

**Authorised Version No. 017**  
**Heavy Vehicle National Law Application**  
**Act 2013**

**No. 30 of 2013**

Authorised Version incorporating amendments as at  
27 March 2019

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**The Parliament of Victoria enacts:**

**Part 1—Preliminary**

**1 Purposes**

The main purposes of this Act are—

- (a) to provide for the application of a National Law to regulate the use of heavy vehicles;  
and
- (b) to make related and consequential amendments to other Acts.

**2 Commencement**

This Act comes into operation on a day or days to be proclaimed.

**3 Definitions**

(1) In this Act—

*Heavy Vehicle National Law (Victoria)* means the provisions applying in this jurisdiction because of section 4;

*magistrate* means a magistrate within the meaning of the **Magistrates' Court Act 1989**;

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S. 3(1) def. of  
*member of  
the force*  
inserted by  
No. 35/2014  
s. 59,  
repealed by  
No. 37/2014  
s. 10(Sch.  
item 79.1(b)).

\* \* \* \* \*

S. 3(1) def. of  
*police officer*  
inserted by  
No. 37/2014  
s. 10(Sch.  
item 79.1(a)).

*police officer* has the same meaning as in the  
**Victoria Police Act 2013**;

*Roads Corporation* has the same meaning as in  
the **Transport Integration Act 2010**;

*Scrutiny of Acts and Regulations Committee*  
means the committee established under  
section 5(k) of the **Parliamentary  
Committees Act 2003**;

*this jurisdiction* means Victoria.

- (2) Terms used in this Act and also in the Heavy Vehicle National Law set out in the Schedule to the Heavy Vehicle National Law Act 2012 of Queensland have the same meanings in this Act as they have in that law.

## Part 2—Application of Heavy Vehicle National Law

### 4 Application of Heavy Vehicle National Law

The Heavy Vehicle National Law, as in force from time to time, set out in the Schedule to the Heavy Vehicle National Law Act 2012 of Queensland—

- (a) subject to Part 5, applies as a law of this jurisdiction; and
- (b) as so applying may be referred to as the Heavy Vehicle National Law (Victoria); and
- (c) so applies as if it were an Act.

### 5 Exclusion of legislation of this jurisdiction

(1) The following Acts of this jurisdiction do not apply to the Heavy Vehicle National Law (Victoria) or to instruments made under that Law—

- (a) the **Financial Management Act 1994**;
- (b) the **Freedom of Information Act 1982**;

\* \* \* \* \*

(d) the **Interpretation of Legislation Act 1984**, other than sections 11, 13 and 46A;

(e) the **Monetary Units Act 2004**;

(ea) the **Privacy and Data Protection Act 2014**;

S. 5(1)(c)  
repealed by  
No. 60/2014  
s. 140(Sch. 3  
item 26.1).

S. 5(1)(ea)  
inserted by  
No. 60/2014  
s. 140(Sch. 3  
item 26.2).

(f) the **Public Administration Act 2004**;

(g) the **Public Records Act 1973**;

S. 5(2)  
amended by  
No. 70/2016  
s. 52.

- (h) the **Subordinate Legislation Act 1994**  
(except as provided by section 6).
- (2) However, the Acts referred to in subsection (1)(a), (b), (ea), (f) and (g) apply to a public sector body or a public sector employee exercising a function under the Heavy Vehicle National Law (Victoria).
- (3) The **Audit Act 1994** does not apply to the Heavy Vehicle National Law (Victoria) or to instruments made under that law, except to the extent that that law and those instruments apply to—
- (a) a public sector body and the employees, decisions, actions and records of the public sector body in carrying out a function; or
  - (b) the Auditor-General in carrying out an audit as required by a national regulation made under section 693(3)(b) of the Heavy Vehicle National Law (Victoria).
- (4) For the avoidance of doubt—
- (a) subsection (1)(d) does not limit the application of the **Interpretation of Legislation Act 1984** to a provision of this Act;
  - (b) subsection (1)(h) does not limit the application of the **Subordinate Legislation Act 1994** to regulations made under section 54 of this Act.
- (5) In this section—
- public sector body* has the same meaning as in the **Public Administration Act 2004**;
- public sector employee* has the same meaning as in the **Public Administration Act 2004**.



## 6 Disallowance of national regulations

- (1) Section 15(1) and Part 5 (except sections 21(1)(ga) and (j)) of the **Subordinate Legislation Act 1994** apply to a national regulation as if—
- (a) the national regulation were a statutory rule within the meaning of that Act; and
  - (b) a reference in section 15(1) or 23(2)(a)(ii) of that Act to the publication of notice of the making of the statutory rule in the Government Gazette under section 17(2) of that Act were a reference to the later of—
    - (i) the publication of the national regulation under section 733 of the Heavy Vehicle National Law (Victoria);
    - (ii) the day this section comes into operation.

S. 6(1)(b)  
amended by  
No. 74/2013  
s. 20.

### Note

Section 15(1) of the **Subordinate Legislation Act 1994** requires that a statutory rule be laid before each House of Parliament. Part 5 of that Act provides for the suspension or disallowance of statutory rules in certain circumstances.

- (2) If a national regulation is disallowed in whole or in part under the **Subordinate Legislation Act 1994**, then despite anything to the contrary in that Act, the disallowed regulation does not, or the disallowed part does not, cease to have effect in this jurisdiction unless the disallowed regulation, or disallowed part, is disallowed in a majority of the participating jurisdictions.
- (3) In such a case, the disallowed regulation, or disallowed part, ceases to have effect on the date that regulation or part is disallowed in the last of the participating jurisdictions forming the majority of participating jurisdictions.

## 7 Rail replacement buses and buses responding to an emergency exemption

- (1) Chapter 6 of the Heavy Vehicle National Law (Victoria) does not apply to a person in the course of carrying out his or her duties as—
- (a) a driver for a rail replacement bus service who is responding to a rail disruption; or
  - (b) a driver for a bus service who is responding to an emergency; or
  - (c) the record keeper for a driver referred to in paragraph (a) or (b).

S. 7(1)(b)  
amended by  
No. 7/2019  
s. 40(a).

S. 7(1)(c)  
inserted by  
No. 7/2019  
s. 40(b).

- (2) In this section—

***bus service*** has the same meaning as in the **Bus Safety Act 2009**;

***emergency*** means an event, or an anticipated event, that—

- (a) endangers, or may endanger life, property or the environment; or
- (b) has disrupted, or may disrupt, communications, energy, water supply or sewerage services; or
- (c) is declared to be an emergency or disaster by—
  - (i) the Commonwealth or a State or Territory; or
  - (ii) a Commonwealth, State or Territory authority responsible for managing responses to emergencies or disasters;

*rail disruption* means the unplanned disruption of a rail service that is sufficiently serious to require the provision of a rail replacement bus service;

*rail replacement bus service* means a bus service (operated by an accredited bus operator within the meaning of the **Bus Safety Act 2009**) which carries passengers of a disrupted rail service;

*rail service* means a train service or a tram service.

## **8 Return of seized things or samples**

Section 556 of the Heavy Vehicle National Law (Victoria) applies as if after section 556(4) there were inserted—

- "(4A) If the relevant tribunal or court is not satisfied as set out in subsection (4), it may—
- (a) make an order for the return of the thing or sample to the person from whom it was seized or to the owner if that person is not entitled to possess it; or
  - (b) make an order that the thing or sample be forfeited to the State and—
    - (i) destroyed in accordance with the order; or
    - (ii) sold in accordance with the order and the proceeds of the sale paid into the Consolidated Fund.

(4B) An order made under subsection (4A)(b) cannot take effect before the end of any applicable appeal period or the determination of any appeal made within that period."

#### **9 Use of certificates in assessing compensation**

Section 613(1) of the Heavy Vehicle National Law (Victoria) applies as if a reference in that section to 28 days were a reference to 60 days.

### **Part 3—Meaning of terms for Heavy Vehicle National Law (Victoria)**

#### **10 Meaning of generic terms in Heavy Vehicle National Law for the purposes of this jurisdiction**

In the Heavy Vehicle National Law (Victoria)—

*Roads Corporation* has the same meaning as in the **Transport Integration Act 2010**;

*this jurisdiction* means Victoria.

