

South Australia

Heavy Vehicle National Law (South Australia) (Amendment of Law No 6) Regulations 2018

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 Amendment Act 2018* to, among other things, 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 6) Regulations 2018*.

2—Commencement

These regulations will come into operation immediately after the commencement of regulation 8 of the *Heavy Vehicle National Law (South Australia) Amendment of Law No 5) Regulations 2018*.

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, definition of *container weight declaration*, (a)—after the Examples at the foot of paragraph (a) insert:

Note—

See the definition *document* in section 12 of Schedule 1.

- (2) Section 5, definition of *extract*—after the definition insert:

Note—

See the definition *document* in section 12 of Schedule 1.

- (3) Section 5, definition of *information*, (a)—delete paragraph (a) and substitute:

- (a) information in the form of a printed document; and

Note—

See the definitions *printed* and *document* in section 12 of Schedule 1.

- (4) Section 5, definition of *journey documentation*—at the foot of the definition insert:

Note—

See the definition *document* in section 12 of Schedule 1.

- (5) Section 5, definition of *notice*—delete the definition and substitute:

notice—

- (a) means written notice; and
- (b) for the purposes of Chapter 9 Part 4 Division 5B, has the meaning given by section 576D;

- (6) Section 5—after the definition of *prime mover* insert:

prohibition notice has the meaning given by section 576A(3);

- (7) Section 5, definition of *registration item*—at the foot of the definition insert:

Note—

See the definition *document* in section 12 of Schedule 1.

- (8) Section 5—after the definition of *route assessment* insert:

safety duty means a duty imposed under any of the following provisions:

- (a) section 26C;
- (b) section 26E(1) or (2);
- (c) section 89(1);
- (d) section 93(1), (2) or (3);
- (e) section 129(1), (2) or (3);
- (f) section 137;
- (g) section 150(1);
- (h) section 153A(1);
- (i) section 186(2), (3), (4) or (5);
- (j) section 187(2) or (3);
- (k) section 335(1);
- (l) section 336(1);
- (m) section 337(2);
- (n) section 454(1) or (2);
- (o) section 467;
- (p) section 470(2), (3) or (4);
- (q) section 604;
- (r) section 610;

- (9) Section 5, definition of *transport documentation*—after the Examples at the foot of the definition insert:

Note—

See the definition *document* in section 12 of Schedule 1.

6—Amendment of section 23—Application for PBS vehicle approval

Section 23—after subsection (5) insert:

- (5a) The PBS vehicle approval must state the performance level for the approval.

7—Insertion of section 25A

After section 25 insert:

25A—Keeping copy of PBS vehicle approval while driving

- (1) The driver of a PBS vehicle must keep a copy of the PBS vehicle approval in the driver's possession while driving the PBS vehicle.
Maximum penalty: \$3 000.
- (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.
- (3) In this section—
relevant party, for the driver of a PBS vehicle, means—
- (a) an employer of the driver if the driver is an employed driver;
or
 - (b) a prime contractor of the driver if the driver is a self-employed driver; or
 - (c) an operator of the vehicle if the driver is making a journey for the operator.

8—Amendment of section 26D—Duty of executive of legal entity

Section 26D(3), definition of *safety duty*—delete the definition

9—Amendment of section 95—Prescribed mass requirements

Section 95(2)—after paragraph (b) insert:

- (c) general mass limits applying to heavy vehicles or components of heavy vehicles.

10—Amendment of section 96—Compliance with mass requirements

Section 96—after subsection (4) insert:

- (5) This section does not apply to a specified PBS vehicle as defined in section 136(2).

Note—

If a specified PBS vehicle does not comply with the mass requirements applying to the vehicle, it would be a class 2 heavy vehicle and could be dealt with under section 137.

11—Substitution of section 115

Section 115—delete the section and substitute:

115—Proof of contravention of loading requirement

- (1) In a proceeding for an offence against Division 1, the following is evidence that a load on a heavy vehicle was not placed, secured or restrained in compliance with a loading requirement applying to the vehicle:
 - (a) evidence that the load was not placed, secured or restrained in a way that met a loading performance standard;
 - (b) evidence that a load, or part of a load, has fallen off a heavy vehicle.
- (2) The national regulations may prescribe standards (the *loading performance standards*) for heavy vehicles.

