

South Australia

Heavy Vehicle National Law (South Australia) (Expiation Fees) (No 2) Variation Regulations 2018

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

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Part 1—Preliminary

1—Short title

These regulations may be cited as the *Heavy Vehicle National Law (South Australia) (Expiation Fees) (No 2) Variation Regulations 2018*.

2—Commencement

These regulations will come into operation on the day on which the *Heavy Vehicle National Law (South Australia) (Amendment of Law No 4) Regulations 2017* come into operation.

3—Variation provisions

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

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

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

Schedule 1, Part 2—delete Part 2 and substitute:

Part 2—Prescribed offences against the *Heavy Vehicle National Law (South Australia)*

Division 1—Prescribed offences for purposes of section 591 of the Law

Section	Description of offence	Fee
60(1)	<i>Using, or permitting the use of, a heavy vehicle that contravenes a heavy vehicle standard—</i>	
	(a) if the heavy vehicle standard relates to a speed limiter	\$661
	(b) in any other case	\$330
79(2)	<i>Failure to comply with notice to return vehicle standards exemption (permit) to Regulator within specified period</i>	\$439
81(1)	<i>Contravening a condition of a vehicle standards exemption</i>	\$439
81(2)	<i>Using, or permitting the use of, a heavy vehicle that contravenes a condition of a vehicle standards exemption</i>	\$439
81(3)	<i>Using or permitting the use of a heavy vehicle in a way that contravenes a condition of a vehicle standards exemption</i>	\$439
82(2)	<i>Failure of driver to comply with condition under vehicle standards exemption (notice) to keep relevant document in driver's possession</i>	\$330
82(3)	<i>Failure of relevant party to ensure driver complies with section 82(2)</i>	\$330
83(1)	<i>Failure of driver to keep a copy of vehicle standards exemption (permit) in driver's possession</i>	\$330
83(2)	<i>Failure of driver to return copy of vehicle standards exemption (permit) to relevant party when driver stops working</i>	\$330
83(3)	<i>Failure of relevant party to ensure driver complies with section 83(2)</i>	\$330
85(1)	<i>Modifying a heavy vehicle without approval by approved vehicle examiner or Regulator</i>	\$330
85(2)	<i>Using or permitting the use of a heavy vehicle that has been modified without approval by approved vehicle examiner or Regulator</i>	\$330
86(2)	<i>Failure of approved vehicle examiner to give approved certificate and ensure plate or label is fitted or affixed to vehicle</i>	\$330
87A(1)	<i>Tampering with plate or label fitted to or affixed to a heavy vehicle under section 86(2) or 87(3)</i>	\$330
89(1)	<i>Using or permitting the use of an unsafe heavy vehicle</i>	\$661
90(1)	<i>Using or permitting the use of a heavy vehicle not fitted with emission control system for each relevant emission</i>	\$330

Heavy Vehicle National Law (South Australia) (Expiation Fees) (No 2) Variation Regulations 2018
 Variation of Heavy Vehicle National Law (South Australia) (Expiation Fees) Regulations 2013—Part 2

Section	Description of offence	Fee
90(2)	<i>Using or permitting the use of emission control system that is not operating in accordance with manufacturer's design</i>	\$330
90(3)	<i>Using or permitting the use of an emission control system resulting in a failure to comply with heavy vehicle standard</i>	\$330
92(2)	<i>Using or permitting the use of a heavy vehicle displaying a warning sign where the sign is not required to be displayed</i>	\$330
96(1)	<i>Failure of person who drives, or permits another person to drive, a heavy vehicle to ensure vehicle, components and load comply with mass requirements—</i>	
	(a) for a minor risk breach	\$439
	(b) for a substantial risk breach	\$661
102(1)(a)	<i>Failure of person who drives, or permits another person to drive, a heavy vehicle to ensure vehicle, components and load comply with dimension requirements where vehicle does not have goods or passengers in it</i>	\$330
102(1)(b)	<i>Failure of person who drives, or permits another person to drive, a heavy vehicle to ensure vehicle, components and load comply with dimension requirements where vehicle has goods or passengers in it—</i>	
	(a) for a minor risk breach	\$330
	(b) for a substantial risk breach	\$551
109(2)	<i>Using or permitting the use of a heavy vehicle without fixing the required flag or light to back of the load</i>	\$330
111(1)	<i>Failure of person who drives, or permits another person to drive, a heavy vehicle to ensure vehicle, components and load comply with loading requirements—</i>	
	(a) for a minor risk breach	\$330
	(b) for a substantial risk breach	\$551
129(1)	<i>Driver or operator of heavy vehicle contravening a condition of a mass or dimension exemption</i>	\$661
129(2)	<i>Using or permitting the use of a heavy vehicle that contravenes a condition of a mass or dimension exemption</i>	\$661
129(3)	<i>Using or permitting the use of a heavy vehicle in a way that contravenes a condition of a mass or dimension exemption</i>	\$661
130(2)	<i>Failure of driver of pilot or escort vehicle to comply with conditions of a mass or dimension exemption</i>	\$661
131(1)	<i>Failure of driver of a pilot vehicle to ensure that the accompanying heavy vehicle is not contravening a condition of exemption</i>	\$661
132(2)	<i>Failure of driver of class 1 or class 3 heavy vehicle to comply with condition under mass or dimension exemption (notice) to keep relevant document in driver's possession</i>	\$330
132(3)	<i>Failure of relevant party to ensure driver complies with section 132(2)</i>	\$330
133(1)	<i>Failure of driver of a class 1 or class 3 heavy vehicle to keep a copy of a mass or dimension exemption (permit) in driver's possession</i>	\$330

