

South Australia

Heavy Vehicle National Law (South Australia) (Expiation Fees) Variation Regulations 2019

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

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Part 1—Preliminary

1—Short title

These regulations may be cited as the *Heavy Vehicle National Law (South Australia) (Expiation Fees) Variation Regulations 2019*.

2—Commencement

These regulations come into operation on 1 July 2019.

3—Variation provisions

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

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

4—Substitution of Schedule 1

Schedule 1—delete the Schedule and substitute:

Schedule 1—Offences, prescribed offences and expiation fees

Part 1—Offences against the local application provisions of the Act

Section	Description of offence	Fee
19(2)	<i>Failure to comply with a direction given under section 19(1)</i>	\$600
21(1)	<i>Sale or other disposal of a heavy vehicle in respect of which a vehicle defect notice is in force</i>	\$300

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

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

Section	Description of offence	Fee
25A(1)	<i>Failure of driver of PBS vehicle to keep a copy of PBS vehicle approval in driver's possession while driving the vehicle</i>	\$336
25A(2)	<i>Failure of relevant party to ensure that driver complies with section 25A(1)</i>	\$336
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 (b) in any other case	\$674 \$336
79(2)	<i>Failure to comply with notice to return vehicle standards exemption (permit) to Regulator within specified period</i>	\$447
81(1)	<i>Contravening a condition of a vehicle standards exemption</i>	\$447
81(2)	<i>Using, or permitting the use of, a heavy vehicle that contravenes a condition of a vehicle standards exemption</i>	\$447
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>	\$447
82(2)	<i>Failure of driver to comply with condition under vehicle standards exemption (notice) to keep relevant document in driver's possession</i>	\$336
82(3)	<i>Failure of relevant party to ensure driver complies with section 82(2)</i>	\$336
83(1)	<i>Failure of driver to keep a copy of vehicle standards exemption (permit) in driver's possession</i>	\$336

Heavy Vehicle National Law (South Australia) (Expiation Fees) Variation Regulations 2019
Variation of *Heavy Vehicle National Law (South Australia) (Expiation Fees) Regulations 2013*—Part 2

Section	Description of offence	Fee
83(2)	<i>Failure of driver to return copy of vehicle standards exemption (permit) to relevant party when driver stops working</i>	\$336
83(3)	<i>Failure of relevant party to ensure driver complies with section 83(2)</i>	\$336
85(1)	<i>Modifying a heavy vehicle without approval by approved vehicle examiner or Regulator</i>	\$336
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>	\$336
86(2)	<i>Failure of approved vehicle examiner to give approved certificate and ensure plate or label is fitted or affixed to vehicle</i>	\$336
87A(1)	<i>Tampering with plate or label fitted to or affixed to a heavy vehicle under section 86(2) or 87(3)</i>	\$336
89(1)	<i>Using or permitting the use of an unsafe heavy vehicle</i>	\$674
90(1)	<i>Using or permitting the use of a heavy vehicle not fitted with emission control system for each relevant emission</i>	\$336
90(2)	<i>Using or permitting the use of emission control system that is not operating in accordance with manufacturer's design</i>	\$336
90(3)	<i>Using or permitting the use of an emission control system resulting in a failure to comply with heavy vehicle standard</i>	\$336
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>	\$336
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	\$447
	(b) for a substantial risk breach	\$674
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>	\$336
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	\$336
	(b) for a substantial risk breach	\$562
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>	\$336
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	\$336
	(b) for a substantial risk breach	\$562
129(1)	<i>Driver or operator of heavy vehicle contravening a condition of a mass or dimension exemption</i>	\$674

Heavy Vehicle National Law (South Australia) (Expiation Fees) Variation Regulations 2019
 Part 2—Variation of *Heavy Vehicle National Law (South Australia) (Expiation Fees) Regulations 2013*

Section	Description of offence	Fee
129(2)	<i>Using or permitting the use of a heavy vehicle that contravenes a condition of a mass or dimension exemption</i>	\$674
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>	\$674
130(2)	<i>Failure of driver of pilot or escort vehicle to comply with conditions of a mass or dimension exemption</i>	\$674
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>	\$674
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>	\$336
132(3)	<i>Failure of relevant party to ensure driver complies with section 132(2)</i>	\$336
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>	\$336
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>	\$447
133(3)	<i>Failure of relevant party to ensure driver complies with section 133(1)</i>	\$336
134(1)	<i>Displaying a heavy vehicle warning sign on a heavy vehicle not being used under a dimension exemption</i>	\$336
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>	\$336
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>	\$674
150(1)	<i>Driver or operator of a class 2 heavy vehicle contravening a condition of a class 2 heavy vehicle authorisation</i>	\$674
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>	\$336
151(3)	<i>Failure of relevant party to ensure driver complies with section 151(2)</i>	\$336
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>	\$336
152(2)	<i>Failure of driver to return copy of class 2 heavy vehicle authorisation (permit) to relevant party</i>	\$447
152(3)	<i>Failure of relevant party to ensure driver complies with section 152(1)</i>	\$336
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>	\$674
181(3)	<i>Failure to comply with notice requiring return of permit for mass or dimension authority to Regulator within specified time</i>	\$447
184(1)	<i>Driving a heavy vehicle while towing more than 1 other vehicle other than as permitted by section 184(2)</i>	\$336
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>	\$674