#### **11 Authorised warrant official**

A magistrate is declared to be an authorised warrant official for this jurisdiction for the purposes of the Heavy Vehicle National Law (Victoria).

##### **Note**

See section 5 of the Heavy Vehicle National Law (Victoria) for the definition of *authorised warrant official*.

#### **12 Authorised officer**

- (1) A police officer authorised by the Chief Commissioner of Police is declared to be an authorised officer for the purposes of Part 9.2 of the Heavy Vehicle National Law (Victoria).
- (2) Any police officer is declared to be an authorised officer for the purposes of the Heavy Vehicle National Law (Victoria) other than Part 9.2.

S. 12(1)  
amended by  
No. 37/2014  
s. 10(Sch.  
item 79.2).

S. 12(2)  
amended by  
No. 37/2014  
s. 10(Sch.  
item 79.2).

\* \* \* \* \*

S. 12(3)  
repealed by  
No. 35/2014  
s. 60(1).

**Note**

See section 5 of the Heavy Vehicle National Law (Victoria) for the definition of *authorised officer*.

Note to s. 12  
inserted by  
No. 35/2014  
s. 60(2).

**13 Infringement Notice Offences Law**

- (1) The **Infringements Act 2006** and the regulations made under that Act are declared to be the Infringement Notice Offences Law for the purposes of the Heavy Vehicle National Law (Victoria).
- (2) The **Fines Reform Act 2014** and the regulations made under that Act are declared to be the Infringement Notice Offences Law for the purposes of enforcing an infringement notice issued under the Heavy Vehicle National Law (Victoria).

S. 13  
amended by  
No. 47/2014  
s. 266 (ILA  
s. 39B(1)).

S. 13(2)  
inserted by  
No. 47/2014  
s. 266.

**Note**

See section 5 of the Heavy Vehicle National Law (Victoria) for the definition of *Infringement Notice Offences Law*.

**14 Local government authority**

A Council within the meaning of the **Local Government Act 1989** is declared to be a local government authority for this jurisdiction for the purposes of the Heavy Vehicle National Law (Victoria).

**Note**

See section 5 of the Heavy Vehicle National Law (Victoria) for the definition of *local government authority*.

## **15 Relevant tribunal or court**

- (1) VCAT is declared to be the relevant tribunal or court for this jurisdiction for the purposes of the Heavy Vehicle National Law (Victoria) other than Division 2 of Part 9.4.

### **Note**

See section 5 of the Heavy Vehicle National Law (Victoria) for the definition of *relevant tribunal or court*.

- (2) The Magistrates' Court is declared to be the relevant tribunal or court for this jurisdiction for the purposes of Division 2 of Part 9.4 of the Heavy Vehicle National Law (Victoria).

## **16 Responsible Minister**

The Minister responsible for administering this Act is nominated as the responsible Minister for this jurisdiction for the purposes of the Heavy Vehicle National Law (Victoria).

### **Note**

See section 5 of the Heavy Vehicle National Law (Victoria) for the definition of *responsible Minister*.

## **17 Road authority**

The Roads Corporation is declared to be the road authority for this jurisdiction for the purposes of the Heavy Vehicle National Law (Victoria).

### **Note**

See section 5 of the Heavy Vehicle National Law (Victoria) for the definition of *road authority*.

## **18 Road manager**

- (1) The following entities are declared to be the road manager for the following roads for the purposes of the Heavy Vehicle National Law (Victoria)—
  - (a) the Roads Corporation for—
    - (i) a freeway;

- (ii) an arterial road;
- (iii) the Extension road;
- (iv) the Link road;
- (v) the EastLink;
- (vi) the Peninsula Link Freeway;
- (b) the relevant responsible road authority under section 37(1)(c) or (d) of the **Road Management Act 2004** for a non-arterial State road;
- (c) the Council of the municipal district for a municipal road or part of a municipal road situated in that district;
- (d) the owner of the road for any other road.

**Note**

See section 5 of the Heavy Vehicle National Law (Victoria) for the definition of *road manager*.

- (2) An entity referred to in subsection (1) may enter into an arrangement with another such entity to transfer a function of the entity in relation to a road to that other entity.
- (3) If an arrangement is in force under subsection (2), a reference in the Heavy Vehicle National Law (Victoria) to the road manager for the road in relation to the function transferred is taken to be a reference to the entity to which the function has been transferred.
- (4) In this section—

*arterial road* has the same meaning as in the **Road Management Act 2004**;

*EastLink* has the same meaning as in the **EastLink Project Act 2004**;

*Extension road* has the same meaning as in the **Melbourne City Link Act 1995**;

*freeway* has the same meaning as in the **Road Management Act 2004**;

*Link road* has the same meaning as in the **Melbourne City Link Act 1995**;

*municipal road* has the same meaning as in the **Road Management Act 2004**;

*non-arterial State road* has the same meaning as in the **Road Management Act 2004**;

*Peninsula Link Freeway* has the same meaning as in the **Road Management Act 2004**.

S. 19  
amended by  
No. 7/2019  
s. 35.

## 19 Road Rules

The Road Rules within the meaning of section 3(1) of the **Road Safety Act 1986** are declared to be the Road Rules for the purposes of the Heavy Vehicle National Law (Victoria).

### Note

See section 5 of the Heavy Vehicle National Law (Victoria) for the definition of *Road Rules*.

## 20 Meaning of road and road-related area

- (1) If a declaration of a place or class of places to be a road or roads or a road related area or road related areas for the purposes of the **Road Safety Act 1986** in an Order made under section 3(2)(a) of that Act is in force, it is taken to be a declaration of the area to which it relates to be a road or road-related area (as the case requires) for the purposes of the Heavy Vehicle National Law (Victoria).

### Note

Section 8(3) of the Heavy Vehicle National Law (Victoria) provides for the declaration of an area to be a *road* or *road-related area* for the purposes of that Law.



- (2) If a declaration of a place or class of places not to be a road or roads or a road related area or road related areas for the purposes of the **Road Safety Act 1986** in an Order made under section 3(2)(a) of that Act is in force, the area to which the declaration relates is taken not to be a road or road-related area (as the case requires) for the purposes of the Heavy Vehicle National Law (Victoria).

#### **21 Meaning of *convicts* and *convicted of an offence***

For the avoidance of doubt, section 9(1) of the Heavy Vehicle National Law (Victoria) applies only for the purposes of that Law and offences under that Law and not for the purposes of any other law of this jurisdiction.

#### **22 Primary WHS Law**

The **Occupational Health and Safety Act 2004** and the regulations made under that Act are declared to be the primary WHS Law for the purposes of the Heavy Vehicle National Law (Victoria).

##### **Note**

See section 18(4) of the Heavy Vehicle National Law (Victoria) for the definition of *primary WHS Law*.

#### **23 Power to forfeit particular things or samples**

The **Victoria Police Act 2013** is the applicable legislation for the purposes of section 561(4)(b) of the Heavy Vehicle National Law (Victoria).

##### **Note**

Section 561(4)(b) of the Heavy Vehicle National Law (Victoria) makes provision for dealing with things or samples seized by a police officer.

S. 23  
amended by  
No. 37/2014  
s. 10(Sch.  
item 79.3).

## **24 Infringement offence under the Heavy Vehicle National Law (Victoria)**

An offence for which an infringement notice may be served under section 591 of the Heavy Vehicle National Law (Victoria) is an infringement offence for the purposes of the **Infringements Act 2006**.

## **25 Infringement penalty**

The infringement penalty for a prescribed offence within the meaning of section 591 of the Heavy Vehicle National Law (Victoria) is 10% of the maximum penalty for the offence.

### **Note**

Section 591(3) of the Heavy Vehicle National Law (Victoria) sets out the meaning of *prescribed offence*. Section 596(3) of the Heavy Vehicle National Law (Victoria) provides for the maximum penalty for an offence applicable to a body corporate. Section 737 of the Heavy Vehicle National Law (Victoria) sets out the method for increasing a penalty amount each 1 July.

