

South Australia

## **Heavy Vehicle National Law (South Australia) (Savings, Transitional and Declaratory) Regulations 2013**

under the *Heavy Vehicle National Law (South Australia) Act 2013*

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### **Part 1—Preliminary**

#### **1—Short title**

These regulations may be cited as the *Heavy Vehicle National Law (South Australia) (Savings, Transitional and Declaratory) Regulations 2013*.

#### **2—Commencement**

These regulations will come into operation on the day on which Part 4 of the *Heavy Vehicle National Law (South Australia) Act 2013* comes into operation.

#### **3—Interpretation**

- (1) In these regulations, unless the contrary intention appears—
  - Act* means the *Heavy Vehicle National Law (South Australia) Act 2013*;
  - general savings and transitional provision* means section 748 of the Law;
  - Law* means the *Heavy Vehicle National Law (South Australia)*;
  - Road Traffic Act* means the *Road Traffic Act 1961*.
- (2) In these regulations, the *commencement day*—
  - (a) for the purposes of regulation 4—means the day on which South Australia becomes a participating jurisdiction in relation to Chapter 14 of the Law; and

- (b) for any other purpose—means the day on which these regulations come into operation.

## **Part 2—Declaratory regulation**

### **4—Exemptions from heavy vehicle standards**

- (1) This is a declaratory regulation.
- (2) It is declared that, for the purposes of the general savings and transitional provision, sections 61 and 68 of the Law correspond to section 163AA of the Road Traffic Act.
- (3) Accordingly, an exemption of the Minister under section 163AA of the Road Traffic Act that has not been revoked before the commencement day—
  - (a) will be taken to be an exemption under the Law for the purposes of the Law subject to such conditions and limitations (if any) specified in the instrument or notice of exemption; and
  - (b) will expire 5 years after the commencement day in accordance with section 749 of the Law.

## **Part 3—Savings and transitional regulations**

### **5—Continuation of approved modifications of heavy vehicles**

A modification of a heavy vehicle that has been approved under the Road Traffic Act as a condition of an exemption under section 163AA of that Act that has not been revoked before the commencement day will, for the purposes of the Law, be taken to be a modification approved in respect of the heavy vehicle under Chapter 3 Part 3 of the Law.

### **6—Exemptions from scheme for management of fatigue in drivers of heavy vehicles**

A notice under regulation 86 of the *Road Traffic (Heavy Vehicle Driver Fatigue) Regulations 2008* that has not been revoked before the commencement day declaring that those regulations, or specified provisions of those regulations, do not apply to, or in relation to, the use of heavy vehicles of a specified class in the circumstances specified in the notice—

- (a) will, for the purposes of the Law, continue in accordance with the terms specified in the notice; and
- (b) will expire 3 years after the commencement day.

#### **Note—**

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

**Made by the Governor**

with the advice and consent of the Executive Council  
on 19 December 2013

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