

South Australia

Heavy Vehicle National Law (South Australia) (Expiation Fees) Variation Regulations 2015

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

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Variation provisions

Part 2—Variation of *Heavy Vehicle National Law (South Australia) (Expiation Fees) Regulations 2013*

- 4 Substitution of Schedule 1
 - 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 1—Preliminary

1—Short title

These regulations may be cited as the *Heavy Vehicle National Law (South Australia) (Expiation Fees) Variation Regulations 2015*.

2—Commencement

These regulations will come into operation on 1 July 2015.

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

4—Substitution of Schedule 1

Schedule 1—delete the Schedule and substitute:

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> <ul style="list-style-type: none">(a) if the heavy vehicle standard relates to a speed limiter(b) in any other case	\$630 \$315
79(2)	<i>Failure to comply with notice to return vehicle standards exemption (permit) to Regulator within specified period</i>	\$420
81(1)	<i>Contravening a condition of a vehicle standards exemption</i>	\$315
81(2)	<i>Using, or permitting the use of, a heavy vehicle that contravenes a condition of a vehicle standards exemption</i>	\$315
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>	\$315
82(2)	<i>Failure of driver to comply with condition under vehicle standards exemption (notice) to keep relevant document in driver's possession</i>	\$315
82(3)	<i>Offence for relevant party if driver commits an offence against section 82(2)</i>	\$315
83(1)	<i>Failure of driver to keep a copy of vehicle standards exemption (permit) in driver's possession</i>	\$315
83(2)	<i>Failure of driver to return copy of vehicle standards exemption (permit) to relevant party when driver stops working</i>	\$315

Heavy Vehicle National Law (South Australia) (Expiation Fees) Variation Regulations 2015
Variation of *Heavy Vehicle National Law (South Australia) (Expiation Fees) Regulations 2013*—Part 2

Section	Description of offence	Fee
83(3)	<i>Offence for relevant party if driver commits an offence against section 83(1)</i>	\$315
85(1)	<i>Modifying a heavy vehicle without approval by approved vehicle examiner or Regulator</i>	\$315
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>	\$315
86(2)	<i>Failure of approved vehicle examiner to give approved certificate and ensure plate or label is fitted or affixed to vehicle</i>	\$315
89(1)	<i>Using or permitting the use of an unsafe heavy vehicle</i>	\$630
90(1)	<i>Using or permitting the use of a heavy vehicle not fitted with emission control system for each relevant emission</i>	\$315
90(2)	<i>Using or permitting the use of emission control system that is not operating in accordance with manufacturer's design</i>	\$315
90(3)	<i>Using or permitting the use of an emission control system resulting in a failure to comply with heavy vehicle standard</i>	\$315
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>	\$315
96(1)	<i>Driving a heavy vehicle where vehicle or components do not comply with mass requirements—</i>	
	(a) for a minor risk breach	\$420
	(b) for a substantial risk breach	\$630
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>	\$315
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	\$315
	(b) for a substantial risk breach	\$525
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>	\$315
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	\$315
	(b) for a substantial risk breach	\$525
129(1)	<i>Driver or operator of heavy vehicle contravening a condition of a mass or dimension exemption</i>	\$630
129(2)	<i>Using or permitting the use of a heavy vehicle that contravenes a condition of a mass or dimension exemption</i>	\$630
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>	\$630
130(2)	<i>Failure of driver of pilot or escort vehicle to comply with conditions of a mass or dimension exemption</i>	\$630
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>	\$630

Heavy Vehicle National Law (South Australia) (Expiation Fees) Variation Regulations 2015
 Part 2—Variation of *Heavy Vehicle National Law (South Australia) (Expiation Fees) Regulations 2013*

Section	Description of offence	Fee
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>	\$630
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>	\$315
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>	\$315
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>	\$315
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>	\$420
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>	\$315
134(1)	<i>Displaying a heavy vehicle warning sign on a heavy vehicle not being used under a dimension exemption</i>	\$315
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>	\$315
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>	\$630
150(1)	<i>Driver or operator of a class 2 heavy vehicle contravening a condition of a class 2 heavy vehicle authorisation</i>	\$630
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>	\$315
151(3)	<i>Offence for a relevant party if driver commits an offence against section 151(2)</i>	\$315
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>	\$315
152(2)	<i>Failure of driver to return copy of class 2 heavy vehicle authorisation (permit) to relevant party</i>	\$420
152(3)	<i>Offence for relevant party if driver commits offence against section 152(1)</i>	\$315
153(1)	<i>Failure of driver to keep copy of the PBS vehicle approval in driver's possession</i>	\$315
153(2)	<i>Offence for relevant party if driver commits offence against section 153(1)</i>	\$315
181(3)	<i>Failure to comply with notice requiring return of permit for mass or dimension authority to Regulator within specified time</i>	\$420
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	\$420
	(ii) for a substantial risk breach	\$630

