

South Australia

Heavy Vehicle National Law (South Australia) (Amendment of Law No 4) Regulations 2017

under section 5 of the *Heavy Vehicle National Law (South Australia) Act 2013*

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Preamble

- 1 Section 5 of the *Heavy Vehicle National Law (South Australia) Act 2013* provides that if—
- (a) the Parliament of Queensland enacts an amendment to the *Heavy Vehicle National Law* set out in the Schedule to the *Heavy Vehicle National Law Act 2012* of Queensland (the *Queensland Act*); and
 - (b) the Governor is satisfied that an amendment that corresponds, or substantially corresponds, to the amendment made by the Parliament of Queensland should be made to the *Heavy Vehicle National Law (South Australia)*,
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the Governor may, by regulation, amend the South Australian Heavy Vehicle National Law text.

- 2 The Parliament of Queensland has enacted the *Heavy Vehicle National Law and Other Legislation Amendment Act 2016* to amend the Queensland Act and the Governor is satisfied that the amendments corresponding to the Queensland amendments set out in Part 2 of these regulations should be made to the South Australian Heavy Vehicle National Law text.
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Part 1—Preliminary

1—Short title

These regulations may be cited as the *Heavy Vehicle National Law (South Australia) (Amendment of Law No 4) Regulations 2017*.

2—Commencement

These regulations will come into operation on the day on which section 10 of the *Heavy Vehicle National Law and Other Legislation Amendment Act 2016* of Queensland comes into operation.

3—Interpretation

In these regulations—

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

4—Amendment provision

Pursuant to section 5 of the Act, the Heavy Vehicle National Law (South Australia) is amended as specified in Part 2 of these regulations.

Part 2—Amendment of Heavy Vehicle National Law (South Australia)

5—Amendment of section 5—Definitions

- (1) Section 5—after the definition of *bus* insert:

business practices, of a person, means the person's practices in running a business associated with the use of a heavy vehicle on a road, including—

- (a) the operating policies and procedures of the business; and
 - (b) the human resource and contract management arrangements of the business; and
 - (c) the arrangements for preventing or minimising public risks associated with the person's practices;
- (2) Section 5, definition of *commercial consignee*—delete the definition
- (3) Section 5—after the definition of *compensation order* insert:

complaint, for an offence, includes an information, or a complaint, charge, notice or other process that starts a proceeding for the offence;

- (4) Section 5, definition of *consign* and *consignor*, (b)—delete paragraph (b) and substitute:
- (b) the person engages an operator of the vehicle, either directly or indirectly or through an agent or other intermediary, to transport the goods by road; or
 - (ba) if paragraphs (a) and (b) do not apply—the person has possession of, or control over, the goods immediately before the goods are transported by road;
- (5) Section 5—after the definition of *container weight declaration* insert:
- contract* includes an agreement;
- (6) Section 5—after the definition of *employer* insert:
- encourage* includes give an incentive;
- (7) Section 5, definition of *entity*—after "person" insert:
- , an unincorporated partnership
- (8) Section 5—after the definition of *extract* insert:
- false or misleading* means false or misleading in a material particular;
- (9) Section 5—after the definition of *indicated* insert:
- indictable offence* means an offence mentioned in section 26F;
- information* includes—
- (a) information in the form of a document; and
 - (b) information stored electronically;
- (10) Section 5, definition of *loading manager*—delete the definition and substitute:
- loading manager*, for goods in a heavy vehicle, means—
- (a) a person who manages, or is responsible for the operation of, regular loading or unloading premises for heavy vehicles where the goods are—
 - (i) loaded onto the heavy vehicle; or
 - (ii) unloaded from the heavy vehicle; or
 - (b) a person who has been assigned by a person mentioned in paragraph (a) as responsible for supervising, managing or controlling, directly or indirectly, activities carried out by a loader or unloader of goods at regular loading or unloading premises for heavy vehicles;
- (11) Section 5—after the definition of *malfunction* insert:
- management member*, of an unincorporated body, means—
- (a) if the body has a management committee—each member of the management committee; or

- (b) otherwise—each member who is concerned with, or takes part in, the body's management, whatever name is given to the member's position in the body;
- (12) Section 5, definition of *mistake of fact defence*—delete the definition
- (13) Section 5, definition of *party in the chain of responsibility*—delete the definition and substitute:

party in the chain of responsibility, for a heavy vehicle, means each of the following persons:

- (a) if the vehicle's driver is an employed driver—an employer of the driver;
- (b) if the vehicle's driver is a self-employed driver—a prime contractor for the driver;
- (c) an operator of the vehicle;
- (d) a scheduler for the vehicle;
- (e) a consignor of any goods in the vehicle;
- (f) a consignee of any goods in the vehicle;
- (g) a packer of any goods in the vehicle;
- (h) a loading manager for any goods in the vehicle;
- (i) a loader of any goods in the vehicle;
- (j) an unloader of any goods in the vehicle;

- (14) Section 5—after the definition of *prohibition order* insert:

promisee—see section 590A;

- (15) Section 5—after the definition of *public place* insert:

public risk means—

- (a) a safety risk; or
 - (b) a risk of damage to road infrastructure;
- (16) Section 5, definition of *reasonable steps defence*—delete the definition
 - (17) Section 5—after the definition of *reasonably believes* insert:

reasonably practicable, in relation to a duty, means that which is, or was at a particular time, reasonably able to be done in relation to the duty, weighing up all relevant matters, including—

- (a) the likelihood of a safety risk, or damage to road infrastructure, happening; and
- (b) the harm that could result from the risk or damage; and
- (c) what the person knows, or ought reasonably to know, about the risk or damage; and
- (d) what the person knows, or ought reasonably to know, about the ways of—

- (i) removing or minimising the risk; or
 - (ii) preventing or minimising the damage; and
 - (e) the availability and suitability of those ways; and
 - (f) the cost associated with the available ways, including whether the cost is grossly disproportionate to the likelihood of the risk or damage;
- (18) Section 5, definition of *record keeper*—delete ", for the purposes of Chapter 6,"
- (19) Section 5, definition of *regular loading or unloading premises*, paragraph 3, note—delete "(including sections 227, 238, 239 and 261)"
- (20) Section 5—after the definition of *trailer* insert:

transport activities means activities, including business practices and making decisions, associated with the use of a heavy vehicle on a road, including, for example—

 - (a) contracting, directing or employing a person—
 - (i) to drive the vehicle; or
 - (ii) to carry out another activity associated with the use of the vehicle (such as maintaining or repairing the vehicle); or
 - (b) consigning goods for transport using the vehicle; or
 - (c) scheduling the transport of goods or passengers using the vehicle; or
 - (d) packing goods for transport using the vehicle; or
 - (e) managing the loading of goods onto or unloading of goods from the vehicle; or
 - (f) loading goods onto or unloading goods from the vehicle; or
 - (g) receiving goods unloaded from the vehicle;
- (21) Section 5—after the definition of *under* insert:

unincorporated body includes an unincorporated local government authority, but does not include an unincorporated partnership;

6—Repeal of section 14

Section 14—delete the section

7—Amendment of section 18—Relationship with primary work health and safety laws

- (1) Section 18(1)—delete subsection (1) and substitute:
 - (1) If a provision of this Law and a provision of the primary WHS Law deal with the same thing, and it is possible to comply with both provisions, a person must comply with both provisions.
 - (1a) However, to the extent it is not possible for the person to comply with both provisions, the person must comply with the provision of the primary WHS Law.

