

South Australia

## **Road Traffic (Miscellaneous) Variation Regulations 2008**

under the *Road Traffic Act 1961*

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### **Part 1—Preliminary**

#### **1—Short title**

These regulations may be cited as the *Road Traffic (Miscellaneous) Variation Regulations 2008*.

#### **2—Commencement**

These regulations will come into operation on the day on which the *Road Traffic (Heavy Vehicle Driver Fatigue) Regulations 2008* come into operation.

#### **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**

Regulation 4(2)—delete subregulation (2)

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## 5—Variation of Schedule 9—Expiation fees

Schedule 9 Part 4—delete Part 4 and substitute:

### **Part 4—Offences against the *Road Traffic (Heavy Vehicle Driver Fatigue) Regulations 2008***

<b>Regulation</b>	<b>Description of offence against <i>Road Traffic (Heavy Vehicle Driver Fatigue) Regulations 2008</i></b>	<b>Fee</b>
8(4)	<i>Failing to comply with regulation 8(4)—Additional duty of employers and prime contractors</i>	
	<ul style="list-style-type: none"> <li>• if the employer or prime contractor is a natural person</li> <li>• if the employer or prime contractor is a body corporate</li> </ul>	<p>\$500</p> <p>\$650</p>
8(5)	<i>Failing to comply with regulation 8(5)—Additional duty of operators</i>	
	<ul style="list-style-type: none"> <li>• if the operator is a natural person</li> <li>• if the operator is a body corporate</li> </ul>	<p>\$500</p> <p>\$650</p>
9(3)	<i>Failing to comply with regulation 9(3)—Additional duty of schedulers</i>	
	<ul style="list-style-type: none"> <li>• if the scheduler is a natural person</li> <li>• if the scheduler is a body corporate</li> </ul>	<p>\$500</p> <p>\$650</p>
10(3)	<i>Failing to comply with regulation 10(3)—Additional duty of consignors and consignees</i>	
	<ul style="list-style-type: none"> <li>• if the consignor or consignee is a natural person</li> <li>• if the consignor or consignee is a body corporate</li> </ul>	<p>\$500</p> <p>\$650</p>
11(3)	<i>Failing to comply with regulation 11(3)—Additional duty of loading managers</i>	
	<ul style="list-style-type: none"> <li>• if the loading manager is a natural person</li> <li>• if the loading manager is a body corporate</li> </ul>	<p>\$500</p> <p>\$650</p>
16(3)	<i>Failing to comply with regulation 16(3)—standard hours—solo drivers</i>	
	<ul style="list-style-type: none"> <li>• minor risk offence—                             <ul style="list-style-type: none"> <li>• for failing to have the minimum required rest time (the required period of rest time being not more than 1 hour)</li> <li>• in any other case</li> </ul> </li> <li>• substantial risk offence</li> </ul>	<p>\$200</p> <p>\$250</p> <p>\$500</p>
16(5)	<i>Failing to ensure driver does not contravene regulation 16(3)</i>	
	<ul style="list-style-type: none"> <li>• minor risk offence—</li> </ul>	

**Road Traffic (Miscellaneous) Variation Regulations 2008**  
 Variation of *Road Traffic (Miscellaneous) Regulations 1999*—Part 2

