



Queensland

# Heavy Vehicle National Law Amendment Bill 2018





## Queensland

# Heavy Vehicle National Law Amendment Bill 2018

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**2018**

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**A Bill**

for

**An Act to amend the *Heavy Vehicle National Law Act 2012* for particular purposes**

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[s 1]

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**The Parliament of Queensland enacts—** 1

**Part 1 Preliminary** 2

**Clause 1 Short title** 3

This Act may be cited as the *Heavy Vehicle National Law Amendment Act 2018*. 4  
5

**Clause 2 Commencement** 6

Part 3 commences on a day to be fixed by proclamation. 7

**Part 2 Amendment of Heavy Vehicle National Law Act 2012** 8  
9

**Clause 3 Act amended** 10

This part amends the *Heavy Vehicle National Law Act 2012*. 11

**Clause 4 Insertion of new s 42E** 12

Part 4A— 13

*insert—* 14

**42E Amendment of s 707 (Proceedings for offences)** 15  
16

(1) National Law, section 707— 17

*insert—* 18

(3A) A complaint for a fatigue management 19  
offence may be heard at a place appointed 20  
for holding Magistrates Courts within the 21  
district within which the defendant was 22



required to produce the defendant's work  
diary under section 568. 1  
2

*Editor's note—* 3

This subsection is an additional Queensland  
provision. 4  
5

(3B) Subsection (3A) has effect despite, but does  
not limit, the *Justices Act 1886*, section 139. 6  
7

*Editor's note—* 8

This subsection is an additional Queensland  
provision. 9  
10

(2) National Law, section 707(4)— 11

*insert—* 12

***fatigue management offence*** means an  
offence against any of the following  
provisions— 13  
14  
15

(a) section 250; 16

(b) section 251; 17

(c) section 254; 18

(d) section 256; 19

(e) section 258; 20

(f) part 6.4. 21

*Editor's note—* 22

This definition is an additional Queensland  
provision. 23  
24

## Part 3 Amendment of Heavy Vehicle National Law 25 26

Clause 5 Law amended 27

This part amends the Heavy Vehicle National Law as set out  
in the Schedule to the *Heavy Vehicle National Law Act 2012*. 28  
29

[s 6]

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<b>Clause 6</b>	<b>Amendment of s 5 (Definitions)</b>	1
	(1) Section 5, definition <i>notice</i> —	2
	<i>omit.</i>	3
	(2) Section 5—	4
	<i>insert</i> —	5
	<i>notice</i> —	6
	(a) means written notice; and	7
	(b) for the purposes of Division 5B of Part 9.4, has the meaning given by section 576D.	8 9
	<i>prohibition notice</i> has the meaning given by section 576A(3).	10 11
	(3) Section 5, definitions <i>container weight declaration</i> , paragraph (a), <i>extract</i> , <i>journey documentation</i> , <i>registration item</i> and <i>transport documentation</i> —	12 13 14
	<i>insert</i> —	15
	<i>Note</i> —	16
	See the definition <i>document</i> in section 12 of Schedule 1.	17
	(4) Section 5, definition <i>information</i> , paragraph (a)—	18
	<i>omit, insert</i> —	19
	(a) information in the form of a printed document; and	20 21
	<i>Note</i> —	22
	See the definitions <i>printed</i> and <i>document</i> in section 12 of Schedule 1.	23 24
<b>Clause 7</b>	<b>Amendment of s 23 (Application for PBS vehicle approval)</b>	25 26
	Section 23—	27
	<i>insert</i> —	28
	(5A) The PBS vehicle approval must state the performance level for the approval.	29 30

