(1)—

omit, insert—

(1) Without limiting section 26 but subject to section 26B, an authorised officer may enter a place of business of a person involved in the transport of dangerous goods at any time during the usual business hours of the business—

- (a) without the occupier’s consent or a warrant;
and
- (b) whether or not the place is actually being used at that time for carrying on the business;

if the authorised officer has—

- (c) the suspicion mentioned in subsection (2);
or

-
- (d) the belief and suspicion mentioned in subsection (3).
- (3) Section 26A(2) and (3)—
omit.
- (4) Section 26A(3A) and (3B)—
renumber as section 26A(2) and (3).
- (5) Section 26A(2), as renumbered, ‘subsection (1)(d)(i)’—
omit, insert—
subsection (1)(c)
- (6) Section 26A(3), as renumbered, ‘subsection (1)(d)(ii)’—
omit, insert—
subsection (1)(d)
- (7) Section 26A(8), definition *place of business*, ‘of a responsible person for a heavy vehicle or’—
omit.
- (8) Section 26A(8), definition *responsible person*—
omit.

44 Amendment of s 26B (Further power to enter particular places if incident involving death, injury or damage)

- (1) Section 26B(1)(a)(i)—
omit.
- (2) Section 26B(1)(a)(ii) and (iii)—
renumber as section 26B(1)(a)(i) and (ii).
- (3) Section 26B(1)(c), ‘the heavy vehicle,’—
omit.
- (4) Section 26B(3), ‘a heavy vehicle or’—
omit.

[s 45]

45 Amendment of s 27 (Consent to entry)

Section 27(4)—

omit, insert—

- (4) The acknowledgement must state—
 - (a) the purpose of the entry, including the powers intended to be exercised to achieve the purpose of the entry; and
 - (b) that the following have been explained to the occupier—
 - (i) the purpose of the entry, including the powers intended to be exercised to achieve the purpose of the entry;
 - (ii) that the occupier is not required to consent; and
 - (c) that the occupier gives the authorised officer or another authorised officer consent to enter the place and exercise the powers; and
 - (d) the time and day the consent was given; and
 - (e) any conditions of the consent.

46 Amendment of s 30 (General powers after entering places)

(1) Section 30(1)—

omit, insert—

- (1) This section applies to an authorised officer if—
 - (a) the authorised officer enters a place under section 26(1); or
 - (b) the authorised officer is also an authorised officer under the Heavy Vehicle National Law (Queensland) and enters a place under that Law.

(2) Section 30(3), penalty—

omit, insert—

Maximum penalty—60 penalty units.

(3) Section 30—

insert—

(7) If the power to enter arose only because an occupier of the place consented to the entry under this Act or under the Heavy Vehicle National Law (Queensland), the authorised officer's powers under subsection (2) are subject to any conditions of the consent and end if the consent is withdrawn.

(8) If the power to enter arose only because the entry was authorised under a warrant obtained under this Act or under the Heavy Vehicle National Law (Queensland), the authorised officer's powers under subsection (2) are subject to the terms of the warrant.

47 Amendment of s 30A (Further powers after entering place under s 26A or 26B)

(1) Section 30A(2), 'or (3A)'—

omit.

(2) Section 30A(2)(a)(ii), example—

omit.

(3) Section 30A(3)(a), 'or (3B)'—

omit.

(4) Section 30A(4)(c)(ii)—

omit, insert—

(ii) transport documentation;

(5) Section 30A(6)(b)—

omit.

[s 48]

- (6) Section 30A(6)(c)—
renumber as section 30A(6)(b).
- (7) Section 30A(6)(b), as renumbered, ‘26A(3A)’—
omit, insert—
26A(2)
- (8) Section 30A(6)(b), as renumbered, ‘26A(3B)’—
omit, insert—
26A(3)
- (9) Section 30A(7), ‘or (c)’—
omit.
- (10) Section 30A(8), ‘or (c)’—
omit.

