

TASMANIA

HEAVY VEHICLE NATIONAL LAW (TASMANIA) BILL 2013

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HEAVY VEHICLE NATIONAL LAW (TASMANIA)

BILL 2013

*(Brought in by the Minister for Infrastructure, the Honourable
David James O'Byrne)*

A BILL FOR

An Act to apply as a law of this State a national law relating to the regulation of the use of heavy vehicles, and to repeal certain Acts, and for related and consequential purposes

Be it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:

PART 1 – PRELIMINARY

1. Short title

This Act may be cited as the *Heavy Vehicle National Law (Tasmania) Act 2013*.

2. Commencement

The provisions of this Act commence on a day or days to be proclaimed.

3. Interpretation

(1) In this Act –

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commencement day means the day on which section 4 commences;

Heavy Vehicle National Law means the Heavy Vehicle National Law, as in force from time to time, set out in the Schedule to the *Heavy Vehicle National Law Act 2012* of Queensland;

Heavy Vehicle National Law (Tasmania) means the provisions applying in this jurisdiction because of section 4;

Heavy Vehicle National Regulations (Tasmania) means the provisions applying in this jurisdiction because of section 5;

local application provisions means the provisions of this Act other than the Heavy Vehicle National Law (Tasmania);

local application regulations means the regulations made under section 43;

Registrar means the Registrar of Motor Vehicles appointed under section 5 of the *Vehicle and Traffic Act 1999*;

State entity includes –

- (a) an Agency within the meaning of the *State Service Act 2000*; and
- (b) a Government Business Enterprise within the meaning of

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the *Government Business Enterprises Act 1995*; and

- (c) a State-owned Company; and
- (d) a State authority that is not a Government Business Enterprise; and
- (e) the council, board, trust or trustees, or other governing body (however designated) of, or for, a corporation, body of persons or institution, that is or are appointed by the Governor or a Minister of the Crown; and
- (f) any other person or body prescribed by the local application regulations;

State-owned Company means a company incorporated under the Corporations Act which is controlled by –

- (a) the Crown; or
- (b) a State authority; or
- (c) another company which is itself controlled by the Crown or a State authority;

this jurisdiction means Tasmania.

- (2) Terms used in the local application provisions and also the Heavy Vehicle National Law have the same meanings in the local application

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provisions as they have in the Heavy Vehicle
National Law.

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**PART 2 – ADOPTION OF HEAVY VEHICLE
NATIONAL LAW**

Division 1 – General

4. Application of Heavy Vehicle National Law

The Heavy Vehicle National Law –

- (a) applies as a law of this jurisdiction; and
- (b) as so applying may be referred to as the Heavy Vehicle National Law (Tasmania); and
- (c) as so applying is part of this Act.

5. Application of national regulations

The national regulations, as in force from time to time –

- (a) as modified by the local application regulations, apply in this jurisdiction as regulations in force for the purposes of the Heavy Vehicle National Law (Tasmania); and
- (b) as so applying may be referred to as the Heavy Vehicle National Regulations (Tasmania).

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6. Exclusion of legislation of this jurisdiction

- (1) The following Acts of this jurisdiction do not apply to the Heavy Vehicle National Law (Tasmania) or to instruments made under the Heavy Vehicle National Law (Tasmania), other than to the extent provided for in subsections (2) and (3):
 - (a) the *Acts Interpretation Act 1931*;
 - (b) the *Archives Act 1983*;
 - (c) the *Audit Act 2008*;
 - (d) the *Financial Management and Audit Act 1990*;
 - (e) the *Personal Information Protection Act 2004*;
 - (f) the *Right to Information Act 2009*;
 - (g) the *Rules Publication Act 1953*;
 - (h) the *State Service Act 2000*;
 - (i) the *Subordinate Legislation Act 1992*.
- (2) The *Audit Act 2008* applies to the extent provided for in the Heavy Vehicle National Regulations (Tasmania).
- (3) The Acts referred to in subsection (1)(b), (c), (d), (e), (f) and (h) apply to a State entity, or an employee of a State entity, exercising a function under the Heavy Vehicle National Law (Tasmania).

