



Queensland

Heavy Vehicle National Law Amendment Bill 2015



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2015

A Bill

for

An Act to amend the *Heavy Vehicle National Law Act 2012* 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 *Heavy Vehicle National Law Amendment Act 2015*. 4
5

Clause 2 Commencement 6

This Act commences on a single day to be fixed by proclamation. 7
8

Part 2 Amendment of Heavy Vehicle National Law 9
10

Clause 3 Law amended 11

This Part amends the Heavy Vehicle National Law set out in the schedule to the *Heavy Vehicle National Law Act 2012*. 12
13

Clause 4 Amendment of s 5 (Definitions) 14

(1) Section 5, definition *AFM accreditation*, paragraph (a)— 15
omit, insert— 16

(a) *AFM accreditation granted under section 458; or* 17
18

(2) Section 5, after definition *B-double—* 19
insert— 20

- B-triple*** means a combination consisting of a prime mover towing 3 semitrailers, with—
- (a) the first semitrailer being attached directly to the prime mover by a fifth wheel coupling; and
 - (b) the second semitrailer being mounted on the rear of the first semitrailer by a fifth wheel coupling on the first semitrailer; and
 - (c) the third semitrailer being mounted on the rear of the second semitrailer by a fifth wheel coupling on the second semitrailer.



Typical B-triple

- (3) Section 5, definition *BFM accreditation*, paragraph (a)—
omit, insert—
 - (a) BFM accreditation granted under section 458; or
- (4) Section 5, definition *component*, paragraph (a), before ‘a component’—
insert—
other than in Part 3.3,
- (5) Section 5, after definition *driver*—
insert—
driver fatigue compliance function, for the purposes of Part 13.4, has the meaning given by section 727(1).
driver fatigue provision, for the purposes of Part 13.4, has the meaning given by section 727(1).

[s 4]

- (6) Section 5, definition *electronic work diary label*— 1
omit. 2
- (7) Section 5, after definition *electronic work diary*— 3
insert— 4
electronic work diary authorised use, for the 5
purposes of Part 13.4, has the meaning given by 6
section 727(1). 7
electronic work diary information, for the 8
purposes of Part 13.4, has the meaning given by 9
section 727(1). 10
electronic work diary protected information, for 11
the purposes of Part 13.4, has the meaning given 12
by section 727(1). 13
- (8) Section 5, definition *maintenance management accreditation*, 14
paragraph (a)— 15
omit, insert— 16
(a) maintenance management accreditation 17
granted under section 458; or 18
- (9) Section 5, definition *mass management accreditation*, 19
paragraph (a)— 20
omit, insert— 21
(a) mass management accreditation granted 22
under section 458; or 23
- (10) Section 5, after definition *mistake of fact defence*— 24
insert— 25
modification, for the purposes of Part 3.3, has the 26
meaning given by section 84. 27
- (11) Section 5, after definition *registration*— 28
insert— 29

	<i>registration authority</i> , for the purposes of Division 6 of Part 9.3, has the meaning given by section 525.	1 2 3
(12)	Section 5, after definition <i>relevant tribunal or court</i> — <i>insert</i> —	4 5
	<i>residence</i> , for the purposes of Part 9.2, has the meaning given by section 494(1).	6 7
(13)	Section 5, definition <i>road train</i> , after ‘means’ — <i>insert</i> —	8 9
	—	10
	(a) a B-triple; or	11
	(b)	12
(14)	Section 5, definition <i>tamper</i> , paragraphs (b) to (d)— <i>renumber</i> as paragraphs (c) to (e).	13 14
(15)	Section 5, definition <i>tamper</i> — <i>insert</i> —	15 16
	(b) with a plate or label, for the purposes of section 87A, has the meaning given by that section; or	17 18 19
(16)	Section 5, after definition <i>vehicle defect notice</i> — <i>insert</i> —	20 21
	<i>vehicle identifier</i> , for the purposes of Division 6 of Part 9.3, has the meaning given by section 525.	22 23
Clause 5	Replacement of s 84 (Definition for Pt 3.3)	24
	Section 84—	25
	<i>omit, insert</i> —	26
	84 Definition for Pt 3.3	27
	In this Part—	28
	<i>modification</i> , of a heavy vehicle, means—	29

[s 6]

- (a) the addition of a component to, or the removal of a component from, the vehicle; or
 - (b) a change to the vehicle from the manufacturer's specification for the vehicle;
- but does not include a modification to the vehicle that has been approved under the *Motor Vehicle Standards Act 1989* of the Commonwealth.

Clause 6 Amendment of s 85 (Modifying heavy vehicle requires approval)

Section 85, at the end—
insert—

- (3) This section does not apply to a modification that complies with a code of practice prescribed by the national regulations for the purposes of this section, section 86 or 87 that expressly states that a modification of that type does not require approval.

Clause 7 Insertion of new s 87A

After section 87—
insert—

87A Person must not tamper with plate or label

- (1) A person must not tamper with a plate or label fitted or affixed to a heavy vehicle under section 86(2) or 87(3).
Maximum penalty—\$3000.
- (2) In a proceeding for an offence against subsection (1), it is a defence for the person to prove that the tampering was done with the written approval of the Regulator.
- (3) In this section—

	<i>tamper</i> means alter, damage, remove or otherwise interfere with.	1 2
Clause 8	Amendment of s 94 (Main purposes of Ch 4)	3
(1)	Section 94(2)(a), ‘mass limits’—	4
	<i>omit, insert</i> —	5
	mass requirements	6
(2)	Section 94(2)(b)—	7
	<i>omit, insert</i> —	8
	(b) imposing dimension requirements on heavy vehicles including on the vehicles (together with equipment), components or loads; and	9 10 11
(3)	Section 94(2)(d) and (3), ‘mass limits, restrictions and requirements’ —	12 13
	<i>omit, insert</i> —	14
	mass requirements, dimension requirements and other requirements	15 16
Clause 9	Amendment of s 119 (Conditions of mass or dimension exemption (notice))	17 18
(1)	Section 119(1)(c), from ‘by’ to ‘161’—	19
	<i>omit, insert</i> —	20
	for the exemption	21
(2)	Section 119(5) and (6)—	22
	<i>renumber</i> as section 119(6) and (7).	23
(3)	Section 119(2) to (4)—	24
	<i>omit, insert</i> —	25
	(2) Without limiting subsection (1)(a), the condition under the subsection about areas or routes may be imposed by—	26 27 28

[s 9]

- (a) applying by reference a stated map or stated list, not in the notice, prepared and published by the relevant road authority or the Regulator; and
 - (b) referring to the areas or routes shown on the stated map or stated list.
- (3) Without limiting subsection (1)(c), road conditions or travel conditions under the subsection may be imposed by referring to road conditions or travel conditions shown on a stated map or stated list applied under subsection (2)(a).
- (4) If the notice applies a stated map or stated list —
- (a) the Regulator may amend the stated map or stated list prepared and published by it and the relevant road authority may amend the stated map or stated list prepared and published by it, but only by omitting, varying or extending —
 - (i) the areas or routes mentioned in subsection (2)(b); or
 - (ii) the road conditions or travel conditions mentioned in subsection (3);including by adding additional areas, routes, road conditions or travel conditions; and
 - (b) the Regulator must ensure a copy of the stated map or stated list as in force from time to time is—
 - (i) made available for inspection, without charge, during normal business hours at each office of the Regulator; and
 - (ii) published on the Regulator’s website or published by way of a reference or link published on the Regulator’s website.

