

# Heavy Vehicle National Amendment Regulation

## Subordinate Legislation 2015 No. 188

made under the

Heavy Vehicle National Law as applied by the *Heavy Vehicle National Law Act 2012* (Queensland) and by the law of States and Territories

## Contents

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		Page
<b>Part 1</b>	<b>Preliminary</b>	
1	Short title . . . . .	4
2	Commencement . . . . .	4
<b>Part 2</b>	<b>Amendment of Heavy Vehicle (Fatigue Management) National Regulation</b>	
3	Regulation amended . . . . .	4
4	Amendment of s 5 (Standard hours—solo drivers) . . . . .	4
5	Amendment of s 6 (Standard hours—solo drivers of fatigue-regulated buses). . . . .	5
6	Amendment of s 8 (Standard hours—two-up drivers) . . . . .	5
7	Amendment of s 9 (BFM hours—solo drivers) . . . . .	6
8	Amendment of s 10 (BFM hours—two-up drivers) . . . . .	7
9	Insertion of new s 16A . . . . .	7
	16A If the driver uses an electronic work diary . . . . .	7
10	Insertion of new s 18A . . . . .	8
	18A Change between forms of work diary. . . . .	8
11	Amendment of Sch 1 (Standard hours and risk categories for contraventions of standard hours) . . . . .	8
12	Amendment of Sch 2 (BFM hours and risk categories for contraventions of BFM hours). . . . .	9

Contents

13	Amendment of Sch 3 (Examples of concurrent fulfilment of minimum rest time requirements) . . . . .	9
<b>Part 3</b>	<b>Amendment of Heavy Vehicle (General) National Regulation</b>	
14	Regulation amended . . . . .	10
15	Amendment of s 3 (Definitions for Pt 2) . . . . .	10
16	Replacement of sections 67 to 69 . . . . .	10
	67 Application of Div 4 . . . . .	10
	68 Definitions for Div 4 . . . . .	11
	69 Replacement . . . . .	12
17	Amendment of Sch 1 (Fees). . . . .	14
<b>Part 4</b>	<b>Amendment of Heavy Vehicle (Mass, Dimension and Loading) National Regulation</b>	
18	Regulation amended . . . . .	14
19	Amendment of s 3 (Definitions) . . . . .	15
20	Amendment of s 7 (Mass exceptions) . . . . .	16
21	Amendment of s 15 (Requirements about Commonwealth Gazette Notice etc.) . . . . .	16
22	Insertion of new s 15A . . . . .	17
	15A Process for amending a stated map or stated list . . . . .	18
23	Amendment of s 36 (Identification requirement for particular HML heavy vehicle) . . . . .	19
24	Insertion of new Pt 8. . . . .	19
	46 Saving of stated map and other matters under section 15 . . . . .	19
25	Amendment of Sch 1 (General mass limits). . . . .	20
26	Omission of Sch 3 (Steer axle mass exception limits) . . . . .	22
27	Amendment of Sch 5 (Higher mass limits). . . . .	22
28	Amendment of Sch 6 (Dimension requirements) . . . . .	22
<b>Part 5</b>	<b>Amendment of the Heavy Vehicle (Vehicle Standards) National Regulation</b>	
29	Regulation amended . . . . .	23
30	Amendment of s 8 (Measurement of width of vehicles) . . . . .	23
31	Amendment of s 12 (Modifications) . . . . .	23
32	Amendment of Sch 2, s 12 (Rear vision mirrors) . . . . .	24
33	Amendment of Sch 2, s 21 (Window tinting) . . . . .	24
34	Amendment of Sch 2, s 79 (Other lights and reflectors) . . . . .	25
35	Amendment of Sch 2, s 84 (Components of a braking system) . . . . .	25
36	Amendment of Sch 2, s 98 (Requirements of DT80 test cycle. . . . .	25

37	Amendment of Sch 2, s 99 (Exhaust systems) . . . . .	26
38	Amendment of Sch 2, s 102 (Silencing device for exhaust systems)	26

[s 1]

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## **Part 1 Preliminary**

### **1 Short title**

This Regulation may be cited as the *Heavy Vehicle National Amendment Regulation*.