48 Amendment of s 32 (Power to stop prescribed heavy vehicles)

- (1) Section 32, heading, ‘prescribed heavy vehicles’—
omit, insert—
heavy vehicles or prescribed vehicles
- (2) Section 32(1), ‘prescribed heavy vehicle’—
omit, insert—
heavy vehicle or prescribed vehicle
- (3) Section 32(2), ‘prescribed heavy vehicle’—
omit, insert—
heavy vehicle or prescribed vehicle
- (4) Section 32(4), examples, third dot point, ‘prescribed heavy’—
omit.
- (5) Section 32(6), ‘prescribed heavy vehicle’—

omit, insert—

prescribed vehicle

49 Amendment of s 33 (Requiring vehicle to be moved for exercising power)

(1) Section 33(1)(b)(i)(D) and (E)—

omit, insert—

(D) for a prescribed dangerous goods vehicle—a prescribed place an authorised officer has entered under section 26 or a place an authorised officer has entered under section 26A or 26B; or

(2) Section 33(1)(b)(ii)—

omit, insert—

(ii) has been stopped under—

(A) section 32; or

(B) the Heavy Vehicle National Law (Queensland).

(3) Section 33(2), example, ‘onto a weighing or testing device.’—

omit, insert—

onto a weighing device or to a testing device.

(4) Section 33(3)(b), ‘for a prescribed heavy vehicle’—

omit, insert—

for a heavy vehicle, a prescribed vehicle

(5) Section 33(4), penalty, paragraph (b)—

omit, insert—

(b) for a heavy vehicle, a prescribed vehicle or a suspected dangerous goods vehicle—90 penalty units.

(6) Section 33(5), ‘a prescribed heavy vehicle or’—

[s 50]

omit, insert—

a heavy vehicle, a prescribed vehicle or

- (7) Section 33(6), definition *prescribed place*, ‘for a heavy vehicle or prescribed dangerous goods vehicle, means’—

omit, insert—

for a prescribed dangerous goods vehicle, means

- (8) Section 33(6), definition *prescribed place*, paragraph (a), from ‘a responsible person’ to ‘dangerous goods’—

omit, insert—

a person involved in the transport of dangerous goods in the vehicle

50 Amendment of s 33A (Requiring heavy vehicle or prescribed dangerous goods vehicle to be moved if causing harm or obstruction etc.)

- (1) Section 33A, heading, ‘heavy vehicle or’—

omit.

- (2) Section 33A(1)(a), ‘a heavy vehicle or’—

omit.

51 Amendment of s 33B (Moving unattended heavy vehicle or prescribed dangerous goods vehicle on road)

- (1) Section 33B, heading, ‘heavy vehicle or’—

omit.

- (2) Section 33B(1)(a), ‘a heavy vehicle or’—

omit.

52 Amendment of s 33C (Moving other stationary heavy vehicle or prescribed dangerous goods vehicle if causing harm or obstruction etc.)

- (1) Section 33C, heading, ‘heavy vehicle or’—

omit.

- (2) Section 33C(1)(a), ‘is a heavy vehicle on a road or road-related area or’—

omit.

- (3) Section 33C(9), definition *prescribed place*, paragraph (a), after ‘dangerous goods’—

insert—

in the vehicle

53 Amendment of s 34 (Power to inspect vehicles)

Section 34(1)(b) and (c)—

omit, insert—

- (b) has been stopped under—
 - (i) section 31 or 32; or
 - (ii) the Heavy Vehicle National Law (Queensland); or
- (c) is in a place that—
 - (i) an authorised officer has entered under section 26; or
 - (ii) an authorised officer who is also an authorised officer under the Heavy Vehicle National Law (Queensland) has entered under that Law.

54 Amendment of s 35 (Power to enter vehicles etc. other than for vehicle inspection)

- (1) Section 35(1)(a), after ‘section 26’—

insert—

, or in a place the officer has, as an authorised officer under the Heavy Vehicle National Law (Queensland), entered under that Law,

[s 55]

- (2) Section 35(1)(b), ‘prescribed heavy vehicle’—
omit, insert—
heavy vehicle or a prescribed vehicle
- (3) Section 35(1)(e)—
omit.
- (4) Section 35(2)(a), note, ‘prescribed heavy vehicles’—
omit, insert—
heavy vehicles or prescribed vehicles

55 Amendment of s 35A (Further powers to inspect and search heavy vehicle or prescribed dangerous goods vehicle)

- (1) Section 35A, heading, ‘heavy vehicle or’—
omit.
- (2) Section 35A(1), ‘heavy vehicle, or a prescribed dangerous goods vehicle, whether or not the heavy vehicle or prescribed dangerous goods vehicle’—
omit, insert—
prescribed dangerous goods vehicle, whether or not the prescribed dangerous goods vehicle
- (3) Section 35A(3)(c), ‘for a prescribed dangerous goods vehicle,’—
omit.