<i>Note—</i>	1
The Regulator must publish a stated map or stated list whether the Regulator or a relevant road authority originally prepared and published it as mentioned in subsection (2).	2 3 4 5
(5) Despite subsection (4)(a), a road authority may only amend a map or list in a way that affects a particular road if—	6 7 8
(a) the road authority is the road manager for the road; or	9 10
(b) the road authority is not the road manager for the road and has been advised by the Regulator that the Regulator has obtained the consent of the road manager for the amendment.	11 12 13 14 15
(4) Section 119(7), as renumbered, at the end—	16
<i>insert—</i>	17
<i>road conditions</i> means road conditions required by the relevant road manager under section 160.	18 19
<i>travel conditions</i> means travel conditions required by the relevant road manager under section 161.	20 21 22
Clause 10 Insertion of new s 119A	23
After section 119—	24
<i>insert—</i>	25
119A Process for amending a stated map or stated list	26 27
(1) This section applies to the amendment of a stated map or stated list mentioned in section 119.	28 29
(2) For the purpose of an amendment by the Regulator only adding an additional area or route to a stated map or stated list—	30 31 32
(a) section 118 applies; and	33

[s 10]

- (b) Division 2 of Part 4.7 applies to the extent the division relates to the grant of a mass or dimension exemption (notice); and
 - (c) Division 3 of Part 4.7 does not apply.
- (3) For the purpose of subsection (2), section 118 and Division 2 of Part 4.7 apply as if—
 - (a) a reference to the grant of a mass or dimension exemption (notice) or a mass or dimension authority were a reference to the adding of the additional area or route; and
 - (b) a reference to the relevant road manager for a mass or dimension exemption (notice) or a mass or dimension authority were a reference to the relevant road manager for the exemption or authority that applies the stated map or stated list.
- (4) For the purpose of an amendment by the relevant road authority only adding an additional area or route to, or only removing a road condition or travel condition from, a stated map or stated list, section 118 and Part 4.7 do not apply.
- (5) For the purpose of an amendment by the Regulator or a relevant road authority if subsections (2) to (4) do not apply, Division 3 of Part 4.7 applies to the extent the Division relates to the amendment of a mass or dimension exemption (notice).
- (6) For subsection (5), Division 3 of Part 4.7 applies as if—
 - (a) a reference to the amendment of a mass or dimension authority were a reference to the amendment of the stated map or stated list; and
 - (b) a reference to the Regulator were a reference to the Regulator or the relevant

	road authority, whichever is amending the	1
	stated map or stated list; and	2
	(c) a reference to the relevant road manager for	3
	a mass or dimension authority were a	4
	reference to the relevant road manager for	5
	the authority that applies the stated map or	6
	stated list.	7
Clause 11	Replacement of s 140 (Conditions of class 2 heavy	8
	vehicle authorisations (notice))	9
	Section 140—	10
	<i>omit, insert—</i>	11
	140 Conditions of class 2 heavy vehicle	12
	authorisation (notice)	13
	A class 2 heavy vehicle authorisation (notice)—	14
	(a) must be subject to the road conditions or	15
	travel conditions required by a road manager	16
	for the authorisation under section 160 or	17
	161; and	18
	<i>Note—</i>	19
	Under sections 160(1)(b) and (4), a road manager	20
	may only require road conditions of a type	21
	prescribed by the national regulations.	22
	(b) may be subject to other conditions the	23
	regulator considers appropriate, including,	24
	for example, a condition that the driver of a	25
	class 2 heavy vehicle who is driving the	26
	vehicle under the authorisation must keep in	27
	the driver's possession a copy of—	28
	(i) the Commonwealth Gazette notice for	29
	the authorisation; or	30
	(ii) an information sheet about the	31
	authorisation published by the	32
	Regulator on the Regulator's website.	33

[s 12]

Clause 12	Amendment of s 142 (Requirements about Commonwealth Gazette notice etc.)	1 2
(1)	Section 142(6)— <i>renumber</i> as section 142(7).	3 4
(2)	Section 142(2) to (5)— <i>omit, insert</i> —	5 6
(2)	Without limiting subsection (1)(b), the notice may state the areas or routes under the subsection by—	7 8 9
(a)	applying by reference a stated map or stated list, not in the notice, prepared and published by the relevant road authority or the Regulator; and	10 11 12 13
(b)	referring to the areas or routes shown on the stated map or list.	14 15
(3)	Without limiting subsection (1)(d), the notice may state road conditions or travel conditions under the subsection by referring to road conditions or travel conditions shown on a stated map or stated list applied under subsection (2)(a).	16 17 18 19 20
(4)	The Regulator must publish a copy of the notice on the Regulator’s website.	21 22
(5)	If the notice applies a stated map or stated list—	23
(a)	the Regulator may amend the stated map or stated list prepared and published by it and the relevant road authority may amend the stated map or stated list prepared and published by it, but only by omitting, varying or extending—	24 25 26 27 28 29
(i)	the areas or routes mentioned in subsection (2)(b); or	30 31
(ii)	the road conditions or travel conditions mentioned in subsection (3);	32 33

-
- including by adding additional areas, routes, road conditions or travel conditions; and 1
2
- (b) the Regulator must ensure a copy of the stated map or stated list as in force from time to time is— 3
4
5
- (i) made available for inspection, without charge, during normal business hours at each office of the Regulator; and 6
7
8
- (ii) published on the Regulator’s website or published by way of a reference or link published on the Regulator’s website. 9
10
11
- Note—* 12
- The Regulator must publish a stated map or stated list whether the Regulator or a relevant road authority originally prepared and published it as mentioned in subsection (2). 13
14
15
16
- (6) Despite subsection (5)(a), a road authority may only amend a map or list in a way that affects a particular road if— 17
18
19
- (a) the road authority is the road manager for the road; or 20
21
- (b) the road authority is not the road manager for the road and has been advised by the Regulator that the Regulator has obtained the consent of the road manager for the amendment. 22
23
24
25
26
- (3) Section 142(7), as renumbered, at the end— 27
- insert—* 28
- road conditions*** means road conditions required by the relevant road manager under section 160. 29
30
- travel conditions*** means travel conditions required by the relevant road manager under section 161. 31
32
33

[s 13]

Clause 13	Insertion of new s 142A	1
	Division 3 of Part 4.6, after section 142—	2
	<i>insert—</i>	3
	142A Process for amending stated map or stated list	4
		5
	(1) This section applies to the amendment of a stated map or stated list mentioned in section 142.	6
		7
	(2) For the purpose of an amendment by the Regulator only adding an additional area or route to a stated map or stated list—	8
		9
	(a) section 139 applies; and	10
		11
	(b) Division 2 of Part 4.7 applies to the extent the division relates to the grant of a class 2 heavy vehicle authorisation (notice); and	12
		13
		14
	(c) Division 3 of Part 4.7 does not apply.	15
	(3) For the purpose of subsection (2), section 139 and Division 2 of Part 4.7 apply as if—	16
		17
	(a) a reference to the grant of a class 2 heavy vehicle authorisation (notice) or a mass or dimension authority were a reference to the adding of the additional area or route; and	18
		19
		20
		21
	(b) a reference to the relevant road manager for a class 2 heavy vehicle authorisation (notice) or a mass or dimension authority were a reference to the relevant road manager for the authorisation or authority that applies the stated map or stated list.	22
		23
		24
		25
		26
		27
	(4) For the purpose of an amendment by the relevant road authority only adding an additional area or route to, or only removing a road condition or travel condition from, a stated map or stated list, section 139 and Part 4.7 do not apply.	28
		29
		30
		31
		32
	(5) For the purpose of an amendment by the Regulator or a relevant road authority if	33
		34

	subsections (2) to (4) do not apply, Division 3 of Part 4.7 applies to the extent the division relates to the amendment of a class 2 heavy vehicle authorisation (notice).	1 2 3 4
(6)	For the purpose of subsection (5), Division 3 of Part 4.7 applies as if—	5 6
(a)	a reference to the amendment of a mass or dimension authority were a reference to the amendment of the stated map or stated list; and	7 8 9 10
(b)	a reference to the Regulator were a reference to the Regulator or the relevant road authority, whichever is amending the stated map or stated list; and	11 12 13 14
(c)	a reference to the relevant road manager for a mass or dimension authority were a reference to the relevant road manager for the authority that applies the stated map or stated list.	15 16 17 18 19
Clause 14	Insertion of new Pt 4.6A	20
	After section 153—	21
	<i>insert—</i>	22
	Part 4.6A	23
	Restricted access vehicles	24
	153A Using restricted access vehicle	25
(1)	A person must not use a restricted access vehicle, or permit a restricted access vehicle to be used, on a road unless the road is one on which the vehicle is allowed to be used under a mass or dimension authority applying to the vehicle.	26 27 28 29 30
	Maximum penalty—\$6000.	31
(2)	In this section—	32

