



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— 1

Part 1 Preliminary 2

Clause 1 Short title 3

This Act may be cited as the *Transport and Other Legislation
(Heavy Vehicle National Law) Amendment Act 2013*. 4
5

Clause 2 Commencement 6

This Act commences on a day to be fixed by proclamation. 7

**Part 2 Amendment of Heavy Vehicle
National Law Act 2012** 8
9

Clause 3 Act amended 10

This part amends the *Heavy Vehicle National Law Act 2012*. 11

Clause 4 Amendment of s 3 (Definitions) 12

Section 3(2)— 13

insert— 14

the Law means the Heavy Vehicle National Law
(Queensland). 15
16

TORUM means the *Transport Operations (Road
Use Management) Act 1995*. 17
18

transport Act see TORUM, schedule 4. 19

Clause 5	Amendment of s 7 (Definitions of generic terms and terms having meaning provided by this Act)	1
	Section 7, definition <i>Magistrates Court</i> —	2
	<i>omit.</i>	3
		4
Clause 6	Amendment of s 8 (Particular laws)	5
	Section 8—	6
	<i>insert</i> —	7
	(2) An offence against the Heavy Vehicle National Law (Queensland) prescribed under a regulation under the <i>State Penalties Enforcement Act 1999</i> 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).	8
		9
		10
		11
		12
		13
		14
	(3) The <i>Transport Operations (Road Use Management) Act 1995</i> is specified for section 727(1), definition <i>relevant law</i> of the Heavy Vehicle National Law (Queensland).	15
		16
		17
		18
Clause 7	Amendment of s 10 (Relevant tribunal or court)	19
	(1) Section 10, ‘QCAT’—	20
	<i>omit, insert</i> —	21
	Subject to subsections (2) and (3), QCAT	22
	(2) Section 10—	23
	<i>insert</i> —	24
	(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)—	25
		26
		27
		28
	(a) section 556;	29
	(b) section 560;	30

[s 8]

	(c) section 565.	1
	(3) The reference to a relevant tribunal or court in section 727(1), definition <i>protected information</i> , paragraph (b)(iii) is a reference to any tribunal or court.	2 3 4 5
Clause 8	Replacement of s 18 (Definition)	6
	Section 18—	7
	<i>omit, insert—</i>	8
	18 Definitions for pt 4	9
	In this part—	10
	<i>commissioner</i> means the police commissioner of this jurisdiction.	11 12
	<i>public safety condition</i> means a condition directed at ensuring public safety.	13 14
Clause 9	Amendment of s 19 (Definitions)	15
	(1) Section 19, heading, ‘Definitions’—	16
	<i>omit, insert—</i>	17
	Definitions for div 2	18
	(2) Section 19, definitions <i>commissioner</i> and <i>public safety condition—</i>	19 20
	<i>omit.</i>	21
Clause 10	Amendment of s 20 (Other consents under s 118 of the Law)	22 23
	Section 20—	24
	<i>insert—</i>	25
	(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	26 27 28

	jurisdiction that requires consultation with third parties.	1 2
Clause 11	Amendment of s 21 (Other consents under s 124 of the Law)	3 4
	Section 21—	5
	<i>insert</i> —	6
	(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.	7 8 9 10 11
Clause 12	Amendment of s 30 (Additional Regulator certificates)	12
	(1) Section 30(1)—	13
	<i>insert</i> —	14
	(m) a stated vehicle’s GCM or GVM was a stated amount, and how the amount was identified;	15 16 17
	(2) Section 30(3), ‘(1)(a) to (l)’—	18
	<i>omit, insert</i> —	19
	(1)(a) to (m)	20
Clause 13	Amendment of s 31 (Additional road authority certificates)	21 22
	(1) Section 31(1)—	23
	<i>insert</i> —	24
	(f) a stated vehicle’s GCM or GVM was a stated amount, and how the amount was identified;	25 26 27
	(2) Section 31(3), ‘(1)(a) to (e)’—	28

[s 14]

omit, insert—

1

(1)(a) to (f)

2

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

3

omit.

4

Clause 14 Renumbering of ss 37 and 38

5

Sections 37 and 38—

6

renumber as sections 43 and 44.

7

Clause 15 Insertion of new ss 37–42

8

Part 4, division 5—

9

insert—

10

37 Use of force

11

(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.

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(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—

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21

(a) section 497(4)(a);

22

(b) section 498(6);

23

(c) section 500(2)(c);

24

(d) section 518(6)(b);

25

(e) section 519(7);

26

(f) section 521(1);

27

(g) section 523(2).

28

-
- 38 Power to seize** 1
- If, apart from section 552(1) of the Law, a heavy 2
vehicle, or a thing mentioned in section 552(1)(b) of 3
the Law, is a thing that may be seized under Chapter 9 4
of the Law, it may be seized under Chapter 9 of the 5
Law despite section 552(1). 6
- 39 Power to require production of driver licence** 7
- (1) An authorised officer may, for compliance 8
purposes, require the driver of a heavy vehicle to 9
produce for inspection by the officer the driver’s 10
driver licence. 11
- (2) A person of whom a requirement is made under 12
subsection (1) must comply with the 13
requirement, unless the person has a reasonable 14
excuse. 15
- Maximum penalty—45 penalty units. 16
- (3) It is not a reasonable excuse for the person to fail 17
to comply with a requirement made under 18
subsection (1)— 19
- (a) that the person does not have the driver 20
licence in his or her immediate possession; 21
or 22
- (b) that complying with the requirement might 23
tend to incriminate the person or make the 24
person liable to a penalty. 25
- (4) The authorised officer may take a copy of, or an 26
extract from, the driver’s driver licence. 27
- 40 Commissioner consent for grant of blue light 28
vehicle standards exemption** 29
- (1) The Regulator may, under the Law, grant a blue 30
light vehicle standards exemption only with the 31
consent of the commissioner. 32

[s 15]

- (2) The Regulator must ask the commissioner for the consent. 1
2
- (3) The commissioner must decide to give or not to give the consent within 28 days after the request is made. 3
4
5
- (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. 6
7
8
9
10
- (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. 11
12
13
14
15
16
- (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. 17
18
19
20
- (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. 21
22
23
24
- (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. 25
26
27
28
- (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. 29
30
31
32
- (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 33
34
35

-
- mass or dimension exemption (permit) for which
the commissioner's consent was given. 1
2
- (11) This section applies in relation to a blue light 3
whether or not it is a light that flashes. 4
- (12) In this section— 5
- blue light vehicle standards exemption*** means— 6
- (a) a blue light vehicle standards exemption 7
(notice); or 8
- (b) a blue light vehicle standards exemption 9
(permit). 10
- blue light vehicle standards exemption (notice)*** 11
means a vehicle standards exemption (notice) 12
that permits heavy vehicles of the category the 13
subject of the exemption to be fitted with a blue 14
light. 15
- blue light vehicle standards exemption (permit)*** 16
means a vehicle standards exemption (permit) 17
that permits the heavy vehicle the subject of the 18
exemption to be fitted with a blue light. 19
- 41 Commissioner permission for fitting of blue 20
light if vehicle standards exemption is not 21
required 22**
- (1) This section applies to a heavy vehicle, other than 23
a police vehicle, that under the heavy vehicle 24
standards may be fitted with a blue light. 25
- (2) The heavy vehicle standards are taken to further 26
provide that the heavy vehicle may be fitted with 27
a blue light only if the commissioner has given 28
written permission for the fitting of the light. 29
- (3) A written permission for the fitting with a blue 30
light of a heavy vehicle to which this section 31
applies, given by the commissioner before the 32
commencement of this section and still in force 33
immediately before the commencement, is taken 34

[s 15]

to be a written permission for the fitting of the light given under subsection (2). 1
2

(4) This section applies in relation to a blue light whether or not it is a light that flashes. 3
4

(5) In this section— 5

police vehicle means a heavy vehicle driven by a police officer in the course of the police officer's duty. 6
7
8

42 Provision of information and assistance by Queensland information holder 9
10

(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— 11
12
13
14

(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 15
16
17
18
19

(b) to provide the Regulator with other assistance reasonably required by the Regulator to exercise a function under the Law. 20
21
22
23

(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. 24
25
26
27
28
29

(3) This section does not limit section 660 of the Law. 30
31

(4) Nothing done, or authorised to be done, by a Queensland information holder in acting under subsection (1)— 32
33
34

	(a) constitutes a breach of, or default under, an Act or other law; or	1 2
	(b) constitutes a breach of, or default under, a contract, agreement, understanding or undertaking; or	3 4 5
	(c) constitutes a breach of a duty of confidence (whether arising by contract, in equity or by custom or in any other way); or	6 7 8
	(d) constitutes a civil or criminal wrong; or	9
	(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	10 11 12 13
	(f) releases a surety or any other obligee wholly or in part from an obligation.	14 15
(5)	In this section—	16
	<i>Queensland information holder</i> means—	17
	(a) the chief executive; or	18
	(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.	19 20 21 22
Clause 16	Amendment of s 43 (Regulation-making power)	23
	Section 43, as renumbered—	24
	<i>insert</i> —	25
	(2) A regulation may modify the application of a national regulation in Queensland.	26 27
Clause 17	Insertion of new pt 6, div 1, hdg	28
	Before section 44, as renumbered—	29