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(4) For the avoidance of doubt –

- (a) subsection (1)(a) does not limit the application of the *Acts Interpretation Act 1931* to the local application provisions or the local application regulations; and
- (b) subsection (1)(g) and (i) do not limit the application of the *Rules Publication Act 1953*, or the *Subordinate Legislation Act 1992*, to the local application regulations.

7. Amendments to Heavy Vehicle National Law (Tasmania)

- (1) The Minister is to cause any amendment to the Heavy Vehicle National Law (Tasmania) to be tabled in each House of Parliament within 10 sitting-days from the date on which the amendment receives the Royal Assent in Queensland.
- (2) Nothing in this section affects the operation of that amendment.

8. Procedure in relation to national regulations

- (1) If, before the commencement day, national regulations are published on the NSW legislation website in accordance with Part 6A of the *Interpretation Act 1987* of New South Wales, the making of those national regulations is to be notified in the *Gazette* within 21 days after the commencement day.

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- (2) If, on or after the commencement day, national regulations are published on the NSW legislation website in accordance with Part 6A of the *Interpretation Act 1987* of New South Wales, the making of those national regulations is to be notified in the *Gazette* within 21 days after that publication.
- (3) The national regulations are to be laid before each House of Parliament within the first 10 sitting-days of the House after the regulations are notified in the *Gazette* under subsection (1) or (2).
- (4) If either House of Parliament passes a resolution, of which notice has been given within the first 15 sitting-days of the House after any national regulation is laid before it, that the regulation be disallowed –
 - (a) the provisions of subsection (5) have effect; and
 - (b) the Minister is to notify the responsible Ministers of the resolution.
- (5) If a national regulation referred to in subsection (4) is disallowed in this jurisdiction, the regulation does not cease to have effect in this jurisdiction unless the regulation is disallowed in a majority of the participating jurisdictions (and, in such a case, the regulation will cease to have effect on the date of its disallowance in the last of the jurisdictions forming the majority).

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***Division 2 – Definitions and declarations for purposes of
Heavy Vehicle National Law (Tasmania)***

9. Interpretation of certain expressions

In the Heavy Vehicle National Law (Tasmania) and the Heavy Vehicle National Regulations (Tasmania), unless the contrary intention appears –

police officer means a police officer as defined in the *Police Service Act 2003*;

this jurisdiction means Tasmania.

10. Declaration about industrial relations status of Regulator

(1) It is declared that –

(a) the Regulator is not a public sector employer for the purposes of the *Industrial Relations (Commonwealth Powers) Act 2009*; and

(b) it is the intention of Parliament that the Regulator be a national system employer for the purposes of the *Fair Work Act 2009* of the Commonwealth.

(2) Nothing in any Act, whether made before or after this Act comes into force, is to be taken to prevent the Regulator from being a national system employer for the purposes of the *Fair Work Act 2009* of the Commonwealth.

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11. Particular law

For the purposes of the Heavy Vehicle National Law (Tasmania) –

- (a) the *Work Health and Safety Act 2012* is declared to be the primary WHS Law for this jurisdiction; and
- (b) the *Road Rules* are declared to be the Road Rules for this jurisdiction.

12. Local government authority

A council, within the meaning of the *Local Government Act 1993*, is declared to be a local government authority for this jurisdiction for the purposes of the Heavy Vehicle National Law (Tasmania).

13. Relevant tribunal or court

For the purposes of the definition of *relevant tribunal or court* in section 5 of the Heavy Vehicle National Law (Tasmania) –

- (a) the Magistrates Court (Administrative Appeals Division) is declared to be the relevant tribunal or court for this jurisdiction for the purposes of Chapter 11 of the Heavy Vehicle National Law (Tasmania); and
- (b) the Magistrates Court is declared to be the relevant tribunal or court for this jurisdiction for the purposes of all other

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Chapters of the Heavy Vehicle National
Law (Tasmania).

14. Responsible Minister

The Minister administering this Act is nominated as the responsible Minister for this jurisdiction for the purposes of the Heavy Vehicle National Law (Tasmania).

15. Road authority

For the purposes of the Heavy Vehicle National Law (Tasmania) –

- (a) the Registrar is declared to be the road authority for this jurisdiction for the purposes of paragraphs (a), (b) and (c) of section 712 of the Heavy Vehicle National Law (Tasmania); and
- (b) the Minister administering the *Roads and Jetties Act 1935* is declared to be the road authority for this jurisdiction for the purposes of all other provisions of the Heavy Vehicle National Law (Tasmania).

