



Queensland

Heavy Vehicle National Law Regulation 2014

Subordinate Legislation 2014 No. 7

made under the

Heavy Vehicle National Law Act 2012

Contents

		Page
Part 1	Preliminary	
1	Short title	3
2	Commencement	3
Part 2	Prescriptions under the Act	
3	Prescribed widths and lengths for the Act, ss 20 and 21	3
4	Fee payable for route assessment under Heavy Vehicle National Law (Queensland)	4
Part 3	Declarations under the Act	
5	Declaration that this part is a declaratory regulation—Act, s 50	4
6	Definitions	4
7	Guideline under VSS regulation	5
8	Permit under VSS regulation	5
9	Approval of modified vehicle under VSS regulation	6
10	Guideline under MDL regulation—class 1 or 3 heavy vehicles	7
11	Permit of general application under MDL regulation—class 1 or 3 heavy vehicles	7
12	Guideline under MDL regulation—class 2 heavy vehicles	8
13	Permit of general application under MDL regulation—class 2 heavy vehicles	8
14	Permit to named person under MDL regulation—class 1 or 3 heavy vehicles	9

Contents

15	Permit to named person under MDL regulation—class 2 heavy vehicles	10
16	Class work and rest hours exemption under FM regulation	11
17	Work and rest hours exemption under FM regulation.	11
18	Recording information and keeping records under FM regulation having effect under s 319 of Law	11
19	Recording information and keeping records under FM regulation having effect under s 321 of Law	12
20	BFM accreditation under FM regulation	12
21	AFM accreditation under FM regulation	13
22	Approval for alternative compliance scheme under TORUM for VSS regulation requirement.	13
23	Approval for alternative compliance scheme under TORUM for MDL regulation requirement.	13
24	Special event permit under A&OP regulation—class 1 or 3 heavy vehicle	14
25	Special circumstances permit under A&OP regulation—class 1 or 3 heavy vehicle.	15
26	Special event permit under A&OP regulation—class 2 heavy vehicle	16
27	Special circumstances permit under A&OP regulation—class 2 heavy vehicle	17
28	Ending of exemption, authority or accreditation applying under the Law as provided by this part.	18
29	Expiry of part	18

Part 1 Preliminary

1 Short title

This regulation may be cited as the *Heavy Vehicle National Law Regulation 2014*.

2 Commencement

This regulation commences on 10 February 2014 on the commencement of Chapter 3 of the Heavy Vehicle National Law (Queensland).

Part 2 Prescriptions under the Act

3 Prescribed widths and lengths for the Act, ss 20 and 21

For a provision of the Act stated in column 1 of the following table—

- (a) column 2 of the table prescribes vehicle width; and
- (b) column 3 of the table prescribes vehicle length.

Table

Column 1 Provision of Act	Column 2 Vehicle width	Column 3 Vehicle length
section 20(2)(a)	4.5m	35m
section 20(2)(b)	5.5m	35m
section 21(2)(a)	4.5m	35m
section 21(2)(b)	5.5m	35m

[s 4]

4 Fee payable for route assessment under Heavy Vehicle National Law (Queensland)

- (1) This section provides for the fee payable for a route assessment under the Heavy Vehicle National Law (Queensland), section 159.
- (2) The fee payable for the route assessment is the amount decided by the relevant road manager.
- (3) The amount decided by the road manager must not be more than the reasonable cost of the route assessment.

Part 3 Declarations under the Act

5 Declaration that this part is a declaratory regulation—Act, s 50

This part is a declaratory regulation.

Note—

Under section 50(4) of the Act, the operation of the general savings and transitional provision is not limited by the making of a declaratory regulation other than to the extent provided for in the declaratory regulation.

6 Definitions

In this part—

A&OP regulation means the *Transport Operations (Road Use Management—Accreditation and Other Provisions) Regulation 2005*.

chief executive means the chief executive under TORUM.

commencement means the commencement of this part.

FM regulation means the repealed *Transport Operations (Road Use Management—Fatigue Management) Regulation 2008*.

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

MDL regulation means the repealed *Transport Operations (Road Use Management—Mass, Dimensions and Loading) Regulation 2005*.

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

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

VSS regulation means the *Transport Operations (Road Use Management—Vehicle Standards and Safety) Regulation 2010*.