[s 18]

insert— 1

Division 1 The Regulator 2

Clause 18 Insertion of new pt 6, divs 2–4 3

Part 6— 4

insert— 5

**Division 2 Operation of general
 savings and transitional
 provision** 6
7
8

45 Definitions for div 2 9

In this division— 10

commencement means the commencement of
this division. 11
12

general savings and transitional provision
means section 748 of the Law. 13
14

**46 Operation of general savings and transitional
 provision** 15
16

This division does not affect the operation of the
general savings and transitional provision except to
the extent expressly provided for. 17
18
19

**47 Investigation and enforcement for offences
 committed before commencement** 20
21

(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. 22
23
24
25
26

-
- (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

[s 18]

- offence under TORUM as in force before the commencement. 1
2
- 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. 3
4
5
6
7
8
9
- (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. 10
11
12
- (5) In this section— 13
- associated offence* means any offence arising out of any investigation or enforcement as mentioned in subsection (3)(a). 14
15
16
- relevant offence* means an offence committed or suspected to have been committed under a transport Act before the commencement. 17
18
19
- relevant prosecution* means the prosecution of— 20
- (a) a relevant offence; and 21
- (b) any other offence that, under this section, is dealt with as an offence under a transport Act. 22
23
24
- 48 Particular orders continue to have effect under TORUM after commencement** 25
26
- (1) The general savings and transitional provision does not apply to a TORUM order or VSS notice. 27
28
- (2) TORUM, as in force before the commencement, continues to apply for the purposes of a TORUM order as if— 29
30
31
- (a) the Law was not in force; and 32
- (b) TORUM had not been amended on the commencement. 33
34

-
- Example—* 1
- Before the commencement, a court made a supervisory 2
intervention order under section 164B of TORUM, 3
requiring a person to give a compliance report to the 4
chief executive, as mentioned in section 164C of 5
TORUM, by a stated time that is after the 6
commencement. A failure to give the report by the 7
stated time would be dealt with as an offence under 8
section 164E of TORUM even though sections 164B 9
and 164E are repealed on the commencement. 10
- (3) TORUM, including the VSS regulation, as in 11
force immediately before the commencement, 12
continues to apply for the purposes of a VSS 13
notice as if— 14
- (a) the Law was not in force; and 15
- (b) TORUM, including the VSS regulation, had 16
not been amended on the commencement. 17
- (4) Without limiting subsections (2) and (3)— 18
- (a) TORUM, including the VSS regulation, as 19
in force before the commencement, 20
continues to have effect for all matters 21
arising after the commencement— 22
- (i) in the investigation of a relevant 23
offence; or 24
- (ii) in the enforcement of TORUM, 25
including the VSS regulation, in 26
relation to a relevant offence; and 27
- (b) a proceeding for a relevant offence may be 28
started under TORUM as in force before the 29
commencement; and 30
- (c) the *State Penalties Enforcement Act 1999*, as 31
in force before the commencement, 32
continues to have effect in relation to a 33
relevant offence. 34
- (5) Section 748(5) of the Law applies to the 35
prosecution of a relevant offence as if it were a 36
-

[s 18]

prosecution referred to in section 748(3)(c) of the
Law. 1
2

(6) In this section— 3

relevant offence means an offence committed 4
after the commencement relating to 5
noncompliance with a TORUM order or VSS 6
notice. 7

TORUM order means a requirement, direction, 8
authorisation, notice or order if— 9

(a) it was made or given under a TORUM order 10
provision before the commencement; and 11

(b) it applied to a vehicle that, on the 12
commencement, becomes a heavy vehicle 13
under the Law; and 14

(c) immediately before the commencement it 15
was still in force to require a person to do or 16
not to do something. 17

TORUM order provision means any of the 18
following provisions of TORUM as in force 19
before the commencement— 20

(a) section 36; 21

(b) section 37(1); 22

(c) section 38(2); 23

(d) section 39E(2) or (4); 24

(e) section 39F(2); 25

(f) section 39G(2); 26

(g) section 39K(2) or (3); 27

(h) section 39L(2) or (3); 28

(i) section 39M(2); 29

(j) section 39N(2); 30

(k) section 39Q(2); 31

-
- (l) section 164B. 1
- VSS notice* means a defect notice given under 2
section 8(2) of the VSS regulation if— 3
- (a) it was given before the commencement; and 4
- (b) it applied to a vehicle that, on the 5
commencement, becomes a heavy vehicle 6
under the Law; and 7
- (c) immediately before the commencement it 8
was still in force to require a person to do or 9
not to do something. 10
- VSS regulation* means the *Transport Operations* 11
(*Road Use Management—Vehicle Standards and* 12
Safety) *Regulation 2010* of Queensland. 13

49 Continuation of work diary exemption 14

- (1) A relevant exemption continues in force under 15
the Law to the greatest practicable extent as if it 16
were a work diary exemption (permit) under the 17
Law. 18
- (2) However, for applying the Law to it, the relevant 19
exemption— 20
- (a) is not, and can not be made, the subject of a 21
standard hours condition; and 22
- (b) can not, when subsection (1) commences to 23
have effect in relation to it, be made subject 24
to any other conditions as mentioned in 25
section 366(2) of the Law; and 26
- (c) except to the extent it is amended or 27
cancelled under section 370, 371 or 372 of 28
the Law, continues in force until it would 29
have expired if the Law had not been 30
enacted. 31
- (3) This section does not limit the application of the 32
general savings and transitional provision to a 33

[s 18]

work diary exemption under the fatigue regulation that is not a relevant exemption.	1 2
(4) In this section—	3
<i>fatigue regulation</i> means the <i>Transport Operations (Road Use Management—Fatigue Management) Regulation 2008</i> of Queensland	4 5 6
<i>relevant exemption</i> means a work diary exemption under the fatigue regulation if the exemption—	7 8 9
(a) was granted on the basis of the chief executive’s satisfaction under section 158(3)(a) of the fatigue regulation; and	10 11 12
(b) was in force immediately before the commencement of this section.	13 14
<i>standard hours condition</i> means a condition as mentioned in section 366(1) of the Law.	15 16
50 Declaratory regulation-making power for general savings and transitional provision	17 18
(1) A regulation (a <i>declaratory regulation</i>) 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.	19 20 21 22 23
(2) A declaratory regulation may in relation to a particular thing done under the former legislation before the commencement—	24 25 26
(a) declare that the general savings and transitional provision applies to it; or	27 28
(b) declare how the general savings and transitional provision applies to it.	29 30
(3) A declaratory regulation has effect according to its terms.	31 32

-
- (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. 1
2
3
4
5
- (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
7
8
9
10
11
- (6) A declaratory regulation may not have retrospective operation. 12
13
- (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— 14
15
16
17
- (a) decreasing the person’s rights; or 18
- (b) imposing liabilities on the person. 19
- (8) A declaratory regulation must declare it is a declaratory regulation. 20
21

Division 3 General transitional matters 22
23

51 Transitional regulation-making power 24

- (1) A regulation (a *transitional regulation*) may make provision of a saving or transitional nature— 25
26
27
- (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 28
29
30
31
32

[s 18]

- (b) for which this Act or the Law does not make provision or sufficient provision. 1
2
- (2) Without limiting subsection (1), a transitional regulation may continue the operation of a repealed provision. 3
4
5
- (3) A transitional regulation may have retrospective operation to a day not earlier than the commencement of this section. 6
7
8
- (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— 9
10
11
12
13
- (a) decreasing the person's rights; or 14
- (b) imposing liabilities on the person. 15
- (5) A transitional regulation must declare it is a transitional regulation. 16
17
- (6) This section and a transitional regulation expire 2 years after the day the regulation commences. 18
19
- 52 References in documents to repealed or amended provisions** 20
21
- (1) This section applies to a document if— 22
- (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 23
24
25
26
- (b) the affected provision is repealed or amended on the commencement of this section having regard to the commencement of the Law. 27
28
29
30
- (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. 31
32
33

(3)	In this section—	1
	<i>document</i> does not include an Act.	2
Division 4	Interim registration provisions	3
		4
53	Definitions for div 4	5
	In this division—	6
	<i>Chapter 2</i> means Chapter 2 of the Law.	7
	<i>participating jurisdiction</i> means a participating jurisdiction for the purposes of the Law, other than for the purposes of Chapter 6.	8 9 10
	<i>Queensland regulation</i> means the <i>Transport Operations (Road Use Management—Vehicle Registration) Regulation 2010</i> of Queensland as made under TORUM.	11 12 13 14
	<i>registration law</i> means—	15
	(a) the Queensland regulation; or	16
	(b) a law of a participating jurisdiction that substantially corresponds to the Queensland regulation.	17 18 19
54	Purpose of div 4	20
	This division provides for the interpretation or operation of the Law, other than Chapter 2, having regard to the delayed commencement of Chapter 2.	21 22 23
55	Exclusion	24
	This division does not apply to the interpretation of section 4(b) or 6(2) of the Law.	25 26