## **26 Review of decision by VCAT**

- (1) A reference in the Heavy Vehicle National Law (Victoria) to an appeal against a review decision under Part 11.3 of that Law is a reference to an application to VCAT for review of the decision in accordance with the **Victorian Civil and Administrative Tribunal Act 1998**.
- (2) For the avoidance of doubt, the Heavy Vehicle National Law (Victoria) is an enabling enactment for the purposes of the **Victorian Civil and Administrative Tribunal Act 1998**.

## **27 Meaning of *relevant law***

The **Road Safety Act 1986** is the law specified for the purposes of the definition of *relevant law* in section 727(1) of the Heavy Vehicle National Law (Victoria).

## **28 Toll road authority**

Each of the following is an entity for the purposes of paragraph (h) of the definition of *authorised use* in section 727(1) of the Heavy Vehicle National Law (Victoria)—

- (a) the relevant corporation within the meaning of the **Melbourne City Link Act 1995**;
- (b) the Freeway Corporation within the meaning of the **EastLink Project Act 2004**;
- (c) any other person the Roads Corporation, by notice published in the Government Gazette, declares to be an entity for the purposes of that paragraph.

## **Part 4—Offences and legal proceedings**

### **Division 1—General**

#### **29 No double jeopardy**

If—

- (a) an act or omission is an offence against the Heavy Vehicle National Law (Victoria) or the national regulations and is also an offence against a law of another participating jurisdiction; and
- (b) the offender has been punished for the offence under the law of the other jurisdiction—

the offender is not liable to be punished for the offence against the Heavy Vehicle National Law (Victoria) or the national regulations.

#### **30 Offences for which the person charged does not have the benefit of the mistake of fact defence**

- (1) This section declares the effect of a provision of the Heavy Vehicle National Law (Victoria) or the national regulations that states that a person charged with an offence does not have the benefit of the mistake of fact defence for the offence.
- (2) It is not a defence to a charge for the offence that, at or before the time of the conduct constituting the offence, the person was under a mistaken but honest and reasonable belief about facts which, had they existed, would have meant that the conduct would not have constituted an offence.

#### **Note**

See section 14 of the Heavy Vehicle National Law (Victoria).

**31 Persons who may commence proceedings for offences**

(1) A proceeding for an offence against the Heavy Vehicle National Law (Victoria) or the national regulations may be commenced by—

- (a) the Regulator; or
- (b) the Roads Corporation; or
- (ba) a police officer; or

S. 31(1)(ba)  
inserted by  
No. 35/2014  
s. 61(1),  
amended by  
No. 45/2015  
s. 3(a).

(c) an officer of the Roads Corporation who is authorised in writing to do so either generally or in any particular case by the Regulator or the Roads Corporation; or

(d) an employee of the Victorian Public Service who is authorised in writing to do so either generally or in any particular case by the Regulator; or

(e) an authorised officer (other than a police officer) who is authorised in writing to do so either generally or in any particular case by the Regulator or the Roads Corporation.

S. 31(1)(e)  
amended by  
Nos 35/2014  
s. 61(2),  
45/2015  
s. 3(b).

\* \* \* \* \*

S. 31(1)(f)  
repealed by  
No. 35/2014  
s. 61(3).

(2) An authorisation under subsection (1) is sufficient authority to continue proceedings in any case where the court amends the charge-sheet, warrant or summons.

- (3) Any person authorised under subsection (1) may conduct before a court any proceedings for an offence against the Heavy Vehicle National Law (Victoria) or the national regulations.

**Division 2—Evidentiary provisions for offences against the Heavy Vehicle National Law (Victoria) or national regulations**

**32 Average speed evidence of actual speed in certain circumstances**

- (1) If, in a proceeding for an offence against the Heavy Vehicle National Law (Victoria) or national regulations—
- (a) the speed at which a heavy vehicle travelled is relevant; and
  - (b) the prosecution relies on the average speed of the heavy vehicle between 2 points on a road as determined in accordance with subsection (2)—

the average speed so determined is evidence, and in the absence of evidence of the actual speed of the heavy vehicle to the contrary is proof, of the speed of the heavy vehicle.

- (2) For the purposes of subsection (1), the average speed of a heavy vehicle between 2 points on a road expressed in kilometres per hour is calculated in accordance with the following formula and rounded down to the next whole number—

$$\frac{D \times 3.6}{T}$$

where—

D is the shortest distance, expressed in metres, that would be travelled by a heavy vehicle on the road between the 2 points;

T is the time, expressed in seconds (including any part of a second), that has elapsed between the heavy vehicle passing the first and second points.

**Example**

In 16.2 seconds a heavy vehicle travels between two points that are 400 metres apart.  $400 \times 3.6$  divided by 16.2 equals 88.9 or, when rounded down to the next whole number, gives a result of 88. Therefore, for the purpose of subsection (1), the average speed of the heavy vehicle is 88 kilometres per hour.

- (3) This section does not derogate from any other mode of proof of the speed of the heavy vehicle.
- (4) For the purpose of a proceeding for an offence against the Heavy Vehicle National Law (Victoria) or national regulations, in which the speed at which a heavy vehicle travelled is relevant, if a heavy vehicle that is being towed is attached to a heavy vehicle, the heavy vehicle and the towing heavy vehicle are to be taken to be travelling at the same speed.

**33 Evidence of road distance**

- (1) A certificate in the prescribed form purporting to be issued by an approved surveyor certifying as to the shortest distance, expressed in metres, that would be travelled by a heavy vehicle on a road between 2 points is admissible in evidence in a proceeding for an offence against the Heavy Vehicle National Law (Victoria) or national regulations and, in the absence of evidence to the contrary, is proof of that distance.
- (2) In this section—

*approved surveyor* means a licensed surveyor approved under section 78A(2) of the **Road Safety Act 1986**;

*prescribed* means prescribed in regulations made under the **Road Safety Act 1986** for the purposes of section 78A of that Act.

### **34 Evidence of speed**

- (1) If, in a proceeding for an offence against the Heavy Vehicle National Law (Victoria) or national regulations, the speed at which a heavy vehicle travelled on any occasion is relevant, evidence of the speed of the heavy vehicle as indicated or determined on that occasion by a prescribed road safety camera or prescribed speed detector when tested, sealed and used in the prescribed manner is, without prejudice to any other mode of proof and in the absence of evidence to the contrary, proof of the speed of the heavy vehicle on that occasion.
- (2) For the purpose of a proceeding for an offence against the Heavy Vehicle National Law (Victoria) or national regulations in which the speed at which a heavy vehicle travelled on any occasion is relevant, if a heavy vehicle that is being towed is attached to another heavy vehicle, the heavy vehicle and the towing heavy vehicle are to be taken to be travelling at the same speed.
- (3) In this section—

*prescribed* means prescribed in regulations made under the **Road Safety Act 1986** for the purposes of section 79 of that Act.

### **35 Evidence of engine management system data**

- (1) If, in a proceeding for an offence against the Heavy Vehicle National Law (Victoria) or national regulations, any information held in a heavy vehicle's engine management system is relevant, any representation of that information derived from an engine management system reading device specified by the regulations is to be



presumed, in the absence of evidence to the contrary, to be an accurate record of that information if the device is operated in the manner specified for that device in the regulations and the information is derived in accordance with the regulations.

(2) In this section—

*the regulations* means regulations made under the **Road Safety Act 1986** for the purposes of section 79A of that Act.

### **36 Certain matters indicated by prescribed road safety cameras are evidence**

- (1) If, in a proceeding for an offence against section 204, 205, 206, 207, 208, 209, 210, 211, 212, 213 or 219 of the Heavy Vehicle National Law (Victoria) the speed at which a heavy vehicle travelled on any occasion is relevant, evidence of the speed of the heavy vehicle as indicated or determined on that occasion by—
- (a) a prescribed road safety camera when tested, sealed and used in the prescribed manner; or
  - (b) an image or message produced by a prescribed road safety camera when tested, sealed and used in the prescribed manner; or
  - (c) an image or message produced by a prescribed process when used in the prescribed manner—

is, without prejudice to any other mode of proof and in the absence of evidence to the contrary, proof of the speed of the heavy vehicle on that occasion.

