

South Australia

Heavy Vehicle National Law (South Australia) (Amendment of Law No 3) Regulations 2017

under section 5 of the *Heavy Vehicle National Law (South Australia) Act 2013*

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Preamble

- 1 Section 5 of the *Heavy Vehicle National Law (South Australia) Act 2013* provides that if—
- (a) the Parliament of Queensland enacts an amendment to the *Heavy Vehicle National Law* set out in the Schedule to the *Heavy Vehicle National Law Act 2012* of Queensland (the *Queensland Act*); and
 - (b) the Governor is satisfied that an amendment that corresponds, or substantially corresponds, to the amendment made by the Parliament of Queensland should be made to the *Heavy Vehicle National Law (South Australia)*,
- the Governor may, by regulation, amend the South Australian Heavy Vehicle National Law text.
- 2 The Parliament of Queensland has enacted the *Heavy Vehicle National Law and Other Legislation Amendment Act 2016* to amend the Queensland Act and the Governor is satisfied that the amendments corresponding to the Queensland amendments set out in Part 2 of these regulations should be made to the South Australian Heavy Vehicle National Law text.
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Part 1—Preliminary

1—Short title

These regulations may be cited as the *Heavy Vehicle National Law (South Australia) (Amendment of Law No 3) Regulations 2017*.

2—Commencement

These regulations will come into operation on 1 July 2017.

3—Interpretation

In these regulations—

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

4—Amendment provision

Pursuant to section 5 of the Act, the *Heavy Vehicle National Law (South Australia)* is amended as specified in Part 2 of these regulations.

Part 2—Amendment of Heavy Vehicle National Law (South Australia)

5—Amendment of section 5—Definitions

- (1) Section 5, definition of *intelligent access agreement*—delete the definition and substitute:

intelligent access program agreement, for the purposes of Chapter 7, has the meaning given by section 403;
- (2) Section 5, definition of *intelligent access audit*—delete the definition and substitute:

intelligent access program audit, for the purposes of Chapter 7, has the meaning given by section 403;
- (3) Section 5, definition of *intelligent access auditor*—delete the definition and substitute:

intelligent access program auditor means a person engaged by TCA for auditing activities conducted by intelligent access program service providers;
- (4) Section 5, definition of *intelligent access conditions*—delete the definition and substitute:

intelligent access program conditions has the same meaning given by section 402;
- (5) Section 5, definition of *intelligent access information*—delete the definition and substitute:

intelligent access program information, for the purposes of Chapter 7, has the meaning given by section 403;
- (6) Section 5, definition of *intelligent access reporting entity*—delete the definition and substitute:

intelligent access program reporting entity, for the purposes of Chapter 6, has the meaning given by section 221;
- (7) Section 5, definition of *intelligent access service provider*—delete the definition and substitute:

intelligent access service provider has the meaning given by section 403;
- (8) Section 5, definition of *intelligent access vehicle*—delete the definition and substitute:

intelligent access program vehicle, for the purposes of Chapter 7, has the meaning given by section 403;
- (9) Section 5—after the definition of *public authority* insert:

public notice means a notice—

 - (a) in the Commonwealth Gazette; and
 - (b) on the Regulator’s website; and
 - (c) if the Regulator considers it appropriate—in another way, including, for example, in a national newspaper;

6—Amendment of section 45—Amendment or cancellation of registration exemption

- (1) Section 45(3)—delete "notice in the Commonwealth Gazette, in a newspaper circulating generally throughout each participating jurisdiction and on the Regulator's website" and substitute:

public notice

- (2) Section 45(5)—delete subsection (5) and substitute:

(5) The Regulator must publish a public notice of the amendment or cancellation.

- (3) Section 45(6)(a)—delete paragraph (a) and substitute:

(a) 28 days after the Commonwealth Gazette notice is published under subsection (5); or

7—Amendment of section 46—Immediate suspension

- (1) Section 46(2) and (3)—delete subsections (2) and (3) and substitute:

(2) The Regulator may, by public notice, immediately suspend the exemption until the earliest of the following:

- (a) the end of 56 days after the day the public notice is published;
- (b) the Regulator publishes a notice under section 45(5) and the amendment or cancellation takes effect under section 45(6);
- (c) the Regulator cancels the suspension by public notice.