7 Guideline under VSS regulation

- (1) This section applies to the issuing of a guideline for a type of vehicle if—
 - (a) before the commencement, the guideline was issued under section 14 of the VSS regulation; and
 - (b) the guideline was still in force under the VSS regulation immediately before the commencement.
- (2) This section applies to the issuing of the guideline to the extent that, immediately before the commencement, the guideline applied to vehicles that, on the commencement, are heavy vehicles.
- (3) The general savings and transitional provision applies to the issuing of the guideline.
- (4) The issuing of the guideline under the VSS regulation has effect as an exemption of the heavy vehicles under a vehicle standards exemption (notice) under the Law.

8 Permit under VSS regulation

- (1) This section applies to the issuing of a permit for a vehicle or type of vehicle if—

[s 9]

- (a) before the commencement, the permit was issued under section 14 of the VSS regulation; and
 - (b) the permit was still in force under the VSS regulation immediately before the commencement.
- (2) This section applies to the issuing of the permit—
- (a) if the permit was issued for a vehicle—if, on the commencement, the vehicle is a heavy vehicle; or
 - (b) if the permit was issued for a type of vehicle—to the extent that, immediately before the commencement, the permit applied to vehicles that, on the commencement, are heavy vehicles.
- (3) The general savings and transitional provision applies to the issuing of the permit.
- (4) The issuing of the permit under the VSS regulation has effect as an exemption of the heavy vehicle or heavy vehicles under a vehicle standards exemption (permit) under the Law.

9 Approval of modified vehicle under VSS regulation

- (1) This section applies to the approval of a modification of a vehicle if—
- (a) before the commencement, the modification was approved under section 13 of the VSS regulation; and
 - (b) the approval was still in force under the VSS regulation immediately before the commencement; and
 - (c) on the commencement, the vehicle is a heavy vehicle.
- (2) The general savings and transitional provision applies to the approval of the modification.
- (3) The approval under the VSS regulation—
- (a) has effect as an approval of a modification under Part 3.3 of the Law; and
 - (b) without limiting paragraph (a), is taken to be an approval of any modification—

- (i) made to the vehicle before the commencement;
and
- (ii) to which Part 3.3 of the Law applies on the commencement.

10 Guideline under MDL regulation—class 1 or 3 heavy vehicles

- (1) This section applies to the issuing of a guideline for a type of vehicle if the guideline—
 - (a) was issued under section 48 of the MDL regulation before the commencement; and
 - (b) was still in force under the MDL regulation immediately before the commencement.
- (2) This section applies to the issuing of the guideline to the extent that, immediately before the commencement, the guideline applied to vehicles that, on the commencement, are class 1 heavy vehicles or class 3 heavy vehicles under the Law.
- (3) The general savings and transitional provision applies to the issuing of the guideline.
- (4) The issuing of the guideline under the MDL regulation has effect as an exemption of the heavy vehicles under a mass or dimension exemption (notice) under the Law.

11 Permit of general application under MDL regulation—class 1 or 3 heavy vehicles

- (1) This section applies to the issuing of a permit for a type of vehicle if the permit—
 - (a) was issued before the commencement; and
 - (b) was issued under part 6, division 2 of the MDL regulation; and
 - (c) was issued as an instrument of general application and not to a named person; and

[s 12]

- (d) was still in force under the MDL regulation immediately before the commencement.
- (2) This section applies to the issuing of the permit to the extent that, immediately before the commencement, the permit applied to vehicles that, on the commencement, are class 1 heavy vehicles or class 3 heavy vehicles under the Law.
- (3) The general savings and transitional provision applies to the issuing of the permit.
- (4) The issuing of the permit under the MDL regulation has effect as an exemption of the heavy vehicles under a mass or dimension exemption (notice) under the Law.

12 Guideline under MDL regulation—class 2 heavy vehicles

- (1) This section applies to the issuing of a guideline for a type of vehicle if the guideline—
 - (a) was issued under section 48 of the MDL regulation before the commencement; and
 - (b) was still in force under the MDL regulation immediately before the commencement.
- (2) This section applies to the issuing of the guideline to the extent that, immediately before the commencement, the guideline applied to vehicles that, on the commencement, are class 2 heavy vehicles under the Law.
- (3) The general savings and transitional provision applies to the issuing of the guideline.
- (4) The issuing of the guideline under the MDL regulation has effect as an authorisation of use of the heavy vehicles under a class 2 heavy vehicle authorisation (notice) under the Law.