Heavy Vehicle National Law (South Australia) (Expiation Fees) Variation Regulations 2015
Variation of *Heavy Vehicle National Law (South Australia) (Expiation Fees) Regulations 2013*—Part 2

Section	Description of offence	Fee
	(b) for a dimension requirement—	
	(i) if not carrying any goods or passengers	\$315
	(ii) for a minor risk breach	\$315
	(iii) for a substantial risk breach	\$525
	(c) for a loading requirement—	
	(i) for a minor risk breach	\$315
	(ii) for a substantial risk breach	\$525
184(1)	<i>Driving a heavy vehicle while towing more than 1 other vehicle other than as permitted by section 184(2)</i>	\$315
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>	\$630
185(2)	<i>Using or permitting the use of incompatible or improperly connected components of a coupling in a heavy combination</i>	\$630
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>	\$630
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>	\$630
191(3)	<i>Failure of operator of a heavy vehicle to provide complying container weight declaration or prescribed particulars to carrier</i>	\$630
192(1)	<i>Driving a heavy vehicle loaded with freight container without a complying container weight declaration for the container</i>	\$630
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>	\$315
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	\$315
	(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	\$315
	(ii) by 15 km/h or more	\$525
	(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	\$315
	(ii) by 15 km/h or more	\$525
	(d) driver of a road train exceeding a speed limit of 90 km/h by less than 15 km/h	\$525
	(e) driver of a heavy vehicle exceeding speed limit of 100 km/h or more by less than 15 km/h	\$525

Heavy Vehicle National Law (South Australia) (Expiation Fees) Variation Regulations 2015
Part 2—Variation of *Heavy Vehicle National Law (South Australia) (Expiation Fees) Regulations 2013*

Section	Description of offence	Fee
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	\$420
	(b) for a substantial risk breach	\$630
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	\$420
	(b) for a substantial risk breach	\$630
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	\$420
	(b) for a substantial risk breach	\$630
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	\$420
	(b) for a substantial risk breach	\$630
258(1)	<i>Failure of driver of fatigue-regulated heavy vehicle to comply with AFM hours—</i>	
	(a) for a minor risk breach	\$420
	(b) for a substantial risk breach	\$630
260(1)	<i>Failure of driver of fatigue-regulated heavy vehicle to comply with exemption hours—</i>	
	(a) for a minor risk breach	\$420
	(b) for a substantial risk breach	\$630
263(1)	<i>Failure of driver of fatigue-regulated heavy vehicle to comply with change of work and rest hours option requirements</i>	\$420
284(2)	<i>Failure to comply with notice to return work and rest hours exemption (permit) to Regulator within specified period</i>	\$630
286(1)	<i>Failure to comply with a condition of a work and rest hours exemption</i>	\$630
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>	\$315
287(3)	<i>Offence for relevant party if driver commits an offence against section 287(2)</i>	\$315
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>	\$315
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>	\$420
288(3)	<i>Offence for relevant party if driver of a fatigue-regulated heavy vehicle commits an offence against section 288(1)</i>	\$315

Heavy Vehicle National Law (South Australia) (Expiation Fees) Variation Regulations 2015
Variation of *Heavy Vehicle National Law (South Australia) (Expiation Fees) Regulations 2013*—Part 2

Section	Description of offence	Fee
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>	\$630
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>	\$158
297(2)	<i>Failure of driver to record required information immediately after starting work on a day</i>	\$315
298(1)	<i>Failure of driver of a fatigue-regulated heavy vehicle to record the odometer reading as required by the national regulations</i>	\$158
299	<i>Failure of two-up driver to provide details prescribed by the national regulations as requested by the other driver</i>	\$315
301	<i>Failure of driver to comply with requirements for recording information in written work diary</i>	\$158
302	<i>Failure of driver to comply with requirements for recording information in electronic work diary</i>	\$158
303	<i>Failure of driver to record time in work diary according to the time zone of driver's base location</i>	\$158
305(1)	<i>Failure of driver of fatigue-regulated heavy vehicle to record required information in supplementary record</i>	\$630
305(2)	<i>Failure to comply with requirements for recording information in supplementary record not in electronic form</i>	\$315
305(3)	<i>Failure of driver to record time in supplementary record according to the time zone of driver's base location</i>	\$158
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>	\$315
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>	\$315
308(1)	<i>Failure of driver to comply with the requirements when an old work diary is found or returned</i>	\$315
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>	\$630
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>	\$630
319(1)	<i>Failure of record keeper to comply with requirements specified in section 319(1)</i>	\$630
321(1)	<i>Failure of record keeper to comply with requirements specified in section 321(1)</i>	\$630
321(2)	<i>Failure of record keeper to record information required if driver is operating under BFM or AFM hours</i>	\$630
322(2)	<i>Failure of driver to give copy of work diary entry or supplementary record to each record keeper within 21 days</i>	\$315

Heavy Vehicle National Law (South Australia) (Expiation Fees) Variation Regulations 2015
 Part 2—Variation of *Heavy Vehicle National Law (South Australia) (Expiation Fees) Regulations 2013*

