

South Australia

## **Motor Vehicles Variation Regulations 2013**

under the *Motor Vehicles Act 1959*

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### **Part 1—Preliminary**

#### **1—Short title**

These regulations may be cited as the *Motor Vehicles Variation Regulations 2013*.

#### **2—Commencement**

These regulations will come into operation on the day on which Part 2 of the *Statutes Amendment (Heavy Vehicle National Law) Act 2013* comes 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 *Motor Vehicles Regulations 2010***

#### **4—Variation of regulation 4—Meaning of interstate non-provisional licence, interstate provisional licence and unconditional licence**

- (1) Regulation 4(1)(d)—delete "*Road Transport (Driver Licensing) Act 1998*" and substitute:

*Road Transport Act 2013*

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- (2) Regulation 4(2)(d)—delete "*Road Transport (Driver Licensing) Act 1998*" and substitute:

*Road Transport Act 2013*

## **5—Variation of regulation 19—Other prescribed classes of vehicles**

Regulation 19(f)—after subparagraph (ii) insert:

or

- (iii) a mass or dimension exemption or vehicle standards exemption granted under the *Heavy Vehicle National Law (South Australia)*.

## **6—Variation of regulation 68—Demerit points for offences interstate—corresponding laws**

Regulation 68(d)—delete paragraph (d) and substitute:

- (d) the *Road Transport Act 2013* of New South Wales and regulations and rules made under that Act;

## **7—Variation of regulation 99—Corresponding laws declared for purposes of section 141(2) of Act**

- (1) Regulation 99(d)—delete "*Road Transport (Driver Licensing) Act 1998*" and substitute:

*Road Transport Act 2013*

- (2) Regulation 99(f)—delete paragraph (f)

## **8—Variation of Schedule 2—Classification of driver's licences**

- (1) Schedule 2, table, item relating to licence class LR, 4—after "*Road Traffic Act 1961*" insert:

or the *Heavy Vehicle National Law (South Australia)*

- (2) Schedule 2, table, item relating to licence class MR, 3—delete "*Road Traffic Act 1961*" and substitute:

*Heavy Vehicle National Law (South Australia)*

- (3) Schedule 2, table, item relating to licence class HR, 3—delete "*Road Traffic Act 1961*" and substitute:

*Heavy Vehicle National Law (South Australia)*

## **9—Variation of Schedule 4—Demerit points**

- (1) Schedule 4, Part 1, clause 1, table, items relating to sections 40I(2), 40J(3) and 91(3) of the *Road Traffic Act 1961*—delete the items
- (2) Schedule 4, Part 1, clause 1, table, item relating to section 164A(1) of the *Road Traffic Act 1961*—delete the entries relating to section 145(6) of that Act

- (3) Schedule 4, Part 1, clause 3—delete clause 3 and substitute:

**3—Offences against *Heavy Vehicle National Law (South Australia)***

<b>Section</b>	<b>Description of offence against <i>Heavy Vehicle National Law (South Australia)</i></b>	<b>Demerit points</b>
228(1)	<i>Driving a fatigue-regulated heavy vehicle on a road while the driver is impaired by fatigue</i>	3
250(1)	<i>Failure of solo driver of a fatigue-regulated heavy vehicle to comply with standard hours—</i>	
	(a) for a severe risk breach	3
	(b) for a critical risk breach	4
251(1)	<i>Failure of two-up driver of a fatigue-regulated heavy vehicle to comply with standard hours—</i>	
	(a) for a severe risk breach	3
	(b) for a critical risk breach	4
254(1)	<i>Failure of solo driver of a fatigue-regulated heavy vehicle to comply with BFM hours—</i>	
	(a) for a severe risk breach	3
	(b) for a critical risk breach	4
256(1)	<i>Failure of two-up driver of fatigue-regulated heavy vehicle to comply with BFM hours—</i>	
	(a) for a severe risk breach	3
	(b) for a critical risk breach	4
258(1)	<i>Failure of driver of fatigue-regulated heavy vehicle to comply with AFM hours—</i>	
	(a) for a severe risk breach	3
	(b) for a critical risk breach	4
260(1)	<i>Failure of driver of fatigue-regulated heavy vehicle to comply with work and rest hours exemption hours—</i>	
	(a) for a severe risk breach	3
	(b) for a critical risk breach	4

- (4) Schedule 4, Part 2, clause 4, table, item relating to section 40H(5) of the *Road Traffic Act 1961*—delete "or police officer"

- (5) Schedule 4, Part 2, clause 4, table—after the item relating to section 40H(5) of the *Road Traffic Act 1961* insert:

40I(2)	<i>Engaging in conduct in contravention of direction of authorised officer to move vehicle to specified location</i>	3
40J(3)	<i>Engaging in conduct in contravention of direction of authorised officer to move vehicle or do anything else reasonably required by officer to avoid causing harm or obstruction</i>	3

- (6) Schedule 4, Part 2, clause 4, table—after the item relating to section 82(1) of the *Road Traffic Act 1961* insert:

91(3) *Failing to comply with direction of ferry operator* 3

- (7) Schedule 4, Part 2, clause 4, table, item relating to section 164A(1) of the *Road Traffic Act 1961*—after the entries relating to section 110 of that Act insert:

s 145(6)—*Driving contrary to terms of defect notice* 3

- (8) Schedule 4, Part 2—after clause 7 insert:

**8—Offences against *Heavy Vehicle National Law (South Australia)***

<b>Section</b>	<b>Description of offence against <i>Heavy Vehicle National Law (South Australia)</i></b>	<b>Demerit points</b>
529	Using heavy vehicle in contravention of a vehicle defect notice	3

**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 19 December 2013

No 306 of 2013

MTR13/026CS