13 Permit of general application under MDL regulation—class 2 heavy vehicles

- (1) This section applies to the issuing of a permit for a type of vehicle if the permit—

- (a) was issued before the commencement; and
 - (b) was issued under part 6, division 2 of the MDL regulation; and
 - (c) was issued as an instrument of general application and not to a named person; and
 - (d) was still in force under the MDL regulation immediately before the commencement.
- (2) This section applies to the issuing of the permit to the extent that, immediately before the commencement, the permit applied to vehicles that, on the commencement, are class 2 heavy vehicles under the Law.
- (3) The general savings and transitional provision applies to the issuing of the permit.
- (4) The issuing of the permit under the MDL regulation has effect as an authorisation of use of the heavy vehicles under a class 2 heavy vehicle authorisation (notice) under the Law.

14 Permit to named person under MDL regulation—class 1 or 3 heavy vehicles

- (1) This section applies to the issuing of a permit for a vehicle or type of vehicle if—
- (a) before the commencement, the permit was issued to a named person—
 - (i) under section 51 of the MDL regulation; or
 - (ii) under an arrangement entered into under section 54 of the MDL regulation between the chief executive and the named person; and
 - (b) the permit was still in force under the MDL regulation immediately before the commencement.
- (2) This section applies to the issuing of the permit—
- (a) if the permit was issued for a vehicle—if, on the commencement, the vehicle is a class 1 heavy vehicle or a class 3 heavy vehicle under the Law; or

[s 15]

- (b) if the permit was issued for a type of vehicle—to the extent that, immediately before the commencement, the permit applied to vehicles that, on the commencement, are class 1 heavy vehicles or class 3 heavy vehicles under the Law.
- (3) The general savings and transitional provision applies to the issuing of the permit.
- (4) The issuing of the permit under the MDL regulation has effect as an exemption of the heavy vehicle or heavy vehicles under a mass or dimension exemption (permit) under the Law.

15 Permit to named person under MDL regulation—class 2 heavy vehicles

- (1) This section applies to the issuing of a permit for a vehicle or type of vehicle if—
 - (a) before the commencement, the permit was issued to a named person—
 - (i) under section 51 of the MDL regulation; or
 - (ii) under an arrangement entered into under section 54 of the MDL regulation between the chief executive and the named person; and
 - (b) the permit was still in force under the MDL regulation immediately before the commencement.
- (2) This section applies to the issuing of the permit—
 - (a) if the permit was issued for a vehicle—if, on the commencement, the vehicle is a class 2 heavy vehicle under the Law; or
 - (b) if the permit was issued for a type of vehicle—to the extent that, immediately before the commencement, the permit applied to vehicles that, on the commencement, are class 2 heavy vehicles under the Law.
- (3) The general savings and transitional provision applies to the issuing of the permit.

- (4) The issuing of the permit under the MDL regulation has effect as an authorisation of use of the heavy vehicle or heavy vehicles under a class 2 heavy vehicle authorisation (permit) under the Law.

16 Class work and rest hours exemption under FM regulation

- (1) The general savings and transitional provision applies to the granting of a class work and rest hours exemption under section 154 of the FM regulation that was still in force immediately before the commencement.
- (2) The granting of the exemption under the FM regulation has effect as the granting of a work and rest hours exemption (notice) under the Law.

17 Work and rest hours exemption under FM regulation

- (1) The general savings and transitional provision applies to the granting of a work and rest hours exemption under section 157 of the FM regulation that was still in force immediately before the commencement.
- (2) The granting of the exemption under the FM regulation has effect as the granting of a work and rest hours exemption (permit) under the Law.

18 Recording information and keeping records under FM regulation having effect under s 319 of Law

- (1) The general savings and transitional provision applies to the recording of information and the keeping of records under section 96 of the FM regulation for a driver who—
 - (a) immediately before the commencement, was engaging in 200km work under standard hours under the regulation; and
 - (b) after the commencement, undertakes only 100km work under standard hours under the Law.

[s 19]

- (2) The recording of information and keeping of records under the FM regulation have effect as the recording of information and keeping of records under section 319 of the Law.

