

South Australia

Road Traffic (Miscellaneous) Variation Regulations 2007

under the *Road Traffic Act 1961*

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Part 2—Offences against the *Road Traffic Act 1961*

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Road Traffic (Miscellaneous) Variation Regulations 2007*.

2—Commencement

These regulations will come into operation on 30 April 2007.

3—Variation provisions

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

Part 2—Variation of Road Traffic (Miscellaneous) Regulations 1999

4—Variation of regulation 4—Interpretation

- (1) Regulation 4, definition of *GCM*—delete the definition
- (2) Regulation 4, definition of *GTM*, (b)—delete "the vehicle registration authority" and substitute:

an Australian Authority
- (3) Regulation 4, definitions of *GVM*, *heavy vehicle*, *parking authority*, *public place* and *vehicle registration authority*—delete the definitions
- (4) Regulation 4—after its present contents as varied by this regulation (now to be designated as subregulation (1)) insert:
 - (2) For the purposes of the definition of *approved road transport compliance scheme* in section 5(1) of the Act, the National Heavy Vehicle Accreditation Scheme approved by the Australian Transport Council (including any changes to the Scheme approved by the Council from time to time) is an approved road transport compliance scheme.
 - (3) For the purposes of paragraph (b) of the definition of *corresponding Authority* in section 5(1) of the Act—
 - (a) the Authority as defined in the *Road Transport (General) Act 2005* of New South Wales is declared to be the corresponding Authority for that State;
 - (b) the Corporation as defined in the *Road Safety Act 1986* of Victoria is declared to be the corresponding Authority for that State.

- (4) For the purposes of the definition of *corresponding law* in section 5(1) of the Act, the following are declared to be corresponding laws:
- (a) the *Road Transport (General) Act 2005* of New South Wales;
 - (b) the *Road Safety Act 1986* of Victoria.
- (5) For the purposes of paragraph (a) of the definition of *corresponding road law* in section 5(1) of the Act—
- (a) the *Road Transport (General) Act 2005* of New South Wales is declared to be a corresponding road law for that State;
 - (b) the *Road Safety Act 1986* of Victoria is declared to be a corresponding road law for that State.

5—Revocation of regulation 5

Regulation 5—delete the regulation

6—Substitution of regulation 8

Regulation 8—delete the regulation and substitute:

8—Offences included in prescribed circumstances

For the purposes of paragraph (a) of the definition of *prescribed circumstances* in section 47A(1) of the Act (Interpretation), each of the following is an offence of a prescribed class:

- (a) an offence against section 40H, 40I, 40J or 40K of the Act;
- (b) an offence against section 40V, 40W or 40X of the Act committed by a person who was, at the time of the offence, the driver or other person in charge of a vehicle;
- (c) an offence against a provision of Part 3 of the Act;
- (d) an offence against a provision of the *Australian Road Rules* (other than an offence against a provision of Part 12 (Restrictions on stopping and parking));
- (e) an offence against regulation 9A or 10A of the *Road Traffic (Road Rules—Ancillary and Miscellaneous Provisions) Regulations 1999*.

7—Variation of regulation 10—Request for approved blood test kit

- (1) Regulation 10—delete "member of the police force" wherever occurring and substitute in each case:
- police officer
- (2) Regulation 10(1)(c)—delete "other member" and substitute:
- other police officer

8—Variation of regulation 11—Procedures for voluntary blood test

Regulation 11(j)—delete "member of the police force" and substitute:

police officer

9—Insertion of Part 3A

After regulation 19F insert:

Part 3A—Mass, dimension and load restraint requirements—categorisation of breaches

19FA—Purpose of Part

This Part makes provision for the categorisation of breaches of mass, dimension or load restraint requirements as—

- (a) minor risk breaches; or
- (b) substantial risk breaches; or
- (c) severe risk breaches,

for the purposes of section 120 of the Act.