### **2 Commencement**

- (1) This Regulation, other than the provisions mentioned in subsection (2), commences on the commencement of the *Heavy Vehicle National Law Amendment Act 2015* (Queensland).
- (2) Sections 17, 19, 20, 25 and 26 commence when this Regulation is made.

## **Part 2 Amendment of Heavy Vehicle (Fatigue Management) National Regulation**

### **3 Regulation amended**

This Part amends the *Heavy Vehicle (Fatigue Management) National Regulation*.

### **4 Amendment of s 5 (Standard hours—solo drivers)**

- (1) Section 5(4)—  
*renumber* as section 5(5).
- (2) After section 5(3)—  
*insert*—
  - (4) If, apart from this subsection, the driver would commit a minor risk breach in relation to a total

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period stated in column 1 that is not more than 24 hours, the driver does not commit the minor risk breach if—

- (a) the period the driver works in excess of the maximum work time stated in column 2 for the corresponding total period stated in column 1 is not more than 8 minutes; and
- (b) the driver uses an electronic work diary to record the period the driver works that is mentioned in paragraph (a).

## **5 Amendment of s 6 (Standard hours—solo drivers of fatigue-regulated buses)**

- (1) Section 6(4)—

*renumber* as section 6(5).

- (2) After section 6(3)—

*insert*—

- (4) If, apart from this subsection, the driver would commit a minor risk breach in relation to a total period stated in column 1 that is not more than 24 hours, the driver does not commit the minor risk breach if—
  - (a) the period the driver works in excess of the maximum work time stated in column 2 for the corresponding total period stated in column 1 is not more than 8 minutes; and
  - (b) the driver uses an electronic work diary to record the period the driver works that is mentioned in paragraph (a).

## **6 Amendment of s 8 (Standard hours—two-up drivers)**

- (1) Section 8(4)—

*renumber* as section 8(5).

[s 7]

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(2) After section 8(3)—

*insert—*

- (4) If, apart from this subsection, the driver would commit a minor risk breach in relation to a total period stated in column 1 that is not more than 24 hours, the driver does not commit the minor risk breach if—
- (a) the period the driver works in excess of the maximum work time stated in column 2 for the corresponding total period stated in column 1 is not more than 8 minutes; and
  - (b) the driver uses an electronic work diary to record the period the driver works that is mentioned in paragraph (a).

## **7 Amendment of s 9 (BFM hours—solo drivers)**

(1) Section 9(4)—

*renumber* as section 9(5).

(2) After section 9(3)—

*insert—*

- (4) If, apart from this subsection, the driver would commit a minor risk breach in relation to a total period stated in column 1 that is not more than 24 hours, the driver does not commit the minor risk breach if—
- (a) the period the driver works in excess of the maximum work time stated in column 2 for the corresponding total period stated in column 1 is not more than 8 minutes; and
  - (b) the driver uses an electronic work diary to record the period the driver works that is mentioned in paragraph (a).

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## **8 Amendment of s 10 (BFM hours—two-up drivers)**

(1) Section 10(4)—

*renumber* as section 10(5).

(2) After section 10(3)—

*insert*—

- (4) If, apart from this subsection, the driver would commit a minor risk breach in relation to the total period of 24 hours stated in column 1, the driver does not commit the minor risk breach if—
- (a) the period the driver works in excess of the maximum work time of 14 hours stated in column 2 is not more than 8 minutes; and
  - (b) the driver uses an electronic work diary to record the period the driver works that is mentioned in paragraph (a).