56 Amendment of s 35B (Further powers to access or download stored information or to decide if anything found in a heavy vehicle or prescribed dangerous goods vehicle may be seized)

- (1) Section 35B, heading, ‘heavy vehicle or’—
omit.

-
- (2) Section 35B(1), ‘a heavy vehicle or’—
omit.

57 Amendment of s 35C (Running or stopping heavy vehicle engine or prescribed dangerous goods vehicle engine)

- (1) Section 35C, heading, ‘heavy vehicle engine or’—
omit.

- (2) Section 35C(1AA)—
omit.

- (3) Section 35C(1), ‘An authorised officer may’—
omit, insert—

An authorised officer may, to allow the officer to effectively exercise a power under this Act in relation to a prescribed dangerous goods vehicle,

- (4) Section 35C(1)(b)—
omit, insert—

- (b) no person involved in the transport of the dangerous goods in relation to the vehicle is available or willing to take the prescribed action; or

58 Amendment of s 37 (Power to prohibit use of vehicles)

- (1) Section 37(1), ‘believes a vehicle’—
omit, insert—

believes a private vehicle or prescribed vehicle

- (2) Section 37(2), penalty, paragraph (b) and (3), penalty, paragraph (b)—

omit, insert—

- (b) for a prescribed vehicle—90 penalty units.

[s 59]

59 Amendment of s 38 (Power to prohibit persons driving)

(1) Section 38(1)(a)—

omit, insert—

(a) a motor vehicle is stationary on a road or road-related area or has been stopped under—

(i) section 31 or 32; or

(ii) the Heavy Vehicle National Law (Queensland); and

(2) Section 38(3), penalty, paragraph (b)—

omit, insert—

(b) for a suspected dangerous goods vehicle, a heavy vehicle or a prescribed vehicle—90 penalty units.

60 Amendment of s 39 (Powers to enable effective and safe exercise of other powers)

(1) Section 39(1)(a), ‘a heavy vehicle or’—

omit.

(2) Section 39(1)(b)—

omit.

(3) Section 39(1)(c) and (d)—

renumber as section 39(1)(b) and (c).

(4) Section 39(1B), ‘or (c)’—

omit.

(5) Section 39(3), penalty, paragraph (b)—

omit, insert—

(b) for a power exercised in relation to a suspected dangerous goods vehicle, a heavy

vehicle, a prescribed vehicle or the transport of dangerous goods—90 penalty units.

61 Amendment of s 39A (Additional power for Explosives Act 1999 for particular authorised officers)

(1) Section 39A(1)—

omit, insert—

(1) This section applies if a vehicle has been stopped under—

(a) section 31(2) or 32(2); or

(b) the Heavy Vehicle National Law (Queensland).

(2) Section 39A(2), ‘The authorised officer’—

omit, insert—

An authorised officer who is also an inspector under the *Explosives Act 1999*

62 Amendment of s 39B (Stopped or moved vehicle to remain at a place)

Section 39B(2), penalty—

omit, insert—

Maximum penalty—60 penalty units.

63 Amendment of s 39C (Interfering with equipment or load of particular vehicles)

Section 39C(1)(b)—

omit, insert—

(b) to move a heavy vehicle, a prescribed vehicle or a suspected dangerous goods vehicle to a place under section 33; or

[s 64]

64 Omission of ch 3, pt 3, div 2, sdivs 5–7

Chapter 3, part 3, division 2, subdivisions 5 to 7—

omit.

