

South Australia

Heavy Vehicle National Law (South Australia) (Expiation Fees) Regulations 2013

under the *Heavy Vehicle National Law (South Australia) Act 2013*

Contents

- 1 Short title
- 3 Interpretation
- 4 Prescribed offences and expiation fees
- 5 Increase of expiation fees for prescribed offences

Schedule 1—Offences, prescribed offences and expiation fees

Part 1—Offences against the local application provisions of the Act

Part 2—Prescribed offences against the *Heavy Vehicle National Law (South Australia)*

Division 1—Prescribed offences for purposes of section 591 of the Law

Division 2—Prescribed offences peculiar to South Australia

Part 3—Prescribed offences against the *Heavy Vehicle (Mass, Dimension and Loading) National Regulation (South Australia)*

Part 4—Prescribed offences against the *Heavy Vehicle (Fatigue Management) National Regulation (South Australia)*

Legislative history

1—Short title

These regulations may be cited as the *Heavy Vehicle National Law (South Australia) (Expiation Fees) Regulations 2013*.

3—Interpretation

- (1) In these regulations, unless the contrary intention appears—
Act means the *Heavy Vehicle National Law (South Australia) Act 2013*;
Law means the *Heavy Vehicle National Law (South Australia)*.
- (2) Text set out in italic type in a column headed "Description of offence" in a table in Schedule 1 is a description for convenience purposes only and is not to be taken to define the offence for which a particular amount is fixed as the expiation fee.

4—Prescribed offences and expiation fees

- (1) Pursuant to section 28(3)(f) of the Act, the expiation fees set out in a column headed "Fee" in the table in Part 1 of Schedule 1 are fixed for alleged offences against the local application provisions of the Act.
- (2) Pursuant to section 28(3)(g) of the Act—
 - (a) an offence against a section of the Law referred to in a column headed "Section" in the table in Part 2 Division 1 of Schedule 1 is a prescribed offence for the purposes of section 591 of the Law; and
 - (b) an offence against a section of the Law referred to in a column headed "Section" in the table in Part 2 Division 2 of Schedule 1 is a prescribed offence for the purposes of section 591 of the Law that is peculiar to South Australia; and
 - (c) the expiation fees set out in a column headed "Fee" in the table in Part 2 Division 1 of Schedule 1 are the penalties fixed in accordance with section 737 of the Law for the alleged prescribed offences against the Law shown in the table and are included for convenience purposes only; and

Note—

See <https://www.nhvr.gov.au/law-policies/penalties> for the Regulator's list of penalties and see regulation 5.

 - (d) the expiation fees set out in a column headed "Fee" in the table in Part 2 Division 2 of Schedule 1 are fixed for alleged prescribed offences against the Law that are peculiar to South Australia.
- (3) Pursuant to section 28(3)(g) of the Act—
 - (a) an offence against the *Heavy Vehicle (Mass, Dimension and Loading) National Regulation (South Australia)* referred to in a column headed "Regulation" in the table in Part 3 of Schedule 1 is a prescribed offence for the purposes of section 591 of the Law; and
 - (b) the expiation fees set out in a column headed "Fee" in the table in Part 3 of Schedule 1 are the penalties fixed in accordance with section 737 of the Law for alleged prescribed offences against those national regulations and are included for convenience purposes only.

Note—

See <https://www.nhvr.gov.au/law-policies/penalties> for the Regulator's list of penalties and see regulation 5.
- (4) Pursuant to section 28(3)(g) of the Act—
 - (a) an offence against the *Heavy Vehicle (Fatigue Management) National Regulation (South Australia)* referred to in a column headed "Regulation" in the table in Part 4 of Schedule 1 is a prescribed offence for the purposes of section 591 of the Law; and
 - (b) the expiation fees set out in a column headed "Fee" in the table in Part 4 of Schedule 1 are the penalties fixed in accordance with section 737 of the Law for alleged prescribed offences against those national regulations and are included for convenience purposes only.

Note—

See <https://www.nhvr.gov.au/law-policies/penalties> for the Regulator's list of penalties and see regulation 5.