19FB—Interpretation

- (1) In this Part—

declared route means a road, or part of a road, declared under subregulation (4) to be a declared route for the purposes of this Part;

dimension requirement means a mass, dimension or load restraint requirement relating to dimensions;

legislatively specified mass limit means a mass limit specified in a law, under the authority of a law or by a sign erected or displayed under a law, whether a law of this State or another jurisdiction;

load restraint requirement means a mass, dimension or load restraint requirement relating to the restraint or positioning of loads on vehicles;

mass requirement means a mass, dimension or load restraint requirement relating to mass limits.

- (2) For the purposes of this Part, the loss or shifting of the load of a vehicle is *imminent* if it is assessed by the officer or court concerned to be likely to occur during the journey being or about to be undertaken by which the load is being or is to be transported, having regard to—
- (a) the nature and condition of the vehicle; and
 - (b) the nature, condition, placement and securing of the load; and
 - (c) the length of the journey; and
 - (d) the nature and condition of the route of the journey; and

- (e) any other relevant factors.
- (3) For the purposes of this Part, the disembarkation of persons from, or the movement of persons on, a vehicle does not constitute a loss or shifting of the load of the vehicle.
- (4) The Minister may, by notice published in the Gazette—
 - (a) declare a road, or part of a road, to be a declared route for the purposes of this Part; and
 - (b) vary or revoke a declaration under this subregulation.

19FC—Categories of mass requirement breaches

- (1) This regulation applies to a mass requirement imposed by reference to—
 - (a) a legislatively specified mass limit; or
 - (b) a manufacturer's mass rating; or
 - (c) the lower of—
 - (i) a legislatively specified mass limit; and
 - (ii) a manufacturer's mass rating.
- (2) A breach of a mass requirement to which this regulation applies is a minor risk breach if the subject-matter of the breach is less than the lower limit for a substantial risk breach of the requirement.
- (3) A breach of a mass requirement to which this regulation applies is a substantial risk breach if the subject-matter of the breach—
 - (a) is equal to or greater than the lower limit for a substantial risk breach of the requirement; and
 - (b) is less than the lower limit for a severe risk breach of the requirement.
- (4) A breach of a mass requirement to which this regulation applies is a severe risk breach if the subject-matter of the breach is equal to or greater than the lower limit for a severe risk breach of the requirement.
- (5) The lower limit for a substantial risk breach of a mass requirement to which this regulation applies is—
 - (a) in the case of a mass requirement that relates to the gross mass of a vehicle—
 - (i) if the vehicle is a heavy vehicle—
 - (A) 105% of the maximum permissible mass, rounded up to the nearest 0.1 tonne; or
 - (B) 0.5 tonne,whichever is the greater; or
 - (ii) if the vehicle is not a heavy vehicle—105% of the maximum permissible mass;

- (b) in any other case—
 - (i) if the vehicle is a heavy vehicle—105% of the maximum permissible mass, rounded up to the nearest 0.1 tonne; or
 - (ii) if the vehicle is not a heavy vehicle—105% of the maximum permissible mass.
- (6) The lower limit for a severe risk breach of a mass requirement to which this regulation applies is—
 - (a) if the vehicle is a heavy vehicle—120% of the maximum permissible mass, rounded up to the nearest 0.1 tonne; or
 - (b) if the vehicle is not a heavy vehicle—120% of the maximum permissible mass.

19FD—Categories of dimension requirement breaches

- (1) Subject to regulation 19FE, a breach of a dimension requirement is a minor risk breach if the subject-matter of the breach is less than the lower limit for a substantial risk breach of the requirement.
- (2) A breach of a dimension requirement is a substantial risk breach if the subject-matter of the breach—
 - (a) is equal to or greater than the lower limit for a substantial risk breach of the requirement; and
 - (b) is less than the lower limit for a severe risk breach of the requirement.
- (3) A breach of a dimension requirement is a severe risk breach if the subject-matter of the breach is equal to or greater than the lower limit for a severe risk breach of the requirement.
- (4) If a dimension requirement is imposed by reference to the length of a projection of a load from either side of a vehicle—
 - (a) the lower limit for a substantial risk breach of the dimension requirement is 40 millimetres over the maximum permissible dimension limit;
 - (b) the lower limit for a severe risk breach of the dimension requirement is 80 millimetres over the maximum permissible dimension limit.
- (5) If a dimension requirement is imposed by reference to the overall width of a vehicle together with a load and the load is a factor in determining the overall width—
 - (a) a breach of the dimension requirement is categorised by reference to the length of the projection of the load from a side of the vehicle; and

