

South Australia

# **Heavy Vehicle National Law (South Australia) (Expiation Fees) (No 2) Variation Regulations 2020**

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 2020*.

### **2—Commencement**

These regulations come into operation on 1 July 2020.

### **3—Variation provisions**

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

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## 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**

<b>Section</b>	<b>Description of offence</b>	<b>Fee</b>
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**

<b>Section</b>	<b>Description of offence</b>	<b>Fee</b>
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>	\$341
25A(2)	<i>Failure of relevant party to ensure that driver complies with section 25A(1)</i>	\$341
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	\$685 \$341
79(2)	<i>Failure to comply with notice to return vehicle standards exemption (permit) to Regulator within specified period</i>	\$454
81(1)	<i>Contravening a condition of a vehicle standards exemption</i>	\$454
81(2)	<i>Using, or permitting the use of, a heavy vehicle that contravenes a condition of a vehicle standards exemption</i>	\$454
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>	\$454
82(2)	<i>Failure of driver to comply with condition under vehicle standards exemption (notice) to keep relevant document in driver's possession</i>	\$341
82(3)	<i>Failure of relevant party to ensure driver complies with section 82(2)</i>	\$341
83(1)	<i>Failure of driver to keep a copy of vehicle standards exemption (permit) in driver's possession</i>	\$341

**Heavy Vehicle National Law (South Australia) (Expiation Fees) (No 2) Variation Regulations 2020**  
 Variation of *Heavy Vehicle National Law (South Australia) (Expiation Fees) Regulations 2013*—Part 2

<b>Section</b>	<b>Description of offence</b>	<b>Fee</b>
83(2)	<i>Failure of driver to return copy of vehicle standards exemption (permit) to relevant party when driver stops working</i>	\$341
83(3)	<i>Failure of relevant party to ensure driver complies with section 83(2)</i>	\$341
85(1)	<i>Modifying a heavy vehicle without approval by approved vehicle examiner or Regulator</i>	\$341
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>	\$341
86(2)	<i>Failure of approved vehicle examiner to give approved certificate and ensure plate or label is fitted or affixed to vehicle</i>	\$341
87A(1)	<i>Tampering with plate or label fitted to or affixed to a heavy vehicle under section 86(2) or 87(3)</i>	\$341
89(1)	<i>Using or permitting the use of an unsafe heavy vehicle</i>	\$685
90(1)	<i>Using or permitting the use of a heavy vehicle not fitted with emission control system for each relevant emission</i>	\$341
90(2)	<i>Using or permitting the use of emission control system that is not operating in accordance with manufacturer's design</i>	\$341
90(3)	<i>Using or permitting the use of an emission control system resulting in a failure to comply with heavy vehicle standard</i>	\$341
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>	\$341
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	\$454
	(b) for a substantial risk breach	\$685
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>	\$341
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	\$341
	(b) for a substantial risk breach	\$571
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>	\$341
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	\$341
	(b) for a substantial risk breach	\$571
129(1)	<i>Driver or operator of heavy vehicle contravening a condition of a mass or dimension exemption</i>	\$685

**Heavy Vehicle National Law (South Australia) (Expiation Fees) (No 2) Variation Regulations 2020**  
 Part 2—Variation of *Heavy Vehicle National Law (South Australia) (Expiation Fees) Regulations 2013*

<b>Section</b>	<b>Description of offence</b>	<b>Fee</b>
129(2)	<i>Using or permitting the use of a heavy vehicle that contravenes a condition of a mass or dimension exemption</i>	\$685
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>	\$685
130(2)	<i>Failure of driver of pilot or escort vehicle to comply with conditions of a mass or dimension exemption</i>	\$685
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>	\$685
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>	\$341
132(3)	<i>Failure of relevant party to ensure driver complies with section 132(2)</i>	\$341
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>	\$341
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>	\$454
133(3)	<i>Failure of relevant party to ensure driver complies with section 133(1)</i>	\$341
134(1)	<i>Displaying a heavy vehicle warning sign on a heavy vehicle not being used under a dimension exemption</i>	\$341
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>	\$341
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>	\$685
150(1)	<i>Driver or operator of a class 2 heavy vehicle contravening a condition of a class 2 heavy vehicle authorisation</i>	\$685
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>	\$341
151(3)	<i>Failure of relevant party to ensure driver complies with section 151(2)</i>	\$341
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>	\$341
152(2)	<i>Failure of driver to return copy of class 2 heavy vehicle authorisation (permit) to relevant party</i>	\$454
152(3)	<i>Failure of relevant party to ensure driver complies with section 152(1)</i>	\$341
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>	\$685
181(3)	<i>Failure to comply with notice requiring return of permit for mass or dimension authority to Regulator within specified time</i>	\$454
184(1)	<i>Driving a heavy vehicle while towing more than 1 other vehicle other than as permitted by section 184(2)</i>	\$341
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>	\$685