(2) Section 18—after subsection (3) insert:

- (3a) If an act, omission or circumstances constitute an offence under this Law and the primary WHS Law, the offender is not liable to be punished twice for the act, omission or circumstances.

8—Insertion of Chapter 1A

After Chapter 1 insert:

Chapter 1A—Safety duties

Part 1—Principles

26A—Principle of shared responsibility

- (1) The safety of transport activities relating to a heavy vehicle is the shared responsibility of each party in the chain of responsibility for the vehicle.
- (2) The level and nature of a party’s responsibility for a transport activity depends on—
 - (a) the functions the person performs or is required to perform, whether exclusively or occasionally, rather than—
 - (i) the person’s job title; or
 - (ii) the person’s functions described in a written contract; and
 - (b) the nature of the public risk created by the carrying out of the transport activity; and
 - (c) the party’s capacity to control, eliminate or minimise the risk.

26B—Principles applying to duties

- (1) A person may have more than 1 duty because of the functions the person performs or is required to perform.
- (2) More than 1 person can concurrently have a duty under this Law and each duty holder must comply with that duty to the standard required by this Law even if another duty holder has the same duty.
- (3) If more than 1 person has a duty for the same matter, each person—
 - (a) retains responsibility for the person’s duty in relation to the matter; and
 - (b) must discharge the person’s duty to the extent to which the person—
 - (i) has the capacity to influence and control the matter; or

- (ii) would have had that capacity but for an agreement or arrangement purporting to limit or remove that capacity.
- (4) A duty under this Law may not be transferred to another person.

Part 2—Nature of duty

26C—Primary duty

- (1) Each party in the chain of responsibility for a heavy vehicle must ensure, so far as is reasonably practicable, the safety of the party's transport activities relating to the vehicle.
- (2) Without limiting subsection (1), each party must, so far as is reasonably practicable—
 - (a) eliminate public risks and, to the extent it is not reasonably practicable to eliminate public risks, minimise the public risks; and
 - (b) ensure the party's conduct does not directly or indirectly cause or encourage—
 - (i) the driver of the heavy vehicle to contravene this Law; or
 - (ii) the driver of the heavy vehicle to exceed a speed limit applying to the driver; or
 - (iii) another person, including another party in the chain of responsibility, to contravene this Law.
- (3) For subsection (2)(b), the party's conduct includes, for example—
 - (a) the party asking, directing or requiring another person to do, or not do, something; and
 - (b) the party entering into a contract—
 - (i) with another person for the other person to do, or not do, something; or
 - (ii) that purports to annul, exclude, restrict or otherwise change the effect of this Law.

26D—Duty of executive of legal entity

- (1) If a legal entity has a duty under section 26C, an executive of the legal entity must exercise due diligence to ensure the legal entity complies with the duty.
Maximum penalty: The penalty for a contravention of the provision by an individual.
- (2) The executive may be convicted of an offence against subsection (1) even if the legal entity has not been proceeded against for, or convicted of, an offence relating to the duty.

(3) In this section—

due diligence includes taking reasonable steps—

- (a) to acquire, and keep up to date, knowledge about the safe conduct of transport activities; and
- (b) to gain an understanding of—
 - (i) the nature of the legal entity's transport activities; and
 - (ii) the hazards and risks, including the public risk, associated with those activities; and
- (c) to ensure the legal entity has, and uses, appropriate resources to eliminate or minimise those hazards and risks; and
- (d) to ensure the legal entity has, and implements, processes—
 - (i) to eliminate or minimise those hazards and risks; and
 - (ii) for receiving, considering, and responding in a timely way to, information about those hazards and risks and any incidents; and
 - (iii) for complying with the legal entity's duty under section 26C; and
- (e) to verify the resources and processes mentioned in paragraphs (c) and (d) are being provided, used and implemented;

executive, of a legal entity, means—

- (a) for a corporation—an executive officer of the corporation; or
- (b) for an unincorporated partnership—a partner in the partnership; or
- (c) for an unincorporated body—a management member of the body;

legal entity means—

- (a) a corporation; or
- (b) an unincorporated partnership; or
- (c) an unincorporated body.

26E—Prohibited requests and contracts

- (1) A person must not ask, direct or require (directly or indirectly) the driver of a heavy vehicle or a party in the chain of responsibility to do or not do something the person knows, or ought reasonably to know, would have the effect of causing the driver—
 - (a) to exceed a speed limit applying to the driver; or

- (b) to drive a fatigue-regulated heavy vehicle while impaired by fatigue; or
- (c) to drive a fatigue-regulated heavy vehicle while in breach of the driver's work and rest hours option; or
- (d) to drive a fatigue-regulated heavy vehicle in breach of another law in order to avoid driving while impaired by fatigue or while in breach of the driver's work and rest hours option.

Maximum penalty: \$10 000.

- (2) A person must not enter into a contract with the driver of a heavy vehicle or a party in the chain of responsibility that the person knows, or ought reasonably to know, would have the effect of causing the driver, or would encourage the driver, or would encourage a party in the chain of responsibility to cause the driver—
 - (a) to exceed a speed limit applying to the driver; or
 - (b) to drive a fatigue-regulated heavy vehicle while impaired by fatigue; or
 - (c) to drive a fatigue-regulated heavy vehicle while in breach of the driver's work and rest hours option; or
 - (d) to drive a fatigue-regulated heavy vehicle in breach of another law in order to avoid driving while impaired by fatigue or while in breach of the driver's work and rest hours option.

Maximum penalty: \$10 000.

Note—

See section 632 for the matters a court may consider when deciding whether a person ought reasonably to have known something.

Part 3—Failing to comply with duty

26F—Category 1 offence

- (1) A person commits an offence if—
 - (a) the person has a duty under section 26C; and
 - (b) the person, without a reasonable excuse, engages in conduct related to the duty that exposes an individual to a risk of death or serious injury or illness; and
 - (c) the person is reckless as to the risk.

Maximum penalty:

- (a) if an individual commits the offence—\$300 000 or 5 years imprisonment or both; or
 - (b) if a corporation commits the offence—\$3 000 000.
- (2) The prosecution bears the burden of proving that the conduct was engaged in without reasonable excuse.