Heavy Vehicle National Law (South Australia) (Expiation Fees) (No 2) Variation Regulations 2018
 Part 2—Variation of *Heavy Vehicle National Law (South Australia) (Expiation Fees) Regulations 2013*

Section	Description of offence	Fee
133(2)	<i>Failure of driver of a class 1 or class 3 heavy vehicle to return copy of mass or dimension exemption (permit) to relevant party when driver stops working</i>	\$439
133(3)	<i>Failure of relevant party to ensure driver complies with section 133(1)</i>	\$330
134(1)	<i>Displaying a heavy vehicle warning sign on a heavy vehicle not being used under a dimension exemption</i>	\$330
134(2)	<i>Displaying a pilot vehicle warning sign on a vehicle not being used as a pilot vehicle for a heavy vehicle being used under a dimension exemption</i>	\$330
137	<i>Using or permitting the use of a class 2 heavy vehicle other than in accordance with a class 2 heavy vehicle authorisation</i>	\$661
150(1)	<i>Driver or operator of a class 2 heavy vehicle contravening a condition of a class 2 heavy vehicle authorisation</i>	\$661
151(2)	<i>Failure of driver of a class 2 heavy vehicle to comply with a condition of a class 2 heavy vehicle authorisation (notice) to keep relevant document in driver's possession</i>	\$330
151(3)	<i>Failure of relevant party to ensure driver complies with section 151(2)</i>	\$330
152(1)	<i>Failure of driver of a class 2 heavy vehicle to keep copy of class 2 heavy vehicle authorisation (permit) in driver's possession</i>	\$330
152(2)	<i>Failure of driver to return copy of class 2 heavy vehicle authorisation (permit) to relevant party</i>	\$439
152(3)	<i>Failure of relevant party to ensure driver complies with section 152(1)</i>	\$330
153(1)	<i>Failure of driver to keep copy of the PBS vehicle approval in driver's possession</i>	\$330
153(2)	<i>Failure of relevant party to ensure driver complies with section 153(1)</i>	\$330
153A(1)	<i>Using or permitting the use of a restricted access vehicle on a road other than one on which the vehicle is allowed to be used under an applicable mass or dimension authority</i>	\$661
181(3)	<i>Failure to comply with notice requiring return of permit for mass or dimension authority to Regulator within specified time</i>	\$439
184(1)	<i>Driving a heavy vehicle while towing more than 1 other vehicle other than as permitted by section 184(2)</i>	\$330
185(1)	<i>Using or permitting the use of a trailer not securely coupled to the vehicle in front of it in a heavy combination</i>	\$661
185(2)	<i>Using or permitting the use of incompatible or improperly connected components of a coupling in a heavy combination</i>	\$661
190(1)	<i>Failure of responsible entity to ensure operator or driver of a heavy vehicle does not transport freight container without a complying container weight declaration</i>	\$661
191(1)	<i>Failure of operator of a heavy vehicle to ensure vehicle's driver does not transport freight container without a complying container weight declaration</i>	\$661
191(3)	<i>Failure of operator of a heavy vehicle to ensure freight container is not given to carrier unless carrier has been provided with complying container weight declaration or prescribed particulars</i>	\$661

Heavy Vehicle National Law (South Australia) (Expiation Fees) (No 2) Variation Regulations 2018
Variation of *Heavy Vehicle National Law (South Australia) (Expiation Fees) Regulations 2013*—Part 2