- (2) Section 46(6)—delete subsection (6)

8—Amendment of section 66—Amendment or cancellation of vehicle standards exemption (notice)

- (1) Section 66(3)—delete "notice in the Commonwealth Gazette, in a newspaper circulating generally throughout each participating jurisdiction and on the Regulator's website" and substitute:

public notice

- (2) Section 66(5)—delete subsection (5) and substitute:

(5) The Regulator must publish a public notice of the amendment or cancellation.

- (3) Section 66(6)(a)—delete paragraph (a) and substitute:

(a) 28 days after the Commonwealth Gazette notice is published under subsection (5); or

9—Amendment of section 67—Immediate suspension on Regulator's initiative

Section 67(2) and (3)—delete subsections (2) and (3) and substitute:

- (2) The Regulator may, by public notice, immediately suspend the exemption until the earliest of the following:
 - (a) the end of 56 days after the day the public notice is published;
 - (b) the Regulator publishes a notice under section 66(5) and the amendment or cancellation takes effect under section 66(6);
 - (c) the Regulator cancels the suspension by public notice.

10—Amendment of section 119—Conditions of mass or dimension exemption (notice)

Section 119(1)(d)(ii)—delete "intelligent access conditions" and substitute:

intelligent access program conditions

11—Amendment of section 125—Conditions of mass or dimension exemption (permit)

Section 125(1)(d)(ii)—delete "intelligent access conditions" and substitute:

intelligent access program conditions

12—Amendment of section 146—Conditions of a class 2 heavy vehicle authorisation (permit)

Section 146(b)(ii)—delete "intelligent access conditions" and substitute:

intelligent access program conditions

13—Amendment of section 154—Definitions for Chapter 4 Part 7

Section 154, definition of *road condition*, (b)—delete "intelligent access condition" and substitute:

intelligent access program condition

14—Amendment of section 173—Amendment or cancellation on Regulator's initiative

- (1) Section 173(3)—delete "notice in the Commonwealth Gazette, in a newspaper circulating generally throughout each relevant participating jurisdiction and on the Regulator's website" and substitute:

public notice
- (2) Section 173(5)—delete subsection (5) and substitute:
 - (5) The Regulator must publish a public notice of the amendment or cancellation.
- (3) Section 173(7)—delete subsection (7)

15—Amendment of section 174—Amendment or cancellation on request by relevant road manager

- (1) Section 174(2)(a)—before subparagraph (i) insert:
 - (ia) amending the category of vehicle to which the authority applies; or
 - (ib) amending the type of load that may be carried by vehicles to which the authority applies; or
- (2) Section 174(5)—delete subsection (5) and substitute:
 - (5) The Regulator must publish a public notice of the amendment or cancellation.
- (3) Section 174(7)—delete subsection (7)

16—Amendment of section 175—Immediate suspension

- (1) Section 175(2) and (3)—delete subsections (2) and (3) and substitute:
 - (2) The Regulator may, by public notice, immediately suspend the authority until the earliest of the following:
 - (a) the end of 56 days after the day the public notice is published;
 - (b) the Regulator publishes a notice under section 173(5) or 174(5) and the amendment or cancellation takes effect under section 173(6) or 174(6);
 - (c) the Regulator cancels the suspension by public notice.
- (2) Section 175(6)—delete subsection (6)

17—Insertion of section 175A

After section 175 insert:

175A—Minor amendment

- (1) The Regulator may amend a mass or dimension authority, granted by Commonwealth Gazette notice, in a minor respect—
 - (a) for a formal or clerical reason; or
 - (b) in another way that does not adversely affect the interests of a person who is operating under the authority.
- (2) The Regulator must publish a public notice of the amendment.

18—Amendment of section 176—Amendment or cancellation on application by permit holder

- (1) Section 176(6)—after paragraph (c) insert:

and

 - (d) if the authority is amended to change the vehicle to which the authority applies to an equivalent vehicle, the Regulator must give notice of the amendment to the relevant road manager within 28 days after the authority is amended.

(2) Section 176—after subsection (7) insert:

(8) In this section—

equivalent vehicle, of another vehicle, means a vehicle that—

- (a) is of the same category as the other vehicle; and
- (b) has mass requirements that are no more than the mass requirements applying to the other vehicle; and
- (c) has dimension requirements that are no more than the dimension requirements applying to the other vehicle; and
- (d) poses no greater public risk than the other vehicle.