Regulation	Description of offence against <i>Road Traffic (Heavy Vehicle Driver Fatigue) Regulations 2008</i>	Fee
	<ul style="list-style-type: none"> <li>• for failing to have the minimum required rest time (the required period of rest time being not more than 1 hour)—                             <ul style="list-style-type: none"> <li>• if the party in the chain of responsibility is a natural person</li> <li>• if the party in the chain of responsibility is a body corporate</li> </ul> </li> <li>• in any other case—                             <ul style="list-style-type: none"> <li>• if the party in the chain of responsibility is a natural person</li> <li>• if the party in the chain of responsibility is a body corporate</li> </ul> </li> <li>• substantial risk offence—                             <ul style="list-style-type: none"> <li>• if the party in the chain of responsibility is a natural person</li> <li>• if the party in the chain of responsibility is a body corporate</li> </ul> </li> </ul>	<p>\$200</p> <p>\$250</p> <p>\$250</p> <p>\$350</p> <p>\$500</p> <p>\$650</p>
17(3)	<p><i>Failing to comply with regulation 17(3)—standard hours—solo drivers (buses)</i></p> <ul style="list-style-type: none"> <li>• minor risk offence—                             <ul style="list-style-type: none"> <li>• for failing to have the minimum required rest time (the required period of rest time being not more than 1 hour)</li> <li>• in any other case</li> </ul> </li> <li>• substantial risk offence</li> </ul>	<p>\$200</p> <p>\$250</p> <p>\$500</p>
17(5)	<p><i>Failing to ensure driver does not contravene regulation 17(3)</i></p> <ul style="list-style-type: none"> <li>• minor risk offence—                             <ul style="list-style-type: none"> <li>• for failing to have the minimum required rest time (the required period of rest time being not more than 1 hour)—                                     <ul style="list-style-type: none"> <li>• if the party in the chain of responsibility is a natural person</li> <li>• if the party in the chain of responsibility is a body corporate</li> </ul> </li> <li>• in any other case—                                     <ul style="list-style-type: none"> <li>• if the party in the chain of responsibility is a natural person</li> <li>• if the party in the chain of responsibility is a body corporate</li> </ul> </li> </ul> </li> <li>• substantial risk offence—                             <ul style="list-style-type: none"> <li>• if the party in the chain of responsibility is a natural person</li> </ul> </li> </ul>	<p>\$200</p> <p>\$250</p> <p>\$250</p> <p>\$350</p> <p>\$500</p>

**Road Traffic (Miscellaneous) Variation Regulations 2008**  
Part 2—Variation of *Road Traffic (Miscellaneous) Regulations 1999*

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Regulation	Description of offence against <i>Road Traffic (Heavy Vehicle Driver Fatigue) Regulations 2008</i>	Fee
	<ul style="list-style-type: none"> <li>• if the party in the chain of responsibility is a body corporate</li> </ul>	\$650
19(3)	<p><i>Failing to comply with regulation 19(3)—standard hours — two-up drivers</i></p> <ul style="list-style-type: none"> <li>• minor risk offence— <ul style="list-style-type: none"> <li>• for failing to have the minimum required rest time (the required period of rest time being not more than 1 hour) <span style="float: right;">\$200</span></li> <li>• in any other case <span style="float: right;">\$250</span></li> </ul> </li> <li>• substantial risk offence <span style="float: right;">\$500</span></li> </ul>	
19(6)	<p><i>Failing to ensure driver does not contravene regulation 19(3)</i></p> <ul style="list-style-type: none"> <li>• minor risk offence— <ul style="list-style-type: none"> <li>• for failing to have the minimum required rest time (the required period of rest time being not more than 1 hour)— <ul style="list-style-type: none"> <li>• if the party in the chain of responsibility is a natural person <span style="float: right;">\$200</span></li> <li>• if the party in the chain of responsibility is a body corporate <span style="float: right;">\$250</span></li> </ul> </li> <li>• in any other case— <ul style="list-style-type: none"> <li>• if the party in the chain of responsibility is a natural person <span style="float: right;">\$250</span></li> <li>• if the party in the chain of responsibility is a body corporate <span style="float: right;">\$350</span></li> </ul> </li> </ul> </li> <li>• substantial risk offence— <ul style="list-style-type: none"> <li>• if the party in the chain of responsibility is a natural person <span style="float: right;">\$500</span></li> <li>• if the party in the chain of responsibility is a body corporate <span style="float: right;">\$650</span></li> </ul> </li> </ul>	
21(3)	<p><i>Failing to comply with regulation 21(3)—solo drivers working under BFM accreditation</i></p> <ul style="list-style-type: none"> <li>• minor risk offence— <ul style="list-style-type: none"> <li>• for failing to have the minimum required rest time (the required period of rest time being not more than 1 hour) <span style="float: right;">\$200</span></li> <li>• in any other case <span style="float: right;">\$250</span></li> </ul> </li> <li>• substantial risk offence <span style="float: right;">\$500</span></li> </ul>	
21(5)	<p><i>Failing to ensure driver does not contravene regulation 21(3)</i></p> <ul style="list-style-type: none"> <li>• minor risk offence—</li> </ul>	