---

<b>Clause 8</b>	<b>Insertion of new s 25A</b>	1
	Part 1.4—	2
	<i>insert</i> —	3
	<b>25A Keeping copy of PBS vehicle approval while driving</b>	4
	(1) The driver of a PBS vehicle must keep a copy of the PBS vehicle approval in the driver’s possession while driving the PBS vehicle.	6
	Maximum penalty—\$3000.	9
	(2) Each relevant party for a driver mentioned in subsection (1) must ensure the driver complies with subsection (1), unless the relevant party has a reasonable excuse.	10
	Maximum penalty—\$3000.	14
	(3) In this section—	15
	<i>relevant party</i> , for the driver of a PBS vehicle, means—	16
	(a) an employer of the driver if the driver is an employed driver; or	18
	(b) a prime contractor of the driver if the driver is a self-employed driver; or	20
	(c) an operator of the vehicle if the driver is making a journey for the operator.	22
<b>Clause 9</b>	<b>Amendment of s 26D (Duty of executive of legal entity)</b>	24
	Section 26D(3), definition <i>safety duty</i> —	25
	<i>relocate</i> to section 5.	26
<b>Clause 10</b>	<b>Amendment of s 95 (Prescribed mass requirements)</b>	27
	Section 95(2)(b), ‘spacing.’—	28
	<i>omit, insert</i> —	29

[s 11]

---

	spacing;	1
	(c) general mass limits applying to heavy vehicles or components of heavy vehicles.	2 3
<b>Clause 11</b>	<b>Amendment of s 96 (Compliance with mass requirements)</b>	4 5
	Section 96—	6
	<i>insert</i> —	7
	(5) This section does not apply to a specified PBS vehicle as defined in section 136(2).	8 9
	<i>Note</i> —	10
	If a specified PBS vehicle does not comply with the mass requirements applying to the vehicle, it would be a class 2 heavy vehicle and could be dealt with under section 137.	11 12 13 14
<b>Clause 12</b>	<b>Replacement of s 115 (Proof of contravention of loading requirement)</b>	15 16
	Section 115—	17
	<i>omit, insert</i> —	18
	<b>115 Proof of contravention of loading requirement</b>	19
	(1) In a proceeding for an offence against Division 1, the following is evidence that a load on a heavy vehicle was not placed, secured or restrained in compliance with a loading requirement applying to the vehicle—	20 21 22 23 24
	(a) evidence that the load was not placed, secured or restrained in a way that met a loading performance standard;	25 26 27
	(b) evidence that a load, or part of a load, has fallen off a heavy vehicle.	28 29
	(2) The national regulations may prescribe standards (the <i>loading performance standards</i> ) for heavy	30 31

---

	vehicles.	1
<b>Clause 13</b>	<b>Amendment of s 136 (Class 2 heavy vehicles)</b>	2
(1)	Section 136(b)—	3
	<i>omit, insert—</i>	4
	(b) it is a PBS vehicle other than a specified PBS vehicle.	5 6
(2)	Section 136, before ‘A heavy’—	7
	<i>insert—</i>	8
	(1)	9
(3)	Section 136—	10
	<i>insert—</i>	11
	(2) In this section—	12
	<i>specified PBS vehicle</i> means a PBS vehicle that—	13 14
	(a) is not a bus; and	15
	(b) is not longer than 20m; and	16
	(c) is the subject of a current PBS vehicle approval at performance level 1; and	17 18
	(d) complies with the PBS vehicle approval; and	19 20
	(e) complies with the general mass limits for the vehicle, regardless of whether the PBS vehicle approval authorises a higher mass limit.	21 22 23 24
	<i>Note—</i>	25
	General mass limits for a vehicle may be included in prescribed mass requirements under section 95.	26 27

[s 14]