5—Increase of expiation fees for prescribed offences

- (1) Section 737 of the Law provides that, at the start of 1 July of each year, beginning with 1 July 2014, the amount of each penalty for an offence will be increased, from the amount that applied immediately before that 1 July, in accordance with the method prescribed by the national regulations for the purposes of that section.

Note—

As soon as practicable but before 1 July of each year, the Regulator will publish on the Regulator's website the amounts of each penalty applying as from that date—see <https://www.nhvr.gov.au/law-policies/penalties>.

- (3) The amount of the expiation fees for the financial year commencing 1 July 2014, and each subsequent financial year, for a prescribed offence against the Law is the adjusted amount for that financial year and will be the amount as shown and published on the Regulator's website.
- (4) Subregulation (3) does not apply to expiation fees fixed for a prescribed offence against the Law peculiar to South Australia (see Part 2 Division 2 of Schedule 1).

Note—

Expiation fees fixed for prescribed offences peculiar to South Australia may be adjusted from time to time by variation of these regulations.

Schedule 1—Offences, prescribed offences and expiation fees

Part 1—Offences against the local application provisions of the Act

Section	Description of offence	Fee
19(2)	<i>Failure to comply with a direction given under section 19(1)</i>	\$600
21(1)	<i>Sale or other disposal of a heavy vehicle in respect of which a vehicle defect notice is in force</i>	\$300

Part 2—Prescribed offences against the *Heavy Vehicle National Law (South Australia)*

Division 1—Prescribed offences for purposes of section 591 of the Law

Section	Description of offence	Fee
60(1)	<i>Using, or permitting the use of, a heavy vehicle that contravenes a heavy vehicle standard—</i>	
	(a) if the heavy vehicle standard relates to a speed limiter	\$640
	(b) in any other case	\$320
79(2)	<i>Failure to comply with notice to return vehicle standards exemption (permit) to Regulator within specified period</i>	\$426
81(1)	<i>Contravening a condition of a vehicle standards exemption</i>	\$426

Heavy Vehicle National Law (South Australia) (Expiation Fees) Regulations 2013—1.7.2016 to 30.6.2017

Schedule 1—Offences, prescribed offences and expiation fees

Section	Description of offence	Fee
81(2)	<i>Using, or permitting the use of, a heavy vehicle that contravenes a condition of a vehicle standards exemption</i>	\$426
81(3)	<i>Using or permitting the use of a heavy vehicle in a way that contravenes a condition of a vehicle standards exemption</i>	\$426
82(2)	<i>Failure of driver to comply with condition under vehicle standards exemption (notice) to keep relevant document in driver's possession</i>	\$320
82(3)	<i>Offence for relevant party if driver commits an offence against section 82(2)</i>	\$320
83(1)	<i>Failure of driver to keep a copy of vehicle standards exemption (permit) in driver's possession</i>	\$320
83(2)	<i>Failure of driver to return copy of vehicle standards exemption (permit) to relevant party when driver stops working</i>	\$320
83(3)	<i>Offence for relevant party if driver commits an offence against section 83(1)</i>	\$320
85(1)	<i>Modifying a heavy vehicle without approval by approved vehicle examiner or Regulator</i>	\$320
85(2)	<i>Using or permitting the use of a heavy vehicle that has been modified without approval by approved vehicle examiner or Regulator</i>	\$320
86(2)	<i>Failure of approved vehicle examiner to give approved certificate and ensure plate or label is fitted or affixed to vehicle</i>	\$320
87A(1)	<i>Tampering with plate or label fitted to or affixed to a heavy vehicle under section 86(2) or 87(3)</i>	\$320
89(1)	<i>Using or permitting the use of an unsafe heavy vehicle</i>	\$640
90(1)	<i>Using or permitting the use of a heavy vehicle not fitted with emission control system for each relevant emission</i>	\$320
90(2)	<i>Using or permitting the use of emission control system that is not operating in accordance with manufacturer's design</i>	\$320
90(3)	<i>Using or permitting the use of an emission control system resulting in a failure to comply with heavy vehicle standard</i>	\$320
92(2)	<i>Using or permitting the use of a heavy vehicle displaying a warning sign where the sign is not required to be displayed</i>	\$320
96(1)	<i>Driving a heavy vehicle where vehicle or components do not comply with mass requirements—</i>	
	(a) for a minor risk breach	\$426
	(b) for a substantial risk breach	\$640
102(1)(a)	<i>Driving a heavy vehicle that does not comply with dimension requirements where vehicle does not have goods or passengers in it</i>	\$320
102(1)(b)	<i>Driving a heavy vehicle that does not comply with dimension requirements where vehicle has goods or passengers in it—</i>	
	(a) for a minor risk breach	\$320
	(b) for a substantial risk breach	\$533
109(2)	<i>Using or permitting the use of a heavy vehicle without fixing the required flag or light to back of the load</i>	\$320