- (2) For the purpose of a proceeding for an offence against section 204, 205, 206, 207, 208, 209, 210, 211, 212, 213 or 219 of the Heavy Vehicle National Law (Victoria) in which the speed at

which a heavy vehicle travelled on any occasion is relevant, if a heavy vehicle that is being towed is attached to another heavy vehicle, the heavy vehicle or towed heavy vehicle and the towing heavy vehicle are to be taken to be travelling at the same speed.

- (3) If, in a proceeding for an offence against section 204, 205, 206, 207, 208, 209, 210, 211, 212, 213 or 219 of the Heavy Vehicle National Law (Victoria), the speed limit at the time and place at which a heavy vehicle travelled on any occasion is relevant, evidence of the speed limit at that time and place as indicated or determined on that occasion by an image or message produced by a prescribed process when used in the prescribed manner is, without prejudice to any other mode of proof and in the absence of evidence to the contrary, proof of the speed limit on that occasion.

- (4) In this section—

*prescribed* means prescribed in regulations made under the **Road Safety Act 1986** for the purposes of section 81 of that Act.

S. 36A  
inserted by  
No. 45/2015  
s. 4.

### 36A Evidence of mass

- (1) In a proceeding for an offence against the Heavy Vehicle National Law (Victoria) or the national regulations, the mass carried on any axle of a heavy vehicle as determined by a prescribed device when tested, sealed and used in the prescribed manner is, after due allowance of the prescribed limits of error, proof, in the absence of evidence to the contrary, of the mass.
- (2) Without prejudice to any other method of determining the mass of a heavy vehicle or of its load or of both, the mass of the load of any heavy vehicle carrying passengers may, for the purposes

of the Heavy Vehicle National Law (Victoria) or the national regulations, be calculated on the basis that the mass of 16 adult passengers is 1 tonne.

(3) In this section—

*prescribed* means prescribed in regulations made under the **Road Safety Act 1986** for the purposes of section 82 of that Act.

### **37 Evidence of testing and sealing**

(1) In a proceeding for an offence against the Heavy Vehicle National Law (Victoria) or national regulations, a certificate in the prescribed form to the effect that any prescribed speed detector referred to in section 34 has been tested or sealed in the prescribed manner, signed or purporting to be signed by a person authorised to do so by the regulations is, without prejudice to any other mode of proof and in the absence of evidence to the contrary, proof that the prescribed speed detector or device has been so tested or sealed.

(2) In this section—

*prescribed* means prescribed in regulations made under the **Road Safety Act 1986** for the purposes of section 83 of that Act.

### **38 Evidence relating to prescribed road safety cameras**

(1) A certificate containing the prescribed information purporting to be issued by an authorised person certifying—

- (a) that a prescribed road safety camera was tested, sealed or used in the prescribed manner; or
- (b) that an image or message described in the certificate was produced by a prescribed road safety camera or by a prescribed process; or

Heavy Vehicle National Law Application Act 2013  
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S. 38(1)(c)  
amended by  
No. 37/2014  
s. 10(Sch.  
item 79.4).

(c) as to any other matter that appears in, or that can be determined from, the records kept in relation to the prescribed road safety camera or the prescribed process by Victoria Police—

is admissible in evidence in a proceeding for an offence against the Heavy Vehicle National Law (Victoria) or national regulations and, in the absence of evidence to the contrary, is proof of the matters stated in the certificate.

(2) In this section—

*authorised person* means a person authorised for the purposes of section 83A of the **Road Safety Act 1986** by the Chief Commissioner of Police;

*prescribed* means prescribed in regulations made under the **Road Safety Act 1986** for the purposes of section 83A of that Act.

## Part 5—Registration of heavy vehicles

### 39 Application of Part

This Part applies for the period beginning on the commencement of section 4 and ending on the commencement of section 53.

#### 39A Definition

In this Part—

*corresponding registration law* means a law of a participating jurisdiction that provides for the registration of vehicles in substantially the same terms as in the **Road Safety Act 1986**.

S. 39A  
inserted by  
No. 74/2013  
s. 21.

### 40 Registration provisions of Heavy Vehicle National Law (Victoria) do not apply

Chapter 2 of the Heavy Vehicle National Law set out in the Schedule to the Heavy Vehicle National Law Act 2012 of Queensland does not apply as a law of this jurisdiction.

### 41 GCM

The Heavy Vehicle National Law (Victoria) applies as if for the definition of **GCM** in section 5 of that Law there were substituted—

"**GCM** has the same meaning as in the **Road Safety Act 1986** or another corresponding registration law."

S. 41  
amended by  
No. 74/2013  
s. 22.

### 42 GVM

The Heavy Vehicle National Law (Victoria) applies as if for the definition of **GVM** in section 5 of that Law there were substituted—

"**GVM** has the same meaning as in the **Road Safety Act 1986** or another corresponding registration law."

S. 42  
amended by  
No. 74/2013  
s. 23.

### 43 Registration

S. 43(1)  
amended by  
No. 74/2013  
s. 24.

- (1) The Heavy Vehicle National Law (Victoria) applies as if for the definition of *registration* in section 5 of that Law there were substituted—

*registration*, of a heavy vehicle, means registration of the vehicle under the **Road Safety Act 1986** or under another corresponding registration law."

S. 43(2)  
amended by  
No. 74/2013  
s. 24.

- (2) The Heavy Vehicle National Law (Victoria) applies as if a reference to registration under that Law were a reference to registration under the **Road Safety Act 1986** or under another corresponding registration law.

### 44 Registration exemption

S. 44  
amended by  
No. 74/2013  
s. 25.

The Heavy Vehicle National Law (Victoria) applies as if for the definition of *registration exemption* in section 5 of that Law there were substituted—

*registration exemption* means an exemption under the **Road Safety Act 1986** or under another corresponding registration law from the requirement for a heavy vehicle to be registered."

### 45 Registration number

S. 45  
amended by  
No. 74/2013  
s. 26.

The Heavy Vehicle National Law (Victoria) applies as if for the definition of *registration number* in section 5 of that Law there were substituted—

*registration number*, for a heavy vehicle, means letters, numbers or characters, or a combination of one or more letters, numbers or characters, assigned to a heavy vehicle under the **Road Safety Act 1986** or under another corresponding registration law."

#### 46 Vehicle register

The Heavy Vehicle National Law (Victoria) applies as if for the definition of *vehicle register* in section 5 of that Law there were substituted—

"*vehicle register* means the register of motor vehicles and trailers under the **Road Safety Act 1986** or under another corresponding registration law."

S. 46  
amended by  
No. 74/2013  
s. 27.

#### 47 Unregistered heavy vehicle permit

The Heavy Vehicle National Law (Victoria) applies as if for the definition of *unregistered heavy vehicle permit* in section 5 of that Law there were substituted—

"*unregistered heavy vehicle permit* means a short term unregistered vehicle permit issued by the Roads Corporation under the **Road Safety Act 1986** or under regulations made under that Act or by an authority under a corresponding registration law."

S. 47  
amended by  
No. 74/2013  
s. 28.

#### 48 Compliance with heavy vehicle standards

The Heavy Vehicle National Law (Victoria) applies as if for section 60(3) and (4) of that Law there were substituted—

"(3) A person does not commit an offence against subsection (1) in relation to a heavy vehicle's noncompliance with a heavy vehicle standard if, and to the extent, the noncompliance relates to a noncompliance known to the Roads Corporation when the vehicle was registered under the **Road Safety Act 1986** or to an authority when the vehicle was registered under a corresponding registration law.

S. 48  
amended by  
No. 74/2013  
s. 29.

- (4) For the purposes of subsection (3), the Roads Corporation or an authority under a corresponding registration law is taken to know of a heavy vehicle's noncompliance with a heavy vehicle standard when the vehicle was registered under the **Road Safety Act 1986** or under the corresponding registration law if the noncompliance is mentioned in—
- (a) an operations plate that was installed on the vehicle when it was registered; or
  - (b) a certificate of approved operations issued for the vehicle and in force when the vehicle was registered; or
  - (c) a document obtained by the Roads Corporation under the **Road Safety Act 1986**, or by an authority under a corresponding registration law, in connection with the registration of the vehicle."