19—Amendment of section 180—Minor amendment of permit for a mass or dimension authority

Section 180(2)—delete subsection (2) and substitute:

- (2) The Regulator must give notice of the amendment to the relevant road manager—
 - (a) if the authority is amended for a formal or clerical reason—within 28 days after the authority is amended; or
 - (b) if the authority is amended in another way—as soon as practicable, but no later than 7 days, after the authority is amended.

20—Amendment of section 221—Definitions for Chapter 6

Section 221, definition of *intelligent access reporting entity*—delete the definition and substitute:

intelligent access program reporting entity, for an approved intelligent transport system, means a person on whom there is an obligation, imposed by Chapter 7, to report a malfunction of or tampering with the system to the Regulator;

21—Amendment of section 271—Amendment or cancellation of work and rest hours exemption (notice)

(1) Section 271(3)—delete "notice in the Commonwealth Gazette, in a newspaper circulating generally throughout each participating jurisdiction and on the Regulator's website" and substitute:

public notice

(2) Section 271(5)—delete subsection (5) and substitute:

(5) The Regulator must publish a public notice of the amendment or cancellation.

(3) Section 271(6)(a)—delete paragraph (a) and substitute:

(a) 28 days after the Commonwealth Gazette notice is published under subsection (5); or

22—Amendment of section 272—Immediate suspension

- (1) Section 272(2) and (3)—delete subsections (2) and (3) and substitute:
 - (2) The Regulator may, by public notice, immediately suspend the exemption until the earliest of the following:
 - (a) the end of 56 days after the day the public notice is published;
 - (b) the Regulator publishes a notice under section 271(5) and the amendment or cancellation takes effect under section 271(6);
 - (c) the Regulator cancels the suspension by public notice.
- (2) Section 272(6)—delete subsection (6)

23—Amendment of section 310—Intelligent access program reporting entity must notify record keeper if approved electronic recording system malfunctioning

Section 310—delete "intelligent access reporting entity" wherever occurring and substitute in each case:

intelligent access program reporting entity

24—Amendment of section 313—What record keeper must do if electronic work diary not in working order or malfunctioning

Section 313(1)(c) note—delete "intelligent access reporting entity" and substitute:

intelligent access program reporting entity

25—Amendment of section 337—Intelligent access program reporting entity must not permit tampering with approved electronic recording system

Section 337(2)—delete "intelligent access reporting entity" and substitute:

intelligent access program reporting entity

26—Amendment of section 362—Amendment or cancellation of work diary exemption (notice)

- (1) Section 362(3)—delete "notice in the Commonwealth Gazette, in a newspaper circulating generally throughout each relevant participating jurisdiction and on the Regulator's website" and substitute:

public notice
- (2) Section 362(5)—delete subsection (5) and substitute:
 - (5) The Regulator must publish a public notice of the amendment or cancellation.
- (3) Section 362(7)—delete subsection (7)

27—Amendment of section 382—Amendment or cancellation of fatigue record keeping exemption (notice)

- (1) Section 382(3)—delete "notice in the Commonwealth Gazette, in a newspaper circulating generally throughout each relevant participating jurisdiction and on the Regulator's website" and substitute:

public notice

- (2) Section 382(5)—delete subsection (5) and substitute:

(5) The Regulator must publish a public notice of the amendment or cancellation.

- (3) Section 382(7)—delete subsection (7)

28—Amendment of section 400—Main purposes of Chapter 7

- (1) Section 400—delete "intelligent access information" wherever occurring and substitute in each case:

intelligent access program information

- (2) Section 400(1)(a)—delete "intelligent access conditions" and substitute:

intelligent access program conditions

- (3) Section 400(2)(a)—delete "intelligent access vehicles" and substitute:

intelligent access program vehicles

- (4) Section 400(2)(d)—delete "intelligent access service providers" and substitute:

intelligent access program service providers

29—Amendment of section 402—Application of Chapter 7

- (1) Section 402—delete "intelligent access conditions" wherever occurring and substitute in each case:

intelligent access program conditions

- (2) Section 402—delete "intelligent access service provider" wherever occurring and substitute in each case:

intelligent access program service provider

30—Amendment of section 403—Definitions for Chapter 7

- (1) Section 403, definition of *approved intelligent transport system* delete the definition and substitute:

approved intelligent transport system means an intelligent transport system approved by TCA, for the purposes of the Intelligent Access Program, for use by an intelligent access program service provider to monitor the relevant monitoring matters for an intelligent access program vehicle;

