

South Australia

Heavy Vehicle National Law (South Australia) (Expiation Fees) Variation Regulations 2016

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

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Part 1—Preliminary

1—Short title

These regulations may be cited as the *Heavy Vehicle National Law (South Australia) (Expiation Fees) Variation Regulations 2016*.

2—Commencement

These regulations will come into operation on 6 February 2016.

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—Variation of Schedule 1—Offences, prescribed offences and expiation fees

- (1) Schedule 1, Part 2, Division 1, entry relating to section 81(1)—delete "\$315" and substitute:

\$420

- (2) Schedule 1, Part 2, Division 1, entry relating to section 81(2)—delete "\$315" and substitute:

\$420

- (3) Schedule 1, Part 2, Division 1, entry relating to section 81(3)—delete "\$315" and substitute:

\$420

- (4) Schedule 1, Part 2, Division 1, after the entry relating to section 86(2) insert:

87A(1) *Tampering with plate or label fitted to or affixed to a heavy vehicle under section 86(2) or 87(3)* \$315

- (5) Schedule 1, Part 2, Division 1, after the entry relating to section 153(2) insert:

153A(1) *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* \$315

- (6) Schedule 1, Part 2, Division 1, entry relating to section 297(2)—delete "\$315" and substitute:

\$630

- (7) Schedule 1, Part 2, Division 1, after the entry relating to section 307(2) insert:

307(3) *Failure of driver to ensure electronic work diary is examined and brought into working order within period required by Regulator* \$315

- (8) Schedule 1, Part 2, Division 1, entry relating to section 309(2)—delete "\$630" and substitute:

\$315

- (9) Schedule 1, Part 2, Division 1, after the entry relating to section 323(2) insert:

324A(2) *Failure of record keeper to give the driver a copy of the record or make the record available etc* \$315

336A(1) *Failure of record keeper who knows or suspects tampering with an electronic work diary to report the suspected tampering to Regulator* \$630

- (10) Schedule 1, Part 2, Division 1, after the entry relating to section 341(4) insert:

341(7) *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* \$158

- (11) Schedule 1, Part 2, Division 1, entry relating to section 355(2), column 2 (Description of offence)—delete the description of the offence and substitute:

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

- (12) Schedule 1, Part 2, Division 1, entry relating to section 355(6), column 2 (Description of offence)—delete the description of the offence and substitute:

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

- (13) Schedule 1, Part 2, Division 1, entry relating to section 468(1), column 2 (Description of offence)—delete "*a driver of a heavy vehicle*" and substitute:

driver

- (14) Schedule 1, Part 2, Division 1, entry relating to section 468(3), column 2 (Description of offence)—delete "*of a heavy vehicle*"

- (15) Schedule 1, Part 2, Division 1, entry relating to section 488—delete "\$315" and substitute:

\$420

- (16) Schedule 1, Part 2, Division 1, entry relating to section 529—delete "\$315" and substitute:

\$630

- (17) Schedule 1, Part 2, Division 1, after the entry relating to section 529 insert:

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>	\$315
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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 14 January 2016

No 2 of 2016

MTR/15/071