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<b>Clause 14</b>	<b>Omission of s 153 (Keeping copy of PBS vehicle approval while driving under class 2 heavy vehicle authorisation)</b>	1 2
	Section 153—	3
	<i>omit.</i>	4
<b>Clause 15</b>	<b>Amendment of s 153A (Using restricted access vehicle)</b>	5
	Section 153A(3)—	6
	<i>omit, insert—</i>	7
	(3) This section does not apply to—	8
	(a) a class 2 heavy vehicle; or	9
	(b) a specified PBS vehicle as defined in section 136(2).	10 11
	<i>Note—</i>	12
	All other PBS vehicles are class 2 heavy vehicles (see section 136).	13 14
<b>Clause 16</b>	<b>Replacement of s 156 (Deciding request for consent generally)</b>	15 16
	Section 156—	17
	<i>omit, insert—</i>	18
	<b>156 Period within which road manager must decide</b>	19 20
	(1) If the Regulator asks a road manager for a road for the road manager’s consent to the grant of a mass or dimension authority, the road manager must decide to give or not to give the consent—	21 22 23 24
	(a) within—	25
	(i) 28 days after the request is made, unless subparagraph (ii) applies; or	26 27
	(ii) if this section applies because the road manager gave the Regulator a notice of objection to the grant under section	28 29 30

- 
- 167—14 days after giving the notice of objection; or 1  
2
- (b) within a longer period, of not more than 6 months after the request is made, agreed to by the Regulator. 3  
4  
5
- Note—* 6
- See, however, sections 159, 167 and 168. 7
- (2) The road manager may ask for, and the Regulator may agree to, a longer period under subsection (1)(b) only if— 8  
9  
10
- (a) consultation is required under a law with another entity (including, for example, for the purpose of obtaining that entity’s approval to give the consent); or 11  
12  
13  
14
- (b) the road manager considers a route assessment is necessary for deciding whether to give or not to give the consent; or 15  
16  
17
- (c) the road manager is the road authority for the participating jurisdiction and considers that a local government authority that is not required under a law to be consulted should nevertheless be consulted before deciding whether to give or not to give the consent. 18  
19  
20  
21  
22  
23
- (3) If the Regulator agrees to a longer period under subsection (1)(b), the Regulator must give the applicant for the mass or dimension authority concerned a written statement of the decision— 24  
25  
26  
27
- (a) identifying the road manager concerned; and 28  
29
- (b) indicating the ground on which the road manager asked for a longer period. 30  
31
- 156A Deciding request for consent generally** 32
- (1) If the Regulator asks a road manager for a road for 33

[s 16]

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- the road manager’s consent to the grant of a mass or dimension authority, the road manager may decide not to give the consent only if the road manager is satisfied—
- (a) the mass or dimension authority will, or is likely to—
- (i) cause damage to road infrastructure; or
  - (ii) impose adverse effects on the community arising from noise, emissions or traffic congestion or from other matters stated in approved guidelines; or
  - (iii) pose significant risks to public safety arising from heavy vehicle use that is incompatible with road infrastructure or traffic conditions; and
- (b) it is not possible to grant the authority subject to road conditions or travel conditions that will avoid, or significantly minimise—
- (i) the damage or likely damage; or
  - (ii) the adverse effects or likely adverse effects; or
  - (iii) the significant risks or likely significant risks.
- (2) If the road manager considers that the consent would be given if the mass of the vehicle under the application for the authority was less than applied for, the road manager must give the consent subject to a road condition that the vehicle not exceed the mass.
- (3) Also, in deciding whether or not to give the consent, the road manager must have regard to—



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	(a) for a mass or dimension exemption—the approved guidelines for granting mass or dimension exemptions; or	1 2 3
	(b) for a class 2 heavy vehicle authorisation—the approved guidelines for granting class 2 heavy vehicle authorisations.	4 5 6
	(4) If a relevant road manager for a mass or dimension authority decides not to give consent to the grant of the authority, the relevant road manager must give the Regulator a written statement that explains the road manager’s decision and complies with section 172.	7 8 9 10 11 12
<b>Clause 17</b>	<b>Amendment of s 172 (Requirements for statement explaining adverse decision of road manager)</b>	13 14
	Section 172(1)(a), ‘section 156’—	15
	<i>omit, insert—</i>	16
	section 156A	17
<b>Clause 18</b>	<b>Amendment of s 490 (Reference to document includes reference to reproduction from electronic document)</b>	18 19
	Section 490—	20
	<i>insert—</i>	21
	<i>Note—</i>	22
	See the definition <i>document</i> in section 12 of Schedule 1.	23
<b>Clause 19</b>	<b>Amendment of s 521 (Power to enter and search heavy vehicle involved, or suspected to be involved, in an offence etc.)</b>	24 25 26
	Section 521(6), after ‘police officer’—	27
	<i>insert—</i>	28
	or is acting under the direction of a police officer	29