65 Amendment of s 40 (Power to seize evidence)

(1) Section 40(1), after ‘with the occupier’s consent’—

insert—

, or who, as a person who is also an authorised officer under the Heavy Vehicle National Law (Queensland), enters a place under that Law with the occupier’s consent,

(2) Section 40(3)—

omit, insert—

(3) In addition to any seizure provided for in subsections (1) and (2), an authorised officer who enters a place under section 26(1) of this Act, or who, as an authorised officer under the Heavy Vehicle National Law (Queensland), enters a place under that Law, may seize anything at the place if the authorised officer reasonably believes—

(a) the thing is evidence of an offence against a transport Act; and

(b) the seizure is necessary to prevent the thing being hidden, lost or destroyed or used to continue or repeat the offence.

(3) Section 40(4), after ‘under this part’—

insert—

, or who, as a person who is also an authorised officer under the Heavy Vehicle National Law (Queensland), enters a vehicle under that Law,

66 Amendment of s 40A (Further powers to seize evidence in relation to particular vehicles)

Section 40A(1)(a), ‘or (3B)’—

omit.

67 Amendment of s 48A (Further power to require personal details for exercising power in relation to heavy vehicle or transport of dangerous goods)

(1) Section 48A, heading, ‘heavy vehicle or’—

omit.

(2) Section 48A(1)(c), ‘heavy vehicle or’—

omit.

(3) Section 48A(1)(d)(i)—

omit.

(4) Section 48A(1)(d)(ii) and (iii)—

renumber as section 48A(1)(d)(i) and (ii).

(5) Section 48A(6), from ‘proves’ to ‘vehicles.’—

omit, insert—

proves the person did not have a business address.

(6) Section 48A(8), definition *responsible person*—

omit.

(7) Section 48A(8), definition *vehicle offence*, ‘heavy vehicle or’—

omit.

68 Amendment of s 49 (Power to require documents to be produced)

Section 49(1), examples, second dot point—

omit, insert—

[s 69]

- a logbook
- transport documentation

69 Amendment of s 49A (Direction to provide information about heavy vehicles and transport of dangerous goods)

(1) Section 49A, heading, ‘heavy vehicles and’—

omit.

(2) Section 49A(1) and (2)—

omit, insert—

(1) This section applies to a person involved in the transport of dangerous goods.

(2) An authorised officer may, for compliance purposes, give the person a direction to provide information to the officer about the dangerous goods, a prescribed dangerous goods vehicle carrying or intended to be used for carrying the dangerous goods, or any other load or equipment carried or intended to be carried by the vehicle.

(3) Section 49A(7), definition *responsible person*—

omit.

70 Omission of ss 50 and 50AA

Sections 50 and 50AA—

omit.

71 Amendment of s 50AB (Power to require help to find and access particular documents or information)

(1) Section 50AB(1), ‘a responsible person’—

omit, insert—

a relevant person

(2) Section 50AB(3)—

omit, insert—

- (3) For subsection (1), a relevant person for the heavy vehicle is—
 - (a) a person in control of the vehicle; or
 - (b) a person at a place entered by the authorised officer for exercising a power under this Act in relation to the heavy vehicle.
- (4) In this section—

information includes electronically stored information.

72 Amendment of s 51F (Reciprocal powers)

Section 51F(8), definition *relevant matter*—

omit, insert—

relevant matter means—

- (a) a prescribed dangerous goods vehicle; or
- (b) the transport of dangerous goods.

73 Omission of ch 3, pt 5, div 1, sdiv 1, hdg (General)

Chapter 3, part 5, division 1, subdivision 1, heading—

omit.

74 Omission of ss 53B–53D

Sections 53B to 53D—

omit.

75 Omission of ch 3, pt 5, div 1, sdivs 2–4

Chapter 3, part 5, division 1, subdivisions 2 to 4—

omit.

[s 76]

76 Amendment of s 60 (Evidentiary aids)

(1) Section 60(2)(c)—

omit, insert—

(c) a specified place was or was not—

(i) a road or road-related area; or

(ii) an off-street regulated parking area; or

(iii) part of a place or thing mentioned in subparagraph (i) or (ii);

(2) Section 60(2)(u)—

omit.

(3) Section 60(3A)—

omit.

(4) Section 60(7), example—

omit, insert—

Example for subsection (7)—

An authorised officer who examines a driver's Australian driver licence or logbook may return the licence or logbook to the driver to enable the driver to continue driving. The officer may give evidence of the contents of the licence or logbook without producing it.

