

TASMANIA

**HEAVY VEHICLE NATIONAL LAW (TASMANIA)
REGULATIONS 2023**

STATUTORY RULES 2023, No. 95

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HEAVY VEHICLE NATIONAL LAW (TASMANIA) REGULATIONS 2023

I, the Governor in and over the State of Tasmania and its Dependencies in the Commonwealth of Australia, acting with the advice of the Executive Council, make the following regulations under the *Heavy Vehicle National Law (Tasmania) Act 2013*.

Dated 19 December 2023.

B. BAKER
Governor

By Her Excellency's Command,

MICHAEL DARREL JOSEPH FERGUSON
Minister for Infrastructure and Transport

1. Short title

These regulations may be cited as the *Heavy Vehicle National Law (Tasmania) Regulations 2023*.

2. Commencement

These regulations take effect on the day on which their making is notified in the *Gazette*.

3. Interpretation

In these regulations –

Act means the *Heavy Vehicle National Law (Tasmania) Act 2013*;

Heavy Vehicle (Mass, Dimension and Loading) Regulation means the *Heavy Vehicle (Mass, Dimension and Loading) National Regulation*, as made under the Heavy Vehicle National Law and applied in this jurisdiction by section 5 of the Act.

4. Modification of application of Heavy Vehicle (Vehicle Standards) Regulation

(1) In this regulation –

Heavy Vehicle (Vehicle Standards) means the *Heavy Vehicle (Vehicle Standards) National Regulation*, as made under the Heavy Vehicle National Law and applied in this jurisdiction by section 5 of the Act;

specified heavy vehicle means a heavy vehicle that, immediately before the commencement day, was registered under the *Vehicle and Traffic Act 1999* or a corresponding law.

(2) Division 16 of Part 6 of Schedule 2 to the Heavy Vehicle (Vehicle Standards) does not apply to buses operating in this jurisdiction.

- (3) Regulation 99(1) of the Heavy Vehicle (Vehicle Standards) does not apply in this jurisdiction to –
 - (a) a specified heavy vehicle built with an exhaust system having an outlet that –
 - (i) is mounted at the front of the vehicle; and
 - (ii) extends to the edge of the vehicle's bodywork; or
 - (b) a specified heavy vehicle, such as a tractor, built with an exhaust system having an outlet that is –
 - (i) mounted vertically at the front of the vehicle; and
 - (ii) higher than the driver seated on the vehicle.

5. Determination of wheel, single axle, axle group and aggregate axle loads

- (1) An authorised officer may determine the wheel load, single axle load, axle group load or aggregate axle load of a heavy vehicle –
 - (a) by causing to be placed on a weighbridge –
 - (i) any wheel separately; or
 - (ii) all the wheels on any single axle;
or

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- (iii) all the wheels on any axle group;
or
 - (iv) all the wheels on the vehicle; or
- (b) by causing to be placed on a portable weighing device or devices –
 - (i) any wheel separately; or
 - (ii) the outer wheels on any single axle; or
 - (iii) the outer wheels on each axle of any axle group; or
 - (iv) the outer wheels on each axle of the vehicle.
- (2) A load, or the sum of any loads, determined under subregulation (1) is the wheel load, single axle load, axle group load or aggregate axle load, as the case may be, of the vehicle to which it relates, whether or not any wheel of the vehicle in relation to any other wheel of the vehicle was, at the time of determination, in alignment of the same horizontal plane, unless the divergence from that alignment exceeds 150 millimetres.
- (3) The aggregate axle load of a vehicle may be determined by adding together the axle loads of all the axles.

6. Infringement notice offences

For the purposes of section 591 of the Heavy Vehicle National Law (Tasmania), a prescribed

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offence is an offence against a provision of the Heavy Vehicle National Law (Tasmania) or the national regulations specified in column 2 of the table in Part 2 of Schedule 1.

7. Legislation rescinded

The legislation specified in Schedule 2 is rescinded.