26G—Category 2 offence

A person commits an offence if—

- (a) the person has a duty under section 26C; and
- (b) the person contravenes the duty; and
- (c) the person's contravention exposes an individual, or class of individuals, to a risk of death or serious injury or illness.

Maximum penalty:

- (a) if an individual commits the offence—\$150 000; or
- (b) if a corporation commits the offence—\$1 500 000.

26H—Category 3 offence

A person commits an offence if—

- (a) the person has a duty under section 26C; and
- (b) the person contravenes the duty.

Maximum penalty:

- (a) if an individual commits the offence—\$50 000; or
- (b) if a corporation commits the offence—\$500 000.

9—Amendment of section 33—Unregistered heavy vehicle temporarily in Australia

Section 33(1)(c)—delete paragraph (c) and substitute:

- (c) the vehicle is used, to the fullest extent possible, in accordance with any conditions of the registration in the foreign country; and

10—Amendment of section 50—Obtaining registration or registration items by false statements etc

- (1) Section 50(1)(a)—delete "in a material particular"
- (2) Section 50(2)(a)—delete "in a material particular"

11—Amendment of section 82—Keeping relevant document while driving under vehicle standards exemption (notice)

Section 82(3) to (6)—delete subsections (3) to (6) (inclusive) and substitute:

- (3) Each relevant party for a driver mentioned in subsection (2) must ensure the driver complies with subsection (2), unless the relevant party has a reasonable excuse.

Maximum penalty: \$3 000.

12—Amendment of section 83—Keeping copy of permit while driving under vehicle standards exemption (permit)

Section 83(3) to (6)—delete subsections (3) to (6) (inclusive) and substitute:

- (3) Each relevant party for a driver mentioned in subsection (2) must ensure the driver complies with subsection (2), unless the relevant party has a reasonable excuse.

Maximum penalty: \$3 000.

13—Amendment of section 91—Person must not tamper with emission control system fitted to heavy vehicle

Section 91(5) and (6)—delete subsections (5) and (6)

14—Amendment of section 93—Person must not tamper with speed limiter fitted to heavy vehicle

Section 93(7) and (8)—delete subsections (7) and (8)

15—Amendment of section 96—Compliance with mass requirements

- (1) Section 96(1)—delete "A person must not drive on a road a heavy vehicle that (together with its load) does not, or whose components do not, comply with the mass requirements applying to the vehicle." and substitute:

A person who drives, or permits another person to drive, a heavy vehicle on a road must ensure the vehicle, and the vehicle's components and load, comply with the mass requirements applying to the vehicle, unless the person has a reasonable excuse.

- (2) Section 96(2) and (3)—delete subsections (2) and (3)

16—Amendment of section 102—Compliance with dimension requirements

- (1) Section 102(1)—delete "A person must not drive on a road a heavy vehicle that (together with its load) does not, or whose components do not or whose load does not, comply with the dimension requirements applying to the vehicle." and substitute:

A person who drives, or permits another person to drive, a heavy vehicle on a road must ensure the vehicle, and the vehicle's components and load, comply with the dimension requirements applying to the vehicle, unless the person has a reasonable excuse.

- (2) Section 102(2) and (3)—delete subsections (2) and (3)

17—Amendment of section 111—Compliance with loading requirements

- (1) Section 111(1)—delete "A person must not drive on a road a heavy vehicle that does not, or whose load does not, comply with the loading requirements applying to the vehicle." and substitute:

A person who drives, or permits another person to drive, a heavy vehicle on a road must ensure the vehicle, and the vehicle's components and load, comply with the loading requirements applying to the vehicle, unless the person has a reasonable excuse.

- (2) Section 111(2) and (3) and note—delete subsections (2) and (3) and the note

18—Amendment of section 130—Contravening condition of mass or dimension exemption relating to pilot or escort vehicle

Section 130(3) and (4)—delete subsections (3) and (4) and substitute:

- (3) The operator of the heavy vehicle must ensure, so far as is reasonably practicable, the driver of the pilot vehicle or escort vehicle complies with subsection (2).

Maximum penalty: \$6 000.

19—Amendment of section 132—Keeping relevant document while driving under mass or dimension exemption (notice)

Section 132(3) to (6)—delete subsections (3) to (6) (inclusive) and substitute:

- (3) Each relevant party for a driver mentioned in subsection (2) must ensure the driver complies with subsection (2), unless the relevant party has a reasonable excuse.

Maximum penalty: \$3 000.

20—Amendment of section 133—Keeping copy of permit while driving under mass or dimension exemption (permit)

Section 133(3) to (6)—delete subsections (3) to (6) (inclusive) and substitute:

- (3) Each relevant party for a driver mentioned in subsection (1) must ensure the driver complies with subsection (1), unless the relevant party has a reasonable excuse.

Maximum penalty: \$3 000.

21—Amendment of section 151—Keeping relevant document while driving under class 2 heavy vehicle authorisation (notice)

Section 151(3) to (6)—delete subsections (3) to (6) (inclusive) and substitute:

- (3) Each relevant party for a driver mentioned in subsection (2) must ensure the driver complies with subsection (2), unless the relevant party has a reasonable excuse.

Maximum penalty: \$3 000.

22—Amendment of section 152—Keeping copy of permit while driving under class 2 heavy vehicle authorisation (permit)

Section 152(3) to (6)—delete subsections (3) to (6) (inclusive) and substitute:

- (3) Each relevant party for a driver mentioned in subsection (1) must ensure the driver complies with subsection (1), unless the relevant party has a reasonable excuse.

Maximum penalty: \$3 000.

23—Amendment of section 153—Keeping copy of PBS vehicle approval while driving under class 2 heavy vehicle authorisation

Section 153(2) to (5)—delete subsections (2) to (5) (inclusive) and substitute:

- (2) Each relevant party for a driver mentioned in subsection (1) must ensure the driver complies with subsection (1), unless the relevant party has a reasonable excuse.

Maximum penalty: \$3 000.

24—Repeal of Chapter 4 Part 8

Chapter 4 Part 8—delete Part 8

25—Amendment of section 186—False or misleading transport documentation for goods

(1) Section 186(2) to (7)—delete subsections (2) to (7) (inclusive) and substitute:

- (2) The consignor of the goods must ensure, so far as is reasonably practicable, the consignment documentation is not false or misleading.

Maximum penalty: \$10 000.

- (3) If the goods are Australian-packed goods, the packer of the goods must ensure, so far as is reasonably practicable, the consignment documentation is not false or misleading.

Maximum penalty: \$10 000.

- (4) If the goods are overseas-packed goods, the receiver of the goods must ensure, so far as is reasonably practicable, the consignment documentation is not false or misleading.