## **9 Insertion of new s 16A**

After section 16—

*insert*—

### **16A If the driver uses an electronic work diary**

- (1) This section applies if the driver uses an electronic work diary.
- (2) The requirement imposed by section 16(2)(c) is taken to be satisfied if the place of the work and rest change is recorded by—
  - (a) the electronic work diary using GNSS functionality; or
  - (b) the driver confirming, with modification or further information for accuracy, the place recorded by the electronic work diary.
- (3) The requirement imposed by section 16(2)(d) is taken to be satisfied if the odometer reading

[s 10]

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mentioned in the provision is recorded by the electronic work diary.

(4) In this section—

**GNSS** means Global Navigation Satellite System.

## 10 Insertion of new s 18A

After section 18—

*insert—*

### **18A Change between forms of work diary**

(1) If the driver stops using one form of work diary and starts using the other form of work diary, the driver must record, in compliance with subsection (2)—

- (a) the time and location of the change in both forms of the work diary; and
- (b) the security number of the written work diary in the electronic work diary.

Maximum penalty—\$1500.

(2) The information must be recorded before the driver begins using the other form of work diary, or as soon as practicable.

(3) In this section—

***form of work diary*** means one or the other of a written work diary or an electronic work diary.

## 11 Amendment of Sch 1 (Standard hours and risk categories for contraventions of standard hours)

Schedule 1, tables 1 to 3, column 3, ‘blocks of 15’ wherever appearing—

*omit, insert—*

blocks of at least 15



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**12 Amendment of Sch 2 (BFM hours and risk categories for contraventions of BFM hours)**

Schedule 2, table 1, column 3, ‘blocks of 15’ wherever appearing—

*omit, insert—*

blocks of at least 15

**13 Amendment of Sch 3 (Examples of concurrent fulfilment of minimum rest time requirements)**

(1) Schedule 3, example 1, paragraph (2), ‘maximum work periods’—

*omit, insert—*

maximum work times

(2) Schedule 3, example 1, paragraph (2), ‘rest periods’—

*omit, insert—*

rest times

(3) Schedule 3, example 1, paragraph (7), ‘rest requirements’—

*omit, insert—*

rest time requirements

(4) Schedule 3, example 2, paragraph (2), ‘work periods’—

*omit, insert—*

work times

(5) Schedule 3, example 2, paragraph (2), ‘rest periods’—

*omit, insert—*

rest time periods

[s 14]

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## **Part 3**                                   **Amendment of Heavy Vehicle (General) National Regulation**

### **14        Regulation amended**

This Part amends the *Heavy Vehicle (General) National Regulation*.

### **15        Amendment of s 3 (Definitions for Pt 2)**

Section 3, after the definition *Guidelines for Determining National Operating Conditions*—

*insert*—

***HML declaration*** means an HML declaration under section 12 of the *Heavy Vehicle (Mass, Dimension and Loading) National Regulation*.

### **16        Replacement of sections 67 to 69**

Sections 67 to 69—

*omit, insert*—

#### **67    Application of Div 4**

- (1) This Division applies for the purposes of section 748 of the Law and the following saved under the section—
  - (a) an exemption, permit or other instrument that corresponds to a mass or dimension exemption (notice) (a ***previous exemption***);
  - (b) an authorisation, permit or other instrument that corresponds to a class 2 heavy vehicle authorisation (notice) (a ***previous authorisation***);
  - (c) a declaration or other instrument that corresponds to an HML declaration (a ***previous declaration***).

- (2) This Division does not limit any provision of the Law under which a previous exemption, previous authorisation or previous declaration may be replaced by the Regulator.

## 68 Definitions for Div 4

In this Division—

*previous authorisation* has the meaning given by section 67(1)(b).

*previous conditions*, in relation to areas and routes to which a replacement instrument applies, means conditions that are the same, or substantially the same, as the conditions that applied to the relevant previous instrument or instruments in relation to the same areas or routes.

*previous declaration* has the meaning given by section 67(1)(c).

*previous exemption* has the meaning given by section 67(1)(a).

*previous instrument* means a previous authorisation, previous exemption or previous declaration.