[s 15]

	<i>restricted access vehicle</i> means a heavy vehicle	1
	that (together with its load) is—	2
	(a) higher than 4.3m; or	3
	(b) wider than 2.5m; or	4
	(c) longer than—	5
	(i) if a single vehicle other than an articulated bus—12.5m;	6
	(ii) if an articulated bus—18m; or	7
	(iii) if a combination—19m.	8
	(3) This section does not apply to a class 2 heavy vehicle.	9
		10
		11
Clause 15	Amendment of s 189 (Meaning of <i>complying container weight declaration</i>)	12
	Section 189(b) and (c)—	13
	<i>omit, insert—</i>	14
	(b) it is written and easily legible.	15
		16
Clause 16	Amendment of s 190 (Duty of responsible entity)	17
	Section 190(1), after ‘declaration for the freight container’—	18
	<i>insert—</i>	19
	containing information in the form required under section 192A	20
		21
Clause 17	Amendment of s 191 (Duty of operator)	22
	(1) Section 191(1), after ‘for the freight container’—	23
	<i>insert—</i>	24
	containing information in the form required under section 192A	25
		26
	(2) Section 191(3)—	27

omit, insert— 1

(3) If the freight container is to be transported by another carrier, an operator of a heavy vehicle must not give the freight container to the carrier unless the carrier has been provided with— 2
3
4
5

(a) a complying container weight declaration for the freight container containing information in the form required under section 192A; or 6
7
8
9

(b) the prescribed particulars contained in a complying container weight declaration for the freight container. 10
11
12

Maximum penalty—\$6000. 13

(3) Section 191(6), before definition *prescribed particulars—* 14

insert— 15

another carrier means another operator of a heavy vehicle or another person who is to transport the freight container other than by road. 16
17
18

Clause 18 Amendment of s 192 (Duty of driver) 19

Section 192(2)(b)— 20

omit, insert— 21

(b) in a way that ensures information in the declaration is in the form required under section 192A. 22
23
24

Clause 19 Insertion of new s 192A 25

Division 4 of Part 4.9, after section 192— 26

insert— 27

[s 20]

192A Form of information in container weight declaration	1
	2
(1) This section applies for the purposes of sections 190(1), 191(1) and (3)(a) and 192(2)(b).	3
	4
(2) The responsible entity, operator or driver must ensure the information in the container weight declaration is in a form readily available to an authorised officer who seeks to ascertain it while in the presence of the freight container, including, for example, by—	5
	6
	7
	8
	9
	10
(a) examining documents located in the heavy vehicle on which the freight container is loaded or to be loaded; or	11
	12
	13
(b) obtaining information by radio or mobile telephone or by other means.	14
	15

Clause 20 Amendment of s 221 (Definitions for Ch 6)	16
(1) Section 221, definitions <i>electronic work diary</i> and <i>electronic work diary label</i> —	17
	18
<i>omit.</i>	19
(2) Section 221, after definition <i>electronic recording system</i> —	20
<i>insert</i> —	21
<i>electronic work diary</i> , in relation to a fatigue-regulated heavy vehicle, means all or part of an approved electronic recording system that is fitted to or used in relation to the vehicle to record information a driver of the vehicle is required by this Law to record in a work diary for the purposes of this Law.	22
	23
	24
	25
	26
	27
	28
(3) Section 221, definition <i>entry</i> , after ‘written’—	29
<i>insert</i> —	30
or otherwise recorded	31

Clause 21	Amendment of s 246 (Counting periods of less than 15 minutes)	1 2
	(1) Section 246, heading, after ‘minutes’—	3
	<i>insert—</i>	4
	—written work diaries	5
	(2) Section 246(1) to (4)—	6
	<i>renumber</i> as section 246(2) to (5).	7
	(3) Section 246, before subsection (2), as renumbered—	8
	<i>insert—</i>	9
	(1) This section applies if a driver uses a written work diary.	10 11
	(4) Section 246(3), as renumbered, example heading, ‘subsection (2)’—	12 13
	<i>omit, insert—</i>	14
	<i>subsection (3)</i>	15
	(5) Section 246(5), as renumbered, example heading, ‘subsection (4)’—	16 17
	<i>omit, insert—</i>	18
	<i>subsection (5)</i>	19
Clause 22	Insertion of new s 246A	20
	After section 246—	21
	<i>insert—</i>	22
	246A Counting periods of less than 15 minutes—electronic work diaries	23 24
	(1) This section applies if a driver uses an electronic work diary.	25 26
	(2) Work time and rest time must be counted in 1 minute periods.	27 28

[s 23]

	(3)	A period of work time or rest time of less than 1 minute must not be counted.	1 2
	(4)	A period of rest time of less than 15 minutes does not count towards a minimum rest time.	3 4
		<i>Examples for the purposes of subsection (4)—</i>	5
	1	A period of not working for 10 minutes does not count towards a minimum rest time because 10 minutes is less than 15 minutes.	6 7 8
	2	A period of not working on 3 separate occasions for 14 minutes, 24 minutes and 22 minutes does not count as 60 minutes rest time because the period of 14 minutes, being less than 15 minutes, is disregarded.	9 10 11 12 13
		<i>Note—</i>	14
		This section relates to calculating whether a driver has complied with maximum work requirements and minimum rest requirements applying to the driver. It does not matter if the technology used by an electronic work diary counts a period less than 1 minute mentioned in subsections (2) and (3) in the course of arriving at calculations that comply with the subsections.	15 16 17 18 19 20 21
Clause 23		Amendment of s 249 (Standard hours)	22
	(1)	Section 249(2)(b), ‘buses.’—	23
		<i>omit, insert—</i>	24
		buses; and	25
	(2)	Section 249, after subsection (2)(b)—	26
		<i>insert—</i>	27
		(c) that a minor risk breach of a maximum work requirement prescribed in the regulations is not to be treated as a minor risk breach.	28 29 30
	(3)	Section 249, after subsection (2)—	31
		<i>insert—</i>	32

	(3)	A minor risk breach prescribed for the purposes of subsection (2)(c) is not a contravention of section 250 or 251.	1 2 3
Clause 24		Amendment of s 253 (BFM hours)	4
		Section 253(2)—	5
		<i>omit, insert—</i>	6
	(2)	Without limiting subsection (1), the national regulations may prescribe—	7 8
	(a)	different BFM hours for solo drivers and drivers who are a party to a two-up driving arrangement; and	9 10 11
	(b)	that a minor risk breach of a maximum work requirement prescribed in the regulations is not to be treated as a minor risk breach.	12 13 14
	(3)	A minor risk breach prescribed for the purposes of subsection (2)(b) is not a contravention of section 254 or 256.	15 16 17
Clause 25		Amendment of s 292 (Meaning of <i>work diary</i> for Sdiv 1)	18
	(1)	Section 292(1)(b)—	19
		<i>omit, insert—</i>	20
	(b)	if the driver has used only 1 or more electronic work diaries in the last 28 days—information in each electronic work diary relating to any period during the last 28 days;	21 22 23 24 25
	(2)	Section 292(1)(c)—	26
		<i>omit, insert—</i>	27
	(c)	if the driver has used a combination of 1 or more written work diaries and 1 or more electronic work diaries in the last 28 days—	28 29 30