**Heavy Vehicle National Law (South Australia) (Expiation Fees) (No 2) Variation Regulations 2020**  
 Variation of *Heavy Vehicle National Law (South Australia) (Expiation Fees) Regulations 2013*—Part 2

<b>Section</b>	<b>Description of offence</b>	<b>Fee</b>
185(2)	<i>Using or permitting the use of incompatible or improperly connected components of a coupling in a heavy combination</i>	\$685
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>	\$685
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>	\$685
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>	\$685
192(1)	<i>Driving a heavy vehicle loaded with freight container without a complying container weight declaration for the container</i>	\$685
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>	\$341
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	\$454
	(b) for a substantial risk breach	\$685
	(c) for a severe risk breach	\$1 139
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	\$454
	(b) for a substantial risk breach	\$685
	(c) for a severe risk breach	\$1 139
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	\$454
	(b) for a substantial risk breach	\$685
	(c) for a severe risk breach	\$1 139
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	\$454
	(b) for a substantial risk breach	\$685
	(c) for a severe risk breach	\$1 139
258(1)	<i>Failure of driver of fatigue-regulated heavy vehicle to comply with AFM hours—</i>	
	(a) for a minor risk breach	\$454
	(b) for a substantial risk breach	\$685

**Heavy Vehicle National Law (South Australia) (Expiation Fees) (No 2) Variation Regulations 2020**  
Part 2—Variation of *Heavy Vehicle National Law (South Australia) (Expiation Fees) Regulations 2013*

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<b>Section</b>	<b>Description of offence</b>	<b>Fee</b>
260(1)	<i>Failure of driver of fatigue-regulated heavy vehicle to comply with exemption hours—</i>	
	(a) for a minor risk breach	\$454
	(b) for a substantial risk breach	\$685
263(1)	<i>Failure of driver of fatigue-regulated heavy vehicle to comply with change of work and rest hours option requirements</i>	\$454
284(2)	<i>Failure to comply with notice to return work and rest hours exemption (permit) to Regulator within specified period</i>	\$685
286(1)	<i>Failure to comply with a condition of a work and rest hours exemption</i>	\$685
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>	\$341
287(3)	<i>Failure of relevant party to ensure driver complies with section 287(2)</i>	\$341
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>	\$341
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>	\$454
288(3)	<i>Failure of relevant party to ensure driver complies with section 288(1)</i>	\$341
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>	\$685
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>	\$171
297(2)	<i>Failure of driver to record required information immediately after starting work on a day</i>	\$685
298(1)	<i>Failure of driver of a fatigue-regulated heavy vehicle to record the odometer reading as required by the national regulations</i>	\$171
299	<i>Failure of two-up driver to provide details prescribed by the national regulations as requested by the other driver</i>	\$341
301	<i>Failure of driver to comply with requirements for recording information in written work diary</i>	\$171
302	<i>Failure of driver to comply with requirements for recording information in electronic work diary</i>	\$171
303	<i>Failure of driver to record time in work diary according to the time zone of driver's base location</i>	\$171
305(1)	<i>Failure of driver of fatigue-regulated heavy vehicle to record required information in supplementary record</i>	\$685
305(2)	<i>Failure to comply with requirements for recording information in supplementary record not in electronic form</i>	\$341
305(3)	<i>Failure of driver to record time in supplementary record according to the time zone of driver's base location</i>	\$171

**Heavy Vehicle National Law (South Australia) (Expiation Fees) (No 2) Variation Regulations 2020**  
Variation of *Heavy Vehicle National Law (South Australia) (Expiation Fees) Regulations 2013*—Part 2

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<b>Section</b>	<b>Description of offence</b>	<b>Fee</b>
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>	\$341
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>	\$341
307(3)	<i>Failure of driver to ensure electronic work diary is examined and brought into working order within period required by Regulator</i>	\$341
308(1)	<i>Failure of driver to comply with the requirements when an old work diary is found or returned</i>	\$341
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>	\$341
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>	\$685
312(3)	<i>Failure of record keeper to notify the Regulator within 2 business days of destroyed, lost or stolen electronic work diary</i>	\$685
319(1)	<i>Failure of record keeper to comply with requirements specified in section 319(1)</i>	\$685
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>	\$341
321(1)	<i>Failure of record keeper to comply with requirements specified in section 321(1)</i>	\$685
321(3)	<i>Failure of record keeper to record information required if driver is operating under BFM or AFM hours</i>	\$685
322(2)	<i>Failure of driver to give copy of work diary entry or supplementary record to each record keeper within 21 days</i>	\$341
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>	\$341
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>	\$341
324A(2)	<i>Failure of record keeper to give the driver a copy of the record or make the record available etc</i>	\$171
341(1)	<i>Failure of record keeper to keep records required under Division 3 for 3 years after specified day</i>	\$685
341(2)	<i>Failure of record keeper to keep records required under Division 9 or Division 10 for specified period</i>	\$685
341(3)	<i>Failure of record keeper to ensure record (or copy) is readily available to an authorised officer at the record location</i>	\$341
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>	\$341