[s 20]

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<b>Clause 20</b>	<b>Amendment of s 522 (Power to order presentation of heavy vehicles for inspection)</b>	1 2
(1)	Section 522(1)(a), ‘30 days’— <i>omit, insert—</i> 60 days	3 4 5
(2)	Section 522(2)— <i>omit, insert—</i> (1A) An authorised officer may, by notice under subsection (2), require to be produced for inspection at a place and time stated in the notice, vehicles in a category of heavy vehicles that the officer reasonably believes have within the preceding 60 days been used or will be used on a road if the officer reasonably believes that— (a) the vehicles in that category do not comply with this Law; or (b) the vehicles in that category are defective heavy vehicles as defined in section 525.	6 7 8 9 10 11 12 13 14 15 16 17 18
(2)	A notice must be served on— (a) the person in charge of the heavy vehicle or category of heavy vehicles; or (b) the registered operator or, if the heavy vehicle or category of heavy vehicles is not registered, an owner.	19 20 21 22 23 24
(3)	Section 522— <i>insert—</i> (6) An authorised officer may act under subsection (1A) only if— (a) for an authorised officer who is a police officer—the officer has the relevant police commissioner’s written authority to act under subsection (1A); or	25 26 27 28 29 30 31 32

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	(b) for an authorised officer who is not a police officer—the officer’s instrument of appointment provides that the authorised officer may act under subsection (1A).	1 2 3 4
<b>Clause 21</b>	<b>Amendment of s 568 (Power to require production of document etc. required to be in driver’s possession)</b>	5 6
	(1) Section 568(2) and (3)—	7
	<i>omit, insert—</i>	8
	(2) An authorised officer may, for compliance purposes, require the driver of the heavy vehicle to produce for inspection by the officer—	9 10 11
	(a) if the driver is required by another law of this jurisdiction to keep their driver licence in their possession while driving the vehicle—the driver’s driver licence; or	12 13 14 15
	(b) a document, device or other thing the driver is required under this Law to keep in the driver’s possession while driving the vehicle.	16 17 18 19
	<i>Examples—</i>	20
	• a copy of a Commonwealth Gazette notice or permit	21 22
	• a work diary	23
	<i>Note—</i>	24
	Section 17 of Schedule 1 and section 490 deal with the production of documents and other information kept electronically.	25 26 27
	(3) A person of whom a requirement is made under subsection (2) must comply with the requirement, unless the person has a reasonable excuse.	28 29 30
	Maximum penalty—	31
	(a) for a requirement under paragraph (2)(a)—	32
	\$6000; or	33

[s 22]

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	(b) for a requirement under paragraph (2)(b)—	1
	an amount equal to the amount of the	2
	maximum penalty for an offence of failing	3
	to keep the document, device or other thing	4
	in the driver’s possession.	5
(2)	Section 568(4)(a) and (8), before ‘document’—	6
	<i>insert—</i>	7
	licence,	8
(3)	Section 568(4)—	9
	<i>insert—</i>	10
	<i>Note—</i>	11
	Section 587 also deals with self-incrimination when	12
	complying with a requirement of an authorised officer.	13
(4)	Section 568(5)(a), before ‘document’—	14
	<i>insert—</i>	15
	licence or	16
(5)	Section 568(6)—	17
	<i>omit, insert—</i>	18
	(6) If, under subsection (5), the authorised officer	19
	copies, takes an extract from, or produces an	20
	image or writing from, a licence or document or	21
	an entry in a document, the officer may require	22
	the person responsible for keeping the licence or	23
	document to certify the copy as a true copy of the	24
	licence, document or entry.	25
<b>Clause 22</b>	<b>Amendment of s 569 (Power to require production of documents etc. generally)</b>	26
		27
(1)	Section 569(1)—	28
	<i>insert—</i>	29