**1.7.2016 to 30.6.2017—Heavy Vehicle National Law (South Australia) (Expiation Fees)
Regulations 2013**

Offences, prescribed offences and expiation fees—Schedule 1

Section	Description of offence	Fee
111(1)	<i>Driving a heavy vehicle that does not comply, or whose load does not comply, with loading requirements—</i>	
	(a) for a minor risk breach	\$320
	(b) for a substantial risk breach	\$533
129(1)	<i>Driver or operator of heavy vehicle contravening a condition of a mass or dimension exemption</i>	\$640
129(2)	<i>Using or permitting the use of a heavy vehicle that contravenes a condition of a mass or dimension exemption</i>	\$640
129(3)	<i>Using or permitting the use of a heavy vehicle in a way that contravenes a condition of a mass or dimension exemption</i>	\$640
130(2)	<i>Failure of driver of pilot or escort vehicle to comply with conditions of a mass or dimension exemption</i>	\$640
130(3)	<i>Offence for operator of a heavy vehicle if driver of pilot or escort vehicle commits an offence against section 130(2)</i>	\$640
131(1)	<i>Failure of driver of a pilot vehicle to ensure that the accompanying heavy vehicle is not contravening a condition of exemption</i>	\$640
132(2)	<i>Failure of driver of class 1 or class 3 heavy vehicle to comply with condition under mass or dimension exemption (notice) to keep relevant document in driver's possession</i>	\$320
132(3)	<i>Offence for relevant party if driver of class 1 or class 3 heavy vehicle commits an offence against section 132(2)</i>	\$320
133(1)	<i>Failure of driver of a class 1 or class 3 heavy vehicle to keep a copy of a mass or dimension exemption (permit) in driver's possession</i>	\$320
133(2)	<i>Failure of driver of a class 1 or class 3 heavy vehicle to return copy of mass or dimension exemption (permit) to relevant party when driver stops working</i>	\$426
133(3)	<i>Offence for relevant party if driver of class 1 or class 3 heavy vehicle commits an offence against section 133(1)</i>	\$320
134(1)	<i>Displaying a heavy vehicle warning sign on a heavy vehicle not being used under a dimension exemption</i>	\$320
134(2)	<i>Displaying a pilot vehicle warning sign on a vehicle not being used as a pilot vehicle for a heavy vehicle being used under a dimension exemption</i>	\$320
137	<i>Using or permitting the use of a class 2 heavy vehicle other than in accordance with a class 2 heavy vehicle authorisation</i>	\$640
150(1)	<i>Driver or operator of a class 2 heavy vehicle contravening a condition of a class 2 heavy vehicle authorisation</i>	\$640
151(2)	<i>Failure of driver of a class 2 heavy vehicle to comply with a condition of a class 2 heavy vehicle authorisation (notice) to keep relevant document in driver's possession</i>	\$320
151(3)	<i>Offence for a relevant party if driver commits an offence against section 151(2)</i>	\$320
152(1)	<i>Failure of driver of a class 2 heavy vehicle to keep copy of class 2 heavy vehicle authorisation (permit) in driver's possession</i>	\$320
152(2)	<i>Failure of driver to return copy of class 2 heavy vehicle authorisation (permit) to relevant party</i>	\$426

Heavy Vehicle National Law (South Australia) (Expiation Fees) Regulations 2013—1.7.2016 to 30.6.2017