12—Amendment of section 136—Class 2 heavy vehicles

- (1) Section 136(b)—delete paragraph (b) and substitute:
 - (b) it is a PBS vehicle other than a specified PBS vehicle.
- (2) Section 136—after its present contents as amended by this regulation (now to be designated as subsection (1)) insert:
 - (2) In this section—

specified PBS vehicle means a PBS vehicle that—

 - (a) is not a bus; and
 - (b) is not longer than 20m; and
 - (c) is the subject of a current PBS vehicle approval at performance level 1; and
 - (d) complies with the PBS vehicle approval; and
 - (e) complies with the general mass limits for the vehicle, regardless of whether the PBS vehicle approval authorises a higher mass limit.

Note—

General mass limits for a vehicle may be included in prescribed mass requirements under section 95.

13—Repeal of section 153

Section 153—delete the section

14—Amendment of section 153A—Using restricted access vehicle

Section 153A(3)—delete subsection (3) and substitute:

- (3) This section does not apply to—
- (a) a class 2 heavy vehicle; or
 - (b) a specified PBS vehicle as defined in section 136(2).

Note—

All other PBS vehicles are class 2 heavy vehicles (see section 136).

15—Substitution of section 156

Section 156—delete the section and substitute:

156—Period within which road manager must decide

- (1) If the Regulator asks a road manager for a road for the road manager's consent to the grant of a mass or dimension authority, the road manager must decide to give or not to give the consent—
- (a) within—
 - (i) 28 days after the request is made, unless subparagraph (ii) applies; or
 - (ii) if this section applies because the road manager gave the Regulator a notice of objection to the grant under section 167—14 days after giving the notice of objection; or
 - (b) within a longer period, of not more than 6 months after the request is made, agreed to by the Regulator.

Note—

See, however, sections 159, 167 and 168.

- (2) The road manager may ask for, and the Regulator may agree to, a longer period under subsection (1)(b) only if—
- (a) consultation is required under a law with another entity (including, for example, for the purpose of obtaining that entity's approval to give the consent); or
 - (b) the road manager considers a route assessment is necessary for deciding whether to give or not to give the consent; or
 - (c) the road manager is the road authority for the participating jurisdiction and considers that a local government authority that is not required under a law to be consulted should nevertheless be consulted before deciding whether to give or not to give the consent.

- (3) If the Regulator agrees to a longer period under subsection (1)(b), the Regulator must give the applicant for the mass or dimension authority concerned a written statement of the decision—
 - (a) identifying the road manager concerned; and
 - (b) indicating the ground on which the road manager asked for a longer period.

156A—Deciding request for consent generally

- (1) If the Regulator asks a road manager for a road for the road manager's consent to the grant of a mass or dimension authority, the road manager may decide not to give the consent only if the road manager is satisfied—
 - (a) the mass or dimension authority will, or is likely to—
 - (i) cause damage to road infrastructure; or
 - (ii) impose adverse effects on the community arising from noise, emissions or traffic congestion or from other matters stated in approved guidelines; or
 - (iii) pose significant risks to public safety arising from heavy vehicle use that is incompatible with road infrastructure or traffic conditions; and
 - (b) it is not possible to grant the authority subject to road conditions or travel conditions that will avoid, or significantly minimise—
 - (i) the damage or likely damage; or
 - (ii) the adverse effects or likely adverse effects; or
 - (iii) the significant risks or likely significant risks.
- (2) If the road manager considers that the consent would be given if the mass of the vehicle under the application for the authority was less than applied for, the road manager must give the consent subject to a road condition that the vehicle not exceed the mass.
- (3) Also, in deciding whether or not to give the consent, the road manager must have regard to—
 - (a) for a mass or dimension exemption—the approved guidelines for granting mass or dimension exemptions; or
 - (b) for a class 2 heavy vehicle authorisation—the approved guidelines for granting class 2 heavy vehicle authorisations.
- (4) If a relevant road manager for a mass or dimension authority decides not to give consent to the grant of the authority, the relevant road manager must give the Regulator a written statement that explains the road manager's decision and complies with section 172.