#### **49 Registration of an exempt vehicle**

The Roads Corporation may register a heavy vehicle under the **Road Safety Act 1986** if the Regulator has granted a vehicle standards exemption (notice) for the category of heavy vehicle or granted a vehicle standards exemption (permit) to the person who applies to be a registered operator under the Heavy Vehicle National Law (Victoria).

#### **50 Cancellation or suspension of an exemption**

The Roads Corporation may cancel the registration of a vehicle under the **Road Safety Act 1986** if a vehicle standards exemption (notice) for the category of heavy vehicle or a vehicle standards exemption (permit) granted to the



registered operator, is cancelled or suspended under the Heavy Vehicle National Law (Victoria).

**51 Requirements about vehicle defect notice**

The Heavy Vehicle National Law (Victoria) applies as if for section 527(1)(i) of that Law there were substituted—

"(i) that, if the notice is not cleared by the Regulator under section 530, the vehicle's registration may be suspended and subsequently cancelled by the Roads Corporation or by an authority under a corresponding registration law;"

S. 51  
amended by  
No. 74/2013  
s. 30.

**52 Power to cancel or suspend vehicle registration**

The Heavy Vehicle National Law (Victoria) applies as if for section 598(5) of that Law there were substituted—

"(5) The court is to ensure that the Roads Corporation or an authority under a corresponding registration law (as the case requires) is notified of the decision to make an order under subsection (2) or (3) and the terms of the order, but failure to do so does not invalidate the decision or the order."

S. 52  
amended by  
No. 74/2013  
s. 31.

**53 Repeal of Part**

This Part is **repealed**.

## **Part 6—General**

### **Division 1—Regulations**

#### **54 Regulations**

- (1) The Governor in Council may make regulations for or with respect to—
  - (a) prescribing offences for the purposes of section 591 of the Heavy Vehicle National Law (Victoria);
  - (b) prescribing a notice that may be served under section 591 of the Heavy Vehicle National Law (Victoria);
  - (c) for any matter or thing required or permitted by this Act to be prescribed or necessary to be prescribed to give effect to this Act.
- (2) Regulations made under this section may—
  - (a) be of limited or general application; and
  - (b) leave any matter or thing to be decided by a specified person or class of person.
- (3) The Governor in Council may make regulations containing provisions of a transitional nature, including matters of an application and savings nature, arising as a result of the enactment of this Act, including any repeals and amendments made as a result of the enactment of this Act.
- (4) Regulations made under subsection (3) may have a retrospective effect to a day on or after the day of the commencement of section 4.
- (5) To the extent that regulations made under subsection (3) have a retrospective effect, the regulations do not operate so as—

- (a) to affect, in a manner prejudicial to any person (other than this jurisdiction or an authority of this jurisdiction), the rights of that person existing before the date of the regulations coming into operation; or
  - (b) to impose liabilities on any person (other than this jurisdiction or an authority of this jurisdiction) in respect of anything done or omitted to be done before the date of the regulations coming into operation.
- (6) Regulations made under subsection (3) have effect despite anything to the contrary in any Act (other than this Act or the **Charter of Human Rights and Responsibilities Act 2006**) or in any subordinate instrument.

### **55 Repeal of transitional regulation making powers**

Section 54(3), (4), (5) and (6) are **repealed** on the first anniversary of the commencement of section 53.

## **Division 2—Savings and transitional provisions**

### **56 Definitions**

In this Division—

*commencement day* means the day on which section 4 comes into operation;

*RS Act* means the **Road Safety Act 1986** as in force from time to time before the commencement day.

### **57 Authorised officers**

Despite section 748(3)(a) of the Heavy Vehicle National Law (Victoria)—

- (a) a person who was an authorised officer under section 112 of the RS Act immediately before the commencement day is taken, on

and after that day, to be an authorised officer for the purposes of the Heavy Vehicle National Law (Victoria) as if he or she had been appointed by the Regulator under section 481 of that Law; and

- (b) an authorisation of a member of the police force for the purposes of paragraph (b) of the definition of *authorised inspector* in section 119 of the RS Act that was in force immediately before the commencement day is taken, on and after that day, to be an authorisation of the member for the purposes of section 12(1) of this Act.

S. 58  
amended by  
No. 70/2013  
s. 3(Sch. 1  
item 21).

## **58 Fatigue management**

A period spent driving a heavy vehicle within 7 days immediately before the commencement day is to be taken into account for the purposes of Chapter 6 of the Heavy Vehicle National Law (Victoria).

## **59 Work diary**

For the purposes of Chapter 6 of the Heavy Vehicle National Law (Victoria) a work diary kept in accordance with Part 10A of the RS Act on or before the commencement day is taken to be a written work diary for the purposes of that Law.

## **Part 7—Consequential amendments**

### **60 Consequential amendments**

On the coming into operation of an item in the Schedule, the Act specified in the heading to that item is amended as set out in that item.

### **61 Repeal**

This Part and the Schedule are **repealed** on the first anniversary of the commencement of section 53.

#### **Note**

The repeal of this Part and the Schedule does not affect the continuing operation of the amendments made by this Part and the Schedule (see section 15(1) of the **Interpretation of Legislation Act 1984**).

## Schedule

Section 60

### CONSEQUENTIAL AMENDMENTS

## Part 1—Consequential amendments on commencement of National Law

### 1 Accident Compensation Act 1985

1.1 After section 239AAC insert—

**"239AAD Regulator may disclose information to Authority**

- (1) The Regulator may, at the written request of the Authority, disclose relevant information gained by the Regulator to the Authority for the purpose of the assessment by the Authority of a claim by a person for compensation under this Act, being relevant information that the Authority considers relates to conduct by the person that the Authority considers may be conduct to which the injury to which the claim relates may be attributable.

- (2) In this section—

**Regulator** has the same meaning as in the Heavy Vehicle National Law (Victoria);

**relevant information** means details of—

- (a) a conviction or finding of guilt; or

(b) an infringement notice within the meaning of the **Infringements Act 2006**—

that relate, or may relate, to conduct comprising serious and wilful misconduct as referred to in section 82(4)."

## **2 Accident Towing Services Act 2007**

2.1 In section 3(1), for the definition of *mass, dimension or load restraint limit or requirement* substitute—

*"mass, dimension or load restraint limit or requirement* means—

- (a) a mass, dimension or load restraint limit or requirement within the meaning of the **Road Safety Act 1986**; or
- (b) a mass, dimension or loading requirement within the meaning of the Heavy Vehicle National Law (Victoria);".

2.2 In section 3(6), after "**Act 1986**" insert "or the Heavy Vehicle National Law (Victoria)".

2.3 In section 32(1)—

(a) in paragraph (b), for "Acts." substitute "Acts; or";

(b) after paragraph (b) insert—

"(c) the holder of the licence has not complied with a provision of the Heavy Vehicle National Law (Victoria) or the national regulations.".

## **3 Children, Youth and Families Act 2005**

3.1 Clause 12(4) of Schedule 3 is **repealed**.

**4 Infringements Act 2006**

4.1 Section 61(4) is **repealed**.

**5 Interpretation of Legislation Act 1984**

5.1 After section 38H **insert**—

**"38I References to Heavy Vehicle National Law**

In an Act or a subordinate instrument—

***Heavy Vehicle National Law (Victoria)***

means the provisions applying because of section 4 of the **Heavy Vehicle National Law Application Act 2013**".

**6 Local Government Act 1989**

6.1 After section 208 **insert**—

**"208AA Heavy Vehicle National Law (Victoria)**

A Council must not exercise its powers under this Division inconsistently with the functions and powers of the Regulator under the Heavy Vehicle National Law (Victoria) and the national regulations under that Law."

**7 Magistrates' Court Act 1989**

7.1 In section 82I(1) after "**Act 1986**" **insert** "or the Heavy Vehicle National Law (Victoria)".

**8 Road Safety Act 1986**

8.1 In section 3(1) in the example at the foot of the definition of ***approved road transport compliance scheme omit*** "or for a system involving the use of an intelligent transport system".

