

# **Heavy Vehicle National Law Amendment Bill 2018**

## **Explanatory Notes**

### **FOR**

## **Amendments to be moved during consideration in detail by the Honourable the Minister for Transport and Main Roads**

### **Title of the Bill**

Heavy Vehicle National Law Amendment Bill 2018.

### **Objectives of the Amendments**

The objectives of the amendments to the Heavy Vehicle National Law Amendment Bill 2018 are to amend commencement provisions to reflect a 1 October 2018 commencement date, and to correct technical drafting anomalies that would adversely affect the ongoing operation of the *Heavy Vehicle National Law Act 2012*.

### **Achievement of the Objectives**

The objectives are achieved by amending existing clause 2 of the Heavy Vehicle National Law Amendment Bill 2018 to change commencement from taking place on a day to be fixed by proclamation to 1 October 2018, and by inserting new Part 4 'Legislation amended' to correct a range of technical drafting anomalies.

### **Alternative Ways of Achieving Policy Objectives**

There is no other alternative that would achieve the policy objectives other than by amending the Heavy Vehicle National Law Amendment Bill 2018 to amend the commencement date and correct the technical drafting anomalies immediately after commencement of the identified provisions.

### **Estimated Cost for Government Implementation**

There are no administrative costs to government associated with implementing the proposed amendments.

## Consistency with Fundamental Legislative Principles

The amendments to the Heavy Vehicle National Law Amendment Bill 2018 are consistent with fundamental legislative principles.

## Consultation

The National Transport Commission, National Heavy Vehicle Regulator and officers from participating jurisdictions were consulted on these issues and provided their support.

## NOTES ON PROVISIONS

### 1 Clause 2 (Commencement)

This clause replaces the commencement provision in clause 2 of the Bill.

*Clause 2 (amendment of section 2 Commencement)*

This clause amends the commencement provision for the Heavy Vehicle National Law Amendment Bill 2018 to commence part 3, and the amendments contained in part 4 schedule 1 to the Heavy Vehicle National Law as set out in the Schedule of the *Heavy Vehicle National Law Act 2012*, immediately after section 16 of the *Heavy Vehicle National Law and Other Legislation Amendment Act 2018*. The provisions not specified, including part 2 and the amendments contained in part 4 schedule 1 to the *Heavy Vehicle National Law and Other Legislation Amendment Act 2018* will commence on assent.

This amendment is undertaken in order to support the coordinated commencement of all three phases of chain of responsibility reforms, and to correctly effect a range of technical drafting anomalies prior to the commencement of the identified provisions.

### 2 After clause 38

This clause inserts a new part – Part 4 Legislation amended.

*Clause 39 (Legislation amended)*

This clause inserts a new schedule – Schedule 1 Legislation amended– which fixes a range of technical drafting anomalies by amending the *Heavy Vehicle National Law and Other Legislation Amendment Act 2018* and the Heavy Vehicle National Law as set out in the Schedule to the *Heavy Vehicle National Law Act 2012*.

### ***Heavy Vehicle National Law and Other Legislation Amendment Act 2018 amendments***

*Clause 1* amends section 45(1) of the *Heavy Vehicle National Law and Other Legislation Amendment Act 2018* to omit section 319A(5) from the sections to be inserted into Schedule 1 (Infringement notice offences and fines for nominated laws) of Queensland's *State Penalties and Enforcement Regulation 2014*. Legislative amendment is required so that an infringement penalty of \$300 is not applied to section 319A(5).

### ***Heavy Vehicle National Law as set out in the Schedule to the Heavy Vehicle National Law Act 2012 amendments***

*Clause 1* makes corrections to the terms included in sections 412, 421(1)(a), 428, 437(1), 442 and 450(1) by replacing 'access information' with 'access program information'. This clause

corrects an anomaly caused by the commencement of section 139 of the *Heavy Vehicle National Law and Other Legislation Amendment Act 2016* (the 2016 Act) prior to commencement of chapter 2 of the 2016 Act.

*Clause 2* makes corrections to the terms included in section 421(1) by replacing ‘access service’ with ‘access program service’. This clause corrects an anomaly caused by the commencement of section 139 of the 2016 Act prior to commencement of chapter 2 of the 2016 Act.

*Clause 3* omits ‘vehicle’ and inserts ‘vehicle; and’ at the end of section 634(3)(b). This clause remedies a technical issue because the *Reprint Act 1992* cannot be applied to change the full stop at the end of section 634(3)(b) to ‘; and’.

*Clause 4* omits reference to sections 30 and 50 from Schedule 4. Amendments contained within the 2016 Act and the *Heavy Vehicle National Law and Other Legislation Amendment Act 2018* require that sections 30 and 50 be omitted from Schedule 4.

### **3 Long title**

This clause amends the long title to reflect the fact the Bill will now include amendments to the *Heavy Vehicle National Law and Other Legislation Amendment Act 2018*. The long title is amended to include reference to the *Heavy Vehicle National Law and Other Legislation Amendment Act 2018*.