16—Amendment of section 172—Requirements for statement explaining adverse decision of road manager

Section 172(1)(a)—delete "section 156" and substitute:
section 156A

17—Amendment of section 412—Protecting intelligent access program information

Section 412—delete "access information" and substitute:
access program information

18—Amendment of section 421—Destroying intelligent access program information

- (1) Section 421(1)—delete "access service" and substitute:
access program service
- (2) Section 421(1)(a)—delete "access information" and substitute:
access program information

19—Amendment of section 428—Protecting intelligent access program information collected

Section 428—delete "access information" and substitute:
access program information

20—Amendment of section 437—Destroying intelligence access program information or removing personal information from it

Section 437(1)—delete "access information" and substitute:
access program information

21—Amendment of section 442—Protecting intelligent access program information collected

Section 442—delete "access information" and substitute:
access program information

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

Section 450(1)—delete "access information" and substitute:
access program information

23—Amendment of section 490—Reference to document includes reference to reproduction from electronic document

Section 490—at the foot of the section insert:

Note—

See the definition *document* in section 12 of Schedule 1.

24—Amendment of section 521—Power to enter and search heavy vehicle involved, or suspected to be involved, in an offence etc

Section 521(6)—after "police officer" insert:

or is acting under the direction of a police officer

25—Amendment of section 522—Power to order presentation of heavy vehicles for inspection

(1) Section 522(1)(a)—delete "30 days" and substitute:

60 days

(2) Section 522(2)—delete subsection (2) and substitute:

(1a) An authorised officer may, by notice under subsection (2), require to be produced for inspection at a place and time stated in the notice, vehicles in a category of heavy vehicles that the officer reasonably believes have within the preceding 60 days been used or will be used on a road if the officer reasonably believes that—

- (a) the vehicles in that category do not comply with this Law; or
- (b) the vehicles in that category are defective heavy vehicles as defined in section 525.

(2) A notice must be served on—

- (a) the person in charge of the heavy vehicle or category of heavy vehicles; or
- (b) the registered operator or, if the heavy vehicle or category of heavy vehicles is not registered, an owner.

(3) Section 522—after subsection (5) insert:

(6) An authorised officer may act under subsection (1a) 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 subsection (1a); 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 subsection (1a).

26—Amendment of section 568—Power to require production of document etc required to be in driver's possession

(1) Section 568(2) and (3)—delete subsections (2) and (3) and substitute:

(2) An authorised officer may, for compliance purposes, require the driver of the heavy vehicle to produce for inspection by the officer—

- (a) if the driver is required by another law of this jurisdiction to keep their driver licence in their possession while driving the vehicle—the driver's driver licence; or

- (b) a document, device or other thing the driver is required under this Law to keep in the driver's possession while driving the vehicle.

Examples—

- a copy of a Commonwealth Gazette notice or permit
- a work diary

Note—

Section 17 of Schedule 1 and section 490 deal with the production of documents and other information kept electronically.

- (3) A person of whom a requirement is made under subsection (2) must comply with the requirement, unless the person has a reasonable excuse.

Maximum penalty:

- (a) for a requirement under subsection (2)(a)—\$6 000; or
- (b) for a requirement under subsection (2)(b)—an amount equal to the amount of the maximum penalty for an offence of failing to keep the document, device or other thing in the driver's possession.

- (2) Section 568(4)(a)—before "document" insert:

licence,

- (3) Section 568(4)—at the foot of subsection (4) insert:

Note—

Section 587 also deals with self-incrimination when complying with a requirement of an authorised officer.

- (4) Section 568(5)(a)—before "document" insert:

licence or

- (5) Section 568(6)—delete subsection (6) and substitute:

- (6) If, under subsection (5), the authorised officer copies, takes an extract from, or produces an image or writing from, a licence or document or an entry in a document, the officer may require the person responsible for keeping the licence or document to certify the copy as a true copy of the licence, document or entry.