*relevant consent provisions* means—

- (a) in relation to a replacement exemption—section 118(1)(b) and (c) of the Law; or
- (b) in relation to a replacement authorisation—section 139(1)(b) and (c) of the Law; or
- (c) in relation to a replacement declaration—section 13(1)(b) and (c) of the *Heavy Vehicle (Mass, Dimension and Loading) National Regulation*.

[s 16]

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***replacement authorisation*** means the instrument that replaces 1 or more previous authorisations mentioned in section 69(1)(b).

***replacement declaration*** means the instrument that replaces 1 or more previous declarations mentioned in section 69(1)(c).

***replacement exemption*** means the instrument that replaces 1 or more previous exemptions mentioned in section 69(1)(a).

***replacement instrument*** means a replacement authorisation, replacement declaration or replacement exemption.

## 69 Replacement

- (1) The Regulator may—
  - (a) under Division 2 of Part 4.5 of the Law—
    - (i) replace a previous exemption with a mass or dimension exemption (notice); or
    - (ii) replace more than 1 previous exemption with a single consolidated mass or dimension exemption (notice); or
  - (b) under Division 3 of Part 4.6 of the Law—
    - (i) replace a previous authorisation with a class 2 heavy vehicle authorisation (notice); or
    - (ii) replace more than 1 previous authorisation with a single consolidated class 2 heavy vehicle authorisation (notice); or
  - (c) under Division 3 of Part 2 of the *Heavy Vehicle (Mass, Dimension and Loading) National Regulation*—

- 
- (i) replace a previous declaration with an HML declaration; or
    - (ii) replace more than 1 previous declaration with a single consolidated HML declaration.
  - (2) The relevant consent provisions do not apply if—
    - (a) the replacement instrument applies to the areas and routes to which the relevant previous instrument or instruments applied; and
    - (b) in relation to those areas and routes, the replacement instrument is subject to—
      - (i) the previous conditions; or
      - (ii) those conditions as amended in relation to any area or route with the consent of the road manager for the area or route.
  - (3) Under subsection (1), a previous instrument may be replaced entirely or partly.
  - (4) However, if a previous instrument is only partly replaced—
    - (a) the remainder is not affected; and
    - (b) section 750 of the Law applies.
  - (5) Subsections (6) to (8) apply in relation to a replacement instrument if, to the extent the conditions that apply to it are the previous conditions, those previous conditions included the following or the equivalent of the following—
    - (a) a road condition;
    - (b) a travel condition;
    - (c) a vehicle condition applying to every previous instrument of the same type (a ***common vehicle condition***).

[s 17]

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- (6) The road condition is taken to be a road condition imposed under section 160 of the Law because it is a condition on which the relevant road manager consented to the grant of the replacement instrument.
- (7) The travel condition is taken to be a travel condition imposed under section 161 of the Law because it is a condition on which the relevant road manager consented to the grant of the replacement instrument.
- (8) The common vehicle condition is taken to be a vehicle condition imposed under section 162 of the Law at the request of the relevant road manager.

#### **17 Amendment of Sch 1 (Fees)**

- (1) Schedule 1, items 3, 6, 8 and 10—  
*omit.*
- (2) Schedule 1, item 7, ‘127.00’—  
*omit, insert—*  
84.00

## **Part 4 Amendment of Heavy Vehicle (Mass, Dimension and Loading) National Regulation**

#### **18 Regulation amended**

This Part amends the *Heavy Vehicle (Mass, Dimension and Loading) National Regulation*.

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## 19 Amendment of s 3 (Definitions)

- (1) Section 3, after the definition *complying bus*—

*insert*—

***complying steer axle vehicle*** means a heavy vehicle with a single steer axle if the vehicle has all of the following—

- (a) an engine complying with the emission control requirements contained in ADR 80/01 (Euro IV engine) or a later version of ADR 80;
- (b) a front underrun protection device that complies with UN ECE Regulation No. 93 or ADR 84—Front Underrun Impact Protection;
- (c) a cabin that complies with UN ECE Regulation No. 29;
- (d) appropriately rated tyres, axle and suspension to permit 6.5t on the steer axle;
- (e) a GVM of 15t or more.