- (2) Section 403, definition of *intelligent access agreement*—delete the definition and substitute:

intelligent access program agreement, means an agreement between the operator of a heavy vehicle and an intelligent access program service provider under which the service provider agrees to monitor, by using an approved intelligent transport system, the relevant monitoring matters for the vehicle;

- (3) Section 403, definition of *intelligent access audit*—delete the definition and substitute:

intelligent access program audit means the process of doing 1 or more of the following:

- (a) reviewing intelligent access program information held by an intelligent access program service provider to assess whether the information is accurate, complete and up to date;
- (b) reviewing the processes by which intelligent access program information held by an intelligent access program service provider is generated, recorded, stored, displayed, analysed, transmitted and reported;
- (c) examining how intelligent access program information held by an intelligent access program service provider is used and disclosed by the service provider;
- (d) examining an approved intelligent transport system;

- (4) Section 403, definition of *intelligent access conditions*—delete the definition and substitute:

intelligent access program conditions has the meaning given by section 402;

- (5) Section 403, definition of *intelligent access information*—delete the definition and substitute:

intelligent access program information means information generated, recorded, stored, displayed, analysed, transmitted or reported by an approved intelligent transport system for any purpose relating to the Intelligent Access Program;

- (6) Section 403, definition of *intelligent access service provider*—delete the definition and substitute:

intelligent access program service provider means a person certified by TCA as a service provider for monitoring, by using an approved intelligent transport system, the relevant monitoring matters for an intelligent access program vehicle;

- (7) Section 403, definition of *intelligent access vehicle*—delete the definition and substitute:

intelligent access program vehicle means a heavy vehicle—

- (a) for which a mass or dimension exemption is in force with intelligent access program conditions (as referred to in section 402(1)); or
- (b) for which an HML authority is in force with intelligent access program conditions (as referred to in section 402(2));

- (8) Section 403, definition of *noncompliance report*, (a)—delete "intelligent access vehicle" and substitute:

intelligent access program vehicle

- (9) Section 403, definition of *relevant contravention*—delete "intelligent access vehicle" wherever occurring and substitute in each case:

intelligent access program vehicle

31—Amendment of heading to Chapter 7 Part 2

Heading to Chapter 7 Part 2—delete "**intelligent access vehicles**" and substitute:

intelligent access program vehicles

32—Amendment of section 404—Offence to give false or misleading information to intelligent access program service provider

- (1) Section 404—delete "intelligent access agreement" wherever occurring and substitute in each case:

intelligent access program agreement

- (2) Section 404—delete "intelligent access service provider" wherever occurring and substitute in each case:

intelligent access program service provider

- (3) Section 404—delete "intelligent access vehicle" wherever occurring and substitute in each case:

intelligent access program vehicle

- (4) Section 404(3)—delete "intelligent access conditions" and substitute:

intelligent access program conditions

33—Amendment of section 405—Advising vehicle driver of collection of information by intelligent access program service provider

- (1) Section 405—delete "intelligent access service provider" wherever occurring and substitute in each case:

intelligent access program service provider

- (2) Section 405—delete "intelligent access vehicle" wherever occurring and substitute in each case:

intelligent access program vehicle

- (3) Section 405(2)—delete "intelligent access vehicle's" wherever occurring and substitute in each case:

intelligent access program vehicle's

34—Amendment of section 406—Reporting system malfunctions to Regulator

Section 406(1)—delete "intelligent access vehicle" and substitute:

intelligent access program vehicle

35—Amendment of section 407—Advising driver of driver's obligations about reporting system malfunctions

Section 407—delete "intelligent access vehicle" wherever occurring and substitute in each case:

intelligent access program vehicle

36—Amendment of heading to Chapter 7 Part 3

Heading to Chapter 7 Part 3—delete "intelligent access vehicles" and substitute:

intelligent access program vehicles

37—Amendment of section 408—Reporting system malfunctions to operator

Section 408(1)—delete "intelligent access vehicle" and substitute:

intelligent access program vehicle

38—Amendment of heading to Chapter 7 Part 4

Heading to Chapter 7 Part 4—delete "intelligent access service providers" and substitute:

intelligent access program service providers

39—Amendment of section 409—Powers to collect and hold intelligent access program information