- (b) —
 - (i) the lower limit for a substantial risk breach of the dimension requirement is 40 millimetres measured from a side of the vehicle;
 - (ii) the lower limit for a severe risk breach of the dimension requirement is 80 millimetres measured from a side of the vehicle.
- (6) For the purposes of subregulation (5), if the load projects from both sides and the length of the projection from one side is greater than the length of the projection from the other side, the breach is to be categorised by reference to the longer projection.
- (7) If a dimension requirement is imposed by reference to the overall height of a vehicle together with a load and the load is a factor in determining the overall height—
 - (a) the lower limit for a substantial risk breach of the dimension requirement is 150 millimetres over the maximum permissible dimension limit;
 - (b) the lower limit for a severe risk breach of the dimension requirement is 300 millimetres over the maximum permissible dimension limit.
- (8) If a dimension requirement is imposed by reference to the overall length of a vehicle together with a load and the load is a factor in determining the overall length—
 - (a) the lower limit for a substantial risk breach of the dimension requirement is 0.35 metre over the maximum permissible dimension limit;
 - (b) the lower limit for a severe risk breach of the dimension requirement is 0.60 metre over the maximum permissible dimension limit.

19FE—Recategorisation of certain dimension requirement breaches

- (1) Circumstances exist for recategorisation of a breach of a dimension requirement if—
 - (a) in the case of a breach of a dimension requirement imposed by reference to the length of a projection of a load from either side of a vehicle or by reference to the overall width of a vehicle together with a load, the breach is committed—
 - (i) at night; or
 - (ii) in hazardous weather conditions causing reduced visibility; or
 - (iii) on a declared route; or

- (b) in the case of a breach of a dimension requirement imposed by reference to the overall length of a vehicle together with a load, the rear of the load on the vehicle concerned fails to carry a required warning signal; or
 - (c) the load on the vehicle concerned projects from the vehicle in a way that is dangerous to persons or property.
- (2) If circumstances exist for recategorisation of a breach of a dimension requirement and the breach would, apart from this regulation, be a minor risk breach, the breach is recategorised as a substantial risk breach.
- (3) If circumstances exist for recategorisation of a breach of a dimension requirement and the breach would, apart from this regulation, be a substantial risk breach, the breach is recategorised as a severe risk breach.

19FF—Categories of load restraint requirement breaches

- (1) A breach of a load restraint requirement is a minor risk breach if the loss or shifting of the load concerned—
 - (a) has not occurred and is not imminent; and
 - (b) is assessed by the officer or court concerned not to involve (if it were to occur) an appreciable risk of harm to public safety, the environment, road infrastructure or public amenity.
- (2) A breach of a load restraint requirement is a substantial risk breach if—
 - (a) the loss or shifting of the load concerned—
 - (i) has already occurred or is imminent, and
 - (ii) is assessed by the officer or court concerned not to involve an appreciable risk of harm to public safety, the environment or road infrastructure; or
 - (b) the loss or shifting of the load concerned—
 - (i) has not occurred and is not imminent, and
 - (ii) is assessed by the officer or court concerned to be likely to occur (though not imminent) and to involve an appreciable risk of harm to public safety, the environment, road infrastructure or public amenity.
- (3) A breach of a load restraint requirement is a severe risk breach if the loss or shifting of the load concerned—
 - (a) has already occurred or is imminent, and
 - (b) is assessed by the officer or court concerned to involve an appreciable risk of harm to public safety, the environment, road infrastructure or public amenity.