77 Omission of s 61A (Manufacturer's statements)

Section 61A—

omit.

78 Replacement of s 61B (Transport and journey documentation)

Section 61B—

omit, insert—

61B Transport documentation

- (1) Without limiting section 60, transport documentation is admissible in a proceeding under a transport Act relating to a prescribed dangerous goods vehicle or the transport of dangerous goods and is evidence of—
 - (a) the identity and status of the parties to any transaction to which the documentation relates; and
 - (b) the destination or intended destination of any load to which the documentation relates.
- (2) In this section—

status, of the parties to a transaction, includes the status of each of the parties as a person involved in the transport of dangerous goods.

79 Amendment of s 61C (Evidence not affected by nature of vehicle)

Section 61C, ‘a prescribed heavy vehicle’—

omit, insert—

a heavy vehicle or prescribed vehicle

80 Omission of ss 61D–61J

Sections 61D to 61J—

omit.

81 Amendment of s 66 (Local laws etc.)

Section 66(1) and (2)—

omit, insert—

- (1) Subject to this chapter, a local government may not—

[s 82]

- (a) make a local law about anything provided for in—
 - (i) this chapter, including anything about which a regulation may be made under this chapter; or
 - (ii) the Heavy Vehicle National Law (Queensland), including anything about which national regulations (HVNL) may be made; or
 - (b) exercise a power conferred by this chapter, or by the Heavy Vehicle National Law (Queensland), on someone else.
- (2) However, a local government may exercise a power that is not inconsistent with this chapter or the Heavy Vehicle National Law (Queensland).

82 Replacement of ch 5, pt 5, hdg

Chapter 5, part 5, heading—

omit, insert—

**Part 5 Traffic diversions and
removal of things from
roads**

83 Amendment of s 124A (Additional ground of challenge not stated in written notice required under particular provisions)

(1) Section 124A(1) and (3), ‘61E(2), 61F(5), 61G(4),’—

omit.

(2) Section 124A(2), ‘61E(3), 61F(6), 61G(5),’—

omit.

84 Amendment of s 148 (Regulating vehicle standards)

Section 148(b)(i), ‘comply with the standards; and’—

omit, insert—

comply with—

- (A) the standards prescribed under paragraph (a); and
- (B) the heavy vehicle standards prescribed under the Heavy Vehicle National Law; and

85 Amendment of s 150 (Regulating driver management)

Section 150(1)(g)—

omit.

86 Omission of s 150AB (Regulating management of fatigue of drivers of heavy vehicles)

Section 150AB—

omit.

87 Omission of s 150C (Proceedings for particular offences involving requirements about fatigue regulated heavy vehicles)

Section 150C—

omit.

88 Omission of chs 5B–5D

Chapters 5B to 5D—

omit.

[s 89]

89 Omission of ch 6, pts 1 and 2

Chapter 6, parts 1 and 2—

omit.

90 Amendment of s 163F (Definitions for pt 3)

(1) Section 163F, heading, ‘pt 3’—

omit, insert—

pt 1

(2) Section 163F, definitions *heavy vehicle offence* and *supervisory intervention order*—

omit.

(3) Section 163F—

insert—

dangerous goods vehicle offence means an offence against a transport Act in relation to a dangerous goods vehicle.

91 Amendment of s 164 (Court orders for payment)

(1) Section 164(3), ‘apply in relation to a heavy vehicle offence’—

omit, insert—

apply in relation to a dangerous goods vehicle offence

(2) Section 164(3), note, ‘heavy vehicle offence’—

omit, insert—

dangerous goods vehicle offence

92 Amendment of s 164AA (Definition for div 3)

Section 164AA, definition *responsible entity*, paragraphs (a) and (b), ‘, means the’—

omit, insert—

—the

93 Amendment of s 164AB (Road compensation order)

Section 164AB(1) and (4), ‘heavy vehicle offence’—

omit, insert—

dangerous goods vehicle offence

94 Amendment of s 164AE (Limits on amount of compensation)

Section 164AE(1)(a), ‘heavy vehicle offence’—

omit, insert—

dangerous goods vehicle offence

95 Amendment of s 164A (Commercial benefits penalty order)

Section 164A(1), ‘a heavy vehicle offence or’—

omit.