(1) Section 409—delete "intelligent access information" and substitute:

intelligent access program information

(2) Section 409—delete "intelligent access service provider" and substitute:

intelligent access program service provider

(3) Section 409—delete "intelligent access vehicle" and substitute:

intelligent access program vehicle

40—Amendment of section 410—Collecting intelligent access program information

(1) Section 410—delete "intelligent access information" wherever occurring and substitute in each case:

intelligent access program information

(2) Section 410—delete "intelligent access service provider" wherever occurring and substitute in each case:

intelligent access program service provider

41—Amendment of section 411—Keeping records of intelligent access program information collected

(1) Section 411(1)—delete "intelligent access information" and substitute:

intelligent access program information

(2) Section 411(1)—delete "intelligent access service provider" and substitute:
intelligent access program service provider

(3) Section 411(2)—delete "intelligent access auditor" and substitute:
intelligent access program auditor

42—Amendment of section 412—Protecting intelligent access program information

(1) Section 412—delete "intelligent access information" and substitute:
intelligent access program information

(2) Section 412—delete "intelligent access service provider" and substitute:
intelligent access program service provider

43—Amendment of section 413—Making individuals aware of personal information held

Section 413—delete "intelligent access service provider" wherever occurring and substitute in each case:

intelligent access program service provider

44—Amendment of section 414—Giving individuals access to their personal information

Section 414—delete "intelligent access service provider" wherever occurring and substitute in each case:

intelligent access program service provider

45—Amendment of section 415—Correcting errors etc

Section 415—delete "intelligent access service provider" wherever occurring and substitute in each case:

intelligent access program service provider

46—Amendment of section 416—General restriction on use and disclosure of intelligent access program information

(1) Section 416—delete "intelligent access information" and substitute:
intelligent access program information

(2) Section 416—delete "intelligent access service provider" and substitute:
intelligent access program service provider

47—Amendment of section 417—Giving intelligent access program auditor access to records

(1) Section 417—delete "intelligent access auditor" and substitute:
intelligent access program auditor

(2) Section 417—delete "intelligent access service provider" and substitute:
intelligent access program service provider

48—Amendment of section 418—Power to use and disclose intelligent access program information

- (1) Section 418—delete "intelligent access information" wherever occurring and substitute in each case:

intelligent access program information
- (2) Section 418—delete "intelligent access service provider" wherever occurring and substitute in each case:

intelligent access program service provider
- (3) Section 418—delete "intelligent access vehicle" wherever occurring and substitute in each case:

intelligent access program vehicle

49—Amendment of section 419—Keeping record of use or disclosure of intelligent access program information

- (1) Section 419—delete "intelligent access information" wherever occurring and substitute in each case:

intelligent access program information
- (2) Section 419—delete "intelligent access service provider" wherever occurring and substitute in each case:

intelligent access program service provider
- (3) Section 419(1)(b)—delete "intelligent access auditor" and substitute:

intelligent access program auditor
- (4) Section 419(2)(a)—delete "intelligent access service provider's" and substitute:

intelligent access program service provider's

50—Amendment of section 420—Keeping noncompliance report

- Section 420—delete "intelligent access service provider" wherever occurring and substitute in each case:

intelligent access program service provider

51—Amendment of section 421—Destroying intelligent access program information etc

- (1) Section 421(1)—delete "intelligent access service provider" and substitute:

intelligent access program service provider
- (2) Section 421(1)(a)—delete "intelligent access information" and substitute:

intelligent access program information

52—Amendment of section 422—Reporting relevant contraventions to Regulator

- (1) Section 422—delete "intelligent access service provider" wherever occurring and substitute in each case:

intelligent access program service provider

- (2) Section 422—delete "intelligent access vehicle" wherever occurring and substitute in each case:

intelligent access program vehicle

53—Amendment of section 423—Reporting tampering or suspected tampering with approved intelligent transport system

- (1) Section 423—delete "intelligent access service provider" wherever occurring and substitute in each case:

intelligent access program service provider

- (2) Section 423(4)—delete "intelligent access vehicle" and substitute:

intelligent access program vehicle

54—Amendment of section 424—Restriction on disclosing information about tampering or suspected tampering with approved intelligent transport system

Section 424—delete "intelligent access service provider" wherever occurring and substitute in each case:

intelligent access program service provider

55—Amendment of section 425—Functions of TCA

- (1) Section 425—delete "intelligent access service providers" wherever occurring and substitute in each case:

intelligent access program service providers

- (2) Section 425(1)(a)—delete "intelligent access vehicle" and substitute:

intelligent access program vehicle

56—Amendment of section 426—Powers to collect and hold intelligent access program information