19FG—Special categorisation of breaches of requirements relating to dangerous projections

- (1) This regulation applies to a breach of a requirement of an Australian road law to the effect that a load on a vehicle must not project in a way that is dangerous to a person or property, even if all dimension, warning or other requirements are met.
- (2) A breach to which this regulation applies is taken to be—
 - (a) a breach of a dimension requirement; and
 - (b) a minor risk breach of that requirement, unless subregulation (3) applies.
- (3) The breach is taken to be a substantial risk breach if the breach is committed—
 - (a) at night; or
 - (b) in hazardous weather conditions causing reduced visibility.

19FH—Default category

If a breach of a mass, dimension or load restraint requirement is not categorised under another provision of this Part, the breach is a minor risk breach.

10—Variation of regulation 21—Prohibition of parking in certain public places

- (1) Regulation 21(2)(a)—delete "Inspectors" and substitute:

Authorised officers

- (2) Regulation 21—after subregulation (2) insert:

- (3) In this regulation—

parking authority means a road authority (other than the Commissioner of Highways or a council) that has the care, control or management of a road on, above or near which the road authority has, with the approval of the Minister under section 17 of the Act, installed, maintained, altered or operated, or caused to be installed, maintained, altered or operated, traffic control devices for the purposes of Part 12 of the *Australian Road Rules*.

11—Insertion of regulations 23A, 23B, 23C and 23D

After regulation 23 insert:

23A—Warrants

- (1) An application for a warrant under section 41B of the Act may be made by facsimile.
- (2) An application for a warrant made personally or by facsimile must be in a form approved by the Chief Magistrate.

- (3) An application for a warrant may be made by telephone or facsimile only if, in the opinion of the applicant, the warrant is urgently required and there is not enough time to lodge a written application and appear before a magistrate.
- (4) If an application for a warrant is made by telephone, the following provisions apply:
 - (a) the applicant must inform the magistrate of the applicant's name and identify himself or herself as an authorised officer or police officer and the magistrate, on receiving that information, is entitled to assume its accuracy without further inquiry;
 - (b) the applicant must inform the magistrate of the purpose for which the warrant is required and the grounds on which it is sought;
 - (c) the magistrate may, on being satisfied as to the grounds for the issue of the warrant, inform the applicant of the facts on which the magistrate relies as grounds for the issue of the warrant, and must not proceed to issue the warrant unless the applicant undertakes to make an affidavit verifying those facts;
 - (d) the magistrate must inform the applicant of the terms of the warrant;
 - (e) the applicant must fill out and sign a warrant form (the ***duplicate warrant***) that specifies—
 - (i) the name of the magistrate issuing the warrant; and
 - (ii) the person authorised to exercise the powers conferred by the warrant; and
 - (iii) the period for which the warrant will be in force;
 - (f) the applicant must, as soon as practicable after the issue of the warrant, forward to the magistrate an affidavit verifying the facts referred to in paragraph (c) and a copy of the duplicate warrant.
- (5) If an application for the issue of a warrant is made by facsimile, the following provisions apply:
 - (a) the applicant must be available to speak to the magistrate by telephone;
 - (b) the magistrate is entitled to assume, without further inquiry, that a person who identifies himself or herself as the applicant acting in the capacity of an authorised officer or police officer during a telephone conversation with the magistrate is indeed the applicant acting in that capacity;
 - (c) the magistrate must forward the warrant to the applicant by facsimile transmission.

23B—Embargo notices

An embargo notice under section 41G of the Act must set out the following particulars:

- (a) the full name, residential address and date of birth of the occupier of the vehicle or premises concerned;
- (b) the registration number of the vehicle concerned (if any) and the State or Territory in which it is registered;
- (c) the address of the premises concerned (if any);
- (d) a description of the record, device or other thing to which the notice applies and the address at which it is located.