8.2 In section 3(1) the definition of ***associate*** is **repealed**.

8.3 In section 3(1) the definition of ***beneficiary*** is **repealed**.



8.4 In section 3(1) the definition of *container weight declaration* is **repealed**.

8.5 In section 3(1) the definition of *engage in conduct* is **repealed**.

8.6 In section 3(1) the definition of *fatigue regulated heavy vehicle* is **repealed**.

8.7 In section 3(1) for the definition of *heavy vehicle substitute*—

"*heavy vehicle* has the same meaning as in the Heavy Vehicle National Law (Victoria);".

8.8 In section 3(1) the definition of *intelligent transport system* is **repealed**.

8.9 In section 3(1) **insert** the following definition—

"*Regulator* has the same meaning as in the Heavy Vehicle National Law (Victoria);".

8.10 In section 3(1) for the definition of *semi-trailer substitute*—

"*semi-trailer* means a trailer that has—

- (a) one axle group or a single axle towards the rear; and
- (b) a means of attachment to a prime mover that results in some of the mass of the trailer's load being imposed on the prime mover;".

8.11 In section 3AAA(a)—

- (a) **omit** "or fatigue regulated heavy vehicle";
- (b) **omit** "or fatigue regulated heavy vehicles".

8.12 After section 25(2) **insert**—

"(2A) For the avoidance of doubt, the regulations may provide that a person may incur demerit points in respect of an offence against the

Heavy Vehicle National Law (Victoria) or the national regulations under that Law."

8.13 In section 28(1B)(a) for "or load restraint limit or requirement" **substitute** "or loading requirement within the meaning of the Heavy Vehicle National Law (Victoria)".

8.14 In section 77A for "or 6 of Part 10 or under Part 10A" **substitute** "of Part 10".

8.15 Section 77B is **repealed**.

8.16 In section 84BB for the definition of *corresponding law* **substitute**—

*"corresponding law* means—

- (a) a law of the Commonwealth or of another State or of a Territory that corresponds to Division 2 of Part 2; or
- (b) the Heavy Vehicle National Law (Victoria) or a law of another State or of a Territory that corresponds to that law;".

8.17 Section 103R is **repealed**.

8.18 Section 103S is **repealed**.

8.19 Section 103T is **repealed**.

8.20 After section 103ZF **insert**—

**"103ZG Transitional provision Heavy Vehicle National Law Application Act 2013**

Part 11 as in force immediately before its repeal by item 8.35 of the Schedule to the **Heavy Vehicle National Law Application Act 2013**, continues to apply to offences alleged to have been committed before that commencement."

8.21 For section 149A **substitute**—

**"149A Part does not apply to a heavy vehicle**

This Part does not apply to a heavy vehicle.

**Note**

Chapter 4 of the Heavy Vehicle National Law (Victoria) sets out the mass, dimension and loading requirements for heavy vehicles."

8.22 Section 162(2)(a) is **repealed**.

8.23 Section 163(2)(a) is **repealed**.

8.24 Section 167 is **repealed**.

8.25 At the foot of section 171(2) **insert**—

**"Note**

The penalties that apply in respect of the offences created by this section are set out in section 178."

8.26 Section 171(3) is **repealed**.

8.27 At the foot of section 172(2) **insert**—

**"Note**

The penalties that apply in respect of the offences created by this section are set out in section 178."

8.28 Section 172(3) is **repealed**.

8.29 Section 174(3) is **repealed**.

8.30 Section 175(3) is **repealed**.

8.31 The note at the foot of section 176(2) is **repealed**.

8.32 Section 180 is **repealed**.

8.33 Division 6 of Part 10 is **repealed**.

8.34 For Part 10A substitute—

**"Part 10A—Fatigue management  
light buses**

**Division 1—Application of Heavy  
Vehicle National Law (Victoria)**

**191A Definition**

In this Part—

*light bus* means a bus with a GVM of  
4.5 tonnes or less.

**191B Application of the Heavy Vehicle National  
Law (Victoria)—fatigue management of  
light buses**

For the purposes of this Act the following  
provisions of the Heavy Vehicle National  
Law (Victoria) apply to a light bus—

- (a) Chapter 6; and
- (b) sections 622, 623, 653(g) and (h), 654,  
725, 726 and 740.

**Division 2—Meaning of terms for Heavy  
Vehicle National Law (Victoria)**

**191C Meaning of fatigue-regulated heavy  
vehicle**

The provisions of the Heavy Vehicle  
National Law (Victoria) applied under  
section 191B, apply as if a reference to a  
fatigue-regulated heavy vehicle under that  
Law were a reference to a light bus.

**191D Meaning of fatigue-regulated bus**

The provisions of the Heavy Vehicle National Law (Victoria) applied under section 191B, apply as if a reference to a fatigue-regulated bus under that Law were a reference to a light bus.

**191E Meaning of Regulator**

The provisions of the Heavy Vehicle National Law (Victoria) applied under section 191B, apply as if a reference to the Regulator under that Law were a reference to the Corporation.

**191F Meaning of responsible Ministers**

The provisions of the Heavy Vehicle National Law (Victoria) applied under section 191B, apply as if a reference to the responsible Ministers under that Law were a reference to the Minister.

\_\_\_\_\_".

8.35 Part 11 is **repealed**.

8.36 Part 12 is **repealed**.

8.37 Part 13 is **repealed**.

8.38 Schedule 3 is **repealed**.

8.39 Schedule 4 is **repealed**.

8.40 Schedule 4A is **repealed**.

**9 Sheriff Act 2009**

9.1 In section 30(1)(a), after "**Road Safety Act 1986**" **insert** "or the Heavy Vehicle National Law (Victoria)".

## **Part 2—Consequential amendments for national registration**

### **10 Accident Towing Services Act 2007**

10.1 In section 3(1), in the definition of *owner* after paragraph (c) **insert**—

"(d) a person in whose name a tow truck is registered under the Heavy Vehicle National Law (Victoria) or any law of any State or Territory of the Commonwealth corresponding to this law;"

### **11 Environment Protection Act 1970**

11.1 In section 4(1) **insert** the following definition—

"*heavy vehicle* has the same meaning as in the Heavy Vehicle National Law (Victoria);"

11.2 In section 4(1) in the definition of *registered owner*—

(a) in paragraph (a) after "motor vehicle" (where first occurring) **insert** "that is not a heavy vehicle";

(b) after paragraph (a) **insert**—

"(ab) in relation to a heavy vehicle—the person who is registered under the Heavy Vehicle National Law (Victoria) as the registered operator of the heavy vehicle; and"

(c) in paragraph (b) after "**2010**;" **insert** "and".

11.3 In section 57B after "a vehicle" (where first occurring) **insert** "that is not a heavy vehicle".

11.4 At the end of section 57B **insert**—

"(2) In proceedings against the registered owner of a heavy vehicle, a certificate from the Regulator within the meaning of the Heavy

Vehicle National Law (Victoria), stating that a person was the registered operator of a heavy vehicle under that law on a specified date is evidence that that person was the registered owner of the heavy vehicle on that date."

11.5 In section 61(1B)—

(a) in paragraph (b), after "a motor vehicle" **insert** "other than a heavy vehicle";

(b) after paragraph (b) **insert**—

"(ba) in the case of an offence alleged against the registered owner of a heavy vehicle—the address appearing as the address of the registered operator in the certificate of registration of the heavy vehicle for the time being in force under the Heavy Vehicle National Law (Victoria) or under any law of a place outside Victoria which contains provisions corresponding to that Law for registration of a heavy vehicle; and"

Sch. item 11.5  
substituted by  
No. 74/2013  
s. 32(1).

## 12 Heavy Vehicle National Law Application Act 2013

12.1 In section 4(a), **omit** "subject to Part 5,".

## 13 Infringements Act 2006

13.1 In section 3(1) **insert** the following definitions—

**"heavy vehicle** has the same meaning as in the Heavy Vehicle National Law (Victoria);

**Regulator** has the same meaning as in the Heavy Vehicle National Law (Victoria);".

\* \* \* \* \*

Sch. items  
13.2–13.12  
repealed by  
No. 47/2014  
s. 267.