***UN ECE Regulation*** means an addendum to the United Nations Agreement Concerning the Adoption of Uniform Conditions of Approval and Reciprocal Recognition of Approval for Motor Vehicle Equipment and Parts done at Geneva on 20 March 1958.

- (2) Section 3, definition *HML declaration*, ‘15(2)’—

*omit, insert*—

12(2)

- (3) Section 3, definition *steer axle mass exception limits*—

*omit.*

[s 20]

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**20 Amendment of s 7 (Mass exceptions)**

(1) Section 7(1)(b)—

*omit.*

(2) Section 7(1)(c) to (e)—

*renumber* as sections 7(1)(b) to (d).

**21 Amendment of s 15 (Requirements about Commonwealth Gazette Notice etc.)**

(1) Section 15(1)(a), ‘(the *area or route statement*)’—

*omit.*

(2) Sections 15(2) to (6)—

*omit, insert—*

(2) Without limiting subsection (1)(a), the declaration may state the areas or routes under the subsection by—

(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) If the declaration 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 the areas or routes mentioned in subsection (2)(b), including by adding additional areas or routes; 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.

*Note—*

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).

- (4) Despite subsection (3)(a), a road authority may only amend a map or list in a way that affects a particular road if—
  - (a) the road authority is the road manager for the road; or
  - (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.
- (5) The Regulator must publish a copy of the notice on the Regulator’s website.
- (6) In this section—

*relevant road authority*, for an HML declaration, means the road authority for the participating jurisdiction in which the road likely to be travelled under the declaration is situated.

## 22 Insertion of new s 15A

After section 15—

[s 22]

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*insert—*

**15A Process for amending a stated map or stated list**

- (1) This section applies to the amendment of a stated map or stated list mentioned in section 15.
- (2) For the purpose of an amendment by the Regulator only adding an additional area or route to a stated map or stated list—
  - (a) section 13 applies; and
  - (b) the road manager consent provisions as applied under section 14. and section 14, apply; and
  - (c) sections 17 and 18 do not apply.
- (3) For the purpose of subsection (2), sections 13 and 14 apply as if—
  - (a) a reference to the making of an HML declaration were a reference to the adding of the additional area or route; and
  - (b) a reference to the relevant road manager for an HML declaration were a reference to the relevant road manager for the declaration that applies the stated map or list.
- (4) For the purpose of an amendment by the relevant road authority only adding an additional area or route to a stated map or stated list, sections 13, 14, 17 and 18 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, sections 17 and 18 apply
- (6) For the purpose of subsection (5), sections 17 and 18 apply as if—
  - (a) a reference to the amendment of an HML declaration 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 stated map or stated list; and
- (c) a reference to the relevant road manager for an HML declaration were a reference to the relevant road manager for the declaration that applies the stated map or stated list.

**23 Amendment of s 36 (Identification requirement for particular HML heavy vehicle)**

Section 36(2), '(3) and (5)'—

*omit, insert—*

(3) to (5)

**24 Insertion of new Pt 8**

After section 45—

*insert—*

**Part 8 Transitional provisions**

**46 Saving of stated map and other matters under section 15**

- (1) Subsections (2) to (4) apply to the following—
  - (a) a stated map applied under unamended section 15(2) in an HML declaration in existence immediately before the commencement;
  - (b) the areas or routes shown on the stated map immediately before the commencement;

[s 25]

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- (c) a list of areas or routes applied, adopted or incorporated under section 24(1) of Schedule 1 of the Law in an HML declaration in existence immediately before the commencement.
- (2) The stated map is taken to be a stated map applied under amended section 15(2).
- (3) The list of areas or routes is taken to be a stated list applied under amended section 15(2).
- (4) The areas or routes shown on the stated map mentioned in subsection (2) or the stated list mentioned in subsection (3) may only be amended under amended section 15 and section 15A.
- (5) In this section—