[s 26]

	(i) each of the written work diaries the driver is using or has used during the last 28 days; and	1 2 3
	(ii) the information in each of the electronic work diaries the driver is using or has used during the last 28 days that relates to any period during the last 28 days.	4 5 6 7 8
Clause 26	Amendment of s 302 (Recording information in electronic work diary)	9 10
	Section 302(b), after ‘manufacturer’s instructions’—	11
	<i>insert—</i>	12
	, if any,	13
Clause 27	Amendment of s 305 (Driver must make supplementary records in particular circumstances)	14 15
	Section 305(4)(b)(iii), from ‘days after’ to ‘under that section’—	16
	<i>omit, insert—</i>	17
	days after the day on which the driver starts recording information under this section	18 19
Clause 28	Amendment of s 307 (Driver must notify Regulator if electronic work diary filled up etc.)	20 21
	(1) Section 307, heading, after ‘Driver’—	22
	<i>insert—</i>	23
	who is record keeper	24
	(2) Section 307(1), after ‘vehicle’—	25
	<i>insert—</i>	26
	who is his or her own record keeper	27
	(3) Section 307, after subsection (2)—	28

-
- insert—* 1
- (3) Within a period required by the Regulator, the 2
driver must ensure the electronic work diary is 3
examined and brought into working order. 4
- Maximum penalty—\$3000. 5

**Clause 29 Amendment of s 311 (What record keeper must do if 6
electronic work diary filled up) 7**

- (1) Section 311(1)(c)— 8
- omit, insert—* 9
- (c) the record keeper becomes aware or has 10
reason to suspect that the electronic work 11
diary has been filled up. 12
- (2) Section 311(2), ‘after being informed of the matter’— 13
- omit, insert—* 14
- after becoming aware of the matter or having reason to 15
suspect the matter 16
- (3) Section 311(2)(b), ‘a printout of the removed information.’— 17
- omit, insert—* 18
- the removed information in a way that makes the 19
information readily available to the driver; and 20
- (4) Section 311(2), after paragraph (b)— 21
- insert—* 22
- (c) notify the Regulator in the approved form 23
that the electronic work diary has been filled 24
up. 25

**Clause 30 Amendment of s 312 (What record keeper must do if 26
electronic work diary destroyed, lost or stolen) 27**

- (1) Section 312(1)(c)— 28
- omit, insert—* 29

[s 30]

- (c) the record keeper becomes aware or has reason to suspect that the electronic work diary has been destroyed, lost or stolen. 1
2
3
- (2) Section 312(3) to (5)— 4
renumber as section 312(4) to (6). 5
- (3) Section 312(2)— 6
omit, insert— 7
- (2) The record keeper must, as soon as reasonably practicable after becoming aware of the matter or having reason to suspect the matter— 8
9
10
- (a) inform the driver that the electronic work diary has been destroyed, lost or stolen unless the driver informed the record keeper about the fault under section 309; and 11
12
13
14
- (b) give the driver an electronic work diary that is in working order; and 15
16
- (c) give the driver any information, in a way that makes the information readily available to the driver, that was in the destroyed, lost or stolen electronic work diary that— 17
18
19
20
- (i) is accessible to the record keeper; and 21
- (ii) relates to any period during the last 28 days; and 22
23
- (iii) is not stored in the new electronic work diary. 24
25
- Maximum penalty—\$6000. 26
- (3) The record keeper must within 2 business days notify the Regulator in the approved form that the electronic work diary has been destroyed, lost or stolen. 27
28
29
30
- Maximum penalty—\$6000. 31
- (4) Section 312(4) to (6) as renumbered, after ‘subsection (2)’ (wherever appearing)— 32
33

insert— 1
or (3) 2

Clause 31 Amendment of s 313 (What record keeper must do if electronic work diary not in working order or malfunctioning) 3
4
5

(1) Section 313(1)(c)— 6
omit, insert— 7

(c) the record keeper becomes aware of, or has 8
reason to suspect, either of the following 9
matters— 10

(i) that the electronic work diary is not in 11
working order; 12

(ii) that the electronic work diary is 13
malfunctioning or has malfunctioned. 14

Note— 15

The record keeper may become aware as 16
mentioned in paragraph (c) whether or not the 17
record keeper has been informed by the driver 18
under section 309 or an intelligent access 19
reporting entity under section 310. 20

(2) Section 313(3) to (6)— 21
renumber as section 313(6) to (9). 22

(3) Section 313(2)— 23
omit, insert— 24

(2) The record keeper must as soon as reasonably 25
practicable after becoming aware of the matter or 26
having reason to suspect the matter inform the 27
driver about the matter unless the driver informed 28
the record keeper about the matter under section 29
309. 30

Maximum penalty—\$6000. 31

[s 31]

- (3) The record keeper must, after becoming aware of the matter or having reason to suspect the matter—
- (a) as soon as reasonably practicable, direct the driver in the approved form to use a supplementary record in compliance with section 305; and
 - (b) as soon as reasonably practicable, give the driver information that was in the electronic work diary, in a way that makes the information readily available to the driver, that—
 - (i) is accessible to the record keeper; and
 - (ii) relates to any period during the last 28 days; and
 - (iii) is not stored in the electronic work diary because the electronic work diary is not in working order or is malfunctioning or has malfunctioned; and
 - (c) within 2 business days, notify the Regulator in the approved form that the electronic work diary is not in working order or is malfunctioning or has malfunctioned; and
 - (d) within a period required by the Regulator, ensure the electronic work diary is examined and brought into working order and is not malfunctioning.
- Maximum penalty—\$6000.
- (4) Subsection (5) applies if the driver of the vehicle changes during any period that is relevant to the duties imposed on the record keeper by subsection (2) or (3).

-
- (5) Each reference to the driver in subsection (2) or (3) is a reference to the driver of the vehicle when the record keeper acts under the subsection. 1
2
3
- (4) Section 313(6), (8) and (9), as renumbered, ‘subsection (2)’ (wherever appearing)— 4
5
omit, insert— 6
subsection (2) or (3) 7
- (5) Section 313(7), as renumbered, ‘Subsection (3)— 8
omit, insert— 9
Subsection (6) 10
- (6) Section 313(7), as renumbered, example heading, ‘subsection (4)’— 11
12
omit, insert— 13
subsection (7) 14

Clause 32 Amendment of s 319 (Records record keeper must have) 15

- (1) Section 319(2) to (5)— 16
renumber as section 319(3) to (6). 17
- (2) Section 319, after subsection (1)— 18
insert— 19
(2) A requirement imposed on a record keeper by subsection (1)(a)(ii) to (vi) is taken to be satisfied if an electronic work diary used by the driver, the information in which is maintained by the record keeper, includes the information mentioned in the provisions. 20
21
22
23
24
25

Clause 33 Amendment of s 321 (Records record keeper must have) 26

- (1) Section 321(1)(b), after ‘duplicate pages’— 27
insert— 28
, if any, 29

[s 34]