## 14 Motor Car Traders Act 1986

14.1 In section 3(1) for the definition of *used motor car substitute*—

*"used motor car* includes—

- (a) a motor car that has, at any time before being offered or displayed for sale, been registered under the **Road Safety Act 1986** or the **Motor Car Act 1958** or under any Act or law of a place outside Victoria which contains provisions corresponding to the provisions of the **Road Safety Act 1986** for registration of motor cars;
- (b) a motor car that is a heavy vehicle that has, at any time before being offered or displayed for sale, been registered under the Heavy Vehicle National Law (Victoria) or under any law of a place outside Victoria which contains provisions corresponding to that Law for registration of a heavy vehicle."

Sch. item 14.2  
amended by  
No. 74/2013  
s. 32(2).

14.2 After section 42A **insert**—

**"42B All heavy vehicles must be sold with a certificate**

- (1) A person must not sell a heavy vehicle that is registered under the Heavy Vehicle National Law (Victoria) unless—
  - (a) the person gives the buyer of the heavy vehicle a current certificate in relation to the heavy vehicle; or
  - (b) if the person is required under the Heavy Vehicle National Law (Victoria) or the national regulations under that Law to send a current certificate in relation to the heavy vehicle to the



Regulator, the person gives the buyer a copy of that certificate.

Penalty: 50 penalty units.

- (2) This section does not apply if the buyer is a licensed motor car trader or a special trader.
- (3) This section does not apply to a heavy vehicle that is sold by auction at a public auction by a person acting on behalf of the owner of the heavy vehicle.
- (4) In this section *current* means issued within the last 30 days.
- (5) Despite anything to the contrary under the Heavy Vehicle National Law (Victoria), for the purposes of subsection (1) a reference to "a heavy vehicle that is registered under the Heavy Vehicle National Law (Victoria)"—
  - (a) includes a reference to a heavy vehicle the registration of which has been suspended under that law; but
  - (b) does not include a reference to a heavy vehicle the registration of which has expired and has not been renewed on or before the day the heavy vehicle is sold."

14.3 After section 69(3)(c) **insert**—

"(ca) the Regulator within the meaning of the Heavy Vehicle National Law (Victoria); or".

14.4 After section 76(1)(d) **insert**—

"(da) loss has been incurred from a failure of a motor car trader to pay transfer fees or registration fees to the Regulator within the meaning of the Heavy Vehicle National Law (Victoria) or stamp duty on a motor car or to provide any certificate of roadworthiness or

other document necessary to enable a motor car to be registered under the Heavy Vehicle National Law (Victoria) subject to payment of the appropriate fee; or".

## **15 Road Safety Act 1986**

15.1 In section 3(1) for the definition of *registered operator substitute*—

*registered operator* of a vehicle means—

- (a) the person recorded on the register as the person responsible for the vehicle; or
- (b) the person recorded on the vehicle register within the meaning of the Heavy Vehicle National Law (Victoria) as the person responsible for the vehicle;".

15.2 In section 6 after "highway" **insert** "and does not apply to heavy vehicles within the meaning of the Heavy Vehicle National Law (Victoria)".

15.3 For section 84W(1)(d) **substitute**—

"(d) the Regulator in the case of a heavy vehicle or the Corporation in any other case."

15.4 For section 84Y(1)(d) **substitute**—

"(d) the Regulator in the case of a heavy vehicle or the Corporation in any other case."

15.5 In section 84YA(1) after "the Corporation" (wherever occurring) **insert** "or the Regulator".

15.6 In section 84YA(3) after "the Corporation" **insert** "or the Regulator".

15.7 In the heading to section 84YB after "**Corporation**" **insert** "**or the Regulator**".

15.8 In section 84YB(1) after "the Corporation" **insert** "or the Regulator".

15.9 In section 84YB(2) after "the Corporation" **insert** "or the Regulator (as the case requires)".

## **16 Transport Accident Act 1986**

16.1 In section 3(1) in the definition of *registered motor vehicle* after paragraph (c) **insert**—

- "(d) a heavy vehicle that is registered in accordance with the Heavy Vehicle National Law (Victoria); or
- (da) a heavy vehicle that is not so registered because it is exempt from registration in accordance with Chapter 2 of the Heavy Vehicle National Law (Victoria) or the national regulations under that Law; or".

16.2 In section 41A(2) for the definition of *unregistered motor vehicle* **substitute**—

**"unregistered motor vehicle** means—

- (a) a motor vehicle, other than a heavy vehicle, that has never been registered under Part 2 of the **Road Safety Act 1986** or a corresponding law of another State or a Territory and in respect of which a transport accident charge was not paid at the time that the transport accident occurred; or
- (b) a heavy vehicle that has never been registered in accordance with the Heavy Vehicle National Law (Victoria) or a corresponding law of another State or a Territory and in respect of which a transport accident charge was not paid at the time that the transport accident occurred."

16.3 In section 84 for the definition of *trailer*  
**substitute—**

*"trailer* means—

- (a) a trailer within the meaning of the **Road Safety Act 1986** or a trailer within the meaning of, and registered or about to be registered in Victoria under, the Interstate Road Transport Act 1985 of the Commonwealth or, if that Act is amended, that Act as amended and in force for the time being; or
- (b) a trailer within the meaning of the Heavy Vehicle National Law (Victoria) that is registered or about to be registered under that law and has a garage address in Victoria."

16.4 In section 109(3) after "motor vehicle" **insert**  
", other than a heavy vehicle,".

16.5 After section 109(3) **insert—**

"(3A) The registration of a heavy vehicle must not be made or renewed and an unregistered heavy vehicle permit under the national regulations made under the Heavy Vehicle National Law (Victoria) must not be granted unless the owner has paid the transport accident charge for the relevant prescribed period or periods."

16.6 In section 111(1)(b)(ii) for "being—" **substitute**  
"being; or".

16.7 After section 111(1)(b)(ii) **insert—**

"(iii) under the Heavy Vehicle National Law (Victoria) and the garage address of the heavy vehicle under that law is in another State or Territory—".

16.8 After section 112(1) **insert**—

"(1A) Section 109 applies to a person who is in the possession or under the control of a heavy vehicle that is not registered or the subject of an unregistered heavy vehicle permit granted under the national regulations made under the Heavy Vehicle National Law (Victoria) as if the person were the owner."

16.9 In section 112(2) for "subsection (1)" **substitute** "subsection (1) or (1A)".

**17 Transport (Compliance and Miscellaneous) Act 1983**

17.1 In section 86(1) in the definition of *owner*, in paragraph (c) for "agreement;" **substitute** "agreement; and".

17.2 In section 86(1) in the definition of *owner*, after paragraph (c) **insert**—

"(d) any person in whose name a commercial goods vehicle is registered under the Heavy Vehicle National Law (Victoria) or any law of any State or Territory of the Commonwealth corresponding to that law but does not include an unpaid vendor of any such vehicle under a hire-purchase agreement;"

17.3 Section 217A is **repealed**.

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## Endnotes

### 1 General information

See [www.legislation.vic.gov.au](http://www.legislation.vic.gov.au) for Victorian Bills, Acts and current authorised versions of legislation and up-to-date legislative information.

*Minister's second reading speech—*

*Legislative Assembly: 18 April 2013*

*Legislative Council: 9 May 2013*

The long title for the Bill for this Act was "A Bill for an Act to provide for the application of a National Law to regulate the use of heavy vehicles, to make related and consequential amendments to other Acts and for other purposes."

The **Heavy Vehicle National Law Application Act 2013** was assented to on 4 June 2013 and came into operation as follows:

Sections 1–52, 54–61 and Part 1 of the Schedule on 10 February 2014:  
Special Gazette (No. 28) 4 February 2014 page 1; section 53 and Part 2 of the Schedule not yet proclaimed.

### INTERPRETATION OF LEGISLATION ACT 1984 (ILA)

#### Style changes

Section 54A of the ILA authorises the making of the style changes set out in Schedule 1 to that Act.