Section 426—delete "intelligent access information" and substitute:

intelligent access program information

57—Amendment of section 427—Collecting intelligent access program information

Section 427—delete "intelligent access information" wherever occurring and substitute in each case:

intelligent access program information

58—Amendment of section 428—Protecting intelligent access program information collected

Section 428—delete "intelligent access information" and substitute:

intelligent access program information

59—Amendment of section 432—General restriction on use and disclosure of intelligent access program information

Section 432—delete "intelligent access information" and substitute:

intelligent access program information

60—Amendment of section 433—Powers to use and disclose intelligent access program information

- (1) Section 433—delete "intelligent access information" wherever occurring and substitute in each case:

intelligent access program information

- (2) Section 433—delete "intelligent access vehicle" wherever occurring and substitute in each case:

intelligent access program vehicle

- (3) Section 433(3)—delete "intelligent access audit" and substitute:

intelligent access program audit

- (4) Section 433(3)—delete "intelligent access auditor" and substitute:

intelligent access program auditor

61—Amendment of section 434—Restriction about intelligent access program information that may be used or disclosed

Section 434—delete "intelligent access information" and substitute:

intelligent access program information

62—Amendment of section 435—Keeping record of use or disclosure of intelligent access program information

Section 435—delete "intelligent access information" wherever occurring and substitute in each case:

intelligent access program information

63—Amendment of section 437—Destroying intelligent access program information or removing personal information from it

Section 437—delete "intelligent access information" wherever occurring and substitute in each case:

intelligent access program information

64—Amendment of heading to Chapter 7 Part 6

Heading to Chapter 7 Part 6—delete "intelligent access auditors" and substitute:
intelligent access program auditors

65—Substitution of section 440

Section 440—delete the section and substitute:

440—Powers to collect and hold intelligent access program information

An intelligent access program auditor may collect and hold intelligent access program information for conducting an intelligent access program audit.

66—Amendment of section 441—Collecting intelligent access program information

- (1) Section 441—delete "intelligent access auditor" wherever occurring and substitute in each case:

intelligent access program auditor

- (2) Section 441—delete "intelligent access information" wherever occurring and substitute in each case:

intelligent access program information

67—Amendment of section 442—Protecting intelligent access program information collected

- (1) Section 442—delete "intelligent access auditor" and substitute:

intelligent access program auditor

- (2) Section 442—delete "intelligent access information" and substitute:

intelligent access program information

68—Amendment of section 443—Making individuals aware of personal information held

Section 443—delete "intelligent access auditor" wherever occurring and substitute in each case:

intelligent access program auditor

69—Amendment of section 444—Giving individuals access to their personal information

Section 444—delete "intelligent access auditor" wherever occurring and substitute in each case:

intelligent access program auditor

70—Amendment of section 445—Correcting errors etc

Section 445—delete "intelligent access auditor" wherever occurring and substitute in each case:

intelligent access program auditor

71—Amendment of section 446—General restriction on use and disclosure of intelligent access program information

(1) Section 446—delete "intelligent access auditor" and substitute:

intelligent access program auditor

(2) Section 446—delete "intelligent access information" and substitute:

intelligent access program information

72—Amendment of section 447—Powers to use and disclose intelligent access program information

(1) Section 447—delete "intelligent access auditor" wherever occurring and substitute in each case:

intelligent access program auditor

(2) Section 447—delete "intelligent access information" wherever occurring and substitute in each case:

intelligent access program information

(3) Section 447—delete "intelligent access service provider" wherever occurring and substitute in each case:

intelligent access program service provider

(4) Section 447—delete "intelligent access vehicle" wherever occurring and substitute in each case:

intelligent access program vehicle

(5) Section 447(1)(a)—delete "intelligent access audit" and substitute:

intelligent access program audit

73—Amendment of section 448—Restriction about intelligent access program information that may be used or disclosed

(1) Section 448—delete "intelligent access auditor" and substitute:

intelligent access program auditor

(2) Section 448—delete "intelligent access information" and substitute:

intelligent access program information

74—Amendment of section 449—Keeping record of use or disclosure of intelligent access program information