- (2) Section 321(2) to (7)— 1
renumber as section 321(3) to (8). 2
- (3) Section 321, after subsection (1)— 3
insert— 4
- (2) The requirement imposed on the record keeper 5
by subsection (1)(a)(ii) is taken to be satisfied if 6
an electronic work diary used by the driver, the 7
information in which is maintained by the record 8
keeper, includes the information mentioned in the 9
provision. 10
- (4) Section 321(4) to (6), as renumbered, ‘or (2)’ (wherever 11
appearing)— 12
omit, insert— 13
or (3) 14

- Clause 34 Amendment of s 322 (General requirements about driver 15
giving information to record keeper) 16**
- Section 322(3)— 17
omit, insert— 18
- (3) The requirement imposed on the driver by 19
subsection (2) is taken to be satisfied if an 20
electronic work diary used by the driver, the 21
information in which is maintained by the record 22
keeper, includes the information mentioned in the 23
provision. 24

- Clause 35 Amendment of s 323 (Requirements about driver giving 25
information to record keeper if driver changes record 26
keeper) 27**
- (1) Section 323(4) to (6)— 28
renumber as section 323(5) to (7). 29
- (2) After section 323(3)— 30

insert—

- (4) The requirement imposed on the driver or the record keeper by subsection (2) or (3) is taken to be satisfied if an electronic work diary used by the driver, the information in which is maintained by the record keeper, includes the information mentioned in the subsection.

Clause 36 Amendment of s 324 (Record keeper must give printouts of information from electronic work diary)

- (1) Section 324, heading, ‘printouts of’—

omit.

- (2) Section 324(2), ‘a printout of the information recorded in the work diary’—

omit, insert—

, in a way that makes the information readily available to the driver, the information recorded in the work diary

Clause 37 Insertion of new s 324A

Subdivision 3 of Division 3 of Part 6.4, after section 324—

insert—

324A Record keeper must give record to driver if requested

- (1) This section applies if—
- (a) the driver of a fatigue-regulated heavy vehicle is required to record information in the driver’s work diary under Division 2; and
 - (b) the driver’s record keeper is a person other than the driver; and
 - (c) the driver requests a record held under this Division by the record keeper.

[s 38]

	(2)	The driver's record keeper must, as soon as reasonably practicable—	1 2
	(a)	give the driver a copy of the record, or make the record available to the driver; or	3 4
	(b)	if the information is recorded in an electronic work diary—give the driver, in a way that makes the information readily available to the driver, the information recorded in the work diary.	5 6 7 8 9
		Maximum penalty—\$1500.	10
Clause 38		Amendment of s 326 (Keeping 2 work diaries simultaneously prohibited)	11 12
		Section 326, heading—	13
		<i>omit, insert—</i>	14
		326 When possessing, or recording information in, more than 1 work diary relating to the same period is prohibited	15 16 17
Clause 39		Insertion of new s 336A	18
		After section 336—	19
		<i>insert—</i>	20
		336A Reporting tampering or suspected tampering with electronic work diary	21 22
	(1)	If the record keeper for the driver of a fatigue-regulated heavy vehicle knows, or has reasonable grounds to suspect, an electronic work diary has been tampered with, the record keeper must report the matter to the Regulator—	23 24 25 26 27
	(a)	within 2 business days; and	28
	(b)	in the approved form.	29
		Maximum penalty—\$6000.	30

-
- (2) If the record keeper has engaged another person under a contract for services to comply with subsection (1) for the record keeper—
- (a) the record keeper remains liable for an offence against subsection (1); and
- (b) the other person is also liable for an offence against subsection (1) as if the other person were the record keeper mentioned in the subsection.
- (3) A person charged with an offence against subsection (1) does not have the benefit of the mistake of fact defence for the offence.
- (4) However, in a proceeding for an offence against subsection (1), the person charged has the benefit of the reasonable steps defence for the offence.
- Note—*
- See Divisions 1 and 2 of Part 10.4 for the reasonable steps defence.

- Clause 40** **Amendment of s 341 (Period for which, and way in which, records must be kept)**
- (1) Section 341(6) to (8)—
- renumber* as section 341(8) to (10).
- (2) After section 341(5)—
- insert—*
- (6) A reference in subsection (1) to keeping a record of information required to be made or kept under Division 3 includes a reference to maintaining a record of the information that is in an electronic work diary, if that record is taken to have satisfied the requirement under Division 3.
- (7) If the driver’s work diary is an electronic work diary, the driver’s record keeper must maintain a

[s 41]

record of the information that is recorded in the work diary in a way complying with—	1 2
(a) if the Regulator has, when approving the electronic recording system constituting the work diary, or of which the work diary is a part, imposed any conditions in relation to the way information must be recorded in the work diary—those conditions; and	3 4 5 6 7 8
(b) the manufacturer’s instructions, if any, for recording information in the electronic work diary, to the extent the instructions are consistent with the conditions mentioned in paragraph (a).	9 10 11 12 13
Maximum penalty—\$1500.	14
<i>Note—</i>	15
The Regulator may impose conditions on the use of an electronic recording system under section 343.	16 17
(3) Section 341(8), (9) and (10), as renumbered, ‘or (5)’ (wherever appearing)—	18 19
<i>omit, insert—</i>	20
, (5) or (7)	21
Clause 41 Amendment of s 343 (Deciding application for approval)	22
(1) Section 343(2)(g) and (h)—	23
<i>renumber</i> as section 343(2)(h) and (i).	24
(2) Section 343(2)(f)—	25
<i>omit, insert—</i>	26
(f) is capable of enabling the driver of the fatigue-regulated heavy vehicle to which it or a part of it is fitted, or in which it or a part of it is used, to send information to the driver’s record keeper; and	27 28 29 30 31

	(g) has a mechanism that, at least once each day, readily indicates to the driver whether information has or has not been sent to the record keeper; and	1 2 3 4
Clause 42	Amendment of s 344 (Steps after decision to grant approval)	5 6
	Section 344(1)—	7
	<i>omit, insert—</i>	8
	(1) If the Regulator grants an approval under section 343, the Regulator must give the applicant a numbered certificate of approval.	9 10 11
Clause 43	Replacement of Pt 6.4, Div 7, Sdiv 2 (Provisions about electronic work diary labels)	12 13
	Subdivision 2 of Division 7 of Part 6.4—	14
	<i>omit, insert—</i>	15
	Subdivision 2 Using unapproved electronic recording system	16 17 18
	347 Prohibition on using electronic work diary if it is not, and is not a part of, an approved electronic recording system	19 20 21
	A person must not use as an electronic work diary for the purposes of this Law an electronic recording system constituting an electronic work diary, or of which an electronic work diary is a part, if the person knows, or ought reasonably to know, the electronic recording system is not an approved electronic recording system.	22 23 24 25 26 27 28
	Maximum penalty—\$10000.	29

[s 44]

Note—

See section 632 for the matters a court may consider
when deciding whether a person ought reasonably to
have known something.

**Clause 44 Amendment of s 355 (Requirements if approval
cancelled)**

(1) Section 355(2) and (3)—

omit, insert—

(2) If the electronic recording system constitutes an
electronic work diary, or if part of the electronic
recording system is an electronic work diary, the
holder of the approval must, within the period
stated by the Regulator in the notification,
remove any electronic message on the system's
visual display stating the system is or includes an
electronic work diary.

Maximum penalty—\$6000.

(3) The Regulator may, by notice, direct the holder
of the approval to give each person to whom the
holder has supplied an electronic recording
system the subject of the approval that constitutes
an electronic work diary, or of which an
electronic work diary is a part, a notice stating
that the approval has been cancelled.