23C—Administrative actions under corresponding road laws

- (1) For the purposes of the definition of *administrative authority* in section 41P(1) of the Act, a person holding an office, or a body, constituted by or under a corresponding road law who is authorised under that law to take administrative action of a kind prescribed in subregulation (2) is an administrative authority in relation to that administrative action.
- (2) Section 41P of the Act applies to the following kinds of administrative actions:
 - (a) the giving of directions and authorisations under—
 - (i) Part 3.3 Division 3 (Enforcement powers) of the *Road Transport (General) Act 2005* of New South Wales; or
 - (ii) Part 10 Division 3 (Enforcement Powers Concerning Mass, Dimension or Load Restraint Breaches) of the *Road Safety Act 1986* of Victoria;
 - (b) an administrative action under—
 - (i) Part 3.5 Division 2 (Improvement notices) of the *Road Transport (General) Act 2005* of New South Wales; or
 - (ii) Part 11 Division 5 (Improvement notices) of the *Road Safety Act 1986* of Victoria.

23D—Court orders under corresponding road laws

Section 41Q of the Act applies to the following kinds of orders:

- (a) an order under any of the following provisions of the *Road Transport (General) Act 2005* of New South Wales:
 - (i) Part 3.5 Division 6 (Supervisory intervention orders);
 - (ii) Part 3.5 Division 7 (Prohibition orders);
- (b) an order under any of the following provisions of the *Road Safety Act 1986* of Victoria:

- (i) section 205 (Supervisory intervention orders);
- (ii) section 207 (Prohibition orders).

12—Variation of regulation 24—Vehicle identification plates and numbers

- (1) Regulation 24—delete "inspector" wherever occurring and substitute in each case:
authorised officer
- (2) Regulation 24(5)—delete "member of the police force" and substitute:
police officer
- (3) Regulation 24(5)—delete "the member" and substitute:
the police officer

13—Variation of regulation 30—Determination of mass

Regulation 30(1)—delete "section 148 of the Act (Determination of mass)" and substitute:

determining the mass of a vehicle

14—Revocation of regulation 31

Regulation 31—delete the regulation

15—Variation of regulation 32—Prescribed classes of vehicles for purposes of section 145(1b)

Regulation 32—delete "section 160(1b)" and substitute:

section 145(1b)

16—Variation of regulation 33—Formal written warnings, defect notices etc

Regulation 33—delete "section 160" and substitute:

section 145

17—Variation of regulation 34—Authorisation under section 145(8)

- (1) Regulation 34—delete "inspector" wherever occurring and substitute in each case:
authorised officer
- (2) Regulation 34(1) and (1a)—delete "section 160" wherever occurring and substitute in each case:
section 145
- (3) Regulation 34(2)—delete "section 160(8)" and substitute:
section 145(8)

18—Insertion of regulation 34A

After regulation 34 insert:

34A—Withdrawal of formal warnings

For the purposes of section 147(1) of the Act, a formal warning may be withdrawn by—

- (a) the Minister; or
- (b) a police officer of or above the rank of sergeant.

19—Variation of regulation 43—Fees for inspection

- (1) Regulation 43(1), definition of *Transport Department inspection*, (a)—delete "section 160" and substitute:
section 145
- (2) Regulation 43(4)—delete "section 160" and substitute:
section 145
- (3) Regulation 43(4)—delete "member of the police force" and substitute:
police officer

20—Variation of regulation 44—Offence and penalty

Regulation 44(2)—delete "\$1 250" and substitute:
\$2 500

21—Variation of regulation 47—Proof of GTM

Regulation 47—delete "GVM, GCM or"

22—Revocation of Schedule 6

Schedule 6—delete the Schedule

23—Variation of Schedule 9—Expiation fees

Schedule 9, Part 2—delete Part 2 and substitute:

Part 2—Offences against the *Road Traffic Act 1961*

Section	Description of offence against <i>Road Traffic Act 1961</i>	Fee
40H(5)	<i>Engaging in conduct in contravention of direction of authorised officer or police officer to stop vehicle, or not move it, or not interfere with vehicle or its equipment or load—</i>	
	if direction relates to heavy vehicle	\$500
	if direction relates to vehicle other than heavy vehicle	\$158
40I(2)	<i>Engaging in conduct in contravention of direction of authorised officer or police officer to move vehicle to specified location—</i>	
	if direction relates to heavy vehicle	\$500
	if direction relates to vehicle other than heavy vehicle	\$158