Maximum penalty: \$10 000.

- (5) If the goods are loaded on the heavy vehicle, the loading manager for, or loader of, the goods must ensure, so far as is reasonably practicable, the consignment documentation is not false or misleading.

Maximum penalty: \$10 000.

(2) Section 186(9)—before the definition of *receiver* insert:

Australian-packed goods means goods packed—

- (a) in Australia; and
- (b) on a pallet or in a package, freight container or other container;

consignment documentation, for goods, means the transport documentation for the consignment of the goods, in so far as the documentation relates to the mass, dimension or loading of any or all of the goods;

overseas-packed goods means goods packed—

- (a) outside Australia; and
- (b) on a pallet or in a package, freight container or other container;

26—Amendment of section 187—False or misleading information in container weight declaration

- (1) Section 187(2) and (3)—delete subsections (2) and (3) and substitute:
 - (2) The responsible entity for the freight container must ensure, so far as is reasonably practicable, the container weight declaration for the container that is given to an operator of the heavy vehicle is not false or misleading.
Maximum penalty: \$10 000.
 - (3) An operator of the heavy vehicle must ensure, so far as is reasonably practicable, the container weight declaration for the container that is given to the vehicle's driver is not false or misleading.
Maximum penalty: \$10 000.
- (2) Section 187(5) and (6)—delete subsections (5) and (6)

27—Amendment of section 190—Duty of responsible entity

- (1) Section 190(1)—delete subsection (1) and substitute:
 - (1) The responsible entity for the freight container must ensure an operator or driver of a heavy vehicle does not transport the freight container by road using the vehicle without a complying container weight declaration for the freight container containing information in the form required under section 192A, unless the responsible entity has a reasonable excuse.
Maximum penalty: \$6 000.
- (2) Section 190(2) and (3) and note—delete subsections (2) and (3) and the note

28—Amendment of section 191—Duty of operator

- (1) Section 191(1)—delete subsection (1) and substitute:
 - (1) An operator of a heavy vehicle must ensure the vehicle's driver does not transport the freight container by road using the vehicle without a complying container weight declaration for the freight container containing information in the form required under section 192A.
Maximum penalty: \$6 000.
- (2) Section 191(2)—delete "unless the operator proves that the driver was provided with the declaration before the driver started transporting the freight container." and substitute:

unless the operator—

 - (a) proves that the driver was provided with the declaration before the driver started transporting the freight container; or
 - (b) has a reasonable excuse.
- (3) Section 191(3)—delete "must not give the freight container to the carrier unless" and substitute:

must, unless the operator has a reasonable excuse, ensure the freight container is not given to the carrier unless

- (4) Section 191(4) and (5)—delete subsections (4) and (5)

29—Amendment of section 192—Duty of driver

- (1) Section 192(1)—delete subsection (1) and substitute:
- (1) A person must not drive a heavy vehicle loaded with the freight container on a road without a complying weight declaration for the container, unless the person has a reasonable excuse.
Maximum penalty: \$6 000.
- (2) Section 192(2)—after "must" insert:
, unless the driver has a reasonable excuse
- (3) Section 192(3) and (4) and note—delete subsections (3) and (4) and the note

30—Amendment of section 193—Weight of freight container exceeding weight stated on container or safety approval plate

Section 193(2) to (4)—delete subsections (2) to (4) (inclusive) and substitute:

- (2) Each consignor or packer of the goods must ensure, so far as is reasonably practicable, the weight of the container does not exceed the maximum gross weight marked on—
- (a) the container; or
- (b) the container's safety approval plate.
Maximum penalty: \$10 000.

31—Repeal of section 194

Section 194—delete the section

32—Amendment of section 199—Recovery of losses for provision of inaccurate container weight declaration

Section 199(1)(b)—delete "in a material particular"

33—Repeal of Chapter 5

Chapter 5—delete the Chapter

34—Amendment of section 221—Definitions for Chapter 6

- (1) Section 221, definition of *loading manager*, note—delete "(including sections 227, 238, 239 and 261)"
- (2) Section 221, definition of *party in the chain of responsibility*—delete the definition

35—Repeal of section 227

Section 227—delete the section

36—Amendment of heading to Chapter 6 Part 2 Division 2

Heading to Chapter 6 Part 2 Division 2—delete "and prevent"

37—Repeal of section 229

Section 229—delete the section

38—Repeal of Chapter 6 Part 2 Divisions 3 to 8

Chapter 6 Part 2 Divisions 3 to 8—delete Divisions 3 to 8 (inclusive)

39—Amendment of section 250—Operating under standard hours—solo drivers

Section 250(2) and (3) and note—delete subsections (2) and (3) and the note

40—Amendment of section 251—Operating under standard hours—two-up drivers

Section 251(2) and (3) and note—delete subsections (2) and (3) and the note

41—Amendment of section 254—Operating under BFM hours—solo drivers

Section 254(2) and (3) and note—delete subsections (2) and (3) and the note

42—Amendment of section 256—Operating under BFM hours—two-up drivers

Section 256(2) and (3) and note—delete subsections (2) and (3) and the note

43—Amendment of section 258—Operating under AFM hours

Section 258(2) and (3) and note—delete subsections (2) and (3) and the note

44—Amendment of section 260—Operating under exemption hours

Section 260(2) and (3) and note—delete subsections (2) and (3) and the note

45—Repeal of Chapter 6 Part 3 Division 6

Chapter 6 Part 3 Division 6—delete Division 6

46—Amendment of section 263—Operating under new work and rest hours option after change

Section 263(3) and (4) and note—delete subsections (3) and (4) and the note

47—Amendment of section 264—Duty of employer, prime contractor, operator and scheduler to ensure driver compliance

Section 264(2) to (4)—delete subsections (2) to (4) (inclusive) and substitute:

- (2) A relevant party for the driver must ensure, so far as is reasonably practicable, the driver—
 - (a) does not drive a fatigue-regulated heavy vehicle after making the change unless the driver has complied with section 263; and
 - (b) can comply with his or her obligations in relation to the change.

Maximum penalty: \$6 000.

48—Amendment of section 287—Keeping relevant document while operating under work and rest hours exemption (notice)

Section 287(3) to (6)—delete subsections (3) to (6) (inclusive) and substitute:

- (3) Each relevant party for a driver mentioned in subsection (2) must ensure the driver complies with subsection (2), unless the relevant party has a reasonable excuse.

Maximum penalty: \$3 000.

49—Amendment of section 288—Keeping copy of permit while driving under work and rest hours exemption (permit)

Section 288(3) to (6)—delete subsections (3) to (6) (inclusive) and substitute:

- (3) Each relevant party for a driver mentioned in subsection (1) must ensure the driver complies with subsection (1), unless the relevant party has a reasonable excuse.

Maximum penalty: \$3 000.