[s 18]

56 Applying particular definitions 1

Until the commencement of Chapter 2, a term defined 2
in section 5 of the Law and listed in column 1 of the 3
following table has the meaning in the Law that is 4
listed in column 2 of the table. 5

Table 6

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	
	<i>Note—</i>	7
	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.	8 9 10 11

57 References to ‘this Law’ in particular circumstances 12
13

- (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’. 14
15
16
17
- (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’. 18
19
20
21

-
- 58 GVM and GCM** 1
- (1) Until the commencement of Chapter 2, a heavy 2
vehicle's GVM under the Law is the vehicle's 3
GVM under TORUM. 4
- (2) Until the commencement of Chapter 2, a heavy 5
vehicle's GCM under the Law is the vehicle's 6
GCM under the Queensland regulation. 7
- 59 Applying s 60 of the Law (Compliance with 8
heavy vehicle standards)** 9
- (1) Until the commencement of Chapter 2— 10
- (a) this section applies to a heavy vehicle; and 11
- (b) section 60(3) to (5) of the Law does not 12
apply to a heavy vehicle. 13
- (2) A person does not commit an offence against 14
section 60(1) of the Law in relation to a heavy 15
vehicle's noncompliance with a heavy vehicle 16
standard if, and to the extent, the noncompliance 17
relates to a noncompliance— 18
- (a) if the vehicle is registered under the 19
Queensland regulation—known to the chief 20
executive when the vehicle was registered 21
under the regulation; or 22
- (b) if the vehicle is registered under another 23
registration law—known to the government 24
entity of the participating jurisdiction 25
responsible for administering the 26
registration law when the vehicle was 27
registered under the registration law. 28
- (3) For the purposes of subsection (2), the chief 29
executive, or the participating jurisdiction's 30
government entity, is taken to know of a heavy 31
vehicle's noncompliance with a heavy vehicle 32
standard when the vehicle was registered under a 33

[s 18]

registration law if the noncompliance is mentioned in—	1 2
(a) an operations plate that was installed on the vehicle when it was registered; or	3 4
(b) a certificate of approved operations issued for the vehicle and in force when the vehicle was registered; or	5 6 7
(c) a document obtained by the chief executive or government entity under a registration law in connection with the registration of the vehicle.	8 9 10 11
(4) Subsection (2) applies only if the heavy vehicle, and its use on a road, complies with the conditions of the registration.	12 13 14
60 Cancellation of Queensland regulation registration for failure to present heavy vehicle for inspection	15 16 17
Until the commencement of Chapter 2—	18
(a) section 522(6) of the Law does not apply in relation to a heavy vehicle; and	19 20
(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.	21 22 23 24 25
61 Adjustment of particular provisions relating to registration suspension or cancellation	26 27
(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	28 29 30 31 32 33

cancelled if the notice is not cleared by the Regulator under section 530 of the Law.	1 2
(2) Until the commencement of Chapter 2—	3
(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	4 5 6 7 8
(b) section 598(2) of the Law is taken to permit the court to cancel a registration but not to suspend it.	9 10 11
62 Authorisation for s 688 of the Law (Payments into Fund)	12 13
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 <i>road use component</i> of the Law is authorised to be paid into the Fund.	14 15 16 17 18 19
63 Supplementary certificates	20
(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—	21 22 23 24
(a) a stated vehicle was or was not registered under the Queensland regulation on the basis of its being a heavy vehicle; or	25 26 27
(b) a stated vehicle registered under the Queensland regulation was or was not registered as a heavy vehicle of a stated category; or	28 29 30 31
(c) a stated person was or was not the registered operator, under TORUM, of a stated vehicle	32 33

[s 19]

- registered under the Queensland regulation; 1
or 2
- (d) a stated registration under the Queensland 3
regulation was or was not changed or 4
cancelled under that regulation; 5
- is evidence of the matter. 6
- (2) Section 715 of the Law applies to a matter 7
mentioned in subsection (1)(a) to (d) as if the 8
matter was stated in a certificate under subsection 9
712 of the Law. 10

Part 3 **Amendment of Police Powers and Responsibilities Act 2000** 11 12

- Clause 19 Act amended** 13
- This part amends the *Police Powers and Responsibilities Act* 14
2000. 15
- Clause 20 Insertion of new s 53C** 16
- Chapter 3— 17
- insert—* 18
- 53C Application of corresponding HVNL(Q) penalty amounts** 19
20
- (1) This section applies to a penalty for an offence 21
against a provision of this chapter (the *relevant* 22
PP&R provision) if the penalty provides for an 23
amount of penalty to be the corresponding 24
HVNL(Q) penalty amount. 25
- (2) For the relevant PP&R provision, the 26
corresponding HVNL(Q) penalty amount is the 27
same dollar amount that, when the offence is 28

committed, is the amount of penalty applying for an offence against the relevant PP&R provision's corresponding HVNL(Q) provision. 1
 2
 3

Note— 4

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. 5
 6
 7
 8
 9
 10

(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. 11
 12
 13
 14
 15

Table 16

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)

	compliance or enforcement—the	1
	corresponding HVNL(Q) penalty amount;	2
	or	3
	<i>Note</i> —	4
	On the commencement of this note, the	5
	corresponding HVNL(Q) penalty amount was	6
	\$6000. Generally, see section 53C.	7
	(c) otherwise—90 penalty units.	8
(2)	Section 60(3)(a), after ‘a transport Act’—	9
	<i>insert</i> —	10
	or the Heavy Vehicle National Law (Queensland)	11
(3)	Section 60(3)(b)—	12
	<i>omit, insert</i> —	13
	(b) to check whether the vehicle complies, or	14
	the person is complying, with a transport	15
	Act or the Heavy Vehicle National Law	16
	(Queensland);	17
Clause 25	Amendment of s 61 (Power to require vehicles to be	18
	moved)	19
(1)	Section 61(3)—	20
	<i>omit, insert</i> —	21
	(3) However, the place must be—	22
	(a) for a private vehicle—within a 5km radius	23
	from where the vehicle was stationary or	24
	stopped; or	25
	(b) for another vehicle—within a 30km radius	26
	from—	27
	(i) where the vehicle was stationary or	28
	stopped; or	29
	(ii) if the requirement is given within the	30
	course of the vehicle’s journey—any	31

[s 26]

	point along the forward route of the journey.	1 2
(2)	Section 61(4)— <i>omit.</i>	3 4
(3)	Section 61(5), penalty— <i>omit, insert—</i>	5 6
	Maximum penalty—	7
	(a) for a private vehicle—60 penalty units; or	8
	(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	9 10 11 12 13 14
	<i>Note—</i>	15
	On the commencement of this note, the corresponding HVNL(Q) penalty amount was \$6000. Generally, see section 53C.	16 17 18
	(c) otherwise—90 penalty units.	19
(4)	Section 61(5) to (7)— <i>renumber</i> as section 61(4) to (6).	20 21
Clause 26	Amendment of s 62 (Requirement to remain at a place)	22
	Section 62(2), penalty— <i>omit, insert—</i>	23 24
	Maximum penalty—	25
	(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	26 27 28 29 30

	<i>Note—</i>	1
	On the commencement of this note, the	2
	corresponding HVNL(Q) penalty amount was	3
	\$6000. Generally, see section 53C.	4
	(b) otherwise—60 penalty units.	5
Clause 27	Amendment of s 63 (Power to inspect vehicles)	6
	(1) Section 63(1)(b)—	7
	<i>omit, insert—</i>	8
	(b) has been stopped under section 60 or under	9
	the Heavy Vehicle National Law	10
	(Queensland); or	11
	(2) Section 63(2), after ‘transport Act’—	12
	<i>insert—</i>	13
	or the Heavy Vehicle National Law (Queensland)	14
Clause 28	Amendment of s 64 (Power to enter vehicles etc. other than for vehicle inspection)	15
	(1) Section 64(1)(a), after ‘this Act’—	17
	<i>insert—</i>	18
	or the Heavy Vehicle National Law (Queensland)	19
	(2) Section 64(1)(b), after ‘heavy vehicle’—	20
	<i>insert—</i>	21
	or prescribed vehicle	22
	(3) Section 64(1)(c) and (d), after ‘transport Act’—	23
	<i>insert—</i>	24
	or the Heavy Vehicle National Law (Queensland)	25
	(4) Section 64(1)(e), ‘a transport Act’—	26
	<i>omit, insert—</i>	27
	the Heavy Vehicle National Law (Queensland)	28

[s 29]