---

<i>Note—</i>	1
Section 17 of Schedule 1 and section 490 deal with the production of documents and other information kept electronically.	2 3 4
(2) Section 569(3)—	5
<i>omit, insert—</i>	6
(3) If, under subsection (1), an authorised officer requires a responsible person to make available or produce an electronic document—	7 8 9
(a) the authorised officer may require the responsible person to make available or produce—	10 11 12
(i) a printed copy of the electronic document; or	13 14
(ii) an electronic copy of the document; and	15 16
(b) compliance with the requirement made under subsection (1) requires the making available or production of the document in the way required under paragraph (a).	17 18 19 20
<i>Notes—</i>	21
1 See the definitions <i>document</i> and <i>printed</i> in section 12 of Schedule 1.	22 23
2 Section 17 of Schedule 1 and section 490 also deal with the production of documents and other information kept electronically.	24 25 26
(3) Section 569(4)—	27
<i>insert—</i>	28
<i>Notes—</i>	29
1 Section 587 also deals with self-incrimination when complying with a requirement of an authorised officer.	30 31 32
2 Section 588 deals with the admissibility of information provided in complying with a requirement under this section.	33 34 35

[s 23]

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<b>Clause 23</b>	<b>Amendment of s 570 (Power to require information about heavy vehicles)</b>	1 2
(1)	Section 570(1)(b), ‘vehicle.’—	3
	<i>omit, insert—</i>	4
	vehicle; or	5
	(c) personal details known to the responsible person about anyone else the responsible person reasonably believes holds information about the heavy vehicle.	6 7 8 9
	<i>Note—</i>	10
	Section 17 of Schedule 1 and section 490 deal with the production of documents and other information kept electronically.	11 12 13
(2)	Section 570(2), ‘the current or intended journey’—	14
	<i>omit, insert—</i>	15
	a past, current or intended journey	16
(3)	Section 570—	17
	<i>insert—</i>	18
	(2A) An authorised officer requiring personal details under subsection (1)(c) must give the responsible person a notice stating—	19 20 21
	(a) that the requirement is made under this section; and	22 23
	(b) that failing to comply with the requirement is an offence; and	24 25
	(c) the time, that is reasonable in the circumstances, in which the person must give the personal details; and	26 27 28
	(d) the effect of subsection (5A) and section 735A.	29 30
(4)	Section 570(5)—	31
	<i>insert—</i>	32

---

	<i>Note—</i>	1
	Section 587 also deals with self-incrimination when complying with a requirement of an authorised officer.	2 3
(5)	Section 570—	4
	<i>insert—</i>	5
	(5A) However, the following information is not admissible as evidence against an individual in a civil or criminal proceeding, other than a proceeding for false or misleading information—	6 7 8 9
	(a) information, other than information in the form of a document, that the individual gives in complying with a requirement under subsection (1)(c);	10 11 12 13
	(b) information that is directly or indirectly derived from information to which paragraph (a) applies.	14 15 16
	<i>Note—</i>	17
	Section 588 deals with the admissibility of information provided in complying with a requirement under subsection (1)(a) and (b).	18 19 20
<b>Clause 24</b>	<b>Amendment of s 570A (Requiring information)</b>	21
(1)	Section 570A(1) to (4)—	22
	<i>omit, insert—</i>	23
	(1) This section applies if an authorised officer reasonably believes that a person is capable of giving information, providing documents or giving evidence—	24 25 26 27
	(a) in relation to a possible contravention of—	28
	(i) a safety duty; or	29
	(ii) a duty of an executive under section 26D; or	30 31

[s 24]