**Heavy Vehicle National Law (South Australia) (Expiation Fees) (No 2) Variation Regulations 2020**  
 Part 2—Variation of *Heavy Vehicle National Law (South Australia) (Expiation Fees) Regulations 2013*

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<b>Section</b>	<b>Description of offence</b>	<b>Fee</b>
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>	\$685
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>	\$171
354(3)	<i>Failure of holder of an electronic recording system approval to comply with a direction of the Regulator</i>	\$685
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>	\$685
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>	\$685
355(4)	<i>Failure of holder of an approval to comply with a direction of the Regulator</i>	\$685
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>	\$685
373(2)	<i>Failure to comply with notice requiring return of work diary exemption (permit) to Regulator</i>	\$685
375	<i>Contravention of a condition of a work diary exemption</i>	\$685
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>	\$341
376(3)	<i>Failure of relevant party to ensure driver complies with section 376(2)</i>	\$341
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>	\$341
392(2)	<i>Failure to comply with notice requiring return of fatigue record keeping exemption (permit) to Regulator</i>	\$685
395	<i>Contravention of a condition of a fatigue record keeping exemption</i>	\$685
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>	\$685
399(2)	<i>Driving or permitting a person to drive a fatigue-regulated heavy vehicle without complying with section 398</i>	\$685
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>	\$341
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>	\$341

**Heavy Vehicle National Law (South Australia) (Expiation Fees) (No 2) Variation Regulations 2020**  
Variation of Heavy Vehicle National Law (South Australia) (Expiation Fees) Regulations 2013—Part 2

<b>Section</b>	<b>Description of offence</b>	<b>Fee</b>
467	<i>Failure of holder of BFM or AFM accreditation to comply with accreditation conditions</i>	\$685
468(1)	<i>Failure of driver operating under BFM accreditation or AFM accreditation to keep certain documents in driver's possession</i>	\$341
468(3)	<i>Failure of operator to ensure driver complies with section 468(1)</i>	\$341
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>	\$454
470(3)	<i>Failure of operator to inform driver operating under AFM accreditation of the AFM hours applying under the accreditation</i>	\$685
470(8)	<i>Failure of operator to comply with a requirement under section 470(7)</i>	\$341
471(2)	<i>Failure of operator to give notice to driver or scheduler of amendment, suspension or cessation of heavy vehicle accreditation</i>	\$685
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>	\$454
476(2)	<i>Failure to return accreditation certificate to Regulator within specified period</i>	\$685
488	<i>Failure to return identity card to Regulator within specified period</i>	\$454
513(4)	<i>Failure to comply with a direction given under section 513(1)</i>	\$685
514(3)	<i>Failure to comply with a direction given under section 514(1)</i>	\$685
516(3)	<i>Failure to comply with a direction given under section 516(1)</i>	\$685
517(4)	<i>Failure to comply with a direction given under section 517(2)</i>	\$685
522(5)	<i>Failure to produce a heavy vehicle for inspection at the place and time stated in the notice</i>	\$685
524(5)	<i>Failure to comply with a direction given under section 524(2) or (3)</i>	\$685
526(4)	<i>Failure of driver of a heavy vehicle who is not the operator of the vehicle to give vehicle defect notice to operator as soon as practicable within 14 days after notice issued</i>	\$341
528(3)	<i>Removing or defacing a defective vehicle label attached to a heavy vehicle</i>	\$341
529	<i>Using or permitting the use of a heavy vehicle in contravention of a vehicle defect notice—</i>	
	(a) for a major defect notice or minor defect notice	\$685
	(a) for a self-clearing defect notice	\$341
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>	\$341
533(7)	<i>Failure to comply with a direction given under section 533</i>	\$1 139
534(5)	<i>Failure to comply with a direction given under section 534</i>	\$1 139
567(4)	<i>Failure to comply with a requirement made under section 567(2) or (3)</i>	\$341

<b>Section</b>	<b>Description of offence</b>	<b>Fee</b>
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)	\$685
	(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>	\$341
569(2)	<i>Failure to comply with a requirement made under section 569(1)</i>	\$685
569(7)	<i>Failure to comply with a requirement made under section 569(6)</i>	\$341

### **Division 2—Prescribed offences peculiar to South Australia**

<b>Section</b>	<b>Description of offence</b>	<b>Fee</b>
322(4)	<i>Failure of record keeper to ensure driver complies with section 322(2)</i>	\$341
577(4)	<i>Failure to comply with a requirement made under section 577(1) or (2)</i>	\$1 139

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

<b>Regulation</b>	<b>Description of offence</b>	<b>Fee</b>
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>	\$341
28	<i>Driver or operator of HML heavy vehicle contravening a condition of HML permit</i>	\$341
34(2)	<i>Failure to comply with a notice to return HML permit</i>	\$454

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

<b>Regulation</b>	<b>Description of offence</b>	<b>Fee</b>
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>	\$171

**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 4 June 2020

No 88 of 2020