96 Omission of ch 6, pt 3, div 5 (Supervisory intervention orders)

Chapter 6, part 3, division 5—

omit.

97 Renumbering of ch 6, pts 3 and 4

Chapter 6, parts 3 and 4—

renumber as chapter 6, parts 1 and 2.

[s 98]

98 Omission of ss 168A and 168AA

Sections 168A and 168AA—

omit.

99 Amendment of s 168B (Giving evidence about heavy vehicle or dangerous goods matter to external public authority)

(1) Section 168B, heading, ‘heavy vehicle or’—

omit.

(2) Section 168B(3), definition *prescribed evidence*, ‘a heavy vehicle or’—

omit.

100 Amendment of s 168C (Chief executive may give information to corresponding authority)

Section 168C(1)(a) and (b), ‘a heavy vehicle or’—

omit.

101 Amendment of s 168D (Contracting out in relation to heavy vehicles etc. prohibited)

(1) Section 168D, heading, ‘heavy vehicles’—

omit, insert—

prescribed dangerous goods vehicles

(2) Section 168D, ‘a heavy vehicle,’—

omit.

102 Insertion of new ch 7, pt 17

Chapter 7—

insert—

Part 17 **Transitional provisions
for the Transport and
Other Legislation
(Heavy Vehicle National
Law) Amendment Act
2013**

224 Definitions for pt 17

In this part—

amending Act means the *Transport and Other Legislation (Heavy Vehicle National Law) Amendment Act 2013*.

commencement means the commencement of this part.

225 Evidence about heavy vehicle matter

Section 168B, as in force before the commencement, continues to apply to anything that, immediately before the commencement, was prescribed evidence under that section as if the amending Act had not commenced.

226 Giving information to corresponding authority about heavy vehicle matter

If, immediately before the commencement, the chief executive was authorised under section 168C to give information to a corresponding authority, the section continues to apply to the information after the commencement as if the amending Act had not commenced.

[s 103]

103 Amendment of sch 3 (Reviewable decisions)

Schedule 3, entries for sections 39Q(2), 39S(1) or (2) and 39U(1) and both entries for section 168AA—

omit.

104 Amendment of sch 4 (Dictionary)

- (1) Schedule 4, definitions *accreditation record requirement, alternative work and rest arrangements, approved intelligent transport system, associate, cause, clearance certificate, consign and consignor, container weight declaration, contravening way, critical risk breach, declared route, declared zone, dimension requirement, driver, employed driver, employer, exemption record requirement, extended liability offence, fatigue management offence, fatigue management regulation, fatigue management requirement, fatigue regulated heavy vehicle, gross mass, heavy vehicle, heavy vehicle offence, heavy vehicle speeding offence, holding company, impaired by fatigue, improvement notice, influencing person, intelligent access map, intelligent access program, intelligent transport system, journey documentation, load and loader, loading manager, loading requirement, mass requirement, maximum work requirement, minimum rest requirement, minor risk breach, party in the chain of responsibility, prescribed heavy vehicle, prime contractor, private vehicle, reasonable steps defence, responsible entity (both definitions), responsible person, risk category, schedule, scheduler, security interest, self-employed driver, severe risk breach, severe risk breach lower limit, speed limit, standard work and rest arrangements, subsidiary, substantial risk breach, substantial risk breach lower limit, suitable rest place, supervisory intervention order, TCA, transport documentation, unit load, unloader, work, work and rest hours option, work and rest hours option requirement, work diary record and work diary requirement—*

omit.

- (2) Schedule 4—

insert—

***consign* and *consignor*—**

- 1 A person *consigns* dangerous goods, and is a *consignor* of dangerous goods, for transport using a vehicle, if—
- (a) the person has consented to being, and is, named or otherwise identified as a consignor of the goods in the transport documentation relating to the road transport of the goods; or
 - (b) there is no person as described in paragraph (a) and—
 - (i) the person engages a prime contractor, either directly or through an agent or other intermediary, to transport the goods by road; or
 - (ii) there is no person as described in subparagraph (i) and the person has possession of, or control over, the goods immediately before the goods are transported by road; or
 - (iii) there is no person as described in subparagraph (i) or (ii) and the person loads a vehicle with the goods, for road transport, at a place—
 - (A) where goods in bulk are stored, temporarily held or otherwise held waiting collection; and
 - (B) that is usually unattended, other than by the vehicle's driver or someone else necessary for the normal use

[s 104]

of the vehicle, during loading; or

- (c) there is no person as described in paragraph (a) or (b), the goods are imported into Australia through a place in Queensland and the person is the importer of the goods.