Schedule 1—Offences, prescribed offences and expiation fees

Section	Description of offence	Fee
152(3)	<i>Offence for relevant party if driver commits offence against section 152(1)</i>	\$320
153(1)	<i>Failure of driver to keep copy of the PBS vehicle approval in driver's possession</i>	\$320
153(2)	<i>Offence for relevant party if driver commits offence against section 153(1)</i>	\$320
153A(1)	<i>Using or permitting the use of a restricted access vehicle on a road other than one on which the vehicle is allowed to be used under an applicable mass or dimension authority</i>	\$640
181(3)	<i>Failure to comply with notice requiring return of permit for mass or dimension authority to Regulator within specified time</i>	\$426
183(2)	<i>Offence for an employer, a prime contractor or an operator if a relevant offence is committed by the driver of a heavy vehicle—</i>	
	(a) for a mass requirement—	
	(i) for a minor risk breach	\$426
	(ii) for a substantial risk breach	\$640
	(b) for a dimension requirement—	
	(i) if not carrying any goods or passengers	\$320
	(ii) for a minor risk breach	\$320
	(iii) for a substantial risk breach	\$533
	(c) for a loading requirement—	
	(i) for a minor risk breach	\$320
	(ii) for a substantial risk breach	\$533
184(1)	<i>Driving a heavy vehicle while towing more than 1 other vehicle other than as permitted by section 184(2)</i>	\$320
185(1)	<i>Using or permitting the use of a trailer not securely coupled to the vehicle in front of it in a heavy combination</i>	\$640
185(2)	<i>Using or permitting the use of incompatible or improperly connected components of a coupling in a heavy combination</i>	\$640
190(1)	<i>Responsible entity permitting the transport of a freight container without providing the operator or driver of the heavy vehicle with a complying container weight declaration</i>	\$640
191(1)	<i>Operator of a heavy vehicle permitting the driver of the vehicle to transport freight container without providing the driver with a complying container weight declaration</i>	\$640
191(3)	<i>Failure of operator of a heavy vehicle to provide complying container weight declaration or prescribed particulars to carrier</i>	\$640
192(1)	<i>Driving a heavy vehicle loaded with freight container without a complying container weight declaration for the container</i>	\$640
192(2)	<i>Failure of driver of a heavy vehicle to keep the complying container weight declaration in or about the vehicle and in a way readily available to an authorised officer</i>	\$320

**1.7.2016 to 30.6.2017—Heavy Vehicle National Law (South Australia) (Expiation Fees)
Regulations 2013**

Offences, prescribed offences and expiation fees—Schedule 1

Section	Description of offence	Fee
219(1)	<i>Offence against section 219(1)—</i>	
	(a) driver of a heavy vehicle exceeding a speed limit of 50 km/h or 60 km/h	\$320
	(b) driver of a heavy vehicle exceeding a speed limit of 70 km/h or 80 km/h—	
	(i) by less than 15 km/h	\$320
	(ii) by 15 km/h or more	\$533
	(c) driver of a heavy vehicle other than a road train exceeding a speed limit of 90 km/h—	
	(i) by less than 15 km/h	\$320
	(ii) by 15 km/h or more	\$533
	(d) driver of a road train exceeding a speed limit of 90 km/h by less than 15 km/h	\$533
	(e) driver of a heavy vehicle exceeding speed limit of 100 km/h or more by less than 15 km/h	\$533
250(1)	<i>Failure of solo driver of a fatigue-regulated heavy vehicle to comply with standard hours—</i>	
	(a) for a minor risk breach	\$426
	(b) for a substantial risk breach	\$640
251(1)	<i>Failure of two-up driver of a fatigue-regulated heavy vehicle to comply with standard hours—</i>	
	(a) for a minor risk breach	\$426
	(b) for a substantial risk breach	\$640
254(1)	<i>Failure of solo driver of a fatigue-regulated heavy vehicle to comply with BFM hours—</i>	
	(a) for a minor risk breach	\$426
	(b) for a substantial risk breach	\$640
256(1)	<i>Failure of two-up driver of a fatigue-regulated heavy vehicle to comply with BFM hours—</i>	
	(a) for a minor risk breach	\$426
	(b) for a substantial risk breach	\$640
258(1)	<i>Failure of driver of fatigue-regulated heavy vehicle to comply with AFM hours—</i>	
	(a) for a minor risk breach	\$426
	(b) for a substantial risk breach	\$640
260(1)	<i>Failure of driver of fatigue-regulated heavy vehicle to comply with exemption hours—</i>	
	(a) for a minor risk breach	\$426
	(b) for a substantial risk breach	\$640
263(1)	<i>Failure of driver of fatigue-regulated heavy vehicle to comply with change of work and rest hours option requirements</i>	\$426