(5) Section 64(2)—	1
<i>omit, insert</i> —	2
(2) The police officer may, for enforcing a transport Act or the Heavy Vehicle National Law (Queensland)—	3 4 5
(a) enter the vehicle; or	6
(b) search any part of the vehicle; or	7
(c) inspect, measure, weigh, test, photograph or film the vehicle or anything in or on it; or	8 9
(d) take samples of the vehicle or anything in it; or	10 11
(e) copy, or take an extract from, a document in the vehicle; or	12 13
<i>Example</i> —	14
download information contained on a disk, tape or other device	15 16
(f) move the vehicle’s load; or	17
(g) take the persons, equipment and materials the officer reasonably requires into the vehicle.	18 19 20
(3) In this section—	21
<i>document</i> includes a work diary as defined in the Heavy Vehicle National Law (Queensland), section 221.	22 23 24
<i>prescribed vehicle</i> means a prescribed vehicle under the Road Use Management Act.	25 26

Clause 29	Amendment of s 65 (Power to require vehicle inspections)	27 28
(1)	Section 65(1), after ‘transport Act’—	29
	<i>insert</i> —	30
	or the Heavy Vehicle National Law (Queensland)	31

-
- (2) Section 65(3), penalty— 1
omit, insert— 2
Maximum penalty— 3
(a) for a heavy vehicle, if the inspection relates 4
to compliance with the Heavy Vehicle 5
National Law (Queensland)—the 6
corresponding HVNL(Q) penalty amount; 7
or 8
Note— 9
On the commencement of this note, the 10
corresponding HVNL(Q) penalty amount was 11
\$6000. Generally, see section 53C. 12
(b) otherwise—60 penalty units. 13

Clause 30 Amendment of s 66 (Power to prohibit use of vehicles) 14

- (1) Section 66(1)(a) and (b), after ‘Road Use Management Act’— 15
insert— 16
or the Heavy Vehicle National Law (Queensland) 17
(2) Section 66(3), penalty— 18
omit, insert— 19
Maximum penalty— 20
(a) for a private vehicle—60 penalty units; or 21
(b) for a heavy vehicle, if the requirement under 22
subsection (1) relates to compliance with the 23
Heavy Vehicle National Law 24
(Queensland)—the corresponding 25
HVNL(Q) penalty amount; or 26
Note— 27
On the commencement of this note, the 28
corresponding HVNL(Q) penalty amount was 29
\$3000. Generally, see section 53C. 30
(c) otherwise—90 penalty units. 31

[s 31]

(3) Section 66(5), penalty—	1
<i>omit, insert—</i>	2
Maximum penalty—	3
(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	4 5 6 7 8
<i>Note—</i>	9
On the commencement of this note, the corresponding HVNL(Q) penalty amount was \$3000. Generally, see section 53C.	10 11 12
(b) otherwise—30 penalty units.	13
(4) Section 66(6), penalty—	14
<i>omit, insert—</i>	15
Maximum penalty—	16
(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	17 18 19 20 21
<i>Note—</i>	22
On the commencement of this note, the corresponding HVNL(Q) penalty amount was \$3000. Generally, see section 53C.	23 24 25
(b) otherwise—30 penalty units.	26
Clause 31 Amendment of s 67 (Power to prohibit persons driving)	27
(1) Section 67(1), after ‘section 60’—	28
<i>insert—</i>	29
or under the Heavy Vehicle National Law (Queensland)	30 31

-
- (2) Section 67(3), penalty— 1
omit, insert— 2
Maximum penalty for subsection (3)— 3
(a) for a private vehicle—60 penalty units; or 4
(b) otherwise—90 penalty units. 5

- Clause 32 Amendment of s 68 (Power to enable effective and safe exercise of other powers)** 6
7
- (1) Section 68(2)(a), after ‘transport Act’— 8
insert— 9
or the Heavy Vehicle National Law (Queensland) 10
- (2) Section 68(3), penalty— 11
omit, insert— 12
Maximum penalty for subsection (3)— 13
(a) for a private vehicle—60 penalty units; or 14
(b) for a heavy vehicle, if the requirement 15
relates to the safe exercise of a power under 16
the Heavy Vehicle National Law 17
(Queensland)—the corresponding 18
HVNL(Q) penalty amount; or 19
- Note*— 20
On the commencement of this note, the 21
corresponding HVNL(Q) penalty amount was 22
\$10000. Generally, see section 53C. 23
- (c) otherwise—90 penalty units. 24

- Clause 33 Amendment of s 69A (Meaning of type 1 and type 2 vehicle related offences)** 25
26
- (1) Section 69A(2)(e)— 27
omit, insert— 28

[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—	1 2 3 4 5 6
	(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	7 8 9 10 11
	(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.	12 13 14 15 16 17
(2)	Section 69A(3)(a) and (b), after ‘Road Use Management Act’—	18 19
	<i>insert</i> —	20
	or the Heavy Vehicle National Law (Queensland)	21
(3)	Section 69A(6)—	22
	<i>insert</i> —	23
	<i>defect notice</i> includes a vehicle defect notice under the Heavy Vehicle National Law (Queensland).	24 25 26
(4)	Section 69A(6), note for subsections (4) and (5)—	27
	<i>relocate</i> to section 69A(5).	28
Clause 34	Amendment of s 125 (Prescribed circumstances for s 124)	29 30
(1)	Section 125(1)(d), ‘the following Acts’—	31

-
- omit, insert—* 1
the following 2
(2) Section 125(1)(d)— 3
insert as first dot point— 4
• the Heavy Vehicle National Law (Queensland) 5

- Clause 35** **Amendment of s 382 (Notice to appear may be issued for offence)** 6
7
Section 382(4), after ‘Road Use Management Act’— 8
insert— 9
or the Heavy Vehicle National Law (Queensland) 10

- Clause 36** **Amendment of sch 6 (Dictionary)** 11
(1) Schedule 6, definition *heavy vehicle—* 12
omit. 13
(2) Schedule 6— 14
insert— 15
heavy vehicle means a heavy vehicle for the 16
purposes of the Heavy Vehicle National Law 17
(Queensland), as provided for in section 6 of the 18
Law. 19
HVNL(Q) compliance means checking whether 20
a vehicle complies, or a person is complying, 21
with the Heavy Vehicle National Law 22
(Queensland). 23
HVNL(Q) enforcement means enforcing the 24
Heavy Vehicle National Law (Queensland). 25

[s 37]

Part 4	Amendment of Transport Operations (Road Use Management) Act 1995	1
		2
		3
Clause 37	Act amended	4
	This part amends the <i>Transport Operations (Road Use Management) Act 1995</i> .	5
		6
Clause 38	Amendment of s 3 (Objectives)	7
	Section 3—	8
	<i>insert—</i>	9
	(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.	10
		11
		12
		13
		14
		15
		16
		17
		18
Clause 39	Amendment of s 15 (Alternative ways of complying with Act)	19
		20
	Section 15(8)—	21
	<i>insert—</i>	22
	<i>vehicle</i> means a private vehicle or a prescribed vehicle.	23
		24
Clause 40	Amendment of s 17C (Chief executive may obtain information from commissioner)	25
		26
	Section 17C(6), definition <i>AIS approval—</i>	27
	<i>omit, insert—</i>	28

	<i>AIS approval</i> means an approval granted under a regulation that authorises its holder to operate a station (whether fixed or mobile) at which—	1 2 3
	(a) vehicles may be inspected for compliance with vehicle standards under a regulation made under section 148; or	4 5 6
	(b) heavy vehicles may be inspected for compliance with heavy vehicle standards under the national regulations (HVNL).	7 8 9
Clause 41	Amendment of s 18 (Grounds for amending, suspending or cancelling approvals)	10 11
	(1) Section 18(1)(c)(i)—	12
	<i>omit, insert—</i>	13
	(i) an offence against—	14
	(A) this Act or a corresponding law; or	15 16
	(B) the Heavy Vehicle National Law or a law of another State that corresponds to a provision of the Heavy Vehicle National Law; or	17 18 19 20
	(2) Section 18(1)(d)—	21
	<i>omit, insert—</i>	22
	(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—	23 24 25
	(i) this Act or a corresponding law; or	26
	(ii) the Heavy Vehicle National Law or a law of another State that corresponds to a provision of the Heavy Vehicle National Law;	27 28 29 30
	(3) Section 18(1)(i)—	31
	<i>omit, insert—</i>	32

[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;	1 2 3 4 5
	(4) Section 18(1)(j)— <i>omit.</i>	6 7
Clause 42	Omission of s 19B (Application of ss 18–19A to corresponding approvals) Section 19B— <i>omit.</i>	8 9 10 11
Clause 43	Amendment of s 26A (Further power to enter place of business in relation to heavy vehicle or prescribed dangerous goods vehicle)	12 13 14
	(1) Section 26A, heading, ‘heavy vehicle or’— <i>omit.</i>	15 16
	(2) Section 26A(1)— <i>omit, insert—</i>	17 18
	(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—	19 20 21 22 23
	(a) without the occupier’s consent or a warrant; and	24 25
	(b) whether or not the place is actually being used at that time for carrying on the business;	26 27 28
	if the authorised officer has—	29
	(c) the suspicion mentioned in subsection (2); or	30 31