2 Also, without limiting item 1, a person *consigns* dangerous goods, and is a *consignor* of dangerous goods, for transport using a vehicle, if the person arranges for the transport of the goods on a vehicle owned or controlled by the person.

dangerous goods vehicle offence, for chapter 6, part 1, see section 163F.

driver—

- (a) means the person driving or in charge of any vehicle, tram, train, vessel, or animal; and
- (b) includes, in relation to a trailer—
 - (i) the person driving or in charge of the vehicle to or by which the trailer is attached or drawn; and
 - (ii) for chapter 3, part 3, if the trailer was but is no longer connected to the towing vehicle in a combination—the driver of the towing vehicle in the combination to or by which the trailer was, or apparently was, last attached or drawn.

employer means a person who employs someone else under—

- (a) a contract of employment, apprenticeship or training; or
- (b) a contract for services.

heavy vehicle means a heavy vehicle for the purposes of the Heavy Vehicle National Law (Queensland), as provided for in section 6 of the Law.

Heavy Vehicle National Law means—

- (a) the scheduled law (HVNL) as it applies as a law of a participating jurisdiction (HVNL); or
- (b) a law of a participating jurisdiction (HVNL) that—
 - (i) substantially corresponds to the provisions of the scheduled law (HVNL); or
 - (ii) is prescribed by the national regulations (HVNL) for the purposes of paragraph (a)(iii) of the definition *participating jurisdiction* in section 5 of the scheduled law (HVNL).

improvement notice, for chapter 5A, parts 5 and 7, see section 161B(2).

load, when used as a verb, and **loader**—

A person *loads* dangerous goods in a vehicle, and is a *loader* of dangerous goods in a vehicle, if the person is a person who—

- (a) places or secures 1 or more packages of the goods in the vehicle; or
- (b) supervises another person who places or secures 1 or more packages of the goods in the vehicle; or
- (c) manages or controls an activity mentioned in paragraph (a) or (b);

but a person does not *load* dangerous goods in a vehicle, and is not a *loader* of dangerous goods in a vehicle, only because the person—

[s 104]

- (d) places the goods into packaging already on the vehicle; or
- (e) places or secures packages of the goods in or on further packaging already on the vehicle.

national regulations (HVNL) means the national regulations made under the scheduled law (HVNL) as applied by the *Heavy Vehicle National Law Act 2012* (Qld) and by the law of States and Territories.

participating jurisdiction (HVNL) means a participating jurisdiction as defined in the scheduled law (HVNL).

prescribed vehicle—

- (a) means any of the following vehicles, whether or not the vehicle in any case is also a heavy vehicle—
 - (i) a public passenger vehicle;
 - (ii) another vehicle providing services on a road for which a licence is required under a transport Act;
 - (iii) a dangerous goods vehicle;
 - (iv) a vehicle used for driver training for reward; and
- (b) includes a combination that includes a vehicle mentioned in paragraph (a)(i), (ii) or (iv).

prime contractor, in relation to the transport of dangerous goods, means the person who, in conducting a business for or involving the transport of dangerous goods, has undertaken to be responsible for, or is responsible for, the transport of the goods.

private vehicle means a vehicle other than a heavy vehicle or prescribed vehicle.

responsible entity, for chapter 6, part 1, division 3, see section 164AA.

scheduled law (HVNL) means the Heavy Vehicle National Law set out in the schedule to the *Heavy Vehicle National Law Act 2012*.

transport documentation means documentation required to be kept under a dangerous goods regulation.