(1) Section 449—delete "intelligent access auditor" wherever occurring and substitute in each case:

intelligent access program auditor

- (2) Section 449—delete "intelligent access information" wherever occurring and substitute in each case:

intelligent access program information

- (3) Section 449(2)(a)—delete "intelligent access auditor's" and substitute:

intelligent access program auditor's

75—Amendment of section 450—Destroying intelligent access program information or removing personal information from it

- (1) Section 450—delete "intelligent access auditor" wherever occurring and substitute in each case:

intelligent access program auditor

- (2) Section 450—delete "intelligent access information" wherever occurring and substitute in each case:

intelligent access program information

- (3) Section 450(1)—delete "intelligent access audit" and substitute:

intelligent access program audit

76—Amendment of section 451—Reporting contraventions by intelligent access program service providers to TCA

- (1) Section 451—delete "intelligent access auditor" and substitute:

intelligent access program auditor

- (2) Section 451—delete "intelligent access service provider" and substitute:

intelligent access program service provider

77—Amendment of section 452—Reporting tampering or suspected tampering with approved intelligent transport system to Regulator or TCA

- (1) Section 452—delete "intelligent access auditor" and substitute:

intelligent access program auditor

- (2) Section 452(a)—delete "intelligent access vehicle" and substitute:

intelligent access program vehicle

- (3) Section 452(b)—delete "intelligent access service provider" and substitute:

intelligent access program service provider

78—Amendment of section 453—Restriction on disclosing information about tampering or suspected tampering with approved intelligent transport system

Section 453—delete "intelligent access auditor" wherever occurring and substitute in each case:

intelligent access program auditor

79—Amendment of section 454—Offence to tamper with approved intelligent transport system

Section 454—delete "intelligent access information" wherever occurring and substitute in each case:

intelligent access program information

80—Amendment of section 455—Regulator may issue intelligent access program identifiers

- (1) Section 455—delete "intelligent access identifier" wherever occurring and substitute in each case:

intelligent access program identifier

- (2) Section 455—delete "intelligent access vehicle" wherever occurring and substitute in each case:

intelligent access program vehicle

81—Amendment of section 457—Definitions for Chapter 8

Section 457, definition of *mass management system*, (b)(i)—delete subparagraph (i) and substitute:

- (i) weighing or otherwise assessing the weight of the vehicle and its load before the vehicle starts a journey, or starts a part of a journey, after the load is increased;

82—Amendment of section 466—Accreditation labels for maintenance management accreditation and mass management accreditation

Section 466—after subsection (2) insert:

- (2a) The operator must attach the accreditation label for a relevant vehicle to the vehicle in a way that the label—
- (a) is readable from outside the vehicle; and
 - (b) is not wholly or partly obscured, defaced or otherwise not legible.

Maximum penalty: \$3 000.

- (2b) A person must not drive a relevant vehicle if the vehicle's accreditation label—
- (a) is not attached to the vehicle; or
 - (b) is attached to the vehicle in a way that the label is wholly or partly obscured, defaced or otherwise not legible.

Maximum penalty: \$3 000.

83—Insertion of sections 531A and 531B

After section 531 insert:

531A—Self-clearing defect notices

- (1) This section applies if an authorised officer who has inspected a heavy vehicle under this Law reasonably believes—
 - (a) the vehicle is a defective heavy vehicle, but the use of the vehicle on a road does not pose a safety risk; or
 - (b) a number plate of the vehicle is wholly or partly obscured, defaced or otherwise not legible.
- (2) The authorised officer may issue a notice (a *self-clearing defect notice*), in the approved form, in relation to the heavy vehicle.
- (3) The authorised officer may issue the self-clearing defect notice by—
 - (a) if the driver of the heavy vehicle is present—giving the notice to the driver; or
 - (b) if the driver of the heavy vehicle is not present—attaching the notice to the vehicle.
- (4) If the driver of a heavy vehicle for which a self-clearing defect notice is issued is not the operator of the vehicle, the driver must give the notice to the operator as soon as practicable, but not more than 14 days, after the notice is issued.

Maximum penalty: \$3 000.

- (5) A person must not use, or permit to be used, on a road a heavy vehicle in contravention of a self-clearing defect notice.

Maximum penalty: \$3 000.