	(d) the belief and suspicion mentioned in subsection (3).	1 2
(3)	Section 26A(2) and (3)— <i>omit.</i>	3 4
(4)	Section 26A(3A) and (3B)— <i>renumber</i> as section 26A(2) and (3).	5 6
(5)	Section 26A(2), as renumbered, ‘subsection (1)(d)(i)’— <i>omit, insert—</i> subsection (1)(c)	7 8 9
(6)	Section 26A(3), as renumbered, ‘subsection (1)(d)(ii)’— <i>omit, insert—</i> subsection (1)(d)	10 11 12
(7)	Section 26A(8), definition <i>place of business</i> , ‘of a responsible person for a heavy vehicle or’— <i>omit.</i>	13 14 15
(8)	Section 26A(8), definition <i>responsible person</i> — <i>omit.</i>	16 17
Clause 44	Amendment of s 26B (Further power to enter particular places if incident involving death, injury or damage)	18 19
(1)	Section 26B(1)(a)(i)— <i>omit.</i>	20 21
(2)	Section 26B(1)(a)(ii) and (iii)— <i>renumber</i> as section 26B(1)(a)(i) and (ii).	22 23
(3)	Section 26B(1)(c), ‘the heavy vehicle,’— <i>omit.</i>	24 25
(4)	Section 26B(3), ‘a heavy vehicle or’— <i>omit.</i>	26 27

[s 45]

Clause 45	Amendment of s 27 (Consent to entry)	1
	Section 27(4)—	2
	<i>omit, insert—</i>	3
	(4) The acknowledgement must state—	4
	(a) the purpose of the entry, including the powers intended to be exercised to achieve the purpose of the entry; and	5 6 7
	(b) that the following have been explained to the occupier—	8 9
	(i) the purpose of the entry, including the powers intended to be exercised to achieve the purpose of the entry;	10 11 12
	(ii) that the occupier is not required to consent; and	13 14
	(c) that the occupier gives the authorised officer or another authorised officer consent to enter the place and exercise the powers; and	15 16 17
	(d) the time and day the consent was given; and	18
	(e) any conditions of the consent.	19
Clause 46	Amendment of s 30 (General powers after entering places)	20 21
	(1) Section 30(1)—	22
	<i>omit, insert—</i>	23
	(1) This section applies to an authorised officer if—	24
	(a) the authorised officer enters a place under section 26(1); or	25 26
	(b) the authorised officer is also an authorised officer under the Heavy Vehicle National Law (Queensland) and enters a place under that Law.	27 28 29 30
	(2) Section 30(3), penalty—	31

-
- omit, insert*— 1
- Maximum penalty—60 penalty units. 2
- (3) Section 30— 3
- insert*— 4
- (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. 5
6
7
8
9
10
11
- (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. 12
13
14
15
16
17

- Clause 47 Amendment of s 30A (Further powers after entering place under s 26A or 26B)** 18
19
- (1) Section 30A(2), 'or (3A)'— 20
- omit.* 21
- (2) Section 30A(2)(a)(ii), example— 22
- omit.* 23
- (3) Section 30A(3)(a), 'or (3B)'— 24
- omit.* 25
- (4) Section 30A(4)(c)(ii)— 26
- omit, insert*— 27
- (ii) transport documentation; 28
- (5) Section 30A(6)(b)— 29
- omit.* 30

[s 48]

- | | | |
|------|--|----|
| (6) | Section 30A(6)(c)— | 1 |
| | <i>renumber</i> as section 30A(6)(b). | 2 |
| (7) | Section 30A(6)(b), as renumbered, ‘26A(3A)’— | 3 |
| | <i>omit, insert</i> — | 4 |
| | 26A(2) | 5 |
| (8) | Section 30A(6)(b), as renumbered, ‘26A(3B)’— | 6 |
| | <i>omit, insert</i> — | 7 |
| | 26A(3) | 8 |
| (9) | Section 30A(7), ‘or (c)’— | 9 |
| | <i>omit.</i> | 10 |
| (10) | Section 30A(8), ‘or (c)’— | 11 |
| | <i>omit.</i> | 12 |

- | | | | |
|------------------|--|---|----|
| Clause 48 | Amendment of s 32 (Power to stop prescribed heavy vehicles) | 13 | |
| | | 14 | |
| | (1) | Section 32, heading, ‘prescribed heavy vehicles’— | 15 |
| | | <i>omit, insert</i> — | 16 |
| | | heavy vehicles or prescribed vehicles | 17 |
| | (2) | Section 32(1), ‘prescribed heavy vehicle’— | 18 |
| | | <i>omit, insert</i> — | 19 |
| | | heavy vehicle or prescribed vehicle | 20 |
| | (3) | Section 32(2), ‘prescribed heavy vehicle’— | 21 |
| | | <i>omit, insert</i> — | 22 |
| | heavy vehicle or prescribed vehicle | 23 | |
| (4) | Section 32(4), examples, third dot point, ‘prescribed heavy’— | 24 | |
| | <i>omit.</i> | 25 | |
| (5) | Section 32(6), ‘prescribed heavy vehicle’— | 26 | |

omit, insert— 1
prescribed vehicle 2

- Clause 49 Amendment of s 33 (Requiring vehicle to be moved for exercising power)** 3
4
- (1) Section 33(1)(b)(i)(D) and (E)— 5
omit, insert— 6
- (D) for a prescribed dangerous goods 7
vehicle—a prescribed place an 8
authorised officer has entered 9
under section 26 or a place an 10
authorised officer has entered 11
under section 26A or 26B; or 12
- (2) Section 33(1)(b)(ii)— 13
omit, insert— 14
- (ii) has been stopped under— 15
- (A) section 32; or 16
- (B) the Heavy Vehicle National Law 17
(Queensland). 18
- (3) Section 33(2), example, ‘onto a weighing or testing device.’— 19
omit, insert— 20
onto a weighing device or to a testing device. 21
- (4) Section 33(3)(b), ‘for a prescribed heavy vehicle’— 22
omit, insert— 23
for a heavy vehicle, a prescribed vehicle 24
- (5) Section 33(4), penalty, paragraph (b)— 25
omit, insert— 26
- (b) for a heavy vehicle, a prescribed vehicle or a 27
suspected dangerous goods vehicle—90 28
penalty units. 29
- (6) Section 33(5), ‘a prescribed heavy vehicle or’— 30

[s 50]

<i>omit, insert—</i>	1
a heavy vehicle, a prescribed vehicle or	2
(7) Section 33(6), definition <i>prescribed place</i> , ‘for a heavy vehicle or prescribed dangerous goods vehicle, means’—	3 4
<i>omit, insert—</i>	5
for a prescribed dangerous goods vehicle, means	6
(8) Section 33(6), definition <i>prescribed place</i> , paragraph (a), from ‘a responsible person’ to ‘dangerous goods’—	7 8
<i>omit, insert—</i>	9
a person involved in the transport of dangerous goods in the vehicle	10 11

Clause 50	Amendment of s 33A (Requiring heavy vehicle or prescribed dangerous goods vehicle to be moved if causing harm or obstruction etc.)	12	
		13	
		14	
		(1) Section 33A, heading, ‘heavy vehicle or’—	15
		<i>omit.</i>	16
(2) Section 33A(1)(a), ‘a heavy vehicle or’—	17		
	<i>omit.</i>	18	
Clause 51	Amendment of s 33B (Moving unattended heavy vehicle or prescribed dangerous goods vehicle on road)	19	
		20	
		(1) Section 33B, heading, ‘heavy vehicle or’—	21
		<i>omit.</i>	22
		(2) Section 33B(1)(a), ‘a heavy vehicle or’—	23
<i>omit.</i>	24		
Clause 52	Amendment of s 33C (Moving other stationary heavy vehicle or prescribed dangerous goods vehicle if causing harm or obstruction etc.)	25	
		26	
		27	
		(1) Section 33C, heading, ‘heavy vehicle or’—	28

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

Clause 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.