50—Amendment of section 311—What record keeper must do if electronic work diary filled up

Section 311(4) and (5) and note—delete subsections (4) and (5) and the note

51—Amendment of section 312—What record keeper must do if electronic work diary destroyed, lost or stolen

- (1) Section 312(3)—after "stolen" insert:

, unless the record keeper has a reasonable excuse

- (2) Section 312(5) and (6) and note—delete subsections (5) and (6) and the note

52—Amendment of section 313—What record keeper must do if electronic work diary not in working order or malfunctioning

- (1) Section 313(3)(c)—after "has malfunctioned" insert

, unless the record keeper has a reasonable excuse

- (2) Section 313(8) and (9) and note—delete subsections (8) and (9) and the note

53—Substitution of section 315

Section 315—delete the section and substitute:

315—Ensuring driver complies with Subdivisions 1 to 4

- (1) Each responsible party for the driver of a fatigue-related heavy vehicle must ensure, so far as is reasonably practicable, the driver complies with each of Subdivisions 1, 2, 3 and 4 so far as they are applicable.

Maximum penalty: \$6 000.

(2) In this section—

responsible party, for the driver of a fatigue-related heavy vehicle, means—

- (a) if the driver is an employed driver—an employer of the driver; or
- (b) if the driver is a self-employed driver—a prime contractor of the driver; or
- (c) an operator of the vehicle; or
- (d) a scheduler for the vehicle.

54—Amendment of section 319—Records record keeper must have

(1) Section 319(1)—after "must" insert:

, unless the record keeper has a reasonable excuse

(2) Section 319(4) and (5) and note—delete subsections (4) and (5) and the note

55—Amendment of section 321—Records record keeper must have

(1) Section 321(1)—after "must" insert:

, unless the record keeper has a reasonable excuse

(2) Section 321(3)—after "must" insert:

, unless the record keeper has a reasonable excuse,

(3) Section 321(5) and (6) and note—delete subsections (5) and (6) and the note

56—Amendment of section 322—General requirements about driver giving information to record keeper

(1) Section 322(2)—after "on that day" insert:

, unless the driver has a reasonable excuse

(2) Section 322(4)—after "ensure" insert:

, so far as is reasonably practicable,

(3) Section 322(6) and (7) and note—delete subsections (6) and (7) and the note

57—Amendment of section 323—Requirements about driver giving information to record keeper if driver changes record keeper

(1) Section 323(2)—after "period" insert:

, unless the driver has a reasonable excuse

(2) Section 323(3)—after "ensure" insert:

, so far as is reasonably practicable,

(3) Section 323(6) and (7) and note—delete subsections (6) and (7) and the note

(7) Section 341(9) and (10) and note—delete subsections (9) and (10) and the note

65—Amendment of section 376—Keeping relevant document while operating under work diary exemption (notice)

Section 376(3) to (6)—delete subsections (3) to (6) (inclusive) and substitute:

- (3) Each relevant party for a driver mentioned in subsection (2) must ensure the driver complies with subsection (2), unless the relevant party has a reasonable excuse.

Maximum penalty: \$3 000.

66—Amendment of section 396—Owner must maintain odometer

(1) Section 396(2)—after "national regulations" second occurring insert:

, unless the owner has a reasonable excuse

(2) Section 396(3) and (4) and note—delete subsections (3) and (4) and the note

67—Amendment of section 398—What owner must do if odometer malfunctioning

Section 398(3) and (4) and note—delete subsections (3) and (4) and the note

68—Amendment of section 399—What employer or operator must do if odometer malfunctioning

(1) Section 399(2)—after "must not" insert:

, without a reasonable excuse,

(2) Section 399(3) and (4) and note—delete subsections (3) and (4) and the note

69—Amendment of section 404—Offence to give false or misleading information to intelligent access service provider

(1) Section 404(1)(c)—delete "in a material particular"

(2) Section 404(4)(c)—delete "in a material particular"

70—Amendment of section 405—Advising vehicle driver of collection of information by intelligent access service provider

Section 405(1)—delete "take all reasonable steps to give the vehicle's driver the following information," and substitute:

, unless the operator has a reasonable excuse, ensure the vehicle's driver is given the following information

71—Amendment of section 407—Advising driver of driver's obligations about reporting system malfunctions

Section 407(1)—delete "must take all reasonable steps to tell the vehicle's driver before the vehicle begins a journey" and substitute:

, before the vehicle begins a journey, must, unless the operator has a reasonable excuse, ensure the vehicle's driver is told

72—Amendment of section 410—Collecting intelligent access information

- (1) Section 410(1)—delete "take all reasonable steps to ensure" and substitute:
ensure, so far as is reasonably practicable,
- (2) Section 410(2)—delete "take all reasonable steps to ensure" and substitute:
ensure, so far as is reasonably practicable,

73—Amendment of section 412—Protecting intelligent access information

Section 412—delete "take all reasonable steps to protect intelligent access information collected by the service provider" and substitute:

ensure, so far as is reasonably practicable, intelligent access information collected by the service provider is protected

74—Amendment of section 421—Destroying intelligent access information etc

Section 421(1)—delete subsection (1) and substitute:

- (1) An intelligent access service provider must ensure, so far as is reasonably practicable—
- (a) intelligent access information collected by the service provider is destroyed 1 year after the information is collected; and
 - (b) a record that the service provider is required to keep under section 419 is destroyed within 1 year after the service provider is no longer required to keep the record under that section.

Maximum penalty: \$6 000.

75—Amendment of section 427—Collecting intelligent access information

Section 427—delete "take all reasonable steps to ensure" and substitute:

ensure, so far as is reasonably practicable,

76—Amendment of section 428—Protecting intelligent access information collected

Section 428—delete "take all reasonable steps to protect intelligent access information collected by it" and substitute:

ensure, so far as is reasonably practicable, intelligent access information collected by TCA is protected

77—Amendment of section 437—Destroying intelligent access information or removing personal information from it

Section 437(1)—delete subsection (1) and substitute:

- (1) TCA must ensure, so far as is reasonably practicable, intelligent access information collected by TCA is destroyed—
- (a) generally—1 year after the information is collected; or

- (b) if, at the end of that 1 year, the information is required for law enforcement purposes—as soon as practicable after the information is no longer required for law enforcement purposes.

Maximum penalty: \$6 000.