- (6) Section 568(8)—before "document" insert:

licence,

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

- (1) Section 569(1)—at the foot of subsection (1) insert:

Note—

Section 17 of Schedule 1 and section 490 deal with the production of documents and other information kept electronically.

- (2) Section 569(3)—delete subsection (3) and substitute:
- (3) If, under subsection (1), an authorised officer requires a responsible person to make available or produce an electronic document—
- (a) the authorised officer may require the responsible person to make available or produce—
- (i) a printed copy of the electronic document; or
- (ii) an electronic copy of the document; and
- (b) compliance with the requirement made under subsection (1) requires the making available or production of the document in the way required under paragraph (a).

Notes—

- 1 See the definitions *document* and *printed* in section 12 of Schedule 1.
- 2 Section 17 of Schedule 1 and section 490 also deal with the production of documents and other information kept electronically.

- (3) Section 569(4)—at the foot of subsection (4) insert:

Notes—

- 1 Section 587 also deals with self-incrimination when complying with a requirement of an authorised officer.
- 2 Section 588 deals with the admissibility of information provided in complying with a requirement under this section.

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

- (1) Section 570(1)—after paragraph (b) insert:
- or
- (c) personal details known to the responsible person about anyone else the responsible person reasonably believes holds information about the heavy vehicle.

Note—

Section 17 of Schedule 1 and section 490 deal with the production of documents and other information kept electronically.

- (2) Section 570(2)—delete "the current" and substitute:
- a past, current
- (3) Section 570—after subsection (2) insert:
- (2a) An authorised officer requiring personal details under subsection (1)(c) must give the responsible person a notice stating—
- (a) that the requirement is made under this section; and
- (b) that failing to comply with the requirement is an offence; and

- (c) the time, that is reasonable in the circumstances, in which the person must give the personal details; and
 - (d) the effect of subsection (5a) and section 735A.
- (4) Section 570(5)—at the foot of subsection (5) insert:

Note—

Section 587 also deals with self-incrimination when complying with a requirement of an authorised officer.

- (5) Section 570—after subsection (5) insert:
 - (5a) 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, other than information in the form of a document, that the individual gives in complying with a requirement under subsection (1)(c);
 - (b) information that is directly or indirectly derived from information to which paragraph (a) applies.

Note—

Section 588 deals with the admissibility of information provided in complying with a requirement under subsection (1)(a) and (b).

29—Amendment of section 570A—Requiring information

- (1) Section 570A(1) to (4)—delete subsections (1) to (4) (inclusive) and substitute:
 - (1) This section applies if an authorised officer reasonably believes that a person is capable of giving information, providing documents or giving evidence—
 - (a) in relation to a possible contravention of—
 - (i) a safety duty; or
 - (ii) a duty of an executive under section 26D; or
 - (b) that will assist the authorised officer to monitor or enforce compliance with—
 - (i) a safety duty; or
 - (ii) a duty of an executive under section 26D.

Note—

Section 17 of Schedule 1 and section 490 deal with the production of documents and other information kept electronically.

- (2) The authorised officer may, by notice, require the person to give the information, documents or evidence to the authorised officer.

- (3) If the authorised officer, despite reasonable diligence, has not been able to obtain the information, documents or evidence under subsection (2), the authorised officer may, by notice given to the person, require the person to do either or both of the following:
- (a) give information or produce documents to the authorised officer within the time and in the way stated in the notice;
 - (b) appear before a person appointed by the authorised officer on a day, and at a time and place, stated in the notice and give oral evidence.
- (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 information or produce documents to the authorised officer—the time and way, that is reasonable in the circumstances, in which the person must give the information or documents; and
 - (c) if the notice requires the person to give oral evidence—
 - (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.
- (2) Section 570A(6)—at the foot of subsection (6) insert:
- Note—**
- Section 587 also deals with self-incrimination when complying with a requirement of an authorised officer.
- (3) Section 570A(7)—delete subsection (7) and substitute:
- (7) However, the following information, documents and evidence are not admissible as evidence against an individual in a civil or criminal proceeding, other than a proceeding for false or misleading information:
- (a) information, documents and evidence that the individual gives in complying with a requirement under this section;
 - (b) information, documents and evidence that is directly or indirectly derived from information, documents or evidence mentioned in paragraph (a).