Clause 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’— 1
omit, insert— 2
heavy vehicle or a prescribed vehicle 3
- (3) Section 35(1)(e)— 4
omit. 5
- (4) Section 35(2)(a), note, ‘prescribed heavy vehicles’— 6
omit, insert— 7
heavy vehicles or prescribed vehicles 8

Clause 55 Amendment of s 35A (Further powers to inspect and search heavy vehicle or prescribed dangerous goods vehicle) 9
10
11

- (1) Section 35A, heading, ‘heavy vehicle or’— 12
omit. 13
- (2) Section 35A(1), ‘heavy vehicle, or a prescribed dangerous goods vehicle, whether or not the heavy vehicle or prescribed dangerous goods vehicle’— 14
15
16
omit, insert— 17
prescribed dangerous goods vehicle, whether or not 18
the prescribed dangerous goods vehicle 19
- (3) Section 35A(3)(c), ‘for a prescribed dangerous goods vehicle,’— 20
21
omit. 22

Clause 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) 23
24
25
26

- (1) Section 35B, heading, ‘heavy vehicle or’— 27
omit. 28

	(2) Section 35B(1), ‘a heavy vehicle or’—	1
	<i>omit.</i>	2
Clause 57	Amendment of s 35C (Running or stopping heavy vehicle engine or prescribed dangerous goods vehicle engine)	3
		4
	(1) Section 35C, heading, ‘heavy vehicle engine or’—	5
	<i>omit.</i>	6
	(2) Section 35C(1AA)—	7
	<i>omit.</i>	8
	(3) Section 35C(1), ‘An authorised officer may’—	9
	<i>omit, insert—</i>	10
	An authorised officer may, to allow the officer to	11
	effectively exercise a power under this Act in relation	12
	to a prescribed dangerous goods vehicle,	13
	(4) Section 35C(1)(b)—	14
	<i>omit, insert—</i>	15
	(b) no person involved in the transport of the	16
	dangerous goods in relation to the vehicle is	17
	available or willing to take the prescribed	18
	action; or	19
Clause 58	Amendment of s 37 (Power to prohibit use of vehicles)	20
	(1) Section 37(1), ‘believes a vehicle’—	21
	<i>omit, insert—</i>	22
	believes a private vehicle or prescribed vehicle	23
	(2) Section 37(2), penalty, paragraph (b) and (3), penalty,	24
	paragraph (b)—	25
	<i>omit, insert—</i>	26
	(b) for a prescribed vehicle—90 penalty units.	27

[s 59]

Clause 59	Amendment of s 38 (Power to prohibit persons driving)	1
(1)	Section 38(1)(a)—	2
	<i>omit, insert—</i>	3
	(a) a motor vehicle is stationary on a road or road-related area or has been stopped under—	4
	(i) section 31 or 32; or	5
	(ii) the Heavy Vehicle National Law (Queensland); and	6
(2)	Section 38(3), penalty, paragraph (b)—	7
	<i>omit, insert—</i>	8
	(b) for a suspected dangerous goods vehicle, a heavy vehicle or a prescribed vehicle—90 penalty units.	9
		10
		11
		12
		13
		14
Clause 60	Amendment of s 39 (Powers to enable effective and safe exercise of other powers)	15
(1)	Section 39(1)(a), ‘a heavy vehicle or’—	16
	<i>omit.</i>	17
(2)	Section 39(1)(b)—	18
	<i>omit.</i>	19
(3)	Section 39(1)(c) and (d)—	20
	<i>renumber</i> as section 39(1)(b) and (c).	21
(4)	Section 39(1B), ‘or (c)’—	22
	<i>omit.</i>	23
(5)	Section 39(3), penalty, paragraph (b)—	24
	<i>omit, insert—</i>	25
	(b) for a power exercised in relation to a suspected dangerous goods vehicle, a heavy	26
		27
		28

	vehicle, a prescribed vehicle or the transport of dangerous goods—90 penalty units.	1 2
Clause 61	Amendment of s 39A (Additional power for Explosives Act 1999 for particular authorised officers)	3 4
	(1) Section 39A(1)—	5
	<i>omit, insert—</i>	6
	(1) This section applies if a vehicle has been stopped under—	7 8
	(a) section 31(2) or 32(2); or	9
	(b) the Heavy Vehicle National Law (Queensland).	10 11
	(2) Section 39A(2), ‘The authorised officer’—	12
	<i>omit, insert—</i>	13
	An authorised officer who is also an inspector under the <i>Explosives Act 1999</i>	14 15
Clause 62	Amendment of s 39B (Stopped or moved vehicle to remain at a place)	16 17
	Section 39B(2), penalty—	18
	<i>omit, insert—</i>	19
	Maximum penalty—60 penalty units.	20
Clause 63	Amendment of s 39C (Interfering with equipment or load of particular vehicles)	21 22
	Section 39C(1)(b)—	23
	<i>omit, insert—</i>	24
	(b) to move a heavy vehicle, a prescribed vehicle or a suspected dangerous goods vehicle to a place under section 33; or	25 26 27

[s 64]

Clause 64	Omission of ch 3, pt 3, div 2, sdivs 5–7	1
	Chapter 3, part 3, division 2, subdivisions 5 to 7—	2
	<i>omit.</i>	3
Clause 65	Amendment of s 40 (Power to seize evidence)	4
(1)	Section 40(1), after ‘with the occupier’s consent’—	5
	<i>insert—</i>	6
	, 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,	7 8 9 10
(2)	Section 40(3)—	11
	<i>omit, insert—</i>	12
(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—	13 14 15 16 17 18 19 20
	(a) the thing is evidence of an offence against a transport Act; and	21 22
	(b) the seizure is necessary to prevent the thing being hidden, lost or destroyed or used to continue or repeat the offence.	23 24 25
(3)	Section 40(4), after ‘under this part’—	26
	<i>insert—</i>	27
	, or who, as a person who is also an authorised officer under the Heavy Vehicle National Law (Queensland), enters a vehicle under that Law,	28 29 30

Clause 66	Amendment of s 40A (Further powers to seize evidence in relation to particular vehicles)	1
	Section 40A(1)(a), ‘or (3B)’—	2
	<i>omit.</i>	3
		4
Clause 67	Amendment of s 48A (Further power to require personal details for exercising power in relation to heavy vehicle or transport of dangerous goods)	5
	(1) Section 48A, heading, ‘heavy vehicle or’—	6
	<i>omit.</i>	7
	(2) Section 48A(1)(c), ‘heavy vehicle or’—	8
	<i>omit.</i>	9
	(3) Section 48A(1)(d)(i)—	10
	<i>omit.</i>	11
	(4) Section 48A(1)(d)(ii) and (iii)—	12
	<i>renumber</i> as section 48A(1)(d)(i) and (ii).	13
	(5) Section 48A(6), from ‘proves’ to ‘vehicles.’—	14
	<i>omit, insert</i> —	15
	proves the person did not have a business address.	16
	(6) Section 48A(8), definition <i>responsible person</i> —	17
	<i>omit.</i>	18
	(7) Section 48A(8), definition <i>vehicle offence</i> , ‘heavy vehicle or’—	19
	<i>omit.</i>	20
		21
		22
		23
Clause 68	Amendment of s 49 (Power to require documents to be produced)	24
	Section 49(1), examples, second dot point—	25
	<i>omit, insert</i> —	26
		27

[s 69]

	• a logbook	1
	• transport documentation	2
Clause 69	Amendment of s 49A (Direction to provide information about heavy vehicles and transport of dangerous goods)	3
	(1) Section 49A, heading, ‘heavy vehicles and’—	4
	<i>omit.</i>	5
	(2) Section 49A(1) and (2)—	6
	<i>omit, insert—</i>	7
	(1) This section applies to a person involved in the transport of dangerous goods.	8
	(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.	9
	(3) Section 49A(7), definition <i>responsible person</i> —	10
	<i>omit.</i>	11
Clause 70	Omission of ss 50 and 50AA	12
	Sections 50 and 50AA—	13
	<i>omit.</i>	14
Clause 71	Amendment of s 50AB (Power to require help to find and access particular documents or information)	15
	(1) Section 50AB(1), ‘a responsible person’—	16
	<i>omit, insert—</i>	17
	a relevant person	18
	(2) Section 50AB(3)—	19

-
- omit, insert—* 1
- (3) For subsection (1), a relevant person for the heavy vehicle is— 2
3
- (a) a person in control of the vehicle; or 4
- (b) a person at a place entered by the authorised officer for exercising a power under this Act in relation to the heavy vehicle. 5
6
7
- (4) In this section— 8
- information* includes electronically stored information. 9
10

- Clause 72 Amendment of s 51F (Reciprocal powers)** 11
- Section 51F(8), definition *relevant matter—* 12
- omit, insert—* 13
- relevant matter* means— 14
- (a) a prescribed dangerous goods vehicle; or 15
- (b) the transport of dangerous goods. 16
- Clause 73 Omission of ch 3, pt 5, div 1, sdiv 1, hdg (General)** 17
- Chapter 3, part 5, division 1, subdivision 1, heading— 18
- omit.* 19
- Clause 74 Omission of ss 53B–53D** 20
- Sections 53B to 53D— 21
- omit.* 22
- Clause 75 Omission of ch 3, pt 5, div 1, sdivs 2–4** 23
- Chapter 3, part 5, division 1, subdivisions 2 to 4— 24
- omit.* 25

[s 76]

Clause 76	Amendment of s 60 (Evidentiary aids)	1
	(1) Section 60(2)(c)—	2
	<i>omit, insert—</i>	3
	(c) a specified place was or was not—	4
	(i) a road or road-related area; or	5
	(ii) an off-street regulated parking area; or	6
	(iii) part of a place or thing mentioned in subparagraph (i) or (ii);	7 8
	(2) Section 60(2)(u)—	9
	<i>omit.</i>	10
	(3) Section 60(3A)—	11
	<i>omit.</i>	12
	(4) Section 60(7), example—	13
	<i>omit, insert—</i>	14
	<i>Example for subsection (7)—</i>	15
	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.	16 17 18 19 20
Clause 77	Omission of s 61A (Manufacturer's statements)	21
	Section 61A—	22
	<i>omit.</i>	23
Clause 78	Replacement of s 61B (Transport and journey documentation)	24 25
	Section 61B—	26
	<i>omit, insert—</i>	27