- (3) Schedule 4, definition *base*, ‘a heavy vehicle or’—
omit.
- (4) Schedule 4, definition *bus*, ‘*fatigue regulated heavy vehicle*’—
omit, insert—
truck
- (5) Schedule 4, definition *commercial vehicle*, paragraph (c)(i), ‘103(4)’—
omit, insert—
103(5)
- (6) Schedule 4, definition *consignee*, ‘goods transported or to be transported by a heavy vehicle or goods that are’—
omit, insert—
the transport of
- (7) Schedule 4, definition *convicts*, ‘part 3’—
omit, insert—
part 1
- (8) Schedule 4, definition *fit*, ‘heavy vehicle or’—
omit.

[s 105]

- (9) Schedule 4, definition *garage address*, ‘a heavy vehicle or’—
omit.
- (10) Schedule 4, definition *operator*, paragraph (b), ‘heavy’—
omit.
- (11) Schedule 4, definition *road compensation order*, ‘part 3’—
omit, insert—
part 1
- (12) Schedule 4, definition *traffic history*—
insert—
(c) the contraventions for which the person has
been dealt with as a driver under the Heavy
Vehicle National Law (Queensland).
- (13) Schedule 4, definition *transport Act*, paragraph (c), second dot
point—
omit, insert—
• section 32 (Power to stop heavy
vehicles or prescribed vehicles)
- (14) Schedule 4, definition *unattended*, ‘heavy vehicle or’—
omit.

Part 5 Amendment of other Acts

105 Acts amended

Schedule 1 amends the Acts it mentions.

Schedule 1 Minor and consequential amendments

section 105

Forestry Act 1959

1 Section 34B, heading, ‘1995’—

omit, insert—

**1995 and Heavy Vehicle National Law
(Queensland)**

2 Section 34B, ‘1995,’—

omit, insert—

*1995 and the Heavy Vehicle National Law
(Queensland),*

Motor Racing Events Act 1990

1 Section 12(2), ‘does’—

omit, insert—

and the Heavy Vehicle National Law (Queensland) do

State Penalties Enforcement Act 1999

1 Section 31(3), after ‘1995’—

insert—

or the Heavy Vehicle National Law (Queensland)

2 Section 31(3)(b), ‘that Act’—

omit, insert—

the *Transport Operations (Road Use Management) Act 1995*

Summary Offences Act 2005

1 Section 24A(4), definition *traffic enforcement site*, after ‘1995’—

insert—

or the Heavy Vehicle National Law (Queensland)

Tow Truck Act 1973

1 Section 4C(1)(b)—

omit, insert—

(b) the person’s traffic history;

2 Section 4C(2)—

insert—

traffic history, of a person, see the *Transport Operations (Road Use Management) Act 1995*, schedule 4.

3 Section 21A(f), ‘to an authorised officer;’—

omit, insert—

to—

- (i) an authorised officer; or
- (ii) an authorised officer under the Heavy Vehicle National Law (Queensland);

4 Schedule 2, definition *seized*, ‘section 125(d) or (e)’—

omit, insert—

section 125(1)(d) or (2)

Work Health and Safety Act 2011

1 Schedule 1, part 2, division 5, section 7(2), ‘Acts’—

omit.

2 Schedule 1, part 2, division 5, section 7(2)—

insert—

- (aa) the Heavy Vehicle National Law (Queensland);

3 Schedule 1, part 2, division 5, section 7(2)(aa) to (e)—

renumber as schedule 1, part 2, division 5, section 7(2)(b) to (f).

Schedule 1

4 **Schedule 1, part 2, division 5, section 7(3), after ‘an Act’—**
insert—

or Law

5 **Schedule 1, part 2, division 5, section 7(3), after ‘that Act’—**

insert—

or Law

Youth Justice Act 1992

1 **Part 7, division 13, heading, after ‘1995’—**

insert—

and Heavy Vehicle National Law (Queensland)

2 **Section 253, heading, after ‘1995’—**

insert—

and Heavy Vehicle National Law (Queensland)

3 **Section 253(1), after ‘1995’—**

insert—

and the Heavy Vehicle National Law (Queensland)

4 **Section 253(2), after ‘purpose’—**

insert—

, for the *Transport Operations (Road Use Management) Act 1995*

5 Section 253(2)(a) and (b), ‘the *Transport Operations (Road Use Management) Act 1995*—

omit, insert—

that Act

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