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- (b) that will assist the authorised officer to monitor or enforce compliance with—
- (i) a safety duty; or
  - (ii) a duty of an executive under section 26D.
- Note—*
- Section 17 of Schedule 1 and section 490 deal with the production of documents and other information kept electronically.
- (2) The authorised officer may, by notice, require the person to give the information, documents or evidence to the authorised officer.
- (3) If the authorised officer, despite reasonable diligence, has not been able to obtain the information, documents or evidence under subsection (2), the authorised officer may, by notice given to the person, require the person to do either or both of the following—
- (a) give information or produce documents to the authorised officer within the time and in the way stated in the notice;
  - (b) appear before a person appointed by the authorised officer on a day, and at a time and place, stated in the notice and give oral evidence.
- (4) The notice must state—
- (a) that—
    - (i) the requirement is made under this section; and
    - (ii) failing to comply with the requirement is an offence; and
  - (b) if the notice requires the person to give information or produce documents to the authorised officer—the time and way, that is



- 
- reasonable in the circumstances, in which 1  
the person must give the information or 2  
documents; and 3
- (c) if the notice requires the person to give oral 4  
evidence— 5
- (i) the day, time and place, that is 6  
reasonable in the circumstances, for the 7  
person to appear before the person 8  
appointed by the authorised officer; 9  
and 10
- (ii) that the person may appear with an 11  
Australian legal practitioner; and 12
- (d) the effect of— 13
- (i) subsections (7) and (8); and 14
- (ii) section 735A. 15
- (2) Section 570A(6)— 16  
*insert*— 17
- Note*— 18  
Section 587 also deals with self-incrimination when 19  
complying with a requirement of an authorised officer. 20
- (3) Section 570A(7)— 21  
*omit, insert*— 22
- (7) However, the following information, documents 23  
and evidence are not admissible as evidence 24  
against an individual in a civil or criminal 25  
proceeding, other than a proceeding for false or 26  
misleading information— 27
- (a) information, documents and evidence that 28  
the individual gives in complying with a 29  
requirement under this section; 30
- (b) information, documents and evidence that is 31  
directly or indirectly derived from 32

[s 25]

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	information, documents or evidence mentioned in paragraph (a).	1 2
<b>Clause 25</b>	<b>Insertion of new Pt 9.4, Divs 5A and 5B</b>	3
	Part 9.4—	4
	<i>insert—</i>	5
	<b>Division 5A Prohibition notices</b>	6
	<b>576A Power to issue prohibition notice</b>	7
	(1) This section applies if an authorised officer reasonably believes that an activity involving a heavy vehicle—	8 9 10
	(a) is occurring and involves, or will involve, an immediate or imminent serious risk to the health or safety of a person; or	11 12 13
	(b) may occur and, if it occurs, will involve an immediate or imminent serious risk to the health or safety of a person.	14 15 16
	(2) The authorised officer may give a person who has control over the activity a direction prohibiting the carrying on of the activity, or the carrying on of the activity in a specified way, until an authorised officer is satisfied that the matters that give or will give rise to the risk have been remedied.	17 18 19 20 21 22 23
	(3) The direction may be given orally, but must be confirmed by written notice (a <i>prohibition notice</i> ) given to the person as soon as practicable.	24 25 26
	<b>576B Contents of prohibition notice</b>	27
	(1) A prohibition notice must state—	28

- 
- (a) that the authorised officer believes that grounds for the issue of the prohibition notice exist and the basis for that belief; and
- (b) briefly, the activity that the authorised officer believes involves or will involve the risk and the matters that give or will give rise to the risk; and
- (c) the provision of this Law that the authorised officer believes is being, or is likely to be, contravened by that activity.
- (2) A prohibition notice may include directions on the measures to be taken to remedy the risk, activities or matters to which the notice relates, or the contravention or likely contravention mentioned in subsection (1)(c).
- (3) Without limiting section 576A, a prohibition notice that prohibits the carrying on of an activity in a specified way may do so by stating 1 or more of the following—
- (a) a heavy vehicle, or part of a heavy vehicle, in which the activity is not to be carried out;
- (b) anything that is not to be used in connection with the activity;
- (c) any procedure that is not to be followed in connection with the activity.

### **576C Compliance with prohibition notice**

A person given a direction under section 576A(2) or a prohibition notice must comply with the direction or notice.

Maximum penalty—\$10000.