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SCHEDULE 1 – INFRINGEMENT NOTICE OFFENCES
Regulation 6

PART 1 – INTERPRETATION

1. In this Schedule –

HVFM means the *Heavy Vehicle (Fatigue Management) National Regulation*, as made under the Heavy Vehicle National Law and applied in this jurisdiction by section 5 of the Act;

HVNL means the Heavy Vehicle National Law (Tasmania);

MDL means the Heavy Vehicle (Mass, Dimension and Loading) Regulation.

2. A reference in Part 2 of this Schedule to an Act or to a regulation, followed immediately by a number, is a reference to the provision of that Act or regulation that is so numbered.

PART 2 – OFFENCES

Division 1 – Heavy Vehicle National Law (Tasmania)

Subdivision 1 – Vehicle operations – Standards and safety

Column 1 Item	Column 2Offence
1.	HVNL 60(1)

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Column 1 Item	Column 2Offence
2.	HVNL 79(2)
3.	HVNL 81(1)
4.	HVNL 81(2)
5.	HVNL 81(3)
6.	HVNL 82(2)
7.	HVNL 82(3)
8.	HVNL 83(1)
9.	HVNL 83(2)
10.	HVNL 83(3)
11.	HVNL 85(1)
12.	HVNL 85(2)
13.	HVNL 86(2)
14.	HVNL 87A(1)
15.	HVNL 89(1)
16.	HVNL 90(1)
17.	HVNL 90(2)
18.	HVNL 90(3)
19.	HVNL 92(2)

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<i>Subdivision 2 – Performance-based standards</i>	
Column 1 Item	Column 2Offence
1.	HVNL 25A(1)
2.	HVNL 25A(2)

<i>Subdivision 3 – Vehicle operations – mass, dimension and loading</i>	
Column 1 Item	Column 2Offence
1.	HVNL 96(1)
2.	HVNL 102(1)
3.	HVNL 109(2)
4.	HVNL 111(1)
5.	HVNL 129(1)
6.	HVNL 129(2)
7.	HVNL 129(3)
8.	HVNL 130(2)
9.	HVNL 131(1)
10.	HVNL 132(2)
11.	HVNL 132(3)
12.	HVNL 133(1)

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Column 1 Item	Column 2 Offence
13.	HVNL 133(2)
14.	HVNL 133(3)
15.	HVNL 134(1)
16.	HVNL 134(2)
17.	HVNL 137
18.	HVNL 150(1)
19.	HVNL 151(2)
20.	HVNL 151(3)
21.	HVNL 152(1)
22.	HVNL 152(2)
23.	HVNL 152(3)
24.	HVNL 153A(1)
25.	HVNL 181(3)
26.	HVNL 184(1)
27.	HVNL 185(1)
28.	HVNL 185(2)
29.	HVNL 190(1)
30.	HVNL 191(1)

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Column 1 Item	Column 2Offence
31.	HVNL 191(3)
32.	HVNL 192(1)
33.	HVNL 192(2)

Subdivision 4 – Vehicle operations – driver fatigue

Column 1 Item	Column 2Offence
1.	HVNL 250(1)
2.	HVNL 251(1)
3.	HVNL 254(1)
4.	HVNL 256(1)
5.	HVNL 258(1)
6.	HVNL 260(1)
7.	HVNL 263(1)
8.	HVNL 284(2)
9.	HVNL 286(1)
10.	HVNL 287(2)
11.	HVNL 287(3)
12.	HVNL 288(1)
13.	HVNL 288(2)

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Column 1 Item	Column 2Offence
14.	HVNL 288(3)
15.	HVNL 293(1)
16.	HVNL 296(1)
17.	HVNL 297(2)
18.	HVNL 298(1)
19.	HVNL 299
20.	HVNL 301
21.	HVNL 302
22.	HVNL 303
23.	HVNL 305(1)
24.	HVNL 305(2)
25.	HVNL 305(3)
26.	HVNL 306
27.	HVNL 307(2)
28.	HVNL 307(3)
29.	HVNL 308(1)
30.	HVNL 309(2)
31.	HVNL 310(2)