Heavy Vehicle National Law (South Australia) (Expiation Fees) Variation Regulations 2019
Variation of *Heavy Vehicle National Law (South Australia) (Expiation Fees) Regulations 2013*—Part 2

Section	Description of offence	Fee
185(2)	<i>Using or permitting the use of incompatible or improperly connected components of a coupling in a heavy combination</i>	\$674
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>	\$674
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>	\$674
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>	\$674
192(1)	<i>Driving a heavy vehicle loaded with freight container without a complying container weight declaration for the container</i>	\$674
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>	\$336
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	\$447
	(b) for a substantial risk breach	\$674
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	\$447
	(b) for a substantial risk breach	\$674
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	\$447
	(b) for a substantial risk breach	\$674
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	\$447
	(b) for a substantial risk breach	\$674
258(1)	<i>Failure of driver of fatigue-regulated heavy vehicle to comply with AFM hours—</i>	
	(a) for a minor risk breach	\$447
	(b) for a substantial risk breach	\$674
260(1)	<i>Failure of driver of fatigue-regulated heavy vehicle to comply with exemption hours—</i>	
	(a) for a minor risk breach	\$447
	(b) for a substantial risk breach	\$674
263(1)	<i>Failure of driver of fatigue-regulated heavy vehicle to comply with change of work and rest hours option requirements</i>	\$447

Heavy Vehicle National Law (South Australia) (Expiation Fees) Variation Regulations 2019
Part 2—Variation of *Heavy Vehicle National Law (South Australia) (Expiation Fees) Regulations 2013*

Section	Description of offence	Fee
284(2)	<i>Failure to comply with notice to return work and rest hours exemption (permit) to Regulator within specified period</i>	\$674
286(1)	<i>Failure to comply with a condition of a work and rest hours exemption</i>	\$674
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>	\$336
287(3)	<i>Failure of relevant party to ensure driver complies with section 287(2)</i>	\$336
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>	\$336
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>	\$447
288(3)	<i>Failure of relevant party to ensure driver complies with section 288(1)</i>	\$336
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>	\$674
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>	\$168
297(2)	<i>Failure of driver to record required information immediately after starting work on a day</i>	\$674
298(1)	<i>Failure of driver of a fatigue-regulated heavy vehicle to record the odometer reading as required by the national regulations</i>	\$168
299	<i>Failure of two-up driver to provide details prescribed by the national regulations as requested by the other driver</i>	\$336
301	<i>Failure of driver to comply with requirements for recording information in written work diary</i>	\$168
302	<i>Failure of driver to comply with requirements for recording information in electronic work diary</i>	\$168
303	<i>Failure of driver to record time in work diary according to the time zone of driver's base location</i>	\$168
305(1)	<i>Failure of driver of fatigue-regulated heavy vehicle to record required information in supplementary record</i>	\$674
305(2)	<i>Failure to comply with requirements for recording information in supplementary record not in electronic form</i>	\$336
305(3)	<i>Failure of driver to record time in supplementary record according to the time zone of driver's base location</i>	\$168
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>	\$336
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>	\$336
307(3)	<i>Failure of driver to ensure electronic work diary is examined and brought into working order within period required by Regulator</i>	\$336

Heavy Vehicle National Law (South Australia) (Expiation Fees) Variation Regulations 2019
Variation of *Heavy Vehicle National Law (South Australia) (Expiation Fees) Regulations 2013*—Part 2

Section	Description of offence	Fee
308(1)	<i>Failure of driver to comply with the requirements when an old work diary is found or returned</i>	\$336
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>	\$336
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>	\$674
312(3)	<i>Failure of record keeper to notify the Regulator within 2 business days of destroyed, lost or stolen electronic work diary</i>	\$674
319(1)	<i>Failure of record keeper to comply with requirements specified in section 319(1)</i>	\$674
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>	\$336
321(1)	<i>Failure of record keeper to comply with requirements specified in section 321(1)</i>	\$674
321(3)	<i>Failure of record keeper to record information required if driver is operating under BFM or AFM hours</i>	\$674
322(2)	<i>Failure of driver to give copy of work diary entry or supplementary record to each record keeper within 21 days</i>	\$336
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>	\$336
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>	\$336
324A(2)	<i>Failure of record keeper to give the driver a copy of the record or make the record available etc</i>	\$168
341(1)	<i>Failure of record keeper to keep records required under Division 3 for 3 years after specified day</i>	\$674
341(2)	<i>Failure of record keeper to keep records required under Division 9 or Division 10 for specified period</i>	\$674
341(3)	<i>Failure of record keeper to ensure record (or copy) is readily available to an authorised officer at the record location</i>	\$336
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>	\$336
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>	\$674
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>	\$168
354(3)	<i>Failure of holder of an electronic recording system approval to comply with a direction of the Regulator</i>	\$674