Section	Description of offence	Fee
192(1)	<i>Driving a heavy vehicle loaded with freight container without a complying container weight declaration for the container</i>	\$661
192(2)	<i>Failure of driver of a heavy vehicle to keep the complying container weight declaration in or about the vehicle and in a way readily available to an authorised officer</i>	\$330
250(1)	<i>Failure of solo driver of a fatigue-regulated heavy vehicle to comply with standard hours—</i>	
	(a) for a minor risk breach	\$439
	(b) for a substantial risk breach	\$661
251(1)	<i>Failure of two-up driver of a fatigue-regulated heavy vehicle to comply with standard hours—</i>	
	(a) for a minor risk breach	\$439
	(b) for a substantial risk breach	\$661
254(1)	<i>Failure of solo driver of a fatigue-regulated heavy vehicle to comply with BFM hours—</i>	
	(a) for a minor risk breach	\$439
	(b) for a substantial risk breach	\$661
256(1)	<i>Failure of two-up driver of a fatigue-regulated heavy vehicle to comply with BFM hours—</i>	
	(a) for a minor risk breach	\$439
	(b) for a substantial risk breach	\$661
258(1)	<i>Failure of driver of fatigue-regulated heavy vehicle to comply with AFM hours—</i>	
	(a) for a minor risk breach	\$439
	(b) for a substantial risk breach	\$661
260(1)	<i>Failure of driver of fatigue-regulated heavy vehicle to comply with exemption hours—</i>	
	(a) for a minor risk breach	\$439
	(b) for a substantial risk breach	\$661
263(1)	<i>Failure of driver of fatigue-regulated heavy vehicle to comply with change of work and rest hours option requirements</i>	\$439
284(2)	<i>Failure to comply with notice to return work and rest hours exemption (permit) to Regulator within specified period</i>	\$661
286(1)	<i>Failure to comply with a condition of a work and rest hours exemption</i>	\$661
287(2)	<i>Failure of driver of fatigue-regulated heavy vehicle operating under a work and rest hours exemption (notice) to keep a relevant document in driver's possession</i>	\$330
287(3)	<i>Failure of relevant party to ensure driver complies with section 287(2)</i>	\$330
288(1)	<i>Failure of driver of a fatigue-regulated heavy vehicle to keep a copy of work and rest hours exemption (permit) in the driver's possession</i>	\$330

Heavy Vehicle National Law (South Australia) (Expiation Fees) (No 2) Variation Regulations 2018
 Part 2—Variation of *Heavy Vehicle National Law (South Australia) (Expiation Fees) Regulations 2013*

Section	Description of offence	Fee
288(2)	<i>Failure of driver of a fatigue-regulated heavy vehicle to return copy of work and rest hours exemption (permit) to relevant party in certain circumstances</i>	\$439
288(3)	<i>Failure of relevant party to ensure driver complies with section 288(1)</i>	\$330
293(1)	<i>Failure of driver of a fatigue-regulated heavy vehicle to keep a work diary, record required information and keep the diary in the driver's possession</i>	\$661
296(1)	<i>Failure of driver to record required information in work diary in the manner and at the time prescribed by the national regulations</i>	\$165
297(2)	<i>Failure of driver to record required information immediately after starting work on a day</i>	\$661
298(1)	<i>Failure of driver of a fatigue-regulated heavy vehicle to record the odometer reading as required by the national regulations</i>	\$165
299	<i>Failure of two-up driver to provide details prescribed by the national regulations as requested by the other driver</i>	\$330
301	<i>Failure of driver to comply with requirements for recording information in written work diary</i>	\$165
302	<i>Failure of driver to comply with requirements for recording information in electronic work diary</i>	\$165
303	<i>Failure of driver to record time in work diary according to the time zone of driver's base location</i>	\$165
305(1)	<i>Failure of driver of fatigue-regulated heavy vehicle to record required information in supplementary record</i>	\$661
305(2)	<i>Failure to comply with requirements for recording information in supplementary record not in electronic form</i>	\$330
305(3)	<i>Failure of driver to record time in supplementary record according to the time zone of driver's base location</i>	\$165
306	<i>Failure of driver of fatigue-regulated heavy vehicle to notify the Regulator within 2 business days in the approved form when a written work diary has been filled up, destroyed, lost or stolen</i>	\$330
307(2)	<i>Failure of driver to notify the Regulator within 2 business days in the approved form when an electronic work diary has been filled up, destroyed, lost or stolen or is not in working order</i>	\$330
307(3)	<i>Failure of driver to ensure electronic work diary is examined and brought into working order within period required by Regulator</i>	\$330
308(1)	<i>Failure of driver to comply with the requirements when an old work diary is found or returned</i>	\$330
309(2)	<i>Failure to inform the driver's record keeper within 2 business days of becoming aware of a matter specified in section 309(1)</i>	\$330
310(2)	<i>Failure to inform the driver's record keeper within 2 business days of becoming aware of matters specified in section 310(1)</i>	\$661
312(3)	<i>Failure of record keeper to notify the Regulator within 2 business days of destroyed, lost or stolen electronic work diary</i>	\$661
319(1)	<i>Failure of record keeper to comply with requirements specified in section 319(1)</i>	\$661