Heavy Vehicle National Law (South Australia) (Expiation Fees) Regulations 2013—1.7.2016 to 30.6.2017

Schedule 1—Offences, prescribed offences and expiation fees

Section	Description of offence	Fee
284(2)	<i>Failure to comply with notice to return work and rest hours exemption (permit) to Regulator within specified period</i>	\$640
286(1)	<i>Failure to comply with a condition of a work and rest hours exemption</i>	\$640
287(2)	<i>Failure of driver of fatigue-regulated heavy vehicle operating under a work and rest hours exemption (notice) to keep a relevant document in driver's possession</i>	\$320
287(3)	<i>Offence for relevant party if driver commits an offence against section 287(2)</i>	\$320
288(1)	<i>Failure of driver of a fatigue-regulated heavy vehicle to keep a copy of work and rest hours exemption (permit) in the driver's possession</i>	\$320
288(2)	<i>Failure of driver of a fatigue-regulated heavy vehicle to return copy of work and rest hours exemption (permit) to relevant party in certain circumstances</i>	\$426
288(3)	<i>Offence for relevant party if driver of a fatigue-regulated heavy vehicle commits an offence against section 288(1)</i>	\$320
293(1)	<i>Failure of driver of a fatigue-regulated heavy vehicle to keep a work diary, record required information and keep the diary in the driver's possession</i>	\$640
296(1)	<i>Failure of driver to record required information in work diary in the manner and at the time prescribed by the national regulations</i>	\$160
297(2)	<i>Failure of driver to record required information immediately after starting work on a day</i>	\$640
298(1)	<i>Failure of driver of a fatigue-regulated heavy vehicle to record the odometer reading as required by the national regulations</i>	\$160
299	<i>Failure of two-up driver to provide details prescribed by the national regulations as requested by the other driver</i>	\$320
301	<i>Failure of driver to comply with requirements for recording information in written work diary</i>	\$160
302	<i>Failure of driver to comply with requirements for recording information in electronic work diary</i>	\$160
303	<i>Failure of driver to record time in work diary according to the time zone of driver's base location</i>	\$160
305(1)	<i>Failure of driver of fatigue-regulated heavy vehicle to record required information in supplementary record</i>	\$640
305(2)	<i>Failure to comply with requirements for recording information in supplementary record not in electronic form</i>	\$320
305(3)	<i>Failure of driver to record time in supplementary record according to the time zone of driver's base location</i>	\$160
306	<i>Failure of driver of fatigue-regulated heavy vehicle to notify the Regulator within 2 business days in the approved form when a written work diary has been filled up, destroyed, lost or stolen</i>	\$320
307(2)	<i>Failure of driver to notify the Regulator within 2 business days in the approved form when an electronic work diary has been filled up, destroyed, lost or stolen or is not in working order</i>	\$320