16. Road manager

The following are declared to be the road manager for a road in this jurisdiction for the purposes of the Heavy Vehicle National Law (Tasmania):

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- (a) for a road controlled by the State, the Minister administering the *Roads and Jetties Act 1935*;
- (b) for a road controlled by a local government authority, the local government authority;
- (c) for a road which has telecommunications, rail, electricity, gas or port infrastructure in conjunction with it, the owners of that infrastructure;
- (d) for any other road, the owner of the road.

17. Police officers who are authorised officers

Each police officer is declared to be an authorised officer for the purposes of the Heavy Vehicle National Law (Tasmania).

18. Authorised warrant official

Each magistrate, within the meaning of the *Magistrates Court Act 1987*, is declared to be an authorised warrant official for the purposes of the Heavy Vehicle National Law (Tasmania).

Division 3 – Offences and legal proceedings

19. Offences for which persons charged do not have benefit of mistake of fact defence

- (1) This section declares, for the purposes of section 14 of the Heavy Vehicle National Law

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(Tasmania), the effect of a provision of that Law that states that a person charged with an offence does not have the benefit of the mistake of fact defence for the offence.

- (2) In proceedings for an offence, criminal responsibility for the offence is not entailed by an act or omission done or made under an honest and reasonable, but mistaken, belief in the existence of any state of facts the existence of which would excuse such act or omission.

20. Authorised use of protected information

For the purposes of the definition of *relevant law* in section 727(1) of the Heavy Vehicle National Law (Tasmania), the following laws and the instruments made under those laws are specified as relevant laws:

- (a) the *Vehicle and Traffic Act 1999*;
- (b) the *Traffic Act 1925*.

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Part 3 – Provisions Specific to this Jurisdiction

**PART 3 – PROVISIONS SPECIFIC TO THIS
JURISDICTION**

21. Authority to use force

- (1) An authorised officer who is a police officer is authorised to use force against a person in the exercise, or purported exercise, of a function under the Heavy Vehicle National Law (Tasmania).
- (2) An authorised officer is authorised to use force against property in the exercise, or purported exercise, of a function under the Heavy Vehicle National Law (Tasmania).

22. Amendment or withdrawal of vehicle defect notices

For the purposes of section 531 of the Heavy Vehicle National Law (Tasmania), a police officer of another jurisdiction may amend or withdraw a vehicle defect notice that has been issued in this jurisdiction by an authorised officer who is a police officer.

23. Infringement notices

- (1) In this section –

demerit points, in relation to an offence, means the demerit points fixed in relation to that offence in the demerits points schedule, within the meaning of the *Vehicle and Traffic Act 1999*.

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-
- (2) For the purposes of the Heavy Vehicle National Law (Tasmania), the *Monetary Penalties Enforcement Act 2005* is declared to be the Infringement Notice Offences Law for this jurisdiction.
 - (3) For the purposes of section 591 of the Heavy Vehicle National Law (Tasmania), a prescribed offence is an offence prescribed, for the purposes of that section, in the local application regulations.
 - (4) A penalty specified in an infringement notice issued under section 591 of the Heavy Vehicle National Law (Tasmania) is to be an amount equal to 10% of the maximum penalty for the offence.
 - (5) An infringement notice issued under section 591 of the Heavy Vehicle National Law (Tasmania) is to specify the number of demerit points (if any) in respect of the offence or offences to which the notice relates.
 - (6) An infringement notice issued under section 591 of the Heavy Vehicle National Law (Tasmania) is to be in accordance with section 14 of the *Monetary Penalties Enforcement Act 2005*.
 - (7) Any payments in respect of an infringement notice are payable into the Consolidated Fund.

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24. Determination of wheel load, single axle load, axle group load or aggregate axle load

- (1) An authorised officer may, in accordance with the local application regulations, determine the wheel load, single axle load, axle group load or aggregate axle load of a vehicle or combination for the purposes of the Heavy Vehicle National Law (Tasmania).
- (2) The local application regulations may make provision in relation to –
 - (a) methods for determining the mass and dimensions of vehicles, combinations and their loads; and
 - (b) the issue of certificates in relation to wheel, single axle, axle group and aggregate axle loads; and
 - (c) methods for testing instruments used for determining the mass and dimensions of vehicles, combinations and their loads.