61B Transport documentation

		1
	(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—	2 3 4 5 6
	(a) the identity and status of the parties to any transaction to which the documentation relates; and	7 8 9
	(b) the destination or intended destination of any load to which the documentation relates.	10 11
	(2) In this section—	12
	<i>status</i> , of the parties to a transaction, includes the status of each of the parties as a person involved in the transport of dangerous goods.	13 14 15
Clause 79	Amendment of s 61C (Evidence not affected by nature of vehicle)	16 17
	Section 61C, ‘a prescribed heavy vehicle’—	18
	<i>omit, insert</i> —	19
	a heavy vehicle or prescribed vehicle	20
Clause 80	Omission of ss 61D–61J	21
	Sections 61D to 61J—	22
	<i>omit.</i>	23
Clause 81	Amendment of s 66 (Local laws etc.)	24
	Section 66(1) and (2)—	25
	<i>omit, insert</i> —	26
	(1) Subject to this chapter, a local government may not—	27 28

[s 82]

	(a)	make a local law about anything provided for in—	1 2
	(i)	this chapter, including anything about which a regulation may be made under this chapter; or	3 4 5
	(ii)	the Heavy Vehicle National Law (Queensland), including anything about which national regulations (HVNL) may be made; or	6 7 8 9
	(b)	exercise a power conferred by this chapter, or by the Heavy Vehicle National Law (Queensland), on someone else.	10 11 12
	(2)	However, a local government may exercise a power that is not inconsistent with this chapter or the Heavy Vehicle National Law (Queensland).	13 14 15
Clause 82		Replacement of ch 5, pt 5, hdg	16
		Chapter 5, part 5, heading—	17
		<i>omit, insert—</i>	18
		Part 5	19
		Traffic diversions and removal of things from roads	20 21
Clause 83		Amendment of s 124A (Additional ground of challenge not stated in written notice required under particular provisions)	22 23 24
	(1)	Section 124A(1) and (3), ‘61E(2), 61F(5), 61G(4),’—	25
		<i>omit.</i>	26
	(2)	Section 124A(2), ‘61E(3), 61F(6), 61G(5),’—	27
		<i>omit.</i>	28

Clause 84	Amendment of s 148 (Regulating vehicle standards)	1
	Section 148(b)(i), ‘comply with the standards; and’—	2
	<i>omit, insert—</i>	3
	comply with—	4
	(A) the standards prescribed under paragraph (a); and	5 6
	(B) the heavy vehicle standards prescribed under the Heavy Vehicle National Law; and	7 8 9
Clause 85	Amendment of s 150 (Regulating driver management)	10
	Section 150(1)(g)—	11
	<i>omit.</i>	12
Clause 86	Omission of s 150AB (Regulating management of fatigue of drivers of heavy vehicles)	13 14
	Section 150AB—	15
	<i>omit.</i>	16
Clause 87	Omission of s 150C (Proceedings for particular offences involving requirements about fatigue regulated heavy vehicles)	17 18 19
	Section 150C—	20
	<i>omit.</i>	21
Clause 88	Omission of chs 5B–5D	22
	Chapters 5B to 5D—	23
	<i>omit.</i>	24

[s 89]

Clause 89	Omission of ch 6, pts 1 and 2	1
	Chapter 6, parts 1 and 2—	2
	<i>omit.</i>	3
Clause 90	Amendment of s 163F (Definitions for pt 3)	4
	(1) Section 163F, heading, ‘pt 3’—	5
	<i>omit, insert—</i>	6
	pt 1	7
	(2) Section 163F, definitions <i>heavy vehicle offence</i> and <i>supervisory intervention order—</i>	8
	<i>omit.</i>	9
	(3) Section 163F—	10
	<i>insert—</i>	11
	<i>dangerous goods vehicle offence</i> means an offence against a transport Act in relation to a dangerous goods vehicle.	12
		13
		14
		15
Clause 91	Amendment of s 164 (Court orders for payment)	16
	(1) Section 164(3), ‘apply in relation to a heavy vehicle offence’—	17
	<i>omit, insert—</i>	18
	apply in relation to a dangerous goods vehicle offence	19
	(2) Section 164(3), note, ‘heavy vehicle offence’—	20
	<i>omit, insert—</i>	21
	dangerous goods vehicle offence	22
		23
Clause 92	Amendment of s 164AA (Definition for div 3)	24
	Section 164AA, definition <i>responsible entity</i> , paragraphs (a) and (b), ‘, means the’—	25
		26

	<i>omit, insert—</i>	1
	—the	2
Clause 93	Amendment of s 164AB (Road compensation order)	3
	Section 164AB(1) and (4), ‘heavy vehicle offence’—	4
	<i>omit, insert—</i>	5
	dangerous goods vehicle offence	6
Clause 94	Amendment of s 164AE (Limits on amount of compensation)	7
	Section 164AE(1)(a), ‘heavy vehicle offence’—	8
	<i>omit, insert—</i>	9
	dangerous goods vehicle offence	10
Clause 95	Amendment of s 164A (Commercial benefits penalty order)	11
	Section 164A(1), ‘a heavy vehicle offence or’—	12
	<i>omit.</i>	13
Clause 96	Omission of ch 6, pt 3, div 5 (Supervisory intervention orders)	14
	Chapter 6, part 3, division 5—	15
	<i>omit.</i>	16
Clause 97	Renumbering of ch 6, pts 3 and 4	17
	Chapter 6, parts 3 and 4—	18
	<i>renumber</i> as chapter 6, parts 1 and 2.	19
		20
		21
		22

[s 98]

Clause 98	Omission of ss 168A and 168AA	1
	Sections 168A and 168AA—	2
	<i>omit.</i>	3
Clause 99	Amendment of s 168B (Giving evidence about heavy vehicle or dangerous goods matter to external public authority)	4
	(1) Section 168B, heading, ‘heavy vehicle or’—	5
	<i>omit.</i>	6
	(2) Section 168B(3), definition <i>prescribed evidence</i> , ‘a heavy vehicle or’—	7
	<i>omit.</i>	8
		9
		10
		11
Clause 100	Amendment of s 168C (Chief executive may give information to corresponding authority)	12
	Section 168C(1)(a) and (b), ‘a heavy vehicle or’—	13
	<i>omit.</i>	14
		15
Clause 101	Amendment of s 168D (Contracting out in relation to heavy vehicles etc. prohibited)	16
	(1) Section 168D, heading, ‘heavy vehicles’—	17
	<i>omit, insert—</i>	18
	prescribed dangerous goods vehicles	19
	(2) Section 168D, ‘a heavy vehicle,’—	20
	<i>omit.</i>	21
		22
Clause 102	Insertion of new ch 7, pt 17	23
	Chapter 7—	24
	<i>insert—</i>	25

Part 17	Transitional provisions for the Transport and Other Legislation (Heavy Vehicle National Law) Amendment Act 2013	1 2 3 4 5 6
224 Definitions for pt 17		7
In this part—		8
<i>amending Act</i> means the <i>Transport and Other Legislation (Heavy Vehicle National Law) Amendment Act 2013</i> .		9 10 11
<i>commencement</i> means the commencement of this part.		12 13
225 Evidence about heavy vehicle matter		14
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.		15 16 17 18 19
226 Giving information to corresponding authority about heavy vehicle matter		20 21
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.		22 23 24 25 26 27

[s 103]

Clause 103	Amendment of sch 3 (Reviewable decisions)	1
	Schedule 3, entries for sections 39Q(2), 39S(1) or (2) and 39U(1) and both entries for section 168AA—	2 3
	<i>omit.</i>	4
Clause 104	Amendment of sch 4 (Dictionary)	5
(1)	Schedule 4, definitions <i>accreditation record requirement,</i> <i>alternative work and rest arrangements, approved intelligent</i> <i>transport system, associate, cause, clearance certificate,</i> <i>consign and consignor, container weight declaration,</i> <i>contravening way, critical risk breach, declared route,</i> <i>declared zone, dimension requirement, driver, employed</i> <i>driver, employer, exemption record requirement, extended</i> <i>liability offence, fatigue management offence, fatigue</i> <i>management regulation, fatigue management requirement,</i> <i>fatigue regulated heavy vehicle, gross mass, heavy vehicle,</i> <i>heavy vehicle offence, heavy vehicle speeding offence, holding</i> <i>company, impaired by fatigue, improvement notice,</i> <i>influencing person, intelligent access map, intelligent access</i> <i>program, intelligent transport system, journey documentation,</i> <i>load and loader, loading manager, loading requirement, mass</i> <i>requirement, maximum work requirement, minimum rest</i> <i>requirement, minor risk breach, party in the chain of</i> <i>responsibility, prescribed heavy vehicle, prime contractor,</i> <i>private vehicle, reasonable steps defence, responsible entity</i> <i>(both definitions), responsible person, risk category, schedule,</i> <i>scheduler, security interest, self-employed driver, severe risk</i> <i>breach, severe risk breach lower limit, speed limit, standard</i> <i>work and rest arrangements, subsidiary, substantial risk</i> <i>breach, substantial risk breach lower limit, suitable rest place,</i> <i>supervisory intervention order, TCA, transport</i> <i>documentation, unit load, unloader, work, work and rest</i> <i>hours option, work and rest hours option requirement, work</i> <i>diary record and work diary requirement—</i>	6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33
	<i>omit.</i>	34
(2)	Schedule 4—	35