***amended section 15*** means section 15 as amended by the amendment regulation.

***amendment regulation*** means the *Heavy Vehicle National Amendment Regulation*.

***commencement*** means the commencement of the amendment of section 15 under the amendment regulation.

***unamended section 15*** means section 15 as it existed immediately before it was amended by the amendment regulation.

## 25 Amendment of Sch 1 (General mass limits)

- (1) Schedule 1, Part 1, section 2(1)(a)(iv)—

*omit, insert—*

- (iv) for a complying steer axle vehicle that is neither a B-double nor a road train—43t;
- (v) for a vehicle that is not mentioned in subparagraphs (i) to (iv) and that is

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neither a B-double nor a road train—42.5t;

(2) Schedule 1, Part 1, section 5(1) and (2)—

*omit, insert—*

(1) The mass of a heavy vehicle, other than a road train or a B-double, relating to an axle spacing of the vehicle must not be more than—

(a) the mass limit stated in Table 2 of Part 2 in relation to the axle spacing; or

(b) if—

(i) the heavy vehicle is a complying steer axle vehicle; and

(ii) the steer axle is used to calculate the axle spacing mentioned in paragraph (a)—

the mass limit mentioned in paragraph (a) increased by 0.5t.

(2) The mass of a B-double relating to an axle spacing of the B-double must not be more than—

(a) the mass limit stated in Table 3 of Part 2 in relation to the axle spacing; or

(b) if—

(i) the B-double is a complying steer axle vehicle; and

(ii) the steer axle is used to calculate the axle spacing mentioned in paragraph (a)—

the mass limit mentioned in paragraph (a) increased by 0.5t.

[s 26]

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- (3) Schedule 1, part 2, table 1, first column, single axles and single axle groups, provision starting ‘Steer axles on—’, after paragraph (a)—

*insert—*

(aa) a complying steer axle vehicle

- (4) Schedule 1, part 2, table 1, mass limit (t), opposite paragraph (aa) as inserted—

*insert—*

6.5

## **26 Omission of Sch 3 (Steer axle mass exception limits)**

Schedule 3—

*omit.*

## **27 Amendment of Sch 5 (Higher mass limits)**

Schedule 5, section 1(4) at the end—

*insert—*

*Example—*

The Vehicle Standards Bulletin Number 11 mentioned in the definition *certified road-friendly suspension system* in section 3 requires axle groups to have dual tyres.

## **28 Amendment of Sch 6 (Dimension requirements)**

Schedule 6, section 7(2)(a), (b) and (c)—

*omit, insert—*

- (a) rear vision mirrors, signalling devices and side-mounted lamps and reflectors;
- (b) anti-skid devices mounted on wheels, central tyre inflation systems, tyre pressure gauges;

- (c) permanently fixed webbing assembly-type devices, including, for example, curtain-side devices, if the maximum distance across the body including any part of the devices does not exceed 2.55m.

## **Part 5**

# **Amendment of the Heavy Vehicle (Vehicle Standards) National Regulation**

### **29 Regulation amended**

This Part amends the *Heavy Vehicle (Vehicle Standards) National Regulation*.

### **30 Amendment of s 8 (Measurement of width of vehicles)**

Section 8(a), (b) and (c)—

*omit, insert—*

- (a) rear vision mirrors, signalling devices and side-mounted lamps and reflectors;
- (b) anti-skid devices mounted on wheels, central tyre inflation systems, tyre pressure gauges;
- (c) permanently fixed webbing assembly-type devices, including, for example, curtain-side devices.