(2) Section 355(6) and example—

omit, insert—

(6) If, under subsection (4), the holder of the
approval gives a person a notice that the approval
has been cancelled, the person must give a notice
to each other person to whom the person has
supplied an electronic recording system the
subject of the approval that constitutes an
electronic work diary, or of which an electronic
work diary is a part, stating that the approval has
been cancelled.

	<i>Example for the purposes of subsection (6)—</i>	1
	The holder of an approval is a service provider who has	2
	supplied to the operator of a fatigue-regulated heavy	3
	vehicle an approved electronic recording system	4
	constituting an electronic work diary or of which an	5
	electronic work diary is a part. If, under subsection (4),	6
	the service provider gives the operator a notice stating	7
	the approval has been cancelled, the operator must give	8
	the driver of the vehicle a notice stating the approval has	9
	been cancelled.	10
	Maximum penalty—\$6000.	11
(3)	Section 355(8)—	12
	<i>omit.</i>	13
(4)	Section 355(9)—	14
	<i>renumber</i> as section 355(8).	15
Clause 45	Replacement of s 458 (Regulator’s power to grant heavy vehicle accreditation)	16
	Section 458—	17
	<i>omit, insert—</i>	18
	458 Regulator’s power to grant heavy vehicle accreditation	19
	The Regulator may grant heavy vehicle	20
	accreditation.	21
		22
		23
Clause 46	Amendment of s 463 (Period for which heavy vehicle accreditation applies)	24
	Section 463, at the end—	25
	<i>insert—</i>	26
	(3) The maximum period for which the Regulator	27
	may grant heavy vehicle accreditation is 3 years.	28
		29

[s 47]

Clause 47	Amendment of s 494 (Definitions for Pt 9.2)	1
	Section 494(1), definition <i>relevant place</i> —	2
	<i>omit, insert</i> —	3
	<i>relevant place</i> means—	4
	(a) a place of business of a responsible person for a heavy vehicle; or	5 6
	(b) the relevant garage address of a heavy vehicle; or	7 8
	(c) the base of the driver or drivers of a heavy vehicle; or	9 10
	(d) a place where records required to be kept under this Law or a heavy vehicle accreditation are located or are required to be located under this Law or a heavy vehicle accreditation.	11 12 13 14 15
	<i>residence</i> , that is a relevant place, means a place or part of a place mentioned in the definition <i>relevant place</i> used predominantly for residential purposes.	16 17 18 19
Clause 48	Amendment of s 495 (Power to enter relevant place)	20
	Section 495(1)(b), after ‘the place is’—	21
	<i>insert</i> —	22
	not a residence and is	23
Clause 49	Amendment of s 497 (General power to enter places)	24
	Section 497(1)(d), after ‘place’—	25
	<i>insert</i> —	26
	other than a residence	27

Clause 50	Amendment of s 525 (Definitions for Div 6)	1
(1)	Section 525, definition <i>defective vehicle label</i> , paragraph (b)(i)—	2
	<i>omit, insert—</i>	3
	(i) the vehicle’s registration number or, if the vehicle is not registered, a vehicle identifier of the vehicle; and	4
(2)	Section 525, after definition <i>identification details—</i>	5
	<i>insert—</i>	6
	registration authority means an authority responsible for the registration of heavy vehicles.	7
	vehicle identifier means—	8
	(a) a VIN; or	9
	(b) engine number; or	10
	(c) chassis number; or	11
	(d) another identifying number issued by a registration authority.	12
	<i>Example—</i>	13
	an unregistered vehicle permit number	14
Clause 51	Amendment of s 526 (Issue of vehicle defect notice)	15
(1)	Section 526(2)(a), ‘a stated location in a stated way’—	16
	<i>omit, insert—</i>	17
	one or more stated locations in one or more stated ways	18
(2)	Section 526(5) to (8)—	19
	<i>omit.</i>	20

[s 52]

Clause 52	Amendment of s 527 (Requirements about vehicle defect notice)	1 2
(1)	Section 527(1)(b), ‘a location stated in the notice in a way stated in the notice’—	3 4
	<i>omit, insert—</i>	5
	one or more locations stated in the notice in one or more ways stated in the notice	6 7
(2)	Section 527(1)(e)—	8
	<i>omit, insert—</i>	9
	(e) details to identify the vehicle, including, for example—	10 11
	(i) the vehicle’s registration number, or if the vehicle is not registered, a vehicle identifier of the vehicle; or	12 13 14
	(ii) the vehicle’s make and category;	15
Clause 53	Amendment of s 528 (Defective vehicle labels)	16
	Section 528(4), ‘531(4)’—	17
	<i>omit, insert—</i>	18
	531(5)	19
Clause 54	Insertion of new s 528A	20
	After section 528—	21
	<i>insert—</i>	22
	528A Information not included in notice or label	23
(1)	This section applies to information required to be included—	24 25
	(a) in a defective vehicle label under section 525, definition <i>defective vehicle label</i> paragraph (b)(i); or	26 27 28

	(b) in a vehicle defect notice under section 527(1)(e).	1 2
	(2) The information need only be included if it is reasonably practicable and safe for the authorised officer to obtain the information.	3 4 5
Clause 55	Insertion of new ss 529A and 529B	6
	After section 529—	7
	<i>insert—</i>	8
	529A Permission by authorised officer to use vehicle the subject of a vehicle defect notice	9 10
	(1) An authorised officer may, on request made by the operator of a heavy vehicle that is the subject of a vehicle defect notice, give written permission for the vehicle to be used on a road during a period stated in the permission.	11 12 13 14 15
	(2) The authorised officer may only give the permission if the officer—	16 17
	(a) is satisfied—	18
	(i) that the vehicle will be used only for the purpose of driving the vehicle to and from a place where repairs are to be carried out; or	19 20 21 22
	(ii) that the relevant repairs have been carried out and the vehicle will be taken within the stated period to be inspected for the purpose of enabling the vehicle defect notice to be cleared under section 530; and	23 24 25 26 27 28
	(b) is satisfied that the request is necessary and reasonable; and	29 30
	(c) is satisfied that the use of the vehicle will not pose a safety risk.	31 32

[s 55]

- (3) For the purposes of subsection (2)(c), an authorised officer may require evidence of adequate repairs or other measures. 1
2
3
- (4) The permission is subject to conditions that— 4
 - (a) the use of the vehicle will be as mentioned in subsection (2)(a) and (c); and 5
6
 - (b) in relation to the use of the vehicle mentioned in subsection (2)(a)(i)—the vehicle will not be used to carry goods or passengers. 7
8
9
10
- (5) The authorised officer may also impose other reasonable conditions on the permission. 11
12
- (6) The use of the vehicle under the permission is not a contravention of the vehicle defect notice. 13
14
- (7) The use of a vehicle in contravention of a condition under subsection (4) or (5) is a contravention of the vehicle defect notice. 15
16
17

529B Permitted use of vehicle the subject of a vehicle defect notice without permission of authorised officer 18
19
20

- (1) A heavy vehicle that is the subject of a vehicle defect notice may be used on a road if— 21
22
 - (a) the relevant repairs have been carried out; and 23
24
 - (b) the vehicle is being taken to a place to be inspected for the purpose of enabling the vehicle defect notice to be cleared under section 530; and 25
26
27
28
 - (c) the vehicle is not carrying goods or passengers; and 29
30
 - (d) the use of the vehicle does not pose a safety risk. 31
32

-
- (2) An authorised officer may require a driver of the heavy vehicle to produce evidence of the relevant repairs to the authorised officer within a reasonable time, and in a reasonable way, stated by the officer.
- (3) Subsection (1) stops applying to the vehicle if the driver fails to comply with the requirement.
- (4) The use of the heavy vehicle under subsection (1) is not a contravention of the vehicle defect notice.