78—Amendment of section 441—Collecting intelligent access information

Section 441—delete "take all reasonable steps to ensure" and substitute:

ensure, so far as is reasonably practicable,

79—Amendment of section 442—Protecting intelligent access information collected

Section 442—delete "take all reasonable steps to protect intelligent access information collected by the auditor" and substitute:

ensure, so far as is reasonably practicable, intelligent access information collected by the auditor is protected

80—Amendment of section 450—Destroying intelligent access information or removing personal information from it

Section 450(1)—delete "take all reasonable steps to destroy intelligent access information held by the auditor that" and substitute:

ensure, so far as is reasonably practicable, intelligent access information held by the auditor is destroyed as soon as practicable after the information

81—Amendment of section 459—Application for heavy vehicle accreditation

Section 459(3)—delete "taken all reasonable steps" and substitute:

exercised reasonable diligence

82—Amendment of section 468—Driver operating under BFM accreditation or AFM accreditation must carry accreditation details

Section 468(3) to (6)—delete subsections (3) to (6) (inclusive) and substitute:

- (3) The operator of the vehicle must ensure the driver complies with subsection (1), unless the operator has a reasonable excuse.

Maximum penalty: \$3 000.

83—Amendment of section 518—Moving unattended heavy vehicle on road to exercise another power

Section 518(7)—delete "ensure that, so far as is reasonably practicable," and substitute:

exercise reasonable diligence to ensure

84—Amendment of section 556—Return of seized things or samples

Section 556(2)—delete "take reasonable steps" and substitute:

exercise reasonable diligence

85—Amendment of section 557—Power to issue embargo notice

Section 557(4)(b)—delete "all reasonable steps have been taken" and substitute:
the authorised officer exercises reasonable diligence

86—Amendment of section 558—Noncompliance with embargo notice

Section 558(3)—delete "take all reasonable steps to stop any other person from doing" and substitute:

ensure, so far as is reasonably practicable, another person does not do

87—Amendment of section 569—Power to require production of documents etc generally

Section 569(10)—delete subsection (10)

88—Amendment of section 570—Power to require information about heavy vehicles

Section 570(6), definition of *information*—delete the definition

89—Insertion of section 570A

After section 570 insert:

570A—Requiring information

- (1) This section applies if an authorised officer reasonably believes a person is capable of giving written or oral information—
 - (a) in relation to a possible contravention of a duty under section 26C; or
 - (b) that will assist the authorised officer to monitor or enforce compliance with the duty under section 26C.
- (2) The authorised officer may, by notice, require the person to give the information to the authorised officer.
- (3) If the authorised officer, despite reasonable diligence, has not been able to obtain the information under subsection (2), the authorised officer may, by notice given to the person, require the person to give the information to a person appointed by the authorised officer.
- (4) The notice must state—
 - (a) that—
 - (i) the requirement is made under this section; and
 - (ii) failing to comply with the requirement is an offence; and
 - (b) if the notice requires the person to give written information—the time and way, that is reasonable in the circumstances, in which the person must give the information; and
 - (c) if the notice requires the person to give oral information—

- (i) the day, time and place, that is reasonable in the circumstances, for the person to appear before the person appointed by the authorised officer; and
 - (ii) that the person may appear with an Australian legal practitioner; and
- (d) the effect of—
 - (i) subsections (7) and (8); and
 - (ii) section 735A.
- (5) The person must comply with a requirement under this section, unless the person has a reasonable excuse.
Maximum penalty: \$10 000.
- (6) It is not a reasonable excuse for the person to fail to comply with a requirement made under this section on the ground that complying with the requirement might tend to incriminate the person or make the person liable to a penalty.
- (7) However, the following information is not admissible as evidence against an individual in a civil or criminal proceeding, other than a proceeding for false or misleading information:
 - (a) information that the individual gives in complying with a requirement under this section;
 - (b) information that is directly or indirectly derived from information mentioned in paragraph (a).
- (8) An authorised officer may act under this section only if—
 - (a) for an authorised officer who is a police officer—the officer has the relevant police commissioner’s written authority to act under this section; or
 - (b) for an authorised officer who is not a police officer—the officer’s instrument of appointment provides that the authorised officer may act under this section.

90—Amendment of section 578—Duty to minimise inconvenience or damage

Section 578(1)—delete "take all reasonable steps" and substitute:
exercise reasonable diligence

91—Amendment of section 579—Restoring damaged thing

Section 579(2)—delete "take all reasonable steps" and substitute:
exercise reasonable diligence

92—Amendment of section 588—Evidential immunity for individuals complying with particular requirements

Section 588(2)(a) and (b)—delete paragraphs (a) and (b) and substitute:

- (a) information, other than information in the form of a document, that the individual gives in complying with the requirement;

- (b) information that is directly or indirectly derived from information to which paragraph (a) applies.

93—Amendment of section 590—Formal warning

Section 590(1)(b)—delete "taken reasonable steps" and substitute:
exercised reasonable diligence

94—Insertion of Chapter 10 Part 1A

After section 590 insert:

Part 1A—Enforceable undertakings

590A—Accepting undertaking

- (1) This section applies if a person contravenes or is alleged to have contravened this Law, other than section 26F.
- (2) The Regulator or an authorised officer (the *promisee*) may accept an undertaking made by the person in relation to the contravention or alleged contravention.
- (3) The undertaking must be in the approved form.
- (4) The promisee may accept the undertaking only if the promisee reasonably believes the undertaking will ensure the person complies with this Law.
- (5) The promisee may accept the undertaking at any time before the proceeding for the contravention, or alleged contravention, ends.
- (6) If the promisee accepts an undertaking before the proceeding ends, the promisee must use reasonable diligence to have the proceeding discontinued as soon as possible.
- (7) The promisee must give the person written notice of—
 - (a) the promisee's decision to accept or reject the undertaking;
and
 - (b) the reasons for the decision.
- (8) If the promisee decides to accept the undertaking and the promisee is not the Regulator, the promisee must give the following documents to the Regulator within 28 days after accepting the undertaking:
 - (a) a copy of the undertaking;
 - (b) a statement of the reasons for the promisee's decision to accept the undertaking.
- (9) The Regulator must publish the following information on the Regulator's website:
 - (a) a promisee's decision to accept an undertaking under this section;
 - (b) the reasons for the decision.

- (10) An authorised officer may act under this section only if—
- (a) for an authorised officer who is a police officer—the officer has the relevant police commissioner’s written authority to act under this section; or
 - (b) for an authorised officer who is not a police officer—the officer’s instrument of appointment provides that the authorised officer may act under this section.

590B—Effect of undertaking

- (1) An undertaking takes effect—
- (a) when the promisee gives notice of the decision to accept the undertaking to the person who made the undertaking; or
 - (b) at a later time stated in the notice.
- (2) While the undertaking is in effect, the person must comply with the undertaking.
Maximum penalty: \$10 000.
- (3) If the person complies with the undertaking, no proceeding for the contravention or alleged contravention may be taken against the person.
- (4) The offer to make, or the making of, an undertaking is not an admission of guilt by the person offering to make, or making, the undertaking.