### **31 Amendment of s 12 (Modifications)**

Section 12, ‘section’ —

*omit, insert—*

sections 85,

[s 32]

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### **32 Amendment of Sch 2, s 12 (Rear vision mirrors)**

- (1) Schedule 2, section 12(4) and (5)—  
*renumber* as Schedule 2, section 12(5) and (6).
- (2) Schedule 2, section 12(3)—  
*omit, insert*—
  - (3) A rear vision mirror fitted to a heavy motor vehicle as required by subsection (1) must not project over 150mm beyond the overall width of the vehicle, measured in accordance with the prescribed dimension requirements applying to the vehicle.
  - (4) However, a rear vision mirror fitted to a heavy motor vehicle as required by subsection (1) may project not over 230mm beyond the widest part of the vehicle or combination if it can fold to project not over 150mm beyond the overall width of the vehicle, measured in accordance with the prescribed dimension requirements applying to the vehicle.
- (3) Schedule 2, section 12, at the end—  
*insert*—

*Note*—

The application of prescribed dimension requirements under subsections (3) to (5) has the effect that the standards under the subsections relating to the projection of a rear vision mirror are subject to the limitations on the width of a vehicle imposed by the *Heavy Vehicle (Mass, Dimension and Loading) National Regulation*, Schedule 6, section 7.

### **33 Amendment of Sch 2, s 21 (Window tinting)**

- (1) Schedule 2, section 21(4) to (7)—  
*renumber* as Schedule 2, section 21(5) to (8).



(2) Schedule 2, after section 21(3)—

*insert—*

- (4) Glazing used in a window or interior partition of a heavy motor vehicle must have a luminous transmittance of at least 70%.

(3) Schedule 2, section 21(6), as renumbered, ‘subsection (4)’—

*omit, insert—*

subsection (5)

### **34 Amendment of Sch 2, s 79 (Other lights and reflectors)**

Schedule 2, section 79(2), at the end—

*insert—*

*Examples of special use vehicle—*

tow truck, vehicle breakdown service vehicle

### **35 Amendment of Sch 2, s 84 (Components of a braking system)**

Schedule 2, section 84(2), at the end—

*insert—*

*Notes—*

- 1 A standard approved by a standards body is sometimes identified by a different name or acronym to the approving body. For example, the standards approved by the European Committee for Standardization are identified by the acronym EN.
- 2 A vehicle need not comply with a standard if that standard is replaced by a later version of the standard and the vehicle complies with that later version.

### **36 Amendment of Sch 2, s 98 (Requirements of DT80 test cycle)**

Schedule 2, section 98(3)(c), ‘≤ 5Hz’—

[s 37]

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*omit, insert—*

$\geq 5\text{Hz}$

### **37 Amendment of Sch 2, s 99 (Exhaust systems)**

- (1) Schedule 2, section 99(1), ‘, other than a bus,’—  
*omit.*
- (2) Schedule 2, section 99(3) to (7)—  
*renumber* as Schedule 2, section 99(4) to (8).
- (3) Schedule 2, section 99(6) as renumbered, ‘subsection (4)’—  
*omit, insert—*  
subsection (5)
- (4) Schedule 2, after section 99(2)—  
*insert—*
  - (3) Subsections (1) and (2) do not apply to a heavy motor vehicle—
    - (a) that is a bus; or
    - (b) that is primarily designed for the carriage of goods with a GVM not exceeding 12t.

### **38 Amendment of Sch 2, s 102 (Silencing device for exhaust systems)**

- (1) Schedule 2, section 102, existing provision—  
*renumber* as Schedule 2, section 102(1).
- (2) Schedule 2, section 102, at the end—  
*insert—*
  - (2) For the purposes of subsection (1), a silencing device designed to be manipulated by the vehicle’s operator, including, for example, by in-vehicle controls, must be designed so that it can be tested in its worst case configuration.

*Note for subsection (2)—*

A device is tested in its worst case configuration if it is tested in a way that produces the loudest noise. For example, if a butterfly valve is used as a silencing device, it must be able to be tested fully opened.

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ENDNOTES

- 1 Made by the Queensland Governor, as defined under section 730(5) of the Heavy Vehicle National Law, acting with the advice of the Executive Council of Queensland, on 17 December 2015.
- 2 Published on the NSW legislation website in accordance with Part 6A of the *Interpretation Act 1987* of NSW on 17 December 2015.
- 3 The administering agency is the National Heavy Vehicle Regulator.

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Authorised by the Parliamentary Counsel