25. Contravening condition of mass or dimension exemption relating to escort vehicle

Section 130 of the Heavy Vehicle National Law, as that Law applies as a law of this jurisdiction, does not apply to the driver of the escort vehicle accompanying the heavy vehicle, and the operator of the heavy vehicle, if the driver of the escort vehicle –

- (a) is an authorised officer; and

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-
- (b) does not comply with a condition of the mass or dimension exemption that relates to –
 - (i) the positioning of the escort vehicle; or
 - (ii) the escorting distance; and
 - (c) is satisfied that the failure to comply with the condition is necessary for public safety.

26. Fees for vehicle inspections

- (1) In this section –

approved vehicle examiner means a person approved by the Registrar to undertake vehicle inspections;

heavy vehicle inspection services provider means an organisation that has a contract with the Department to undertake heavy vehicle inspection services.

- (2) The fee payable for an inspection of a heavy vehicle under the Heavy Vehicle National Law (Tasmania) is –
- (a) if the inspection is carried out by or on behalf of a heavy vehicle inspection services provider, the fee specified by that heavy vehicle inspection services provider; or

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- (b) if the inspection is not carried out by or on behalf of a heavy vehicle inspection services provider –
 - (i) in the case of an inspection by an approved vehicle examiner, the fee specified by that examiner; or
 - (ii) in the case of an inspection by an authorised officer, the fee, if any, prescribed for the purposes of section 58A(a) of the *Vehicle and Traffic Act 1999*.

27. Fees for route assessments

- (1) If a route assessment is required under the Heavy Vehicle National Law (Tasmania), the road manager supplying the route assessment may charge and recover a fee for the route assessment.
- (2) The road manager may only charge an amount that is no more than the reasonable cost of providing the service.

28. No double jeopardy

If –

- (a) an act or omission is an offence against the Heavy Vehicle National Law (Tasmania) or the Heavy Vehicle National Regulations (Tasmania) and is also an offence against a law of another participating jurisdiction; and

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- (b) the offender has been punished for that offence under the law of the other jurisdiction –

the offender is not liable to be punished for the offence against the Heavy Vehicle National Law (Tasmania) or the Heavy Vehicle National Regulations (Tasmania), as the case may be.

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PART 4 – SAVINGS AND TRANSITIONAL PROVISIONS

Division 1 – Fatigue management

29. Application of Division

This Division applies for the period beginning on the commencement of section 4 and ending on the commencement of section 31.

30. Non-application of fatigue management provisions of Heavy Vehicle National Law

The following provisions of the Heavy Vehicle National Law do not apply as laws of this jurisdiction:

- (a) Chapter 6;
- (b) Division 8 of Part 9.3.

31. Repeal of Division

This Division is repealed.

Division 2 – Registration of heavy vehicles

32. Application of Division

This Division applies for the period beginning on the commencement of section 4 and ending on the commencement of section 38.

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33. Non-application of registration provisions of Heavy Vehicle National Law

Chapter 2 of the Heavy Vehicle National Law does not apply as a law of this jurisdiction.

34. Meaning of GCM and GVM

The Heavy Vehicle National Law (Tasmania) applies as if –

GCM has the same meaning as in the *Vehicle and Traffic Act 1999*; and

GVM has the same meaning as in the *Vehicle and Traffic Act 1999*.

35. Registration

(1) In this section –

corresponding authority means an authority, under a corresponding law, that is responsible for the registration of vehicles;

corresponding law means a corresponding law within the meaning of the *Vehicle and Traffic Act 1999*.