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Column 1 Item	Column 2Offence
32.	HVNL 312(3)
33.	HVNL 319(1)
34.	HVNL 319A(2)
35.	HVNL 321(1)
36.	HVNL 321(3)
37.	HVNL 322(2)
38.	HVNL 323(2)
39.	HVNL 324(2)
40.	HVNL 324A(2)
41.	HVNL 341(1)
42.	HVNL 341(2)
43.	HVNL 341(3)
44.	HVNL 341(4)
45.	HVNL 341(5)
46.	HVNL 341(7)
47.	HVNL 354(3)
48.	HVNL 354(5)
49.	HVNL 355(2)

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Column 1 Item	Column 2Offence
50.	HVNL 355(4)
51.	HVNL 355(6)
52.	HVNL 373(2)
53.	HVNL 375
54.	HVNL 376(2)
55.	HVNL 376(3)
56.	HVNL 377
57.	HVNL 392(2)
58.	HVNL 395
59.	HVNL 396(2)
60.	HVNL 399(2)

Subdivision 5 – Accreditation

Column 1 Item	Column 2Offence
1.	HVNL 466(2A)
2.	HVNL 466(2B)
3.	HVNL 467
4.	HVNL 468(1)
5.	HVNL 468(3)

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Column 1 Item	Column 2Offence
6.	HVNL 469(2)
7.	HVNL 470(3)
8.	HVNL 470(8)
9.	HVNL 471(2)
10.	HVNL 471(3)
11.	HVNL 476(2)

Subdivision 6 – Enforcement

Column 1 Item	Column 2Offence
1.	HVNL 488
2.	HVNL 513(4)
3.	HVNL 514(3)
4.	HVNL 516(3)
5.	HVNL 517(4)
6.	HVNL 522(5)
7.	HVNL 524(5)
8.	HVNL 526(4)
9.	HVNL 528(3)
10.	HVNL 529

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Column 1 Item	Column 2Offence
11.	HVNL 531(4)
12.	HVNL 533(7)
13.	HVNL 534(5)
14.	HVNL 567(4)
15.	HVNL 568(3)
16.	HVNL 568(7)
17.	HVNL 569(2)
18.	HVNL 569(7)

Division 2 – Heavy Vehicle (Mass, Dimension and Loading)
National Regulation

Column 1 Item	Column 2Offence
1.	MDL 16(2)
2.	MDL 28
3.	MDL 34(2)

Division 3 – Heavy Vehicle (Fatigue Management) National
Regulation

Column 1 Item	Column 2Offence
1.	HVFM 18A(1)

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SCHEDULE 2 – LEGISLATION RESCINDED

Regulation 7

Heavy Vehicle National Law (Tasmania) Regulations 2014
(No. 7 of 2014)

Heavy Vehicle National Law (Tasmania) Amendment
Regulations 2014 (No. 125 of 2014)

Heavy Vehicle National Law (Tasmania) Amendment
Regulations 2016 (No. 2 of 2016)

Heavy Vehicle National Law (Tasmania) Amendment
Regulations 2018 (No. 6 of 2018)

Heavy Vehicle National Law (Tasmania) Amendment
Regulations (No. 2) 2018 (No. 7 of 2019)

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Printed and numbered in accordance with the *Rules Publication Act 1953*.

Notified in the *Gazette* on 27 December 2023.

These regulations are administered in the Department of State Growth.

EXPLANATORY NOTE

(This note is not part of the regulations)

These regulations –

- (a) modify the application, in Tasmania, of certain provisions of the Heavy Vehicle (Vehicle Standards) National Regulation that relate to buses, window tinting of heavy vehicles, heavy vehicle's exhaust systems and the display of labels on heavy vehicles; and
- (b) provide for the determination of the mass and dimensions of heavy vehicles and their loads; and
- (c) prescribe offences for which infringement notices may be served under the Heavy Vehicle National Law (Tasmania); and
- (d) replace the *Heavy Vehicle National Law (Tasmania) Regulations 2014*.