insert—

consign and ***consignor—***

- | | | |
|-------|--|----|
| 1 | A person <i>consigns</i> dangerous goods, and is | 3 |
| | a <i>consignor</i> of dangerous goods, for | 4 |
| | transport using a vehicle, if— | 5 |
| (a) | the person has consented to being, and | 6 |
| | is, named or otherwise identified as a | 7 |
| | consignor of the goods in the transport | 8 |
| | documentation relating to the road | 9 |
| | transport of the goods; or | 10 |
| (b) | there is no person as described in | 11 |
| | paragraph (a) and— | 12 |
| (i) | the person engages a prime | 13 |
| | contractor, either directly or | 14 |
| | through an agent or other | 15 |
| | intermediary, to transport the | 16 |
| | goods by road; or | 17 |
| (ii) | there is no person as described in | 18 |
| | subparagraph (i) and the person | 19 |
| | has possession of, or control over, | 20 |
| | the goods immediately before the | 21 |
| | goods are transported by road; or | 22 |
| (iii) | there is no person as described in | 23 |
| | subparagraph (i) or (ii) and the | 24 |
| | person loads a vehicle with the | 25 |
| | goods, for road transport, at a | 26 |
| | place— | 27 |
| (A) | where goods in bulk are | 28 |
| | stored, temporarily held or | 29 |
| | otherwise held waiting | 30 |
| | collection; and | 31 |
| (B) | that is usually unattended, | 32 |
| | other than by the vehicle's | 33 |
| | driver or someone else | 34 |
| | necessary for the normal use | 35 |

[s 104]

- of the vehicle, during 1
loading; or 2
- (c) there is no person as described in 3
paragraph (a) or (b), the goods are 4
imported into Australia through a place 5
in Queensland and the person is the 6
importer of the goods. 7
- 2 Also, without limiting item 1, a person 8
consigns dangerous goods, and is a 9
consignor of dangerous goods, for transport 10
using a vehicle, if the person arranges for 11
the transport of the goods on a vehicle 12
owned or controlled by the person. 13
- dangerous goods vehicle offence***, for chapter 6, 14
part 1, see section 163F. 15
- driver***— 16
- (a) means the person driving or in charge of any 17
vehicle, tram, train, vessel, or animal; and 18
- (b) includes, in relation to a trailer— 19
- (i) the person driving or in charge of the 20
vehicle to or by which the trailer is 21
attached or drawn; and 22
- (ii) for chapter 3, part 3, if the trailer was 23
but is no longer connected to the 24
towing vehicle in a combination—the 25
driver of the towing vehicle in the 26
combination to or by which the trailer 27
was, or apparently was, last attached or 28
drawn. 29
- employer*** means a person who employs someone 30
else under— 31
- (a) a contract of employment, apprenticeship or 32
training; or 33
- (b) a contract for services. 34

-
- 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 1
2
- (e) places or secures packages of the goods in or on further packaging already on the vehicle. 3
4
5
- 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. 6
7
8
9
10
- participating jurisdiction (HVNL)*** means a participating jurisdiction as defined in the scheduled law (HVNL). 11
12
13
- prescribed vehicle***— 14
- (a) means any of the following vehicles, whether or not the vehicle in any case is also a heavy vehicle— 15
16
17
- (i) a public passenger vehicle; 18
- (ii) another vehicle providing services on a road for which a licence is required under a transport Act; 19
20
21
- (iii) a dangerous goods vehicle; 22
- (iv) a vehicle used for driver training for reward; and 23
24
- (b) includes a combination that includes a vehicle mentioned in paragraph (a)(i), (ii) or (iv). 25
26
27
- 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. 28
29
30
31
32
33

-
- private vehicle* means a vehicle other than a heavy vehicle or prescribed vehicle. 1
2
- responsible entity*, for chapter 6, part 1, division 3, see section 164AA. 3
4
- scheduled law (HVNL)* means the Heavy Vehicle National Law set out in the schedule to the *Heavy Vehicle National Law Act 2012*. 5
6
7
- transport documentation* means documentation required to be kept under a dangerous goods regulation. 8
9
10
- (3) Schedule 4, definition *base*, ‘a heavy vehicle or’— 11
omit. 12
- (4) Schedule 4, definition *bus*, ‘*fatigue regulated heavy vehicle*’— 13
14
omit, insert— 15
truck 16
- (5) Schedule 4, definition *commercial vehicle*, paragraph (c)(i), ‘103(4)’— 17
18
omit, insert— 19
103(5) 20
- (6) Schedule 4, definition *consignee*, ‘goods transported or to be transported by a heavy vehicle or goods that are’— 21
22
omit, insert— 23
the transport of 24
- (7) Schedule 4, definition *convicts*, ‘part 3’— 25
omit, insert— 26
part 1 27
- (8) Schedule 4, definition *fit*, ‘heavy vehicle or’— 28
omit. 29
-

Schedule 1	Minor and consequential amendments	1 2
	section 105	3
Forestry Act 1959		4
1	Section 34B, heading, ‘1995’—	5
	<i>omit, insert—</i>	6
	1995 and Heavy Vehicle National Law	7
	(Queensland)	8
2	Section 34B, ‘1995,’—	9
	<i>omit, insert—</i>	10
	<i>1995 and the Heavy Vehicle National Law</i>	11
	<i>(Queensland),</i>	12
Motor Racing Events Act 1990		13
1	Section 12(2), ‘does’—	14
	<i>omit, insert—</i>	15
	and the Heavy Vehicle National Law (Queensland) do	16

State Penalties Enforcement Act 1999	1
1 Section 31(3), after ‘1995’—	2
<i>insert—</i>	3
or the Heavy Vehicle National Law (Queensland)	4
2 Section 31(3)(b), ‘that Act’—	5
<i>omit, insert—</i>	6
the <i>Transport Operations (Road Use Management)</i>	7
<i>Act 1995</i>	8
Summary Offences Act 2005	9
1 Section 24A(4), definition <i>traffic enforcement site</i>, after ‘1995’—	10
<i>insert—</i>	11
or the Heavy Vehicle National Law (Queensland)	12
	13
Tow Truck Act 1973	14
1 Section 4C(1)(b)—	15
<i>omit, insert—</i>	16
(b) the person’s traffic history;	17
2 Section 4C(2)—	18
<i>insert—</i>	19

	<i>traffic history</i> , of a person, see the <i>Transport Operations (Road Use Management) Act 1995</i> , schedule 4.	1 2 3
3	Section 21A(f), ‘to an authorised officer;’— <i>omit, insert—</i>	4 5
	to—	6
	(i) an authorised officer; or	7
	(ii) an authorised officer under the Heavy Vehicle National Law (Queensland);	8 9
4	Schedule 2, definition <i>seized</i>, ‘section 125(d) or (e)’— <i>omit, insert—</i>	10 11
	section 125(1)(d) or (2)	12
 Work Health and Safety Act 2011		 13
1	Schedule 1, part 2, division 5, section 7(2), ‘Acts’— <i>omit.</i>	14 15
2	Schedule 1, part 2, division 5, section 7(2)— <i>insert—</i>	16 17
	(aa) the Heavy Vehicle National Law (Queensland);	18 19
3	Schedule 1, part 2, division 5, section 7(2)(aa) to (e)— <i>renumber</i> as schedule 1, part 2, division 5, section 7(2)(b) to (f).	20 21

Schedule 1

4	Schedule 1, part 2, division 5, section 7(3), after ‘an Act’—	1
	<i>insert—</i>	2
	or Law	3
5	Schedule 1, part 2, division 5, section 7(3), after ‘that Act’—	4
	<i>insert—</i>	5
	or Law	6
		7
	Youth Justice Act 1992	8
1	Part 7, division 13, heading, after ‘1995’—	9
	<i>insert—</i>	10
	and Heavy Vehicle National Law (Queensland)	11
2	Section 253, heading, after ‘1995’—	12
	<i>insert—</i>	13
	and Heavy Vehicle National Law (Queensland)	14
3	Section 253(1), after ‘1995’—	15
	<i>insert—</i>	16
	and the Heavy Vehicle National Law (Queensland)	17
4	Section 253(2), after ‘purpose’—	18
	<i>insert—</i>	19
	, for the <i>Transport Operations (Road Use Management) Act 1995</i>	20
		21

5	Section 253(2)(a) and (b), ‘the <i>Transport Operations (Road Use Management) Act 1995</i>—	1
	<i>omit, insert—</i>	2
		3
	that Act	4

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