Heavy Vehicle National Law (South Australia) (Expiation Fees) (No 2) Variation Regulations 2018
Variation of Heavy Vehicle National Law (South Australia) (Expiation Fees) Regulations 2013—Part 2

Section	Description of offence	Fee
319A(2)	<i>Failure of driver to record information specified in section 319(1)(a)(iii) to (vi) within 24 hours or provide information specified in section 319(1) to record keeper within 21 days</i>	\$330
321(1)	<i>Failure of record keeper to comply with requirements specified in section 321(1)</i>	\$661
321(3)	<i>Failure of record keeper to record information required if driver is operating under BFM or AFM hours</i>	\$661
322(2)	<i>Failure of driver to give copy of work diary entry or supplementary record to each record keeper within 21 days</i>	\$330
323(2)	<i>Failure of driver to give new record keeper a copy of information recorded in a work diary relating to the 28 day period before the change to the new record keeper</i>	\$330
324(2)	<i>Failure of record keeper to give driver who stops using the electronic work diary a copy of information recorded in the diary for each day the driver was using the diary</i>	\$330
324A(2)	<i>Failure of record keeper to give the driver a copy of the record or make the record available etc</i>	\$165
341(1)	<i>Failure of record keeper to keep records required under Division 3 for 3 years after specified day</i>	\$661
341(2)	<i>Failure of record keeper to keep records required under Division 9 or Division 10 for specified period</i>	\$661
341(3)	<i>Failure of record keeper to ensure record (or copy) is readily available to an authorised officer at the record location</i>	\$330
341(4)	<i>Failure of driver who is his or her own record keeper to ensure record (or copy) is readily available to an authorised officer at the record location</i>	\$330
341(5)	<i>Failure of record keeper to ensure record (or copy) is readable, reasonably capable of being understood and capable of being used as evidence</i>	\$661
341(7)	<i>Failure of record keeper to ensure information recorded in an electronic work diary is maintained so as to comply with the Regulator's conditions and manufacturer's instructions</i>	\$165
354(3)	<i>Failure of holder of an electronic recording system approval to comply with a direction of the Regulator</i>	\$661
354(5)	<i>Failure of a person to whom a notice has been given of amended conditions of an electronic recording system approval to give a copy of the notice to each person supplied by that person with an electronic recording system or a device forming part of the system</i>	\$661
355(2)	<i>Failure of holder of approval of an electronic recording system that constitutes a part or the whole of an electronic work diary to remove any electronic message on the system's visual display within the period required by the Regulator</i>	\$661
355(4)	<i>Failure of holder of an approval to comply with a direction of the Regulator</i>	\$661
355(6)	<i>Failure of person to whom a notice that the approval has been cancelled to give a notice to each other person to whom the person has supplied an electronic recording system the subject of the approval that the approval has been cancelled</i>	\$661

Heavy Vehicle National Law (South Australia) (Expiation Fees) (No 2) Variation Regulations 2018
 Part 2—Variation of *Heavy Vehicle National Law (South Australia) (Expiation Fees) Regulations 2013*