Road Traffic (Miscellaneous) Variation Regulations 2007
Part 2—Variation of Road Traffic (Miscellaneous) Regulations 1999

Section	Description of offence against <i>Road Traffic Act 1961</i>	Fee
40J(3)	<i>Engaging in conduct in contravention of direction of authorised officer or police officer to move vehicle or do anything else reasonably required by officer to avoid causing harm or obstruction—</i>	
	if direction relates to heavy vehicle	\$500
	if direction relates to vehicle other than heavy vehicle	\$158
40K(5)	<i>Engaging in conduct in contravention of direction of authorised officer or police officer to vacate or not occupy driver's seat, or to leave or not enter vehicle—</i>	
	if direction relates to heavy vehicle	\$500
	if direction relates to vehicle other than heavy vehicle	\$158
40V(4)	<i>Engaging in conduct in contravention of direction of authorised officer or police officer to give personal details or produce evidence of correctness of personal details</i>	\$500
40W(4)	<i>Engaging in conduct in contravention of direction of authorised officer or police officer to produce records, devices or other things</i>	\$500
40X(3)	<i>Engaging in conduct in contravention of direction of authorised officer or police officer to provide information about vehicle or load or equipment carried or to be carried by vehicle</i>	\$500
40Y(5)	<i>Engaging in conduct in contravention of direction of authorised officer or police officer to provide assistance to officer to enable effective exercise of officer's powers</i>	\$500
47B(1)	<i>Driving whilst having prescribed concentration of alcohol in blood</i>	
	Contravention involving less than 0.08 grams of alcohol in 100 millilitres of blood	\$157
47BA(1)	<i>Driving with prescribed drug in oral fluid or blood</i>	\$300
91(3)	<i>Failing to comply with direction of ferry operator</i>	\$56
117(1)	<i>Vehicle in breach of vehicle standards or maintenance requirement driven on road—being driver of vehicle—</i>	
	non-compliance with rule 155 of the vehicle standards	\$157
	non-compliance with rule 158 of the vehicle standards	\$81
	any other contravention of section 117	\$170
118(1)	<i>Vehicle in breach of vehicle standards or maintenance requirement driven on road—being operator of vehicle—</i>	
	non-compliance with rule 155 of the vehicle standards	\$157
	non-compliance with rule 158 of the vehicle standards	\$81
	any other contravention of section 118	\$170
123(1)	<i>Vehicle not complying with mass, dimension or load restraint requirement driven on road—being driver of vehicle—</i>	
	minor risk breach involving heavy vehicle	\$250

Road Traffic (Miscellaneous) Variation Regulations 2007
Variation of Road Traffic (Miscellaneous) Regulations 1999—Part 2

Section	Description of offence against <i>Road Traffic Act 1961</i>	Fee
	minor risk breach involving vehicle other than heavy vehicle	\$100
	substantial risk breach involving heavy vehicle	\$500
	substantial risk breach involving vehicle other than heavy vehicle	\$200
	severe risk breach involving vehicle other than heavy vehicle	\$300
124(1)	<i>Vehicle not complying with mass, dimension or load restraint requirement driven on road—being operator of vehicle—</i>	
	minor risk breach involving heavy vehicle—	
	• if the operator is a natural person	\$250
	• if the operator is a body corporate	\$350
	minor risk breach involving vehicle other than heavy vehicle	\$100
	substantial risk breach involving heavy vehicle—	
	• if the operator is a natural person	\$500
	• if the operator is a body corporate	\$650
	substantial risk breach involving vehicle other than heavy vehicle	\$200
	severe risk breach involving vehicle other than heavy vehicle	\$300
125(2)	<i>Heavy vehicle not complying with mass, dimension or load restraint requirement driven on road—being consignor of goods in or on vehicle—</i>	
	minor risk breach—	
	• if the consignor is a natural person	\$250
	• if the consignor is a body corporate	\$350
	substantial risk breach—	
	• if the consignor is a natural person	\$500
	• if the consignor is a body corporate	\$650
125(4)	<i>Weight of freight container containing goods consigned for road transport by heavy vehicle exceeding maximum gross weight marked on container or container's safety approval plate—being consignor of any of the goods—</i>	
	• if the consignor is a natural person	\$500
	• if the consignor is a body corporate	\$650
126(2)	<i>Heavy vehicle not complying with mass, dimension or load restraint requirement driven on road—being packer of goods in or on vehicle—</i>	
	minor risk breach—	
	• if the packer is a natural person	\$250
	• if the packer is a body corporate	\$350