Heavy Vehicle National Law (South Australia) (Expiation Fees) Variation Regulations 2019
 Part 2—Variation of *Heavy Vehicle National Law (South Australia) (Expiation Fees) Regulations 2013*

Section	Description of offence	Fee
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>	\$674
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>	\$674
355(4)	<i>Failure of holder of an approval to comply with a direction of the Regulator</i>	\$674
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>	\$674
373(2)	<i>Failure to comply with notice requiring return of work diary exemption (permit) to Regulator</i>	\$674
375	<i>Contravention of a condition of a work diary exemption</i>	\$674
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>	\$336
376(3)	<i>Failure of relevant party to ensure driver complies with section 376(2)</i>	\$336
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>	\$336
392(2)	<i>Failure to comply with notice requiring return of fatigue record keeping exemption (permit) to Regulator</i>	\$674
395	<i>Contravention of a condition of a fatigue record keeping exemption</i>	\$674
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>	\$674
399(2)	<i>Driving or permitting a person to drive a fatigue-regulated heavy vehicle without complying with section 398</i>	\$674
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>	\$336
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>	\$336
467	<i>Failure of holder of BFM or AFM accreditation to comply with accreditation conditions</i>	\$674
468(1)	<i>Failure of driver operating under BFM accreditation or AFM accreditation to keep certain documents in driver's possession</i>	\$336
468(3)	<i>Failure of operator to ensure driver complies with section 468(1)</i>	\$336
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>	\$447

Heavy Vehicle National Law (South Australia) (Expiation Fees) Variation Regulations 2019
 Variation of *Heavy Vehicle National Law (South Australia) (Expiation Fees) Regulations 2013*—Part 2

Section	Description of offence	Fee
470(3)	<i>Failure of operator to inform driver operating under AFM accreditation of the AFM hours applying under the accreditation</i>	\$674
470(8)	<i>Failure of operator to comply with a requirement under section 470(7)</i>	\$336
471(2)	<i>Failure of operator to give notice to driver or scheduler of amendment, suspension or cessation of heavy vehicle accreditation</i>	\$674
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>	\$447
476(2)	<i>Failure to return accreditation certificate to Regulator within specified period</i>	\$674
488	<i>Failure to return identity card to Regulator within specified period</i>	\$447
513(4)	<i>Failure to comply with a direction given under section 513(1)</i>	\$674
514(3)	<i>Failure to comply with a direction given under section 514(1)</i>	\$674
516(3)	<i>Failure to comply with a direction given under section 516(1)</i>	\$674
517(4)	<i>Failure to comply with a direction given under section 517(2)</i>	\$674
522(5)	<i>Failure to produce a heavy vehicle for inspection at the place and time stated in the notice</i>	\$674
524(5)	<i>Failure to comply with a direction given under section 524(2) or (3)</i>	\$674
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>	\$336
528(3)	<i>Removing or defacing a defective vehicle label attached to a heavy vehicle</i>	\$336
529	<i>Using or permitting the use of a heavy vehicle in contravention of a vehicle defect notice</i>	\$674
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>	\$336
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>	\$336
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>	\$336
533(7)	<i>Failure to comply with a direction given under section 533</i>	\$1 121
534(5)	<i>Failure to comply with a direction given under section 534</i>	\$1 121
567(4)	<i>Failure to comply with a requirement made under section 567(2) or (3)</i>	\$336
568(3)	<i>Failure to comply with a requirement made under section 568(2)—</i>	
	(a) if the requirement is for the driver to produce the driver's driver licence under subsection (2)(a)	\$674

Section	Description of offence	Fee
	(b) if the requirement is for the driver to produce a document, device or other thing under subsection (2)(b)	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>	\$336
569(2)	<i>Failure to comply with a requirement made under section 569(1)</i>	\$674
569(7)	<i>Failure to comply with a requirement made under section 569(6)</i>	\$336

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>	\$336
577(4)	<i>Failure to comply with a requirement made under section 577(1) or (2)</i>	\$1 121

Part 3—Prescribed offences against the *Heavy Vehicle (Mass, Dimension and Loading) National Regulation (South Australia)*

Regulation	Description of offence	Fee
16(2)	<i>Using or permitting the use of HML heavy vehicle under higher mass limits in an area or on a route to which the HML declaration applies where vehicle is neither equipped for monitoring by an approved intelligent transport system nor covered by an intelligent access agreement</i>	\$336
28	<i>Driver or operator of HML heavy vehicle contravening a condition of HML permit</i>	\$336
34(2)	<i>Failure to comply with a notice to return HML permit</i>	\$447

Part 4—Prescribed offences against the *Heavy Vehicle (Fatigue Management) National Regulation (South Australia)*

Regulation	Description of offence	Fee
18A(1)	<i>Failure of driver on changing from 1 form of work diary to another to record certain information in compliance with subsection (2)</i>	\$168

Note—

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

Made by the Governor

with the advice and consent of the Executive Council
on 13 June 2019

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