Clause 56 Amendment of s 531 (Amendment or withdrawal of vehicle defect notices)

- (1) Section 531(3), from ‘the Regulator’—
omit, insert—
—
(a) the Regulator; and
(b) one of the following—
 (i) the person to whom the vehicle defect notice was given;
 (ii) the person in charge of the vehicle;
 (iii) the registered operator;
 (iv) if the vehicle is not registered—an owner.
- (2) Section 531(4)—
renumber as section 531(5).
- (3) Section 531—
insert—
- (4) If the person given the notice of amendment or withdrawal is not the operator of the vehicle, the person must, as soon as reasonably practicable,

[s 57]

	give the notice to the operator.	1
	Maximum penalty—\$3000.	2
Clause 57	Amendment of s 590 (Formal warning)	3
	Section 590(3)—	4
	<i>omit, insert—</i>	5
	(3) However, a warning must not be given for—	6
	(a) a contravention of a mass, dimension or loading requirement constituting a substantial risk breach or severe risk breach;	7
	or	8
	(b) a contravention of a maximum work requirement or a minimum rest requirement constituting a substantial risk breach, severe risk breach or a critical risk breach.	9
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		14
Clause 58	Amendment of s 704 (Offence to falsely represent that heavy vehicle authority is held etc.)	15
	(1) Section 704(1)—	16
	<i>omit, insert—</i>	17
	(1) A person must not represent—	18
	(a) that the person has been granted a heavy vehicle authority the person has not been granted; or	19
		20
		21
		22
	(b) that a heavy vehicle authority has been granted in relation to a thing for which it has not been granted; or	23
		24
		25
	(c) that the person is operating under a heavy vehicle authority that the person is not entitled to operate under; or	26
		27
		28

	(d) that a thing is operating under a heavy vehicle authority that the thing is not authorised to operate under.	1 2 3
	Maximum penalty—\$10000.	4
(2)	Section 704(2), after ‘the person’— <i>insert</i> — or a thing	5 6 7
(3)	Section 704(3)(c), before ‘exemption’— <i>insert</i> — electronic recording system approval,	8 9 10
(4)	Section 704(4), definition <i>heavy vehicle authority</i> , paragraph (b), before ‘exemption’— <i>insert</i> — electronic recording system approval,	11 12 13 14
Clause 59	Amendment of s 725 (Documents produced by an electronic recording system)	15 16
(1)	Section 725(2)(a) and (b)— <i>renumber</i> as section 725(2)(b) and (c).	17 18
(2)	Section 725(2), as renumbered, before paragraph (b)— <i>insert</i> — (a) is presumed, unless the contrary is proved— (i) to have been properly made by the system; and (ii) to be a correct representation of the information generated, recorded, stored, displayed, analysed, transmitted and reported by the system; and	19 20 21 22 23 24 25 26 27

[s 60]

Clause 60	Amendment of s 727 (Definitions for Pt 13.4)	1
(1)	Section 727(1), after definition <i>authorised use</i> —	2
	<i>insert</i> —	3
	<i>driver fatigue compliance function</i> means a function exercised for the purpose of—	4
	(a) the administration or enforcement of a driver fatigue provision; or	5
	(b) education, evaluation and similar activities supporting administration or enforcement of a driver fatigue provision.	6
	<i>driver fatigue provision</i> means any of the following—	7
	(a) Chapter 6;	8
	(b) Chapter 8 to the extent the Chapter relates to BFM accreditation or AFM accreditation;	9
	(c) Division 8 of Part 9.3;	10
	(d) Chapter 9, other than Division 8 of Part 9.3, to the extent the Chapter applies to the enforcement of provisions mentioned in paragraphs (a) and (b).	11
	<i>electronic work diary authorised use</i> , for electronic work diary protected information, means—	12
	(a) use by a person—	13
	(i) in the exercise of a driver fatigue compliance function; or	14
	(ii) not in the exercise of a driver fatigue compliance function but authorised under a warrant mentioned in section 729B; or	15
	(b) use by a person in the exercise of a function under another law if a warrant issued by a judge or magistrate under the other law or a	16
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- different law authorises or permits the use of the information by the person; or 1
2
- (c) use by a court or tribunal in a proceeding under an Australian road law; or 3
4
- (d) use by a court or tribunal if an order of the court or tribunal requires the disclosure of the information to the court or tribunal; or 5
6
7
- (e) research purposes if the information contains no personal information; or 8
9
- (f) use prescribed by the national regulations; or 10
11
- (g) use referred to in subsection (3). 12
- electronic work diary information*** means 13
information generated, recorded, stored, 14
displayed, analysed, transmitted or reported by 15
an approved electronic recording system that 16
constitutes an electronic work diary, or of which 17
an electronic work diary is a part. 18
- electronic work diary protected information***— 19
- (a) means electronic work diary information; 20
but 21
- (b) does not include the following— 22
- (i) information obtained, collected or 23
recorded other than for the purposes of 24
Chapter 6 of this Law, even if the 25
information is— 26
- (A) coincidentally relevant for a 27
purpose under Chapter 6; and 28
- (B) recorded in an electronic work 29
diary; or 30
- (ii) information relating to proceedings 31
before a relevant tribunal or court that 32
are or were open to the public. 33

[s 60]

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|-----|---|--|
| (2) | Section 727(1), definition <i>protected information</i> , paragraph (b)(iii), ‘the public.’— | 1
2 |
| | <i>omit, insert—</i> | 3 |
| | the public; or | 4 |
| (3) | Section 727(1), definition <i>protected information</i> , after paragraph (b)(iii)— | 5
6 |
| | <i>insert—</i> | 7 |
| | (iv) electronic work diary protected information. | 8
9 |
| (4) | Section 727(2), ‘use of’— | 10 |
| | <i>omit, insert—</i> | 11 |
| | use, for | 12 |
| (5) | Section 727(2), ‘particular purpose’— | 13 |
| | <i>omit, insert—</i> | 14 |
| | particular purpose, | 15 |
| (6) | Section 727(3)— | 16 |
| | <i>renumber</i> as section 727(4). | 17 |
| (7) | Section 727, after subsection (2)— | 18 |
| | <i>insert—</i> | 19 |
| | (3) It is also an authorised use, for electronic work diary protected information disclosed to or otherwise held by a police agency for the purpose of the exercise of a driver fatigue compliance function, to disclose the information to another police agency authorised to hold electronic work diary protected information for the purpose of the exercise of a driver fatigue compliance function. | 20
21
22
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27 |
| (8) | Section 727(4), as renumbered, after ‘protected information’— | 28
29 |
| | <i>insert—</i> | 30 |
| | or electronic work diary protected information | 31 |

Clause 61	Amendment of s 728 (Duty of confidentiality)	1
	Section 728, heading, at the end—	2
	<i>insert—</i>	3
	for protected information	4
Clause 62	Insertion of new s 728A	5
	After section 728—	6
	<i>insert—</i>	7
	728A Duty of confidentiality for electronic work diary protected information	8
		9
	(1) A person who is, or has been, a person exercising functions under this Law must not disclose electronic work diary protected information to another person.	10
		11
		12
		13
	Maximum penalty—\$20000.	14
	(2) Subsection (1) does not apply if—	15
	(a) the disclosure is to an entity for an electronic work diary authorised use; or	16
		17
	(b) the disclosure is to, or made with the agreement of, the person to whom the information relates.	18
		19
		20
Clause 63	Insertion of new ss 729A and 729B	21
	Part 13.4, after section 729—	22
	<i>insert—</i>	23
	729A Electronic work diary protected information only to be used for electronic work diary authorised use	24
		25
		26
	(1) A person who is, or has been, a person exercising functions under this Law must not use electronic work diary protected information other than for an electronic work diary authorised use.	27
		28
		29
		30