(2) The Heavy Vehicle National Law (Tasmania) applies as if –

(a) a reference to a certificate of registration for a heavy vehicle were a reference to a

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certificate, relating to the registration of the vehicle, issued under –

- (i) the *Vehicle and Traffic Act 1999*;
or
 - (ii) a corresponding law; and
- (b) a reference to a heavy vehicle being registered were a reference to the vehicle being registered under –
 - (i) the *Vehicle and Traffic Act 1999*;
or
 - (ii) a corresponding law; and
- (c) a reference to registration, in relation to a heavy vehicle, were a reference to the vehicle being registered under –
 - (i) the *Vehicle and Traffic Act 1999*;
or
 - (ii) a corresponding law; and
- (d) a reference to a heavy vehicle being conditionally registered were a reference to the vehicle being conditionally registered under –
 - (i) the *Vehicle and Traffic Act 1999*;
or
 - (ii) a corresponding law; and
- (e) a reference to the registered operator of a heavy vehicle were a reference to the

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person recorded as the person responsible
for that vehicle –

- (i) on the register of motor vehicles and trailers kept under the *Vehicle and Traffic Act 1999*; or
 - (ii) under a corresponding law; and
- (f) a reference to the registration number for a heavy vehicle were a reference to the registration number recorded as the registration number for that vehicle –
 - (i) on the register of motor vehicles and trailers kept under the *Vehicle and Traffic Act 1999*; or
 - (ii) by a corresponding authority; and
- (g) a reference to a registration exemption were a reference to an exemption from the requirement for a heavy vehicle to be registered under –
 - (i) the *Vehicle and Traffic Act 1999*; or
 - (ii) a corresponding law; and
- (h) a reference to the vehicle register were a reference to –
 - (i) the register of motor vehicles and trailers kept under the *Vehicle and Traffic Act 1999*; or

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- (ii) a register of vehicles kept by a corresponding authority; and
 - (i) a reference to an unregistered heavy vehicle permit were a reference to –
 - (i) a short term unregistered vehicle permit issued under the *Vehicle and Traffic Act 1999*; or
 - (ii) a permit issued by a corresponding authority.
- (3) The Heavy Vehicle National Law (Tasmania) applies as if –
 - (a) a reference to the Regulator in section 60 of that Law were a reference to the Registrar or a corresponding authority; and
 - (b) a reference to the national regulations in section 60 of that Law were a reference to the *Vehicle and Traffic Act 1999* or a corresponding law.

36. Requirements about vehicle defect notice

The Heavy Vehicle National Law (Tasmania) applies as if a reference to ‘this Law’ in section 527(1)(i) of that Law were a reference to the *Vehicle and Traffic Act 1999*.

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37. Power to cancel or suspend vehicle registration

The Heavy Vehicle National Law (Tasmania) applies as if a reference to the Regulator in section 598(5) of that Law were a reference to the Registrar or a corresponding authority.

38. Repeal of Division

This Division is repealed.

Division 3 – Miscellaneous savings and transitional provisions

39. Accreditation

(1) In this section –

alternative compliance accreditation means accreditation as a member of an approved alternative compliance scheme under Part VII of the *Traffic Act 1925*.

(2) If, immediately before the commencement day, a person has alternative compliance accreditation relating to maintenance management, that person is taken, on and after the commencement day, to hold an accreditation under the Heavy Vehicle National Law (Tasmania) of a kind mentioned in section 458(a) of that Law –

- (a) for the period specified in the alternative compliance accreditation; and
- (b) subject to such other terms and conditions as those that, immediately

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before the commencement day, applied to the alternative compliance accreditation; and

(c) subject to any suspension that applied, immediately before the commencement day, to the alternative compliance accreditation.

(3) If, immediately before the commencement day, a person has alternative compliance accreditation relating to mass management, the person is taken, on and after the commencement day, to hold an accreditation under the Heavy Vehicle National Law (Tasmania) of a kind mentioned in section 458(b) of that Law –

(a) for the period specified in the alternative compliance accreditation; and

(b) subject to such other terms and conditions as those that, immediately before the commencement day, applied to the alternative compliance accreditation; and

(c) subject to any suspension that applied, immediately before the commencement day, to the alternative compliance accreditation.

(4) For the purposes of Part 8.2 of the Heavy Vehicle National Law (Tasmania), the notice given under section 69 of the *Traffic Act 1925* to a person with alternative compliance accreditation is taken to be an accreditation certificate given for the accreditation under

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section 464 of the Heavy Vehicle National Law (Tasmania).

- (5) For the purposes of Part 8.2 of the Heavy Vehicle National Law (Tasmania), a label issued under section 72 of the *Traffic Act 1925* to a person with alternative compliance accreditation is taken to be an accreditation label given for the accreditation under section 466 of the Heavy Vehicle National Law (Tasmania).