**Road Traffic (Miscellaneous) Variation Regulations 2008**  
Variation of *Road Traffic (Miscellaneous) Regulations 1999*—Part 2

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Regulation	Description of offence against <i>Road Traffic (Heavy Vehicle Driver Fatigue) Regulations 2008</i>	Fee
	<ul style="list-style-type: none"> <li>• for failing to have the minimum required rest time (the required period of rest time being not more than 1 hour)— <ul style="list-style-type: none"> <li>• if the party in the chain of responsibility is a natural person</li> <li>• if the party in the chain of responsibility is a body corporate</li> </ul> </li> <li>• in any other case— <ul style="list-style-type: none"> <li>• if the party in the chain of responsibility is a natural person</li> <li>• if the party in the chain of responsibility is a body corporate</li> </ul> </li> <li>• substantial risk offence— <ul style="list-style-type: none"> <li>• if the party in the chain of responsibility is a natural person</li> <li>• if the party in the chain of responsibility is a body corporate</li> </ul> </li> </ul>	<p>\$200</p> <p>\$250</p> <p>\$250</p> <p>\$350</p> <p>\$500</p> <p>\$650</p>
23(3)	<p><i>Failing to comply with regulation 23(3)—two-up drivers working under BFM accreditation</i></p> <ul style="list-style-type: none"> <li>• minor risk offence— <ul style="list-style-type: none"> <li>• for failing to have the minimum required rest time (the required period of rest time being not more than 1 hour)</li> <li>• in any other case</li> </ul> </li> <li>• substantial risk offence</li> </ul>	<p>\$200</p> <p>\$250</p> <p>\$500</p>
23(5)	<p><i>Failing to ensure driver does not contravene regulation 23(3)—</i></p> <ul style="list-style-type: none"> <li>• minor risk offence— <ul style="list-style-type: none"> <li>• if the party in the chain of responsibility is a natural person</li> <li>• if the party in the chain of responsibility is a body corporate</li> </ul> </li> <li>• substantial risk offence— <ul style="list-style-type: none"> <li>• if the party in the chain of responsibility is a natural person</li> <li>• if the party in the chain of responsibility is a body corporate</li> </ul> </li> </ul>	<p>\$250</p> <p>\$350</p> <p>\$500</p> <p>\$650</p>
24(3)	<p><i>Failing to comply with regulation 24(3)—AFM hours—driving hours for drivers working under AFM accreditation</i></p> <ul style="list-style-type: none"> <li>• minor risk offence</li> <li>• substantial risk offence</li> </ul>	<p>\$250</p> <p>\$500</p>

**Road Traffic (Miscellaneous) Variation Regulations 2008**  
 Part 2—Variation of *Road Traffic (Miscellaneous) Regulations 1999*

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<b>Regulation</b>	<b>Description of offence against <i>Road Traffic (Heavy Vehicle Driver Fatigue) Regulations 2008</i></b>	<b>Fee</b>
24(5)	<i>Failing to ensure driver does not contravene regulation 24(3)</i> <ul style="list-style-type: none"> <li>• minor risk offence—               <ul style="list-style-type: none"> <li>• if the party in the chain of responsibility is a natural person</li> <li>• if the party in the chain of responsibility is a body corporate</li> </ul> </li> <li>• substantial risk offence—               <ul style="list-style-type: none"> <li>• if the party in the chain of responsibility is a natural person</li> <li>• if the party in the chain of responsibility is a body corporate</li> </ul> </li> </ul>	\$250  \$350  \$500  \$650
25(3)	<i>Failing to comply with regulation 25(3)—AFM hours—offences related to AFM outer limits</i> <ul style="list-style-type: none"> <li>• substantial risk offence—               <ul style="list-style-type: none"> <li>• if the party in the chain of responsibility is a natural person</li> <li>• if the party in the chain of responsibility is a body corporate</li> </ul> </li> </ul>	\$500  \$650
25(6)	<i>Failing to ensure driver does not contravene regulation 25(3)</i> <ul style="list-style-type: none"> <li>• substantial risk offence—               <ul style="list-style-type: none"> <li>• if the party in the chain of responsibility is a natural person</li> <li>• if the party in the chain of responsibility is a body corporate</li> </ul> </li> </ul>	\$500  \$650
26(3)	<i>Failing to comply with regulation 26(3) when changing work/rest hours option</i>	\$500
27(1)	<i>Failing to have required documentation</i>	\$500
27(2)	<i>Failing to ensure driver does not contravene regulation 27(1)</i> <ul style="list-style-type: none"> <li>• if the operator is a natural person</li> <li>• if the operator is a body corporate</li> </ul>	\$500  \$650
27(3)	<i>Failing to return documentation</i>	\$500
28(1)	<i>Failing to have required documentation</i>	\$500
28(2)	<i>Failing to ensure driver does not contravene regulation 28(1)</i> <ul style="list-style-type: none"> <li>• if the operator is a natural person</li> <li>• if the operator is a body corporate</li> </ul>	\$500  \$650
28(3)	<i>Failing to return documentation</i>	\$500