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	Maximum penalty—\$20000.	1
(2)	A person to whom electronic work diary protected information is disclosed under section 728A(2)(a) must not use the information other than for the electronic work diary authorised use for which it was disclosed to the person.	2 3 4 5 6
	Maximum penalty—\$20000.	7
	729B Warrant authorising use of electronic work diary protected information	8 9
(1)	A warrant issued under section 507 by an authorised warrant official who is a judge or magistrate may authorise electronic work diary protected information to be seized under the warrant.	10 11 12 13 14
(2)	The warrant must state the purpose for which the information may be used.	15 16
(3)	An authorised officer may apply for, and the authorised warrant official who is a judge or magistrate may issue, the warrant for entry of a vehicle at a place stated in the warrant or, despite sections 506(1) and 507(2)(a), wherever the vehicle is located.	17 18 19 20 21 22
(4)	Chapter 9 does not authorise an authorised officer to obtain electronic work diary protected information for a purpose other than the enforcement of a driver fatigue provision unless the information is authorised to be seized under a warrant mentioned in subsection (1).	23 24 25 26 27 28
Clause 64	Amendment of s 748 (General savings and transitional provision)	29 30
	Section 748, at the end—	31
	<i>insert—</i>	32

(8)	The national regulations may provide for, and from commencement day could always provide for—	1 2 3
(a)	the issue of mass or dimension authorities or HML declarations in replacement of instruments or authorisations preserved under subsection (2), without further procedural requirements under the Law; and	4 5 6 7 8
(b)	the further preservation of anything not covered by the replacement.	9 10
(9)	In this section—	11
	<i>HML declarations</i> means HML declarations under the <i>Heavy Vehicle (Mass, Dimension and Loading) National Regulation</i> .	12 13 14
Clause 65	Insertion of new Part 14.3	15
	Chapter 14, after Part 14.2—	16
	<i>insert—</i>	17
	Part 14.3	18
	Heavy Vehicle National Law Amendment Act 2015 (Queensland)	19 20
	756 Application of s 87A to previously fitted plate or label	21 22
	Section 87A applies to tampering with a plate or label fitted or affixed to a heavy vehicle under section 86(2) or 87(3) before the commencement of section 87A.	23 24 25 26
	757 Saving of stated map and other matters under s 119 or 142	27 28
(1)	Subsections (2) to (5) apply to the following—	29

[s 65]

- (a) a stated map applied under unamended section 119(2) in a mass or dimension exemption (notice) in existence immediately before the commencement; 1
2
3
4
- (b) the areas or routes shown on the stated map immediately before the commencement; 5
6
- (c) a list of areas or routes applied, adopted or incorporated under Schedule 1, section 24(1) in a mass or dimension exemption (notice) in existence immediately before the commencement; 7
8
9
10
11
- (d) road conditions or travel conditions shown on a stated map or list mentioned in paragraph (a) or (c). 12
13
14
- (2) The stated map is taken to be a stated map applied under amended section 119(2). 15
16
- (3) The list of areas or routes is taken to be a stated list applied under amended section 119(2). 17
18
- (4) The road conditions or travel conditions are taken to be imposed under amended section 119(3). 19
20
- (5) The areas, routes, road conditions and travel conditions shown on the stated map mentioned in subsection (2) or stated list mentioned in subsection (3) may only be amended under amended section 119 and section 119A. 21
22
23
24
25
- (6) Subsections (7) to (10) apply to the following— 26
 - (a) a stated map applied under unamended section 142(2) in a class 2 heavy vehicle authorisation (notice) in existence immediately before the commencement; 27
28
29
30
 - (b) the areas or routes shown on the stated map immediately before the commencement; 31
32
 - (c) a list of areas or routes applied, adopted or incorporated under Schedule 1, section 24(1) in a class 2 heavy vehicle 33
34
35

-
- authorisation (notice) in existence 1
immediately before the commencement; 2
- (d) road conditions or travel conditions shown 3
on a stated map or list mentioned in 4
paragraph (a) or (c). 5
- (7) The stated map is taken to be a stated map 6
applied under amended section 142(2). 7
- (8) The list of areas or routes is taken to be a stated 8
list applied under amended section 142(2). 9
- (9) The road conditions or travel conditions are taken 10
to be imposed under amended section 142(3). 11
- (10) The areas, routes, road conditions and travel 12
conditions shown on the stated map mentioned in 13
subsection (7) or the stated list mentioned in 14
subsection (8) may only be amended under 15
amended section 142 and section 142A. 16
- (11) In this section— 17
- amended***, in relation to a section, means the 18
section as amended by the amendment Act. 19
- amendment Act*** means the *Heavy Vehicle* 20
National Law Amendment Act 2015 21
(Queensland). 22
- commencement*** means— 23
- (a) for the purposes of subsection (1)—the 24
commencement of the amendment of 25
section 119 under the amendment Act; or 26
- (b) for the purposes of subsection (6)—the 27
commencement of the amendment of 28
section 142 under the amendment Act. 29
- road conditions*** means road conditions required 30
by the relevant road manager under section 160. 31
- travel conditions*** means travel conditions 32
required by the relevant road manager under 33
section 161. 34

[s 65]

unamended, in relation to a section, means the section as it existed immediately before it was amended by the amendment Act.

- 758 Application of s 737 to a new penalty**
- (1) The repeal of an old penalty by the amendment Act repeals any increase, in force immediately before the repeal, in the amount of penalty applying under section 737.
 - (2) The enactment of a new penalty includes the enactment of an increase, to take effect immediately on the commencement of the new penalty, in the amount of penalty applying under section 737.
 - (3) For the purpose of applying section 737 under subsection (2) to a new penalty, the amount of penalty applying under section 737 is to be calculated as if—
 - (a) the new penalty had commenced before 1 July 2014; and
 - (b) the amount of penalty applying had been increased under section 737(2) on 1 July 2014 and any later 1 July happening before the new penalty actually commences.
 - (4) Before the commencement of the new penalties, the Regulator must publish on the Regulator’s website the amounts of each penalty applying under subsections (2) and (3) and under section 737 on the commencement of the new penalties.

Note—
A list of all penalties to which section 737 applies must be published.
 - (5) In this section—

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- (6) Schedule 4, before the entry for section 729, in the columns 1
indicated— 2
insert— 3

<i>(column 1)</i>	<i>(column 2)</i>	<i>(column 3)</i>
728A	728A(1)	---

- (7) Schedule 4, after the entry for section 729, in the columns 4
indicated— 5
insert— 6

<i>(column 1)</i>	<i>(column 2)</i>	<i>(column 3)</i>
729A	729A(1), 729A(2)	---

Clause 67 **Amendment of penalties** 7

The maximum penalty at the foot of each provision mentioned in 8
column 1 of the schedule is amended by omitting the amount 9
mentioned in column 2 of the schedule and inserting the amount 10
mentioned in column 3 of the schedule. 11

Schedule	Amendment of penalties	1
	section 67	2

Column 1 Provision	Column 2 Omitted penalty	Column 3 Inserted penalty
section 81(1)	\$3000	\$4000
section 81(2)	\$3000	\$4000
section 81(3)	\$3000	\$4000
section 208(1)	\$4000	\$6000
section 213	\$6000	\$10000
section 233(1)	\$6000	\$10000
section 297(2)	\$3000	\$6000
section 309(2)	\$6000	\$3000
section 412	\$6000	\$20000
section 416	\$6000	\$20000
section 428	\$6000	\$20000
section 432	\$6000	\$20000
section 442	\$6000	\$20000
section 446	\$6000	\$20000
section 488	\$3000	\$4000
section 529	\$3000	\$6000