40. Provision of information and assistance by Registrar

- (1) Despite any other Act or law, the Registrar is authorised, on his or her own initiative or at the request of the Regulator –
- (a) to provide the Regulator with such information (including information given in confidence) in the possession or control of the Registrar that is reasonably required by the Regulator for the purposes of this Act or the Heavy Vehicle National Law (Tasmania); and
 - (b) to provide the Regulator with such other assistance as is reasonably required by the Regulator to perform or exercise a function or power under this Act or the Heavy Vehicle National Law (Tasmania).
- (2) Despite any other Act or law, the Registrar may authorise the Regulator to disclose information provided under subsection (1) even if the

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information was given to the Registrar in confidence.

- (3) Nothing done, or authorised to be done, by the Registrar in acting under subsection (1) or (2) –
- (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 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.

41. Validation of instruments and decisions by Regulator

- (1) This section applies to an instrument or a decision of the Regulator if –
- (a) the instrument or decision was made –

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-
- (i) at or after the time the *Heavy Vehicle National Law Act 2012* of Queensland was enacted; but
 - (ii) before the commencement day; and
 - (b) had the Heavy Vehicle National Law started so to apply, the making of the instrument or decision would have been authorised by the Heavy Vehicle National Law (Tasmania) or the Heavy Vehicle National Regulations (Tasmania).
- (2) For the purposes of the Heavy Vehicle National Law (Tasmania) and the Heavy Vehicle National Regulations (Tasmania) –
- (a) the instrument or decision is taken to be valid; and
 - (b) the instrument or decision has effect from the commencement day –
 - (i) as varied, and unless revoked, by another instrument or decision to which this section applies; and
 - (ii) subject to the Heavy Vehicle National Law (Tasmania) and the Heavy Vehicle National Regulations (Tasmania), respectively.

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Part 4 – Savings and Transitional Provisions

42. Provisions relating to Part 14.2 of the Heavy Vehicle National Law

- (1) For the purposes of Part 14.2 of the Heavy Vehicle National Law (Tasmania), a reference to *former legislation* is taken to be a reference to the *Vehicle and Traffic Act 1999*, and to any instruments made under that Act, as in force immediately before the commencement day.
- (2) For the purposes of section 748 of the Heavy Vehicle National Law (Tasmania) –
 - (a) sections 61, 117 and 138 of the Heavy Vehicle National Law are taken to correspond to regulation 45 of the *Vehicle and Traffic (Vehicle Operations) Regulations 2001*; and
 - (b) sections 68, 122 and 143 of the Heavy Vehicle National Law are taken to correspond to regulation 48 of the *Vehicle and Traffic (Vehicle Operations) Regulations 2001*; and
 - (c) a provision of the Heavy Vehicle National Law or the national regulations may be prescribed in the local application regulations to correspond to a provision of the *Vehicle and Traffic Act 1999* or to a provision of an instrument made under that Act.
- (3) Despite any other provisions in this section, if an exemption, within the meaning of the *Vehicle and Traffic (Vehicle Operations) Regulations 2001*, is in force immediately before the

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commencement day and that exemption is from requirements under Part 5 of those regulations, that exemption –

- (a) is not taken to have been made under the Heavy Vehicle National Law (Tasmania) in accordance with section 748 of that Law; and
- (b) expires on the commencement of section 31.

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PART 5 – MISCELLANEOUS

43. Regulations

- (1) The Governor may make regulations for the purposes of the local application provisions.
- (2) Regulations made under this section may –
 - (a) be made so as to apply differently according to matters, limitations or restrictions, whether as to time, circumstance or otherwise, specified in the regulations; and
 - (b) may authorise any matter or thing to be from time to time determined, applied, approved or regulated by any person or body specified in the regulations.
- (3) Without limiting the generality of subsection (1), the regulations made under this section may –
 - (a) contain provisions of a transitional nature, including matters of an application or savings nature, arising as a result of the enactment of this Act, including any repeals and amendments made as a result of the enactment of this Act; and
 - (b) provide for any of those savings or transitional matters to take effect when section 4 of this Act commences or on a later day specified in the regulations, whether the day so specified is before, on

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or after the day on which the regulations
are made.

- (4) In addition, the Governor may make regulations that modify the application of the national regulations, to the extent they apply as part of the law of this jurisdiction.
- (5) A modification under subsection (4) may include the insertion, omission, substitution or relocation of provisions, words or matter.