**Road Traffic (Miscellaneous) Variation Regulations 2008**  
Variation of *Road Traffic (Miscellaneous) Regulations 1999*—Part 2

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<b>Regulation</b>	<b>Description of offence against <i>Road Traffic (Heavy Vehicle Driver Fatigue) Regulations 2008</i></b>	<b>Fee</b>
40(1)	<i>Failing to record required information in work diary (driver engaged in 100-plus kilometre work or working under BFM or AFM accreditation or work/rest hours exemption)</i>	\$500
41(1)	<i>Failing to make supplementary record</i>	\$500
42(1)	<i>Failing to notify Authority that work diary destroyed, lost or stolen</i>	\$500
42(2)	<i>Failing to apply for a new work diary</i>	\$500
42(4)	<i>Failing to take required steps following recovery or return of lost or stolen work diary</i>	\$500
42(6)	<i>Failing to notify record keeper of malfunctioning electronic work diary</i>	\$500
42(7)	<i>Failing to ensure electronic work diary is repaired etc</i>	
	• if the record keeper is a natural person	\$500
	• if the record keeper is a body corporate	\$650
43(1)	<i>Failing to ensure odometer is maintained</i>	
	• if the owner is a natural person	\$500
	• if the owner is a body corporate	\$650
43(2)	<i>Failing to notify persons of malfunctioning odometer</i>	\$500
43(3)	<i>Failing to ensure odometer examined etc</i>	
	• if the owner is a natural person	\$500
	• if the owner is a body corporate	\$650
43(4)	<i>Failing to ensure owner of regulated heavy vehicle complies with regulation 43(3)</i>	
	• if the employer or operator is a natural person	\$500
	• if the employer or operator is a body corporate	\$650
44(1)	<i>Failing to make or keep certain records (driver engaged in 100 kilometre work)</i>	
	• if the record keeper is a natural person	\$500
	• if the record keeper is a body corporate	\$650
44(2)	<i>Failing to make or keep certain records (driver engaged in 100-plus kilometre work or working under BFM or AFM accreditation or work/rest hours exemption)</i>	
	• if the record keeper is a natural person	\$500
	• if the record keeper is a body corporate	\$650
44(3)	<i>Failing to make record as soon as practicable</i>	
	• if the record keeper is a natural person	\$500
	• if the record keeper is a body corporate	\$650
44(5)	<i>Failing to keep record at record location etc</i>	
	• if the record keeper is a natural person	\$500

**Road Traffic (Miscellaneous) Variation Regulations 2008**  
Part 2—Variation of *Road Traffic (Miscellaneous) Regulations 1999*