19 Recording information and keeping records under FM regulation having effect under s 321 of Law

- (1) The general savings and transitional provision applies to the recording of information and the keeping of records under section 96 or 97 of the FM regulation for a driver who—
- (a) immediately before the commencement, was—
 - (i) engaging in 200km work under standard hours; or
 - (ii) engaging in 200+km work under standard hours; or
 - (iii) working under a BFM accreditation, an AFM accreditation or a work and rest hours exemption; and
 - (b) after the commencement—
 - (i) undertakes 100+km work under standard hours under the Law; or
 - (ii) operates under BFM hours, AFM hours or exemption hours under the Law.
- (2) The recording of information and keeping of records under the FM regulation have effect as the recording of information and keeping of records under section 321 of the Law.

20 BFM accreditation under FM regulation

- (1) The general savings and transitional provision applies to the granting of a BFM accreditation under section 136 of the FM regulation that was still in force immediately before the commencement.
- (2) The granting of the BFM accreditation under the FM regulation has effect as the granting of a BFM accreditation under section 458(c) of the Law.

21 AFM accreditation under FM regulation

- (1) The general savings and transitional provision applies to the granting of an AFM accreditation under section 145 of the FM regulation that was still in force immediately before the commencement.
- (2) The granting of the AFM accreditation under the FM regulation has effect as the granting of an AFM accreditation under section 458(d) of the Law.

22 Approval for alternative compliance scheme under TORUM for VSS regulation requirement

- (1) This section applies to an approval (the *relevant approval*) if—
 - (a) before the commencement, the relevant approval was given under section 15 of TORUM as an approval of an alternative compliance scheme for an alternative way to comply with section 25 of the VSS regulation; and
 - (b) the relevant approval was still in force under TORUM immediately before the commencement.
- (2) This section applies to the relevant approval to the extent that, immediately before the commencement, the relevant approval applied to a vehicle that, on the commencement, is a heavy vehicle.
- (3) The general savings and transitional provision applies to the relevant approval.
- (4) The relevant approval has effect as the granting of a maintenance management accreditation under section 458(a) of the Law for the heavy vehicle.

23 Approval for alternative compliance scheme under TORUM for MDL regulation requirement

- (1) This section applies to an approval (the *relevant approval*) if—

[s 24]

- (a) before the commencement, the relevant approval was given under section 15 of TORUM as an approval of an alternative compliance scheme for an alternative way to comply with section 7 or 9 of the MDL regulation; and
 - (b) the relevant approval was still in force under TORUM immediately before the commencement.
- (2) This section applies to the relevant approval to the extent that, immediately before the commencement, the relevant approval applied to a vehicle that, on the commencement, is a heavy vehicle.
- (3) The general savings and transitional provision applies to the relevant approval.
- (4) The relevant approval has effect as the granting of a mass management accreditation under section 458(b) of the Law for the heavy vehicle.

24 Special event permit under A&OP regulation—class 1 or 3 heavy vehicle

- (1) This section applies to the issuing of a permit if—
- (a) before the commencement, the permit was issued as a special event permit under section 103 of the A&OP regulation; and
 - (b) the permit was still in force under the A&OP regulation immediately before the commencement.
- (2) This section applies to the issuing of the permit to the extent that, immediately before the commencement—
- (a) the permit applied to a vehicle that, on the commencement, is a class 1 heavy vehicle or a class 3 heavy vehicle under the Law; and
 - (b) a person was not required to comply with a provision of the VSS regulation (a *VSS regulation provision*) or a provision of the MDL regulation (an *MDL regulation provision*) on the basis that compliance with the provision—

- (i) was excused under the permit; or
 - (ii) was inconsistent with the conduct of the special event described in the permit in the way permitted or required under the permit.
- (3) The general savings and transitional provision applies to the issuing of the permit.
- (4) The issuing of the permit under the A&OP regulation has effect as—
 - (a) if the permit excused compliance with a VSS regulation provision—an exemption of the heavy vehicle under a vehicle standards exemption (permit) under the Law; or
 - (b) if the permit excused compliance with an MDL regulation provision—an exemption of the heavy vehicle under a mass or dimension exemption (permit) under the Law.