#### References to ILA s. 39B

Sidenotes which cite ILA s. 39B refer to section 39B of the ILA which provides that where an undivided section or clause of a Schedule is amended by the insertion of one or more subsections or subclauses, the original section or clause becomes subsection or subclause (1) and is amended by the insertion of the expression "(1)" at the beginning of the original section or clause.

#### Interpretation

As from 1 January 2001, amendments to section 36 of the ILA have the following effects:

- **Headings**

All headings included in an Act which is passed on or after 1 January 2001 form part of that Act. Any heading inserted in an Act which was passed before 1 January 2001, by an Act passed on or after 1 January 2001, forms part of that Act. This includes headings to Parts, Divisions or Subdivisions in a Schedule; sections; clauses; items; tables; columns; examples; diagrams; notes or forms. See section 36(1A)(2A).

- **Examples, diagrams or notes**

All examples, diagrams or notes included in an Act which is passed on or after 1 January 2001 form part of that Act. Any examples, diagrams or notes inserted in an Act which was passed before 1 January 2001, by an Act passed on or after 1 January 2001, form part of that Act. See section 36(3A).

- **Punctuation**

All punctuation included in an Act which is passed on or after 1 January 2001 forms part of that Act. Any punctuation inserted in an Act which was passed before 1 January 2001, by an Act passed on or after 1 January 2001, forms part of that Act. See section 36(3B).

- **Provision numbers**

All provision numbers included in an Act form part of that Act, whether inserted in the Act before, on or after 1 January 2001. Provision numbers include section numbers, subsection numbers, paragraphs and subparagraphs. See section 36(3C).

- **Location of "legislative items"**

A "legislative item" is a penalty, an example or a note. As from 13 October 2004, a legislative item relating to a provision of an Act is taken to be at the foot of that provision even if it is preceded or followed by another legislative item that relates to that provision. For example, if a penalty at the foot of a provision is followed by a note, both of these legislative items will be regarded as being at the foot of that provision. See section 36B.

- **Other material**

Any explanatory memorandum, table of provisions, endnotes, index and other material printed after the Endnotes does not form part of an Act. See section 36(3)(3D)(3E).

## 2 Table of Amendments

This publication incorporates amendments made to the **Heavy Vehicle National Law Application Act 2013** by Acts and subordinate instruments.

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### **Statute Law Revision Act 2013, No. 70/2013**

*Assent Date:* 19.11.13  
*Commencement Date:* S. 3(Sch. 1 item 21) on 1.12.13: s. 2(1)  
*Current State:* This information relates only to the provision/s amending the **Heavy Vehicle National Law Application Act 2013**

### **Road Legislation Amendment Act 2013, No. 74/2013**

*Assent Date:* 3.12.13  
*Commencement Date:* Ss 20–32 on 10.2.14: Special Gazette (No. 28) 4.2.14 p. 1  
*Current State:* This information relates only to the provision/s amending the **Heavy Vehicle National Law Application Act 2013**

### **Transport Legislation Amendment (Further Taxi Reform and Other Matters) Act 2014, No. 35/2014**

*Assent Date:* 13.5.14  
*Commencement Date:* Ss 59–61 on 14.5.14: s. 2(1)  
*Current State:* This information relates only to the provision/s amending the **Heavy Vehicle National Law Application Act 2013**

### **Victoria Police Amendment (Consequential and Other Matters) Act 2013, No. 37/2014**

*Assent Date:* 3.6.14  
*Commencement Date:* S. 10(Sch. item 79) on 1.7.14: Special Gazette (No. 200) 24.6.14 p. 2  
*Current State:* This information relates only to the provision/s amending the **Heavy Vehicle National Law Application Act 2013**

### **Fines Reform Act 2014, No. 47/2014**

*Assent Date:* 1.7.14  
*Commencement Date:* Ss 266, 267 on 31.12.17: Special Gazette (No. 443) 19.12.17 p. 1  
*Current State:* This information relates only to the provision/s amending the **Heavy Vehicle National Law Application Act 2013**



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**Privacy and Data Protection Act 2014, No. 60/2014**

*Assent Date:* 2.9.14  
*Commencement Date:* S. 140(Sch. 3 item 26) on 17.9.14: Special Gazette (No. 317) 16.9.14 p. 1  
*Current State:* This information relates only to the provision/s amending the **Heavy Vehicle National Law Application Act 2013**

**Heavy Vehicles Legislation Amendment Act 2015, No. 45/2015**

*Assent Date:* 22.9.15  
*Commencement Date:* Ss 3, 4 on 23.9.15: s. 2  
*Current State:* This information relates only to the provision/s amending the **Heavy Vehicle National Law Application Act 2013**

**Road Legislation Further Amendment Act 2016, No. 70/2016**

*Assent Date:* 29.11.16  
*Commencement Date:* S. 52 on 1.1.17: Special Gazette (No. 389) 20.12.16 p. 1  
*Current State:* This information relates only to the provision/s amending the **Heavy Vehicle National Law Application Act 2013**

**Transport Legislation Amendment (Better Roads Victoria and Other Amendments) Act 2019, No. 7/2019**

*Assent Date:* 26.3.19  
*Commencement Date:* Ss 35, 40 on 27.3.19: s. 2(1)  
*Current State:* This information relates only to the provision/s amending the **Heavy Vehicle National Law Application Act 2013**

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### 3 Amendments Not in Operation

This publication does not include amendments made to the **Heavy Vehicle National Law Application Act 2013** by the following Act/s.

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#### **Heavy Vehicle National Law Application Act 2013, No. 30/2013**

<i>Assent Date:</i>	4.6.13
<i>Commencement Date:</i>	Ss 55, 61 on 10.2.14: Special Gazette (No. 28) 4.2.14 p. 1; ss 53, 60(Sch. item 12) not yet proclaimed
<i>Note:</i>	S. 53 repeals Pt 5 (ss 39–53) on the date s. 53 is proclaimed; s. 55 repeals ss 54(3)–(6) on the first anniversary of the commencement of s. 53; s. 61 repeals Pt 7 (ss 60, 61), Sch. on the first anniversary of the commencement of s. 53
<i>Current State:</i>	This information relates only to the provision/s amending the <b>Heavy Vehicle National Law Application Act 2013</b>

#### **West Gate Tunnel (Truck Bans and Traffic Management) Act 2019, No. 8/2019**

<i>Assent Date:</i>	26.3.19
<i>Commencement Date:</i>	Ss 109, 110 not yet proclaimed
<i>Current State:</i>	This information relates only to the provision/s amending the <b>Heavy Vehicle National Law Application Act 2013</b>

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At the date of this publication, the following provisions amending the **Heavy Vehicle National Law Application Act 2013** were Not in Operation:

#### **Amending Act/s:**

#### **Heavy Vehicle National Law Application Act 2013, No. 30/2013**

##### **53 Repeal of Part**

This Part is **repealed**.

##### **55 Repeal of transitional regulation making powers**

Section 54(3), (4), (5) and (6) are **repealed** on the first anniversary of the commencement of section 53.

##### **61 Repeal**

This Part and the Schedule are **repealed** on the first anniversary of the commencement of section 53.

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## Schedule

### 12 Heavy Vehicle National Law Application Act 2013

12.1 In section 4(a), **omit** "subject to Part 5,".

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### West Gate Tunnel (Truck Bans and Traffic Management) Act 2019, No. 8/2019

#### 109 Road manager

(1) After section 18(1)(a)(vi) of the **Heavy Vehicle National Law Application Act 2013** insert—  
"(vii) the West Gate Tunnel tollway;".

(2) In section 18(4) of the **Heavy Vehicle National Law Application Act 2013**, for the definition of *Peninsula Link Freeway* substitute—  
*Peninsula Link Freeway* has the same meaning as in the **Road Management Act 2004**;  
*West Gate Tunnel tollway* has the same meaning as in the **West Gate Tunnel (Truck Bans and Traffic Management) Act 2019**."

#### 110 Toll road authority

After section 28(b) of the **Heavy Vehicle National Law Application Act 2013** insert—  
"(ba) the West Gate Tunnel Corporation within the meaning of the **West Gate Tunnel (Truck Bans and Traffic Management) Act 2019**;".

**4 Explanatory details**

No entries at date of publication.