



New South Wales

Heavy Vehicle Legislation Amendment (National Regulator) Bill 2021

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to give effect to the transfer of certain functions under the *Heavy Vehicle National Law (NSW)* from Transport for NSW (*TfNSW*) to the National Heavy Vehicle Regulator (*the NHVR*).

This Bill—

- (a) enables TfNSW to obtain and use, in the exercise of its statutory functions, information held by the NHVR, and to provide the NHVR with certain information, and
- (b) provides for the transfer of certain members of staff of TfNSW to the NHVR, and
- (c) enables the Minister to direct, by written order, that specified assets, rights or liabilities of TfNSW be transferred to the NHVR, and
- (d) makes other amendments to the *Fines Act 1996*, the *Heavy Vehicle (Adoption of National Law) Act 2013*, the *Passenger Transport Act 2014*, the *Road Transport Act 2013* and the *Transport Administration Act 1988*.

Outline of provisions

Clause 1 sets out the name, also called the short title, of the proposed Act.

Clause 2 provides for the commencement of the proposed Act.

Schedule 1 Amendment of Heavy Vehicle (Adoption of National Law) Act 2013 No 42

Schedule 1[1] specifies that the *Privacy and Personal Information Protection Act 1998* does not apply to the *Heavy Vehicle National Law (NSW)* or to instruments made under that Law.

Schedule 1[2] omits a redundant provision relating to the service of documents.

Schedule 1[3] provides TfNSW with a general power to provide to the NHVR certain information, including personal information, held by TfNSW and to obtain and use certain information held by the NHVR.

Schedule 1[4], [5] and [8]–[13] make amendments consequential on the transfer of certain functions from TfNSW to the NHVR and omit redundant provisions.

Schedule 1[6] provides that evidence of vehicle dimension may be given in proceedings for a dimension offence against the *Heavy Vehicle National Law (NSW)* in the same way as dimension offences against the road transport legislation. Currently, section 27E of the *Heavy Vehicle (Adoption of National Law) Act 2013* only relates to evidence of speed.

Schedule 1[7] enables the Minister for Transport and Roads to enter into an agreement with the NHVR in relation to a statement of expectations.

Schedule 2 Amendment of Transport Administration Act 1988 No 109

Schedule 2[2] enables the Minister to transfer assets, rights and liabilities to the NHVR. **Schedule 2[1]** inserts a definition. **Schedule 2[4]** makes a consequential amendment.

Schedule 2[3] provides that TfNSW may engage, by delegation or otherwise, the NHVR to carry out activities or exercise functions on its behalf.

Schedule 2[5] provides for the transfer of staff from TfNSW to the NHVR.

Schedule 3 Other consequential amendments

Schedule 3 makes consequential amendments to the *Fines Act 1996*, the *Passenger Transport Act 2014* and the *Road Transport Act 2013*.