30—Insertion of Chapter 9 Part 4 Divisions 5A and 5B

Chapter 9, Part 4—after Division 5 insert:

Division 5A—Prohibition notices

576A—Power to issue prohibition notice

- (1) This section applies if an authorised officer reasonably believes that an activity involving a heavy vehicle—
 - (a) is occurring and involves, or will involve, an immediate or imminent serious risk to the health or safety of a person; or
 - (b) may occur and, if it occurs, will involve an immediate or imminent serious risk to the health or safety of a person.
- (2) The authorised officer may give a person who has control over the activity a direction prohibiting the carrying on of the activity, or the carrying on of the activity in a specified way, until an authorised officer is satisfied that the matters that give or will give rise to the risk have been remedied.
- (3) The direction may be given orally, but must be confirmed by written notice (a *prohibition notice*) given to the person as soon as practicable.

576B—Contents of prohibition notice

- (1) A prohibition notice must state—
 - (a) that the authorised officer believes that grounds for the issue of the prohibition notice exist and the basis for that belief; and
 - (b) briefly, the activity that the authorised officer believes involves or will involve the risk and the matters that give or will give rise to the risk; and
 - (c) the provision of this Law that the authorised officer believes is being, or is likely to be, contravened by that activity.
- (2) A prohibition notice may include directions on the measures to be taken to remedy the risk, activities or matters to which the notice relates, or the contravention or likely contravention mentioned in subsection (1)(c).
- (3) Without limiting section 576A, a prohibition notice that prohibits the carrying on of an activity in a specified way may do so by stating 1 or more of the following:
 - (a) a heavy vehicle, or part of a heavy vehicle, in which the activity is not to be carried out;
 - (b) anything that is not to be used in connection with the activity;
 - (c) any procedure that is not to be followed in connection with the activity.

576C—Compliance with prohibition notice

A person given a direction under section 576A(2) or a prohibition notice must comply with the direction or notice.

Maximum penalty: \$10 000.

Division 5B—Injunctions

576D—Application of Division 5B

In this Division—

notice means an improvement notice or a prohibition notice.

576E—Injunction for noncompliance with notice

- (1) An authorised officer may apply to the Supreme Court for an injunction—
 - (a) compelling a person to comply with a notice; or
 - (b) restraining a person from contravening a notice.
- (2) The authorised officer may do so—
 - (a) whether or not a proceeding has been brought for an offence against this Law in connection with any matter in relation to which the notice was issued; and
 - (b) whether any period for compliance with the notice has expired.
- (3) An authorised officer may make an application 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 make the application; or
 - (b) for an authorised officer who is not a police officer—the officer’s instrument of appointment provides that the authorised officer may make the application.

31—Amendment of section 577—Power to require reasonable help

- (1) Section 577(3)(a)—after the Example at the foot of paragraph (a) insert:

Note—

Section 17 of Schedule 1 and section 490 deal with the production of documents and other information kept electronically.

- (2) Section 577(6)—at the foot of subsection (6) insert:

Notes—

- 1 Section 587 also deals with self-incrimination when complying with a requirement of an authorised officer.
- 2 Section 588 deals with the admissibility of information provided in complying with a requirement under this section.

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

Section 588(1)—delete "570" and substitute:

570(1)(a) and (b)

33—Insertion of Chapter 10 Part 3 Division 2A

Chapter 10, Part 3—after Division 2 insert:

Division 2A—Injunctions

596A—Injunctions

If a court convicts a person of an offence against this Law, the court may issue an injunction requiring the person to cease contravening this Law.

Note—

An injunction may also be obtained under section 576E for noncompliance with an improvement notice or prohibition notice.