Section	Description of offence	Fee
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>	\$315
341(1)	<i>Failure of record keeper to keep records required under Division 3 for 3 years after specified day</i>	\$630
341(2)	<i>Failure of record keeper to keep records required under Division 9 or Division 10 for specified period</i>	\$630
341(3)	<i>Failure of record keeper to ensure record (or copy) is readily available to an authorised officer at the record location</i>	\$315
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>	\$315
354(3)	<i>Failure of holder of an electronic recording system approval to comply with a direction of the Regulator</i>	\$630
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>	\$630
355(2)	<i>Failure of holder of approval to remove electronic work diary label relating to approval from electronic recording system</i>	\$630
355(4)	<i>Failure of holder of an approval to comply with a direction of the Regulator</i>	\$630
355(6)	<i>Failure of a person to whom a notice has been given that approval has been cancelled to give a notice containing the information set out in paragraphs (a) and (b) of section 355(6) to each person supplied by that person with an electronic recording system or a device forming part of the system</i>	\$630
373(2)	<i>Failure to comply with notice requiring return of work diary exemption (permit) to Regulator</i>	\$630
375	<i>Contravention of a condition of a work diary exemption</i>	\$630
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>	\$315
376(3)	<i>Offence for relevant party if driver of a fatigue-regulated heavy vehicle commits an offence against section 376(2)</i>	\$315
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>	\$315
392(2)	<i>Failure to comply with notice requiring return of fatigue record keeping exemption (permit) to Regulator</i>	\$630
395	<i>Contravention of a condition of a fatigue record keeping exemption</i>	\$630
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>	\$630
399(2)	<i>Driving or permitting a person to drive a fatigue-regulated heavy vehicle without complying with section 398</i>	\$630
467	<i>Failure of holder of BFM or AFM accreditation to comply with accreditation conditions</i>	\$630

Heavy Vehicle National Law (South Australia) (Expiation Fees) Variation Regulations 2015
Variation of Heavy Vehicle National Law (South Australia) (Expiation Fees) Regulations 2013—Part 2

Section	Description of offence	Fee
468(1)	<i>Failure of a driver of a heavy vehicle operating under BFM accreditation or AFM accreditation to keep certain documents in driver's possession</i>	\$315
468(3)	<i>Offence for operator if driver of a heavy vehicle commits an offence against section 468(1)</i>	\$315
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>	\$420
470(3)	<i>Failure of operator to inform driver operating under AFM accreditation of the AFM hours applying under the accreditation</i>	\$630
470(8)	<i>Failure of operator to comply with a requirement under section 470(7)</i>	\$315
471(2)	<i>Failure of operator to give notice to driver or scheduler of amendment, suspension or cessation of heavy vehicle accreditation</i>	\$630
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>	\$420
476(2)	<i>Failure to return accreditation certificate to Regulator within specified period</i>	\$630
488	<i>Failure to return identity card to Regulator within specified period</i>	\$315
513(4)	<i>Failure to comply with a direction given under section 513(1)</i>	\$630
514(3)	<i>Failure to comply with a direction given under section 514(1)</i>	\$630
516(3)	<i>Failure to comply with a direction given under section 516(1)</i>	\$630
517(4)	<i>Failure to comply with a direction given under section 517(2)</i>	\$630
522(5)	<i>Failure to produce a heavy vehicle for inspection at the place and time stated in the notice</i>	\$630
524(5)	<i>Failure to comply with a direction given under section 524(2) or (3)</i>	\$630
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>	\$315
528(3)	<i>Removing or defacing a defective vehicle label attached to a heavy vehicle</i>	\$315
529	<i>Using or permitting the use of a heavy vehicle in contravention of a vehicle defect notice</i>	\$315
533(7)	<i>Failure to comply with a direction given under section 533</i>	\$1 049
534(5)	<i>Failure to comply with a direction given under section 534</i>	\$1 049
567(4)	<i>Failure to comply with a requirement made under section 567(2) or (3)</i>	\$315

Section	Description of offence	Fee
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>	\$315
569(2)	<i>Failure to comply with a requirement made under section 569(1)</i>	\$630
569(7)	<i>Failure to comply with a requirement made under section 569(6)</i>	\$315

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	\$420
	(ii) for a substantial risk breach	\$630
	(b) for a dimension requirement—	
	(i) for a minor risk breach	\$315
	(ii) for a substantial risk breach	\$525
	(c) for a loading requirement—	
	(i) for a minor risk breach	\$315
	(ii) for a substantial risk breach	\$525
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	\$420
	(b) for a substantial risk breach	\$630
322(4)	<i>Failure of record keeper to ensure driver complies with section 322(2)</i>	\$315
577(4)	<i>Failure to comply with a requirement made under section 577(1) or (2)</i>	\$1 049

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>	\$315
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>	\$315
28	<i>Driver or operator of HML heavy vehicle contravening a condition of HML permit</i>	\$315
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>	\$315

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 18 June 2015

No 164 of 2015

T&F15/027CS