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<b>Regulation</b>	<b>Description of offence against <i>Road Traffic (Heavy Vehicle Driver Fatigue) Regulations 2008</i></b>	<b>Fee</b>
	<ul style="list-style-type: none"> <li>if the record keeper is a body corporate</li> </ul>	\$650
45(1)	<i>Failing to give information to record keeper within 21 days (driver engaged in 100 kilometre work)</i>	\$500
45(2)	<i>Failing to give information to record keeper within 21 days (driver engaged in 100-plus kilometre work or working under BFM or AFM accreditation or work/rest hours exemption)</i>	\$500
46(1)	<i>Failing to ensure driver complies with regulation 45</i>	
	<ul style="list-style-type: none"> <li>if the record keeper is a natural person</li> </ul>	\$500
	<ul style="list-style-type: none"> <li>if the record keeper is a body corporate</li> </ul>	\$650
46(2)	<i>Failing to give new record keeper required information</i>	\$500
46(3)	<i>Failing to ensure driver complies with regulation 46(2)</i>	
	<ul style="list-style-type: none"> <li>if the new record keeper is a natural person</li> </ul>	\$500
	<ul style="list-style-type: none"> <li>if the record keeper is a body corporate</li> </ul>	\$650
62(2)	<i>Failing to comply with regulation 62(2)—driver working under work/rest hours exemption</i>	
	<ul style="list-style-type: none"> <li>minor risk offence</li> </ul>	\$250
	<ul style="list-style-type: none"> <li>substantial risk offence</li> </ul>	\$500
62(4)	<i>Failing to ensure driver complies with regulation 62(2)</i>	
	<ul style="list-style-type: none"> <li>minor risk offence— <ul style="list-style-type: none"> <li>if the party in the chain of responsibility is a natural person</li> </ul> </li> <li>if the party in the chain of responsibility is a body corporate</li> </ul>	\$250
	<ul style="list-style-type: none"> <li>substantial risk offence— <ul style="list-style-type: none"> <li>if the party in the chain of responsibility is a natural person</li> </ul> </li> <li>if the party in the chain of responsibility is a body corporate</li> </ul>	\$350
	<ul style="list-style-type: none"> <li>substantial risk offence— <ul style="list-style-type: none"> <li>if the party in the chain of responsibility is a natural person</li> </ul> </li> <li>if the party in the chain of responsibility is a body corporate</li> </ul>	\$500
	<ul style="list-style-type: none"> <li>substantial risk offence— <ul style="list-style-type: none"> <li>if the party in the chain of responsibility is a body corporate</li> </ul> </li> </ul>	\$650
63(1)	<i>Failing to have copy of written exemption</i>	\$500
63(2)	<i>Failing to ensure driver does not contravene regulation 63(1)</i>	
	<ul style="list-style-type: none"> <li>if the new record keeper is a natural person</li> </ul>	\$500
	<ul style="list-style-type: none"> <li>if the record keeper is a body corporate</li> </ul>	\$650
64	<i>Failing to return copy of written exemption</i>	\$500



**Part 4A—Offences against the *Road Traffic*  
(*Approved Road Transport Compliance Schemes*)  
Regulations 2008**

<b>Regulation</b>	<b>Description of offence against <i>Road Traffic (Approved Road Transport Compliance Schemes) Regulations 2008</i></b>	<b>Fee</b>
17(4)	<i>Operator of regulated heavy vehicle failing to keep records in required manner</i> <ul style="list-style-type: none"><li>• if the operator is a natural person</li><li>• if the operator is a body corporate</li></ul>	\$500 \$650
17(7)	<i>Operator refusing or failing to comply with a requirement under regulation 17(5)</i> <ul style="list-style-type: none"><li>• if the operator is a natural person</li><li>• if the operator is a body corporate</li></ul>	\$500 \$650
17(8)	<i>Operator of regulated heavy vehicle failing to inform driver or scheduler of variation, suspension or revocation of BFM accreditation</i> <ul style="list-style-type: none"><li>• if the operator is a natural person</li><li>• if the operator is a body corporate</li></ul>	\$500 \$650
19(4)	<i>Operator of regulated heavy vehicle failing to keep records in required manner</i> <ul style="list-style-type: none"><li>• if the operator is a natural person</li><li>• if the operator is a body corporate</li></ul>	\$500 \$650
19(7)	<i>Operator refusing or failing to comply with a requirement under regulation 19(5)</i> <ul style="list-style-type: none"><li>• if the operator is a natural person</li><li>• if the operator is a body corporate</li></ul>	\$500 \$650
19(8)	<i>Operator of regulated heavy vehicle failing to inform driver or scheduler of variation, suspension or revocation of AFM accreditation</i> <ul style="list-style-type: none"><li>• if the operator is a natural person</li><li>• if the operator is a body corporate</li></ul>	\$500 \$650

**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**

with the advice and consent of the Executive Council  
on 11 September 2008

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MTR07/045CS