## **Division 5B Injunctions**

[s 26]

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<b>576D Application of Div 5B</b>	1
In this Division—	2
<i>notice</i> means an improvement notice or a prohibition notice.	3 4
<b>576E Injunction for noncompliance with notice</b>	5
(1) An authorised officer may apply to the Supreme Court for an injunction—	6 7
(a) compelling a person to comply with a notice; or	8 9
(b) restraining a person from contravening a notice.	10 11
(2) The authorised officer may do so—	12
(a) whether or not a proceeding has been brought for an offence against this Law in connection with any matter in relation to which the notice was issued; and	13 14 15 16
(b) whether any period for compliance with the notice has expired.	17 18
(3) An authorised officer may make an application under this section only if—	19 20
(a) for an authorised officer who is a police officer—the officer has the relevant police commissioner’s written authority to make the application; or	21 22 23 24
(b) for an authorised officer who is not a police officer—the officer’s instrument of appointment provides that the authorised officer may make the application.	25 26 27 28

<b>Clause 26 Amendment of s 577 (Power to require reasonable help)</b>	29
(1) Section 577(3)(a)—	30

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*insert—* 1

*Note—* 2

Section 17 of Schedule 1 and section 490 deal with the  
production of documents and other information kept  
electronically. 3  
4  
5

(2) Section 577(6)— 6

*insert—* 7

*Notes—* 8

1 Section 587 also deals with self-incrimination when  
complying with a requirement of an authorised  
officer. 9  
10  
11

2 Section 588 deals with the admissibility of  
information provided in complying with a  
requirement under this section. 12  
13  
14

**Clause 27 Amendment of s 588 (Evidential immunity for individuals  
complying with particular requirements)** 15  
16

Section 588(1), ‘570’— 17

*omit, insert—* 18

570(1)(a) and (b) 19

**Clause 28 Insertion of new Pt 10.3, Div 2A** 20

Part 10.3— 21

*insert—* 22

**Division 2A Injunctions** 23

**596A Injunctions** 24

If a court convicts a person of an offence against  
this Law, the court may issue an injunction  
requiring the person to cease contravening this  
Law. 25  
26  
27  
28

[s 29]

---

	<i>Note—</i>	1
	An injunction may also be obtained under section 576E	2
	for noncompliance with an improvement notice or	3
	prohibition notice.	4
<b>Clause 29</b>	<b>Amendment of s 641 (Applying for internal review)</b>	5
	Section 641(8), definition <i>dissatisfied person</i> , paragraph (f)—	6
	<i>omit, insert—</i>	7
	(f) for a reviewable decision of an authorised	8
	officer to give a person an improvement	9
	notice or prohibition notice, or to amend an	10
	improvement notice or prohibition notice	11
	given to a person—the person to whom the	12
	notice was given; or	13
<b>Clause 30</b>	<b>Amendment of s 653 (Approved guidelines for</b>	14
	<b>exemptions, authorisations, permits and other</b>	15
	<b>authorities)</b>	16
	Section 653(1)(l)(ii)—	17
	<i>omit, insert—</i>	18
	(ii) section 156A(1)(a)(ii); or	19
<b>Clause 31</b>	<b>Insertion of new ss 726B and 726C</b>	20
	Part 13.3, Division 2—	21
	<i>insert—</i>	22
	<b>726B Evidence obtained by police using other</b>	23
	<b>powers</b>	24
	To remove any doubt, it is declared that evidence	25
	lawfully obtained by a police officer using powers	26
	other than the powers under this Law is not	27
	inadmissible in proceedings for a contravention of	28
	this Law only because the evidence was obtained	29
	using the other powers.	30

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**726C Evidence obtained in another jurisdiction** 1

To remove any doubt, it is declared that evidence 2  
lawfully obtained in a jurisdiction (the *first* 3  
*jurisdiction*) is not inadmissible in proceedings 4  
for a contravention of this Law in another 5  
jurisdiction only because the evidence was 6  
obtained in the first jurisdiction. 7