Section	Description of offence against <i>Road Traffic Act 1961</i>	Fee
	substantial risk breach—	
	• if the packer is a natural person	\$500
	• if the packer is a body corporate	\$650
126(4)	<i>Weight of freight container containing goods consigned for road transport by heavy vehicle exceeding maximum gross weight marked on container or container's safety approval plate—being packer of any of the goods—</i>	
	• if the packer is a natural person	\$500
	• if the packer is a body corporate	\$650
127(2)	<i>Heavy vehicle not complying with mass, dimension or load restraint requirement driven on road—being loader of goods in or on vehicle—</i>	
	minor risk breach—	
	• if the loader is a natural person	\$250
	• if the loader is a body corporate	\$350
	substantial risk breach—	
	• if the loader is a natural person	\$500
	• if the loader is a body corporate	\$650
128(2)	<i>Heavy vehicle not complying with mass, dimension or load restraint requirement driven on road—consignee of goods in or on vehicle engaging in conduct resulting or likely to result in inducing or rewarding breach—</i>	
	minor risk breach—	
	• if the consignee is a natural person	\$250
	• if the consignee is a body corporate	\$350
	substantial risk breach—	
	• if the consignee is a natural person	\$500
	• if the consignee is a body corporate	\$650
135(3)	<i>Responsible entity failing to provide operator or driver of heavy vehicle with complying container weight declaration relating to freight container offered for transport by vehicle—</i>	
	• if the responsible entity is a natural person	\$500
	• if the responsible entity is a body corporate	\$650
136(5)	<i>Operator of heavy vehicle failing to provide driver with complying container weight declaration relating to freight container arranged by operator to be transported by vehicle—</i>	
	• if the operator is a natural person	\$500
	• if the operator is a body corporate	\$650
137(3)	<i>Driver of heavy vehicle loaded with freight container driving vehicle without first having been provided with container weight declaration or failing to keep declaration in or about vehicle or readily accessible from vehicle during journey</i>	\$500

Road Traffic (Miscellaneous) Variation Regulations 2007
Variation of Road Traffic (Miscellaneous) Regulations 1999—Part 2

Section	Description of offence against <i>Road Traffic Act 1961</i>	Fee
148(4)	<i>Engaging in conduct in contravention of direction of authorised officer or police officer to driver or operator of vehicle to rectify specified minor risk breaches of mass, dimension or load restraint requirement, or move vehicle to specified location and not proceed from there until breaches are rectified—</i>	
	if direction relates to heavy vehicle	\$500
	if direction relates to vehicle other than heavy vehicle	\$158
149(5)	<i>Engaging in conduct in contravention of direction of authorised officer or police officer to driver or operator of vehicle not to proceed until specified substantial risk breaches of mass, dimension or load restraint requirement are rectified, or to move vehicle to specified location and not proceed from there until breaches are rectified—</i>	
	if direction relates to heavy vehicle	\$500
	if direction relates to vehicle other than heavy vehicle	\$158
151(4)	<i>Engaging in conduct in contravention of condition of authorisation granted by authorised officer or police officer to driver of vehicle authorising vehicle to continue journey—</i>	
	if authorisation relates to heavy vehicle	\$500
	if authorisation relates to vehicle other than heavy vehicle	\$158
164A(1)	<i>Contravening or failing to comply with provision of Act</i>	
	Contravention of or failure to comply with—	
s 33(9)	<i>Failing to comply with direction of police officer</i>	\$158
s 53B(1)	<i>Selling radar detector or jammer or storing or offering radar detector or jammer for sale</i>	\$260
s 82(1)	<i>Speeding while passing school bus</i>	
	Exceeding the speed-limit while passing a school bus—	
	by less than 15 kph	\$169
	by 15 kph or more but less than 30 kph	\$269
	by 30 kph or more	\$350
s 83(1)(a)	<i>Speeding while passing emergency vehicle</i>	
	Exceeding 40 kph while passing an emergency vehicle—	
	by less than 15 kph	\$169
	by 15 kph or more but less than 30 kph	\$269
	by 30 kph or more	\$350
s 83A(1)	<i>Standing etc or placing goods or sign on carriageway, dividing strip or traffic island for purpose of soliciting business etc</i>	\$56
s 83A(2)	<i>Buying or offering to buy goods from person standing etc on carriageway etc in contravention of section 83A(1)</i>	\$56