25 Special circumstances permit under A&OP regulation—class 1 or 3 heavy vehicle

- (1) This section applies to the issuing of a permit if—
 - (a) before the commencement, the permit was issued as a special circumstances permit under section 106 of the A&OP regulation; and
 - (b) the permit was still in force under the A&OP regulation immediately before the commencement.
- (2) This section applies to the issuing of the permit to the extent that, immediately before the commencement—
 - (a) the permit applied to a vehicle that, on the commencement, is a class 1 heavy vehicle or a class 3 heavy vehicle under the Law; and
 - (b) a person was not required to comply with a provision of the MDL regulation on the basis that compliance with the provision—
 - (i) was excused under the permit; or

[s 26]

- (ii) was inconsistent with the person's use of a road in the way permitted or required under the permit.
- (3) The general savings and transitional provision applies to the issuing of the permit.
- (4) The issuing of the permit under the A&OP regulation has effect as an exemption of the heavy vehicle under a mass or dimension exemption (permit) under the Law.

26 Special event permit under A&OP regulation—class 2 heavy vehicle

- (1) This section applies to the issuing of a permit if—
 - (a) before the commencement, the permit was issued as a special event permit under section 103 of the A&OP regulation; and
 - (b) the permit was still in force under the A&OP regulation immediately before the commencement.
- (2) This section applies to the issuing of the permit to the extent that, immediately before the commencement—
 - (a) the permit applied to a vehicle that, on the commencement, is a class 2 heavy vehicle under the Law; and
 - (b) a person was not required to comply with a provision of the VSS regulation (a *VSS regulation provision*) or a provision of the MDL regulation (an *MDL regulation provision*) on the basis that compliance with the provision—
 - (i) was excused under the permit; or
 - (ii) was inconsistent with the conduct of the special event described in the permit in the way permitted or required under the permit.
- (3) The general savings and transitional provision applies to the issuing of the permit.
- (4) The issuing of the permit under the A&OP regulation has effect as—

- (a) if the permit excused compliance with a VSS regulation provision—an exemption of the heavy vehicle under a vehicle standards exemption (permit) under the Law; or
- (b) if the permit excused compliance with an MDL regulation provision—an authorisation of use of the heavy vehicle under a class 2 heavy vehicle authorisation (permit) under the Law.

27 Special circumstances permit under A&OP regulation—class 2 heavy vehicle

- (1) This section applies to the issuing of a permit if—
 - (a) before the commencement, the permit was issued as a special circumstances permit under section 106 of the A&OP regulation; and
 - (b) the permit was still in force under the A&OP regulation immediately before the commencement.
- (2) This section applies to the issuing of the permit to the extent that, immediately before the commencement—
 - (a) the permit applied to a vehicle that, on the commencement, is a class 2 heavy vehicle under the Law; and
 - (b) a person was not required to comply with a provision of the MDL regulation on the basis that compliance with the provision—
 - (i) was excused under the permit; or
 - (ii) was inconsistent with the person’s use of a road in the way permitted or required under the permit.
- (3) The general savings and transitional provision applies to the issuing of the permit.
- (4) The issuing of the permit under the A&OP regulation has effect as an authorisation of use of the heavy vehicle under a class 2 heavy vehicle authorisation (permit) under the Law.

[s 28]

28 Ending of exemption, authority or accreditation applying under the Law as provided by this part

- (1) This section applies if—
 - (a) under the general savings and transitional provision, and as declared under this part, the issuing, granting, or giving, under the law in force before the commencement (the *former law*), of a guideline, permit, exemption, accreditation or approval has effect as any of the following under the Law—
 - (i) an exemption under a vehicle standards exemption;
 - (ii) an exemption or authorisation of use under a mass or dimension authority;
 - (iii) the granting of a work and rest hours exemption;
 - (iv) the granting of a heavy vehicle accreditation; and
 - (b) section 749 of the Law does not apply to the exemption, authority or accreditation.
- (2) The exemption, authority or accreditation ends on the following day unless it is cancelled under the Law before that day—
 - (a) for an exemption or authority—the day the relevant guideline, permit or exemption, as issued or granted under the former law, would have ended under the former law if the Law had not come into force;
 - (b) for an accreditation—the earlier of the following—
 - (i) the day the relevant accreditation or approval, as granted or given under the former law, would have ended under the former law if the Law had not come into force;
 - (ii) 3 years after the commencement.

29 Expiry of part

This part expires 1 year after it commences.

ENDNOTES

- 1 Made by the Governor in Council on 30 January 2014.
- 2 Notified on the Queensland legislation website on 31 January 2014.
- 3 The administering agency is the Department of Transport and Main Roads.

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