**Clause 32 Insertion of new Pt 13.3, Div 3** 8

Part 13.3— 9

*insert—* 10

**Division 3 Publication of court** 11

**outcomes** 12

**726D Regulator may publish convictions, 13  
penalties, orders, etc.** 14

- (1) This section applies if a court convicts a person of 15  
an offence against this Law. 16

*Note—* 17

Under section 9, a court *convicts* a person of an offence 18  
if the court finds the person guilty, or accepts the 19  
person's plea of guilty, for the offence whether or not a 20  
conviction is recorded. 21

- (2) The Regulator may publish the following 22  
information about the conviction on the 23  
Regulator's website— 24

(a) the offence for which the person was 25  
convicted; 26

(b) if the court imposed a penalty for the 27  
conviction—the penalty imposed; 28

(c) if the court made an order against the person 29  
in relation to the conviction—information 30  
about the order made, other than 31

[s 33]

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	information that could identify or lead to the identification of the person.	1 2
	<i>Note—</i>	3
	Orders the court may make include commercial benefits penalty orders (see section 597), supervisory intervention orders (see section 600), prohibition orders (see section 607) and compensation orders (see section 611).	4 5 6 7 8
<b>Clause 33</b>	<b>Amendment of s 727 (Definitions for Pt 13.4)</b>	9
(1)	Section 727(1), definition <i>driver fatigue provision</i> , before paragraph (a)—	10 11
	<i>insert—</i>	12
	(aa) Chapter 1A to the extent the Chapter relates to driver fatigue;	13 14
(2)	Section 727(1), definition <i>driver fatigue provision</i> , paragraph (d), ‘paragraphs (a) and (b)’—	15 16
	<i>omit, insert—</i>	17
	paragraphs (aa), (a) and (b)	18
(3)	Section 727(1), definition <i>electronic work diary protected information</i> , paragraph (b)(i)—	19 20
	<i>omit, insert—</i>	21
	(i) information obtained, collected or recorded other than for the purposes of Chapter 1A to the extent the Chapter relates to driver fatigue or Chapter 6 (the <i>driver fatigue purposes</i> ), even if the information is—	22 23 24 25 26 27
	(A) coincidentally relevant for a driver fatigue purpose; and	28 29
	(B) recorded in an electronic work diary; or	30 31



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<b>Clause 34</b>	<b>Amendment of s 730 (National regulations)</b>	1
	Section 730(3)(b)—	2
	<i>insert—</i>	3
	<i>Note—</i>	4
	However, a maximum fine imposed by the regulations may be increased under section 737 to a higher amount.	5 6
<b>Clause 35</b>	<b>Amendment of s 737 (Increase of penalty amounts)</b>	7
	Section 737—	8
	<i>insert—</i>	9
	(2A) To remove any doubt, the maximum fine limits mentioned in section 730(3)(b) do not limit the application of subsection (2).	10 11 12
<b>Clause 36</b>	<b>Amendment of s 750 (Amendment or cancellation of instruments carried over from former legislation)</b>	13 14
	Section 750(4)—	15
	<i>omit, insert—</i>	16
	(4) Despite anything to the contrary in this Law other than subsection (3), the Regulator may amend or cancel the instrument simply by publishing a public notice of the amendment or cancellation.	17 18 19 20
<b>Clause 37</b>	<b>Amendment of Sch 3 (Reviewable decisions)</b>	21
	(1) Schedule 3, Part 2—	22
	<i>insert—</i>	23
section 576A	decision of an authorised officer who is not a police officer to give a person a prohibition notice	

[s 38]

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section 576A decision of an authorised officer who is not a police officer to amend a prohibition notice given to a person

*Note—*

Section 23 of Schedule 1 allows for the amendment of a prohibition notice.

(2) Schedule 3, Part 3, ‘section 156’— 1  
*omit, insert—* 2  
section 156A 3

**Clause 38 Amendment of Sch 4 (Liability provisions)** 4  
Schedule 4, table— 5  
*insert—* 6

576C	576C
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