

Clause Notes

PART 1 - PRELIMINARY

- Clause 1 Short title and citation
- Clause 2 The *Heavy Vehicle Accreditation Scheme Validation Act 2013* commences on Royal Assent.

PART 2 – VALIDATION OF ADMINISTRATIVE ACTIONS RELATING TO ALTERNATIVE COMPLIANCE SCHEME

- Clause 3 Defines key terms for the purpose of Part 2 of the Act.
- Sub-clause 4(1) Provides that an action taken by an officer of the Department of Infrastructure, Energy and Resources for the purposes of administering the alternative compliance accreditation scheme under Part VII of the *Traffic Act 1925*, during the period commencing on 26 June 2000 and ending on the commencement of section 4 of the *Heavy Vehicle National Law (Tasmania) Act 2013*, is taken as being done by that officer as a delegate of the Commission.
- Sub-clause 4(2) Removes any right of action in relation to loss incurred as a consequence of an action taken by an officer of the Department of Infrastructure, Energy and Resources as referred to in sub-clause 4(1).
- Sub-clause 5(1) Prescribes the amount of the application fee for alternative compliance accreditation during the period commencing on 26 June 2000 and ending on the commencement of section 4 of the *Heavy Vehicle National Law (Tasmania) Act 2013*.
- Sub-clause 5(2) Validates the imposition and collection of the fee referred to in sub-clause 5(1) during the period referred to in that sub-clause.
- Sub-clause 5(3) Removes any right of action in relation to loss incurred as a consequence of the imposition and collection of the fee referred to in sub-clause 5(1) during the period referred to in that sub-clause.
- Clause 6 A certificate of accreditation issued to a person is taken to be a notice in writing from the Commission that their application for alternative compliance accreditation had been approved.
- Sub-clause 7(1) This applies the provisions of section 7 of the Act to a certificate of accreditation in respect of an alternative compliance accreditation that is subject to conditions specified in that certificate.
- Sub-clause 7(2) Provides that the conditions specified in a certificate of accreditation referred to in sub-clause 7(1) are taken to be conditions imposed by the Commission under section 70(1) of the *Traffic Act 1925*, commencing

Clause Notes

on the date the certificate of accreditation was issued and for the period the accreditation is effective.

- Sub-clause 7(3) The Commission's intention to impose conditions on a person's alternative compliance accreditation is taken to be a notice in writing if a certificate of accreditation listing those conditions has been issued to the person.
- Sub-clause 7(4) Removes any right of action in relation to loss incurred as a consequence of the imposition of conditions referred to in sub-clause 7(2).
- Sub-clause 8(1) Provides definitions for the purpose of section 8 of the Act.
- Sub-clause 8(2) Section 69 of the *Traffic Act 1925 currently* provides that accreditation period is for a 3 year period. This sub-clause validates the approval, renewal, or purported renewal of an alternative compliance accreditation during the period between 26 June 2000 and 21 March 2010(both days inclusive) whereby a certificate of accreditation was issued to a person with a specified date of less than 3 years from the date of the certificate of accreditation. It sets the accreditation period as commencing on the date of the certificate of accreditation and ending on the specified date in that certificate.
- Sub-clause 8(3) Section 69 of the *Traffic Act 1925 currently* provides that accreditation period is for a 3 year period. This sub-clause validates an approval, renewal, or purported renewal of an alternative compliance accreditation during the period between 22 March 2010 and 20 January 2013 (both days inclusive) whereby a certificate of accreditation was issued to a person with a specified date of less than 3 years and the Commission renewed or purported to renew an alternative compliance accreditation after the specified date. The period of accreditation is taken to have commenced on the date of the certificate and to have ended on the specified date in that certificate.
- Sub-clause 8(4) Removes any right of action that may have arisen in relation to loss incurred as a consequence of a certificate of accreditation being issued with a specified date of less than 3 years from the date of the certificate or the renewal of an alternative compliance accreditation earlier than it was required under Part VII of the Traffic Act.

PART 3 – MISCELLANEOUS

- Clause 9 Assigns administration of the Act to the Minister for Infrastructure and the Department of Infrastructure, Energy and Resources.
- Clause 10 Provides that the *Heavy Vehicle National Law (Tasmania) Act 2013* is amended as specified in Schedule 1 to the Act.

Heavy Vehicle Accreditation Scheme Validation Bill 2013

Clause Notes

Clause Notes

SCHEDULE 1 – CONSEQUENTIAL AMENDMENTS

Clause 1 Amends section 39 of the *Heavy Vehicle National Law (Tasmania) Act 2013* as follows:

- (a) This sub-clause removes a provision that is no longer required due to the periods of alternative compliance accreditation being included in this Amendment Bill.
- (b) This sub-clause removes a provision that is no longer required due to the periods of alternative compliance accreditation being included in this Amendment Bill
- (c) This sub-clause clarifies that the alternative compliance accreditation is subject to the terms and conditions that applied immediately before the commencement day .
- (d) This sub-clause clarifies that the alternative compliance accreditation is subject to the terms and conditions that applied immediately before the commencement day.
- (e) This sub-clause clarifies that this section will apply to all relevant provisions under the Heavy Vehicle National Law.
- (f) This sub-clause clarifies that this section will apply to all relevant provisions under the Heavy Vehicle National Law.