Section	Description of offence	Fee
373(2)	<i>Failure to comply with notice requiring return of work diary exemption (permit) to Regulator</i>	\$661
375	<i>Contravention of a condition of a work diary exemption</i>	\$661
376(2)	<i>Failure of driver of a fatigue-regulated heavy vehicle to comply with a condition under a work diary exemption (notice) to keep relevant document in driver's possession</i>	\$330
376(3)	<i>Failure of relevant party to ensure driver complies with section 376(2)</i>	\$330
377	<i>Failure of a driver of a fatigue-regulated heavy vehicle to keep a copy of work diary exemption (permit) in the driver's possession</i>	\$330
392(2)	<i>Failure to comply with notice requiring return of fatigue record keeping exemption (permit) to Regulator</i>	\$661
395	<i>Contravention of a condition of a fatigue record keeping exemption</i>	\$661
396(2)	<i>Failure of owner of a fatigue-regulated heavy vehicle to maintain odometer in accordance with requirements prescribed by the national regulations</i>	\$661
399(2)	<i>Driving or permitting a person to drive a fatigue-regulated heavy vehicle without complying with section 398</i>	\$661
466(2a)	<i>Operator must attach the accreditation label for a relevant vehicle in a way that the label is readable from the outside; and is not obscured, defaced or otherwise not legible</i>	\$330
466(2b)	<i>A person must not drive a relevant vehicle if the vehicle's accreditation label is not attached to the vehicle; or, is attached to the vehicle in a way that the label is wholly or partly obscured, defaced or otherwise not legible</i>	\$330
467	<i>Failure of holder of BFM or AFM accreditation to comply with accreditation conditions</i>	\$661
468(1)	<i>Failure of driver operating under BFM accreditation or AFM accreditation to keep certain documents in driver's possession</i>	\$330
468(3)	<i>Failure of operator to ensure driver complies with section 468(1)</i>	\$330
469(2)	<i>Failure of driver operating under a BFM accreditation or AFM accreditation to return document to operator as soon as reasonably practicable</i>	\$439
470(3)	<i>Failure of operator to inform driver operating under AFM accreditation of the AFM hours applying under the accreditation</i>	\$661
470(8)	<i>Failure of operator to comply with a requirement under section 470(7)</i>	\$330
471(2)	<i>Failure of operator to give notice to driver or scheduler of amendment, suspension or cessation of heavy vehicle accreditation</i>	\$661
471(3)	<i>Failure of driver to return to the operator any document relevant to the notice given to the driver by the operator for the purposes of section 468(1)</i>	\$439
476(2)	<i>Failure to return accreditation certificate to Regulator within specified period</i>	\$661
488	<i>Failure to return identity card to Regulator within specified period</i>	\$439
513(4)	<i>Failure to comply with a direction given under section 513(1)</i>	\$661

Heavy Vehicle National Law (South Australia) (Expiation Fees) (No 2) Variation Regulations 2018
Variation of Heavy Vehicle National Law (South Australia) (Expiation Fees) Regulations 2013—Part 2

Section	Description of offence	Fee
514(3)	<i>Failure to comply with a direction given under section 514(1)</i>	\$661
516(3)	<i>Failure to comply with a direction given under section 516(1)</i>	\$661
517(4)	<i>Failure to comply with a direction given under section 517(2)</i>	\$661
522(5)	<i>Failure to produce a heavy vehicle for inspection at the place and time stated in the notice</i>	\$661
524(5)	<i>Failure to comply with a direction given under section 524(2) or (3)</i>	\$661
526(4)	<i>Failure of driver of a heavy vehicle who is not the operator of the vehicle to give defect notice to operator</i>	\$330
528(3)	<i>Removing or defacing a defective vehicle label attached to a heavy vehicle</i>	\$330
529	<i>Using or permitting the use of a heavy vehicle in contravention of a vehicle defect notice</i>	\$661
531(4)	<i>Failure of person who is not the operator of a heavy vehicle who is given notice of an amendment or withdrawal, to give the notice to the operator as soon as reasonably practicable</i>	\$330
531A(4)	<i>If the driver of a heavy vehicle for which a self-clearing defect notice issued is not the operator of the vehicle, the driver must give the notice to the operator as soon as practicable, but not more than 14 days, after the notice issued</i>	\$330
531A(5)	<i>A person must not use, or permit to be used, on a road a heavy vehicle in contravention of a self-clearing defect notice</i>	\$330
533(7)	<i>Failure to comply with a direction given under section 533</i>	\$1 100
534(5)	<i>Failure to comply with a direction given under section 534</i>	\$1 100
567(4)	<i>Failure to comply with a requirement made under section 567(2) or (3)</i>	\$330
568(3)	<i>Failure to comply with a requirement made under section 568(2)</i>	An amount equal to 10% of the amount of the maximum penalty for an offence of failing to keep the document, device or other thing in the driver's possession
568(7)	<i>Failure to comply with a requirement given under section 568(6)</i>	\$330
569(2)	<i>Failure to comply with a requirement made under section 569(1)</i>	\$661
569(7)	<i>Failure to comply with a requirement made under section 569(6)</i>	\$330

Division 2—Prescribed offences peculiar to South Australia

Section	Description of offence	Fee
322(4)	<i>Failure of record keeper to ensure driver complies with section 322(2)</i>	\$330
577(4)	<i>Failure to comply with a requirement made under section 577(1) or (2)</i>	\$1 100

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

No 213 of 2018

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