**1.7.2016 to 30.6.2017—Heavy Vehicle National Law (South Australia) (Expiation Fees)
Regulations 2013**

Offences, prescribed offences and expiation fees—Schedule 1

Section	Description of offence	Fee
307(3)	<i>Failure of driver to ensure electronic work diary is examined and brought into working order within period required by Regulator</i>	\$320
308(1)	<i>Failure of driver to comply with the requirements when an old work diary is found or returned</i>	\$320
309(2)	<i>Failure to inform the driver's record keeper within 2 business days of becoming aware of a matter specified in section 309(1)</i>	\$320
310(2)	<i>Failure to inform the driver's record keeper within 2 business days of becoming aware of matters specified in section 310(1)</i>	\$640
312(3)	<i>Failure of record keeper to notify the Regulator within 2 business days of destroyed, lost or stolen electronic work diary</i>	\$640
319(1)	<i>Failure of record keeper to comply with requirements specified in section 319(1)</i>	\$640
321(1)	<i>Failure of record keeper to comply with requirements specified in section 321(1)</i>	\$640
321(3)	<i>Failure of record keeper to record information required if driver is operating under BFM or AFM hours</i>	\$640
322(2)	<i>Failure of driver to give copy of work diary entry or supplementary record to each record keeper within 21 days</i>	\$320
323(2)	<i>Failure of driver to give new record keeper a copy of information recorded in a work diary relating to the 28 day period before the change to the new record keeper</i>	\$320
324A(2)	<i>Failure of record keeper to give the driver a copy of the record or make the record available etc</i>	\$160
341(1)	<i>Failure of record keeper to keep records required under Division 3 for 3 years after specified day</i>	\$640
341(2)	<i>Failure of record keeper to keep records required under Division 9 or Division 10 for specified period</i>	\$640
341(3)	<i>Failure of record keeper to ensure record (or copy) is readily available to an authorised officer at the record location</i>	\$320
341(4)	<i>Failure of driver who is his or her own record keeper to ensure record (or copy) is readily available to an authorised officer at the record location</i>	\$320
341(7)	<i>Failure of record keeper to ensure information recorded in an electronic work diary is maintained so as to comply with the Regulator's conditions and manufacturer's instructions</i>	\$160
354(3)	<i>Failure of holder of an electronic recording system approval to comply with a direction of the Regulator</i>	\$640
354(5)	<i>Failure of a person to whom a notice has been given of amended conditions of an electronic recording system approval to give a copy of the notice to each person supplied by that person with an electronic recording system or a device forming part of the system</i>	\$640
355(2)	<i>Failure of holder of approval of an electronic recording system that constitutes a part or the whole of an electronic work diary to remove any electronic message on the system's visual display within the period required by the Regulator</i>	\$640
355(4)	<i>Failure of holder of an approval to comply with a direction of the Regulator</i>	\$640

Heavy Vehicle National Law (South Australia) (Expiation Fees) Regulations 2013—1.7.2016 to 30.6.2017

Schedule 1—Offences, prescribed offences and expiation fees

Section	Description of offence	Fee
355(6)	<i>Failure of person to whom a notice that the approval has been cancelled to give a notice to each other person to whom the person has supplied an electronic recording system the subject of the approval that the approval has been cancelled</i>	\$640
373(2)	<i>Failure to comply with notice requiring return of work diary exemption (permit) to Regulator</i>	\$640
375	<i>Contravention of a condition of a work diary exemption</i>	\$640
376(2)	<i>Failure of driver of a fatigue-regulated heavy vehicle to comply with a condition under a work diary exemption (notice) to keep relevant document in driver's possession</i>	\$320
376(3)	<i>Offence for relevant party if driver of a fatigue-regulated heavy vehicle commits an offence against section 376(2)</i>	\$320
377	<i>Failure of a driver of a fatigue-regulated heavy vehicle to keep a copy of work diary exemption (permit) in the driver's possession</i>	\$320
392(2)	<i>Failure to comply with notice requiring return of fatigue record keeping exemption (permit) to Regulator</i>	\$640
395	<i>Contravention of a condition of a fatigue record keeping exemption</i>	\$640
396(2)	<i>Failure of owner of a fatigue-regulated heavy vehicle to maintain odometer in accordance with requirements prescribed by the national regulations</i>	\$640
399(2)	<i>Driving or permitting a person to drive a fatigue-regulated heavy vehicle without complying with section 398</i>	\$640
467	<i>Failure of holder of BFM or AFM accreditation to comply with accreditation conditions</i>	\$640
468(1)	<i>Failure of driver operating under BFM accreditation or AFM accreditation to keep certain documents in driver's possession</i>	\$320
468(3)	<i>Offence for operator if driver commits an offence against section 468(1)</i>	\$320
469(2)	<i>Failure of driver operating under a BFM accreditation or AFM accreditation to return document to operator as soon as reasonably practicable</i>	\$426
470(3)	<i>Failure of operator to inform driver operating under AFM accreditation of the AFM hours applying under the accreditation</i>	\$640
470(8)	<i>Failure of operator to comply with a requirement under section 470(7)</i>	\$320
471(2)	<i>Failure of operator to give notice to driver or scheduler of amendment, suspension or cessation of heavy vehicle accreditation</i>	\$640
471(3)	<i>Failure of driver to return to the operator any document relevant to the notice given to the driver by the operator for the purposes of section 468(1)</i>	\$426
476(2)	<i>Failure to return accreditation certificate to Regulator within specified period</i>	\$640
488	<i>Failure to return identity card to Regulator within specified period</i>	\$426
513(4)	<i>Failure to comply with a direction given under section 513(1)</i>	\$640
514(3)	<i>Failure to comply with a direction given under section 514(1)</i>	\$640
516(3)	<i>Failure to comply with a direction given under section 516(1)</i>	\$640