590C—Withdrawing or changing undertaking

- (1) The person who made an undertaking may, at any time, with the written agreement of the promisee—
- (a) withdraw the undertaking; or
 - (b) change the undertaking.
- (2) However, the provisions of the undertaking may not be changed to provide for a different contravention or alleged contravention of this Law.
- (3) If the promisee is not the Regulator, the promisee must give notice of the withdrawal or change of the undertaking to the Regulator.
- (4) The Regulator must publish notice of the withdrawal or change on the Regulator’s website.

590D—Contravening undertaking

- (1) The promisee may apply to a relevant tribunal or court for an order if the person who made an undertaking fails to comply with the undertaking.

- (2) If the relevant tribunal or court is satisfied the person has failed to comply with the undertaking, the relevant tribunal or court, as well as imposing any penalty, may make—
 - (a) an order directing the person to comply with the undertaking; or
 - (b) an order discharging the undertaking.
- (3) Also, the relevant tribunal or court may make any other order that the tribunal or court considers appropriate in the circumstances, including an order directing the person to pay to the State—
 - (a) the costs of the proceeding; and
 - (b) the reasonable costs of the promisee in monitoring whether the person complies with the undertaking in the future.
- (4) Nothing in this section prevents a proceeding being taken for the contravention or alleged contravention to which the undertaking relates.

95—Amendment of section 592—Recording information about infringement penalties

Section 592(2)(c)—delete paragraph (c)

96—Amendment of section 611—Court may make compensation order

Section 611(4)(b), note—delete the note and substitute:

Note—

See section 707A for the period within which a proceeding for an offence against this Law, other than an indictable offence, must start.

97—Repeal of Chapter 10 Part 4 Divisions 1 and 2

Chapter 10 Part 4 Divisions 1 and 2—delete Divisions 1 and 2

98—Substitution of heading to Chapter 10 Part 4 Division 3

Heading to Chapter 10 Part 4 Division 3—delete the heading and substitute:

Division 3—Defences

99—Insertion of section 632A

After section 632 insert:

632A—Using code of practice in proceeding

- (1) This section applies in a proceeding for an offence against this Law.
- (2) A registered industry code of practice is admissible as evidence of whether or not a duty or obligation under this Law has been complied with.

- (3) The court may—
 - (a) have regard to the code as evidence of what is known about a hazard or risk, risk assessment, or risk control, to which the code relates; and
 - (b) rely on the code in determining what is reasonably practicable in the circumstances to which the code relates.
- (4) Nothing in this section prevents a person from introducing evidence of complying with this Law in a way that differs from the code but that provides a standard of safety or protection equivalent to or higher than the standard required in the code.
- (5) However, the person may introduce the evidence mentioned in subsection (4) only if the person has given written notice of the person's intention to do so to the complainant at least 28 days before the day fixed for the hearing of the offence.

100—Amendment of section 634—Multiple offences

- (1) Section 634(3)—after paragraph (b) insert:

and

 - (c) 2 or more contraventions of a provision by a person that arise from the same factual circumstances may be charged as—
 - (i) a single offence; or
 - (ii) separate offences.
- (2) Section 634—after subsection (3) insert:
 - (4) Subsection (3)(c) does not authorise contraventions of 2 or more provisions to be charged as a single offence.
 - (5) A single penalty only may be imposed in relation to 2 or more contraventions of a provision that are charged as a single offence.

101—Amendment of section 636—Liability of executive officers of corporation

Section 636(2) and (3)—delete subsections (2) and (3) and substitute:

- (2) An executive officer of a corporation commits an offence if—
 - (a) the corporation commits an offence against a provision of this Law specified in column 3 of Schedule 4; and
 - (b) the officer did not exercise reasonable diligence to ensure the corporation did not engage in the conduct constituting the offence.

Maximum penalty: The penalty for a contravention of the provision by an individual.

- (3) In deciding whether the executive officer exercised reasonable diligence for subsection (2)(b), a court must have regard to—
 - (a) whether the officer was in a position to influence the corporation's conduct in relation to the offence; and

- (b) the action the officer took, or could reasonably have taken, to prevent the corporation's conduct constituting the offence; and
- (c) any other relevant matter.

102—Amendment of section 637—Treatment of unincorporated partnerships

- (1) Section 637(4)—delete "this Law (other than an offence referred to in subsection (5))" and substitute:

a provision of this Law specified in column 2 of Schedule 4

- (2) Section 637(5) and (6)—delete subsections (5) and (6) and substitute:

- (5) An offence against a provision of this Law specified in column 3 of Schedule 4 that would otherwise be committed by the partnership is taken to have been committed by each partner who did not exercise reasonable diligence to ensure the partnership did not engage in the conduct constituting the offence.

Maximum penalty: The penalty for a contravention of the provision by an individual.

- (6) In deciding whether the partner exercised reasonable diligence for subsection (5), a court must have regard to—
- (a) whether the partner was in a position to influence the partnership's conduct constituting the offence; and
 - (b) the action the partner took, or could reasonably have taken, to prevent the partnership's conduct constituting the offence; and
 - (c) any other relevant matter.

103—Amendment of section 638—Treatment of other unincorporated bodies

- (1) Section 638(4)—delete "this Law (other than an offence referred to in subsection (5))" and substitute:

a provision of this Law specified in column 2 of Schedule 4

- (2) Section 638(5) and (6)—delete subsections (5) and (6) and substitute:

- (5) An offence against a provision of this Law specified in column 3 of Schedule 4 that would otherwise be committed by the unincorporated body is taken to have been committed by each management member who did not exercise reasonable diligence to ensure the body did not engage in the conduct constituting the offence.

Maximum penalty: The penalty for a contravention of the provision by an individual.

- (6) In deciding whether the management member exercised reasonable diligence for subsection (5), a court must have regard to—
- (a) whether the management member was in a position to influence the unincorporated body's conduct constituting the offence; and

- (b) the action the management member took, or could reasonably have taken, to prevent the unincorporated body's conduct constituting the offence; and
 - (c) any other relevant matter.
- (3) Section 638(10)—delete subsection (10)

104—Amendment of section 701—False or misleading statements

- (1) Section 701(1)—delete "in a material particular"
- (2) Section 701(2)—delete "in a material particular" wherever occurring

105—Amendment of section 702—False or misleading documents

- (1) Section 702(1)—delete "in a material particular"
- (2) Section 702(3)(a)—delete "in a material particular"
- (3) Section 702(3)(b)—delete "in a material particular"

106—Substitution of section 707

Section 707—delete the section and substitute:

707—Proceeding for indictable offences

- (1) The prosecution may bring a proceeding for an indictable offence—
 - (a) on indictment; or
 - (b) in a summary way.
- (2) However, a court of summary jurisdiction must not hear and decide an indictable offence in a summary way if—
 - (a) at the start of the hearing, the defendant asks for the charge to be prosecuted on indictment; or
 - (b) the court is satisfied—
 - (i) after hearing submissions from the prosecution and defence at any stage of the hearing, that the defendant, if convicted, may not be adequately punished for the particular offence on a summary conviction; or
 - (ii) on an application made by the defence, that the charge should not be heard and decided in a summary way because of exceptional circumstances.
- (3) If the court decides that the offence be prosecuted on indictment—
 - (a) the court must conduct the proceeding as a committal proceeding; and
 - (b) any evidence given in the proceeding, before the court decided that the offence be prosecuted on indictment, is taken to be evidence in the committal proceeding; and

- (c) the court must disregard any plea that the defendant made at the start of the proceeding.