Road Traffic (Miscellaneous) Variation Regulations 2007
Part 2—Variation of Road Traffic (Miscellaneous) Regulations 1999

Section	Description of offence against <i>Road Traffic Act 1961</i>	Fee
s 85(2)	<i>Leaving stationary vehicle in prohibited area near Parliament House etc without authority</i>	\$70
s 87	<i>Walking without due care or attention etc</i>	\$17
s 95	<i>Riding on vehicle without consent of driver</i>	\$56
s 99A	<i>Bicycle rider riding on footpath or other road-related area failing to give warning to pedestrians etc</i>	\$23
s 99B(1)	<i>Riding wheeled recreational device or wheeled toy without due care or attention etc</i>	\$23
s 99B(2)	<i>Riding wheeled recreational device or wheeled toy on footpath or other road-related area abreast of another vehicle etc</i>	\$23
s 99B(3)	<i>Riding wheeled recreational device or wheeled toy on footpath or other road-related area without giving warning to pedestrians etc</i>	\$23
s 107(1)	<i>Driving, drawing, hauling, dragging over road any implement, sledge etc</i>	\$130
s 107(2)	<i>Removing or interfering with road infrastructure, or damaging road infrastructure other than by reasonable use</i>	\$130
s 108(1)	<i>Depositing certain articles or materials on road</i>	\$122
s 110	<i>Failing to keep whole of vehicle on sealed surface when driving on sealed road</i>	\$56
s 145(3)	<i>Failing to comply with direction of police officer or authorised officer to stop vehicle or produce vehicle for examination</i>	\$158
s 145(5f)	<i>Defacing, altering, obscuring or removing defective vehicle label affixed to vehicle</i>	\$100
s 161A(1)	<i>Driving vehicle to which section 161A applies without Ministerial approval</i>	\$170
s 162C(1)	<i>Riding wheeled recreational device or wheeled toy without wearing safety helmet complying with regulations and properly adjusted and securely fastened</i>	\$56
s 162C(2)	<i>Riding wheeled recreational device or wheeled toy on which is carried child under 16 years not wearing safety helmet complying with regulations and properly adjusted and securely fastened</i>	\$56
s 162C(2a)	<i>Parent or other person having custody or care of child under 16 years causing or permitting child to ride or be carried on wheeled recreational device or wheeled toy without wearing safety helmet complying with regulations and properly adjusted and securely fastened</i>	\$54

Section	Description of offence against <i>Road Traffic Act 1961</i>	Fee
167(1)	<i>Causing or permitting the commission of an expiable offence against the Road Traffic Act 1961, these regulations, the Road Traffic (Driving Hours) Regulations 1999 or the Road Traffic (Road Rules—Ancillary and Miscellaneous Provisions) Regulations 1999</i>	\$50
174B	<i>Further offence for continued parking contravention</i>	\$18

Note—

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

Made by the Governor's Deputy

with the advice and consent of the Executive Council
on 26 April 2007

No 43 of 2007

MTRAN09/04CS