1.7.2016 to 30.6.2017—Heavy Vehicle National Law (South Australia) (Expiation Fees)
Regulations 2013
 Offences, prescribed offences and expiation fees—Schedule 1

Section	Description of offence	Fee
517(4)	<i>Failure to comply with a direction given under section 517(2)</i>	\$640
522(5)	<i>Failure to produce a heavy vehicle for inspection at the place and time stated in the notice</i>	\$640
524(5)	<i>Failure to comply with a direction given under section 524(2) or (3)</i>	\$640
526(4)	<i>Failure of driver of a heavy vehicle who is not the operator of the vehicle to give defect notice to operator</i>	\$320
528(3)	<i>Removing or defacing a defective vehicle label attached to a heavy vehicle</i>	\$320
529	<i>Using or permitting the use of a heavy vehicle in contravention of a vehicle defect notice</i>	\$640
531(4)	<i>Failure of person who is not the operator of a heavy vehicle who is given notice of an amendment or withdrawal to give the notice to the operator as soon as reasonably practicable</i>	\$320
533(7)	<i>Failure to comply with a direction given under section 533</i>	\$1 065
534(5)	<i>Failure to comply with a direction given under section 534</i>	\$1 065
567(4)	<i>Failure to comply with a requirement made under section 567(2) or (3)</i>	\$320
568(3)	<i>Failure to comply with a requirement made under section 568(2)</i>	An amount equal to 10% of the amount of the maximum penalty for an offence of failing to keep the document, device or other thing in the driver's possession
568(7)	<i>Failure to comply with a requirement given under section 568(6)</i>	\$320
569(2)	<i>Failure to comply with a requirement made under section 569(1)</i>	\$640
569(7)	<i>Failure to comply with a requirement made under section 569(6)</i>	\$320

Division 2—Prescribed offences peculiar to South Australia

Section	Description of offence	Fee
183(2)	<i>Offence for a consignor, packer, loading manager or loader if a relevant offence is committed by the driver of a heavy vehicle—</i>	
	(a) for a mass requirement—	
	(i) for a minor risk breach	\$426
	(ii) for a substantial risk breach	\$640
	(b) for a dimension requirement—	
	(i) for a minor risk breach	\$320
	(ii) for a substantial risk breach	\$533

Heavy Vehicle National Law (South Australia) (Expiation Fees) Regulations 2013—1.7.2016 to 30.6.2017

Schedule 1—Offences, prescribed offences and expiation fees

Section	Description of offence	Fee
	(c) for a loading requirement—	
	(i) for a minor risk breach	\$320
	(ii) for a substantial risk breach	\$533
261(2)	<i>Offence for an employer, a prime contractor, an operator, a scheduler, a consignor or consignee, a loading manager, a loader or an unloader if relevant offence committed by the driver of a fatigue-regulated heavy vehicle—</i>	
	(a) for a minor risk breach	\$426
	(b) for a substantial risk breach	\$640
322(4)	<i>Failure of record keeper to ensure driver complies with section 322(2)</i>	\$320
577(4)	<i>Failure to comply with a requirement made under section 577(1) or (2)</i>	\$1 065