707A—Proceeding for other offences

- (1) The prosecution must bring a proceeding for an offence against this Law, other than an indictable offence, in a summary way.
- (2) The proceeding must start—
 - (a) within 2 years after the offence is committed; or
 - (b) within 1 year after the commission of the offence comes to the complainant’s knowledge, but within 3 years after the offence is committed.
- (3) A statement in a complaint for an offence against this Law that the matter of the complaint came to the complainant’s knowledge on a stated day is evidence of when the matter came to the complainant’s knowledge.

107—Amendment of section 710—Averments

Section 710(3)—delete subsection (3)

108—Insertion of section 726A

After section 726 insert:

726A—Evidence of offence

- (1) In a proceeding for an offence against this Law—
 - (a) evidence of a court convicting a person of a heavy vehicle offence is evidence that the heavy vehicle offence happened at the time and place, and in the circumstances, stated in the complaint for the heavy vehicle offence; and
 - (b) evidence of details stated in an infringement notice issued for a heavy vehicle offence is evidence that the heavy vehicle offence happened at the time and place, and in the circumstances, stated in the infringement notice.

- (2) In this section—

heavy vehicle offence means—

- (a) an offence against this Law; or
- (b) an offence by the driver of a heavy vehicle of exceeding a speed limit applying to the driver.

109—Insertion of section 735A

After section 735 insert:

735A—Legal professional privilege

Nothing in this Law compels a person to give information that is the subject of legal professional privilege to another person.

110—Amendment of section 742—Contracting out prohibited

Section 742(4)—delete subsection (4)

111—Substitution of Schedule 4

Schedule 4—delete the Schedule and substitute:

Schedule 4—Liability provisions

sections 636, 637 and 638

The provisions specified in column 2 of the following table are specified for the purposes of sections 636(1), 637(4) and 638(4). The provisions specified in column 3 of the table are specified for the purposes of sections 636(2), 637(5) and 638(5).

Section of this Law	Provision specified for sections 636(1), 637(4) and 638(4)	Provision specified for sections 636(2), 637(5) and 638(5)
26E	26E(1), 26E(2)	26E(1), 26E(2)
30	30(1)	30(1)
50	50(1), 50(2)	—
60	60(1)	—
79	79(2)	—
81	81(1), 81(2), 81(3)	—
85	85(1), 85(2)	—
87A	87A(1)	—
89	89(1)	89(1)
93	93(1), 93(2), 93(3)	93(1), 93(2), 93(3)
129	129(1), 129(2), 129(3)	129(1), 129(2), 129(3)
130	130(3)	—
137	137	137
150	150(1)	150(1)
153A	153A(1)	153A(1)
181	181(3)	—
185	185(1), 185(2)	—
186	186(2), 186(3), 186(4), 186(5)	186(2), 186(3), 186(4), 186(5)
187	187(2), 187(3)	187(2), 187(3)
190	190(1)	—
191	191(1), 191(3)	—
193	193(2)	—
264	264(2)	—
284	284(2)	—

Heavy Vehicle National Law (South Australia) (Amendment of Law No 4) Regulations 2017
Part 2—Amendment of Heavy Vehicle National Law (South Australia)

Section of this Law	Provision specified for sections 636(1), 637(4) and 638(4)	Provision specified for sections 636(2), 637(5) and 638(5)
286	286(1)	—
310	310(2)	—
311	311(2)	—
312	312(2)	—
313	313(2), 313(3)	—
314	314(3)	—
315	315(1)	—
319	319(1)	—
321	321(1), 321(3)	—
322	322(4)	—
323	323(3)	—
324	324(2)	—
324A	324A(2)	—
327	327	—
328	328	—
329	329	—
330	330(1)	—
331	331	—
332	332	—
335	335(1)	335(1)
336	336(1)	336(1)
336A	336A(1)	—
337	337(2)	337(2)
341	341(1), 341(2), 341(3), 341(5)	—
347	347	—
354	354(3), 354(5)	—
355	355(2), 355(4), 355(6)	—
373	373(2)	—
375	375	—
396	396(2)	—
398	398(2)	—
399	399(2)	—
404	404(1), 404(4)	—
405	405(1)	—
406	406(1), 406(2)	—

Heavy Vehicle National Law (South Australia) (Amendment of Law No 4) Regulations 2017
Amendment of Heavy Vehicle National Law (South Australia)—Part 2

Section of this Law	Provision specified for sections 636(1), 637(4) and 638(4)	Provision specified for sections 636(2), 637(5) and 638(5)
417	417	—
422	422(2)	—
423	423(1)	—
424	424(1), 424(3)	—
451	451	—
452	452	—
453	453(1), 453(2)	—
454	454(1), 454(2)	454(1), 454(2)
467	467	467
470	470(2), 470(3), 470(4), 470(5), 470(6)	470(2), 470(3), 470(4)
471	471(2)	—
476	476(2)	—
478	478(1), 478(2), 478(3), 478(4)	—
514	514(3)	—
516	516(3)	—
517	517(4)	—
528	528(3)	—
529	529	—
531A	531A(5)	—
533	533(7)	—
534	534(5)	—
535	535(5)	—
553	553(3)	—
558	558(1), 558(3)	—
559	559(3), 559(4), 559(5)	—
567	567(4)	—
568	568(7)	—
569	569(2), 569(7)	—
570	570(3)	—
570A	570A(5)	—
573	573(1)	—
577	577(4)	—
590B	590B(2)	—
604	604	604

Heavy Vehicle National Law (South Australia) (Amendment of Law No 4) Regulations 2017
Part 2—Amendment of Heavy Vehicle National Law (South Australia)

Section of this Law	Provision specified for sections 636(1), 637(4) and 638(4)	Provision specified for sections 636(2), 637(5) and 638(5)
610	610	610
699	699(1), 699(2)	—
700	700(4)	—
702	702(1), 702(3)	—
703	703(1), 703(2)	—
704	704(1), 704(2), 704(3)	—
728	728(1)	—
728A	728A(1)	—
729	729(1), 729(3)	—
729A	729A(1), 729A(2)	—

Made by the Governor's Deputy

with the advice and consent of the Executive Council
on 21 November 2017

No 308 of 2017

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