34—Amendment of section 641—Applying for internal review

Section 641(8), definition of *dissatisfied person*, (f)—delete paragraph (f) and substitute:

- (f) for a reviewable decision of an authorised officer to give a person an improvement notice or prohibition notice, or to amend an improvement notice or prohibition notice given to a person—the person to whom the notice was given; or

35—Amendment of section 653—Approved guidelines for exemptions, authorisations, permits and other authorities

Section 653(1)(l)(ii)—delete subparagraph (ii) and substitute:

- (ii) section 156A(1)(a)(ii); or

36—Insertion of sections 726B and 726C

After section 726A insert:

726B—Evidence obtained by police using other powers

To remove any doubt, it is declared that evidence lawfully obtained by a police officer using powers other than the powers under this Law is not inadmissible in proceedings for a contravention of this Law only because the evidence was obtained using the other powers.

726C—Evidence obtained in another jurisdiction

To remove any doubt, it is declared that evidence lawfully obtained in a jurisdiction (the *first jurisdiction*) is not inadmissible in proceedings for a contravention of this Law in another jurisdiction only because the evidence was obtained in the first jurisdiction.

37—Insertion of Chapter 13 Part 3 Division 3

Chapter 13, Part 3—after Division 2 insert:

Division 3—Publication of court outcomes

726D—Regulator may publish convictions, penalties, orders, etc

- (1) This section applies if a court convicts a person of an offence against this Law.

Note—

Under section 9, a court *convicts* a person of an offence if the court finds the person guilty, or accepts the person's plea of guilty, for the offence whether or not a conviction is recorded.

- (2) The Regulator may publish the following information about the conviction on the Regulator's website:
- (a) the offence for which the person was convicted;
 - (b) if the court imposed a penalty for the conviction—the penalty imposed;
 - (c) if the court made an order against the person in relation to the conviction—information about the order made, other than information that could identify or lead to the identification of the person.

Note—

Orders the court may make include commercial benefits penalty orders (see section 597), supervisory intervention orders (see section 600), prohibition orders (see section 607) and compensation orders (see section 611).

38—Amendment of section 727—Definitions for Chapter 13 Part 4

- (1) Section 727(1), definition of *driver fatigue provision*—before paragraph (a) insert:
- (aa) Chapter 1A to the extent the Chapter relates to driver fatigue;
- (2) Section 727(1), definition of *driver fatigue provision*, (d)—delete "paragraphs (a) and (b)" and substitute:
- paragraphs (aa), (a) and (b)
- (3) Section 727(1), definition of *electronic work diary protected information*, (b)(i)—delete subparagraph (i) and substitute:
- (i) information obtained, collected or recorded other than for the purposes of Chapter 1A to the extent the Chapter relates to driver fatigue or Chapter 6 (the *driver fatigue purposes*), even if the information is—
 - (A) coincidentally relevant for a driver fatigue purpose; and
 - (B) recorded in an electronic work diary; or

39—Amendment of section 730—National regulations

Section 730(3)(b)—at the foot of paragraph (b) insert:

Note—

However, a maximum fine imposed by the regulations may be increased under section 737 to a higher amount.

40—Amendment of section 737—Increase of penalty amounts

Section 737—after subsection (2) insert:

- (2a) To remove any doubt, the maximum fine limits mentioned in section 730(3)(b) do not limit the application of subsection (2).

41—Amendment of section 750—Amendment or cancellation of instruments carried over from former legislation

Section 750(4)—delete subsection (4) and substitute:

- (4) Despite anything to the contrary in this Law other than subsection (3), the Regulator may amend or cancel the instrument simply by publishing a public notice of the amendment or cancellation.

42—Amendment of Schedule 3—Reviewable decisions

- (1) Schedule 3, Part 2, table—after the item relating to sections 572 and 574 insert:

section 576A	decision of an authorised officer who is not a police officer to give a person a prohibition notice
section 576A	decision of an authorised officer who is not a police officer to amend a prohibition notice given to a person

Note—

Section 23 of Schedule 1 allows for the amendment of a prohibition notice.

- (2) Schedule 3, Part 3, item relating to section 156—delete "section 156" and substitute:
section 156A

43—Amendment of Schedule 4—Liability provisions

- (1) Schedule 4, table, items relating to section 30 and section 50—delete the items
(2) Schedule 4, table—after the item relating to section 573 insert:

576C	576C
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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's Deputy

with the advice and consent of the Executive Council
on 27 September 2018

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