Part 3—Prescribed offences against the *Heavy Vehicle (Mass, Dimension and Loading) National Regulation (South Australia)*

Section	Description of offence	Fee
11(1)	<i>Failure to maintain relevant accreditation label on CML heavy vehicle in way required by section 11(2), (3) and (4)</i>	\$320
16(2)	<i>Using or permitting the use of HML heavy vehicle under higher mass limits in an area or on a route to which the HML declaration applies where vehicle is neither equipped for monitoring by an approved intelligent transport system nor covered by an intelligent access agreement</i>	\$320
28	<i>Driver or operator of HML heavy vehicle contravening a condition of HML permit</i>	\$320
34(2)	<i>Failure to comply with a notice to return HML permit</i>	\$400
36(2)	<i>Failure to maintain relevant accreditation label on HML heavy vehicle in way required by section 36(3) and (5)</i>	\$320

Part 4—Prescribed offences against the *Heavy Vehicle (Fatigue Management) National Regulation (South Australia)*

Section	Description of offence	Fee
18A(1)	<i>Failure of driver on changing from 1 form of work diary to another to record certain information in compliance with subsection (2)</i>	\$160

Legislative history

Notes

- Variations of this version that are uncommenced are not incorporated into the text.
- Please note—References in the legislation to other legislation or instruments or to titles of bodies or offices are not automatically updated as part of the program for the revision and publication of legislation and therefore may be obsolete.
- Earlier versions of these regulations (historical versions) are listed at the end of the legislative history.
- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or www.legislation.sa.gov.au.

Principal regulations and variations

New entries appear in bold.

Year	No	Reference	Commencement
2013	296	<i>Gazette 19.12.2013 p5016</i>	10.2.2014: r 2
2014	181	<i>Gazette 19.6.2014 p2785</i>	1.7.2014: r 2
2015	164	<i>Gazette 18.6.2015 p2845</i>	1.7.2015: r 2
2016	2	<i>Gazette 14.1.2016 p97</i>	6.2.2016: r 2
2016	23	<i>Gazette 21.4.2016 p1264</i>	21.4.2016: r 2
2016	163	<i>Gazette 23.6.2016 p2455</i>	1.7.2016: r 2
2017	184	<i>Gazette 22.6.2017 p2487</i>	1.7.2017: r 2

Provisions varied

New entries appear in bold.

Entries that relate to provisions that have been deleted appear in italics.

Provision	How varied	Commencement
<i>r 2</i>	<i>omitted under Legislation Revision and Publication Act 2002</i>	<i>1.7.2014</i>
r 4		
r 4(2)	varied by 181/2014 r 4(1)	1.7.2014
r 4(3)	varied by 181/2014 r 4(2)	1.7.2014
r 4(4)	inserted by 163/2016 r 4	1.7.2016
r 5		
r 5(1)	varied by 181/2014 r 5(1)	1.7.2014
<i>r 5(2)</i>	<i>deleted by 181/2014 r 5(2)</i>	<i>1.7.2014</i>
r 5(3)	varied by 181/2014 r 5(3)	1.7.2014
<i>r 5(5)</i>	<i>deleted by 181/2014 r 5(4)</i>	<i>1.7.2014</i>
<i>Sch 1 before substitution by 163/2016</i>	<i>substituted by 181/2014 r 6</i>	<i>1.7.2014</i>
	<i>substituted by 164/2015 r 4</i>	<i>1.7.2015</i>

Heavy Vehicle National Law (South Australia) (Expiation Fees) Regulations 2013—1.7.2016 to 30.6.2017

Legislative history

<i>Pt 2</i>	<i>varied by 2/2016 r 4(1)—(17)</i>	<i>6.2.2016</i>
	<i>varied by 23/2016 r 4(1)—(4)</i>	<i>21.4.2016</i>
Sch 1	substituted by 163/2016 r 5	1.7.2016

Historical versions

1.7.2014

1.7.2015

6.2.2016

21.4.2016