44. Consequential amendment of order does not prevent subsequent amendment

The amendment by this Act of a provision of an order does not prevent that or any other provision of that order from being amended or rescinded by a subsequent order.

45. Administration of Act

Until provision is made in relation to this Act by order under section 4 of the *Administrative Arrangements Act 1990* –

- (a) the administration of this Act is assigned to the Minister for Infrastructure; and
- (b) the department responsible to that Minister in relation to the administration of this Act is the Department of Infrastructure, Energy and Resources.

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46. Consequential amendments

The legislation specified in Schedule 1 is amended as specified in that Schedule.

47. Legislation repealed

The legislation specified in Schedule 2 is repealed.

48. Legislation revoked

The legislation specified in Schedule 3 is revoked.

SCHEDULE 1 – CONSEQUENTIAL AMENDMENTS

Section 46

Annulled Convictions Act 2003

1. Section 7(1) is amended by omitting “*Traffic Act 1925* or *Vehicle and Traffic Act 1999*” from paragraph (a) of the definition of *traffic offence* and substituting “*Traffic Act 1925, Vehicle and Traffic Act 1999* or *Heavy Vehicle National Law (Tasmania) Act 2013*”.

Duties Act 2001

1. Section 3 is amended by omitting “*Vehicle and Traffic Act 1999*” from the definition of *heavy vehicle* and substituting “*Heavy Vehicle National Law (Tasmania) Act 2013*”.

Fire Service Act 1979

1. Section 133(3) is amended by inserting after paragraph (b) the following paragraph:

(ba) the *Heavy Vehicle National Law (Tasmania) Act 2013*; or

Government Prices Oversight (MAIB Premiums) Order 2009

1. Clause 3(1) is amended by omitting “*Vehicle and Traffic Act 1999*” from the definition of *heavy vehicle* and substituting “*Heavy Vehicle National Law (Tasmania) Act 2013*”.

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Justices Act 1959

1. Section 72AB(1) is amended by inserting “, the *Heavy Vehicle National Law (Tasmania) Act 2013*” after “*Vehicle and Traffic Act 1999*” in the definition of *perverting the course of justice complaint*.

Traffic Act 1925

1. Section 10(1) is amended by omitting paragraph (qa).
2. Part VII is repealed.

Vehicle and Traffic Act 1999

1. Section 3(1) is amended as follows:
 - (a) by omitting the definition of *heavy vehicle* and substituting the following definition:

heavy vehicle has the same meaning as
in the *Heavy Vehicle National Law (Tasmania) Act 2013*;
 - (b) by omitting the definition of *speed limiting device*;
 - (c) by inserting “or the *Heavy Vehicle National Law (Tasmania) Act 2013*” after “Act” in the definition of *traffic offence*.

2. Section 18(3)(d) is amended by omitting subparagraph (ii) and substituting the following subparagraph:

(ii) the court by which, and the date on which, the applicant was convicted and particulars of penalties imposed or other orders made in respect of the offence or, if the offence was dealt with by –

(A) traffic infringement notice, the traffic infringement notice number and the date on which it was lodged; or

(B) infringement notice under the *Heavy Vehicle National Law (Tasmania) Act 2013*, the infringement notice number and the date on which it was lodged; and

3. Before section 20, the following section is inserted in Division 4:

19F. Interpretation

For the purposes of this Division –

traffic infringement notice includes –

- (a) a traffic infringement notice within the meaning assigned to that expression by section 43H(1) of the *Traffic Act 1925*; and

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(b) an infringement notice
issued under the *Heavy
Vehicle National Law
(Tasmania) Act 2013*.

4. Section 40B(2) is amended by omitting
paragraph (i).

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SCHEDULE 2 – LEGISLATION REPEALED

Section 47

Heavy Vehicle Road Transport Act 2009 (No. 19 of 2009)

Heavy Vehicle Road Transport Amendment Act 2010 (No. 27
of 2010)

Vehicle and Traffic Amendment Act 2010 (No. 28 of 2010)

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SCHEDULE 3 – LEGISLATION REVOKED

Section 48

Vehicle and Traffic (Vehicle Operations) (Exemption) Notice
2011 (No. 44 of 2011)