531B—Requirements about self-clearing vehicle defect notice

- (1) A self-clearing defect notice for a heavy vehicle must state—
 - (a) that—
 - (i) the vehicle is a defective heavy vehicle and details of how the vehicle is a defective heavy vehicle; or
 - (ii) a number plate of the vehicle is wholly or partly obscured, defaced or otherwise not legible; and
 - (b) that corrective action must be taken as soon as practicable, but not more than 28 days, after the notice is issued; and
 - (c) the name of the vehicle's driver if known by the authorised officer when issuing the notice or, if the driver is not present or the driver's name is not known by the authorised officer when issuing the notice, the term "registered operator"; and
 - (d) details to identify the vehicle, including, for example—

- (i) the vehicle's registration number or, if the vehicle is not registered, a vehicle identifier of the vehicle; and
 - (ii) the vehicle's make and category; and
 - (e) the nature of the inspection that led to the notice being issued; and
 - (f) whether an infringement notice was also given when the notice was issued; and
 - (g) the identification details for the authorised officer; and
 - (h) the day and time the notice was issued; and
 - (i) the number of the notice; and
 - (j) that if the driver of the vehicle is not the operator of the vehicle, the driver must give the notice to the operator as soon as practicable, but not more than 14 days, after the notice is issued; and
 - (k) that a person must not use, or permit to be used, on a road the heavy vehicle in contravention of the notice.
- (2) In this section—
- corrective action* means the action that is required to stop—
- (a) the vehicle from being a defective heavy vehicle; or
 - (b) a number plate of the vehicle being wholly or partly obscured, defaced or otherwise not legible.

84—Amendment of section 586—Multiple requirements

- (1) Section 586—after "direction" wherever occurring insert in each case:
or notice
- (2) Section 586—after paragraph (b) insert:
 - (ba) give a notice to a person in relation to a heavy vehicle under a provision of this Chapter and give a notice to a person in relation to the same heavy vehicle under the same provision or 1 or more other provisions of this Chapter; or
- (3) Section 586(c)—after "directions" insert:
, notices
- (4) Section 586(c)—delete "or (b)" and substitute:
, (b) or (ba)

85—Insertion of section 655A

After section 655 insert:

655A—Delegation by responsible Ministers

(1) The responsible Ministers may delegate to the Board the function of approving a minor amendment of—

- (a) a guideline mentioned in section 653; or
- (b) an approval mentioned in section 654.

(2) In this section—

minor amendment, of a guideline or approval, means an amendment of the guideline or approval in a minor respect—

- (a) for a formal or clerical reason; or
- (b) in another way that does not—
 - (i) increase a safety risk; or
 - (ii) increase a risk of damage to road infrastructure; or
 - (iii) cause an adverse effect on public amenity; or
 - (iv) make a person liable to a penalty.

86—Amendment of section 721—Certificates of TCA

(1) Section 721(1)(b)—delete "intelligent access service provider" and substitute:

intelligent access program service provider

(2) Section 721(1)(c)—delete "intelligent access auditor" and substitute:

intelligent access program auditor

87—Amendment of section 727—Definitions for Chapter 13 Part 4

Section 727—delete "intelligent access information" wherever occurring and substitute in each case:

intelligent access program information

88—Insertion of section 740A

After section 740 insert:

740A—Increase of fee amounts

(1) This section applies to a fee payable under section 740, including a fee whose amount has already been increased by a previous application or applications of this section.

- (2) At the start of 1 July of each year, starting with 1 July 2016, the amount of the fee is increased from the amount that applied immediately before that 1 July, in accordance with the method prescribed by the national regulations for the purposes of this section.

Note—

In some circumstances, the operation of the method can result in no increases occurring on a particular 1 July.

- (3) A recommendation of the responsible Ministers for national regulations prescribing a method for the increase of fees may not be made unless the responsible Ministers are satisfied the method generally accords with increases in relevant inflation indexes or similar indexes.
- (4) As soon as practicable, but before 1 July of each year, the Regulator must, by public notice, publish the amounts of each fee applying as from that date.

89—Insertion of Chapter 14 Part 4

After section 758 insert:

Part 4—Heavy Vehicle National Law and Other Legislation Amendment Act 2016 (Queensland)

759—Application of section 737 to a new penalty

- (1) The enactment of a new penalty by the amendment Act includes the enactment of an increase in the amount of penalty applying under section 737, to take effect when the new penalty commences.
- (2) For the purpose of applying section 737 under subsection (1) 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.
- (3) In this section—

amendment Act means the *Heavy Vehicle National Law and Other Legislation Amendment Act 2016* (Queensland);

new penalty means a penalty stated at the end of a provision enacted by the amendment Act.

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 7 June 2017

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MTR/17/017