

South Australia

Heavy Vehicle National Law (South Australia) (Expiation Fees) Variation Regulations 2021

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

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Variation provisions

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

- 4 Substitution of Schedule 1
 - Schedule 1—Offences, prescribed offences and expiation fees
 - Part 1—Offences against the local application provisions of the Act
 - Part 2—Prescribed offences against the *Heavy Vehicle National Law (South Australia)*
 - Division 1—Prescribed offences for purposes of section 591 of the Law
 - Division 2—Prescribed offences peculiar to South Australia
 - Part 3—Prescribed offences against the *Heavy Vehicle (Mass, Dimension and Loading) National Regulation (South Australia)*
 - Part 4—Prescribed offences against the *Heavy Vehicle (Fatigue Management) National Regulation (South Australia)*

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Heavy Vehicle National Law (South Australia) (Expiation Fees) Variation Regulations 2021*.

2—Commencement

These regulations come into operation on 1 July 2021.

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>	\$344
25A(2)	<i>Failure of relevant party to ensure that driver complies with section 25A(1)</i>	\$344
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	\$691 \$344
79(2)	<i>Failure to comply with notice to return vehicle standards exemption (permit) to Regulator within specified period</i>	\$458
81(1)	<i>Contravening a condition of a vehicle standards exemption</i>	\$458
81(2)	<i>Using, or permitting the use of, a heavy vehicle that contravenes a condition of a vehicle standards exemption</i>	\$458
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>	\$458
82(2)	<i>Failure of driver to comply with condition under vehicle standards exemption (notice) to keep relevant document in driver's possession</i>	\$344
82(3)	<i>Failure of relevant party to ensure driver complies with section 82(2)</i>	\$344
83(1)	<i>Failure of driver to keep a copy of vehicle standards exemption (permit) in driver's possession</i>	\$344

Heavy Vehicle National Law (South Australia) (Expiation Fees) Variation Regulations 2021
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>	\$344
83(3)	<i>Failure of relevant party to ensure driver complies with section 83(2)</i>	\$344
85(1)	<i>Modifying a heavy vehicle without approval by approved vehicle examiner or Regulator</i>	\$344
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>	\$344
86(2)	<i>Failure of approved vehicle examiner to give approved certificate and ensure plate or label is fitted or affixed to vehicle</i>	\$344
87A(1)	<i>Tampering with plate or label fitted to or affixed to a heavy vehicle under section 86(2) or 87(3)</i>	\$344
89(1)	<i>Using or permitting the use of an unsafe heavy vehicle</i>	\$691
90(1)	<i>Using or permitting the use of a heavy vehicle not fitted with emission control system for each relevant emission</i>	\$344
90(2)	<i>Using or permitting the use of emission control system that is not operating in accordance with manufacturer's design</i>	\$344
90(3)	<i>Using or permitting the use of an emission control system resulting in a failure to comply with heavy vehicle standard</i>	\$344
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>	\$344
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	\$458
	(b) for a substantial risk breach	\$691
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>	\$344
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	\$344
	(b) for a substantial risk breach	\$576
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>	\$344
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	\$344
	(b) for a substantial risk breach	\$576
129(1)	<i>Driver or operator of heavy vehicle contravening a condition of a mass or dimension exemption</i>	\$691

Heavy Vehicle National Law (South Australia) (Expiation Fees) Variation Regulations 2021
 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>	\$691
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>	\$691
130(2)	<i>Failure of driver of pilot or escort vehicle to comply with conditions of a mass or dimension exemption</i>	\$691
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>	\$691
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>	\$344
132(3)	<i>Failure of relevant party to ensure driver complies with section 132(2)</i>	\$344
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>	\$344
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>	\$458
133(3)	<i>Failure of relevant party to ensure driver complies with section 133(1)</i>	\$344
134(1)	<i>Displaying a heavy vehicle warning sign on a heavy vehicle not being used under a dimension exemption</i>	\$344
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>	\$344
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>	\$691
150(1)	<i>Driver or operator of a class 2 heavy vehicle contravening a condition of a class 2 heavy vehicle authorisation</i>	\$691
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>	\$344
151(3)	<i>Failure of relevant party to ensure driver complies with section 151(2)</i>	\$344
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>	\$344
152(2)	<i>Failure of driver to return copy of class 2 heavy vehicle authorisation (permit) to relevant party</i>	\$458
152(3)	<i>Failure of relevant party to ensure driver complies with section 152(1)</i>	\$344
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>	\$691
181(3)	<i>Failure to comply with notice requiring return of permit for mass or dimension authority to Regulator within specified time</i>	\$458
184(1)	<i>Driving a heavy vehicle while towing more than 1 other vehicle other than as permitted by section 184(2)</i>	\$344
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>	\$691

Heavy Vehicle National Law (South Australia) (Expiation Fees) Variation Regulations 2021
 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>	\$691
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>	\$691
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>	\$691
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>	\$691
192(1)	<i>Driving a heavy vehicle loaded with freight container without a complying container weight declaration for the container</i>	\$691
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>	\$344
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	\$458
	(b) for a substantial risk breach	\$691
	(c) for a severe risk breach	\$1 149
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	\$458
	(b) for a substantial risk breach	\$691
	(c) for a severe risk breach	\$1 149
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	\$458
	(b) for a substantial risk breach	\$691
	(c) for a severe risk breach	\$1 149
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	\$458
	(b) for a substantial risk breach	\$691
	(c) for a severe risk breach	\$1 149
258(1)	<i>Failure of driver of fatigue-regulated heavy vehicle to comply with AFM hours—</i>	
	(a) for a minor risk breach	\$458
	(b) for a substantial risk breach	\$691

Heavy Vehicle National Law (South Australia) (Expiation Fees) Variation Regulations 2021
 Part 2—Variation of *Heavy Vehicle National Law (South Australia) (Expiation Fees) Regulations 2013*

Section	Description of offence	Fee
260(1)	<i>Failure of driver of fatigue-regulated heavy vehicle to comply with exemption hours—</i>	
	(a) for a minor risk breach	\$458
	(b) for a substantial risk breach	\$691
263(1)	<i>Failure of driver of fatigue-regulated heavy vehicle to comply with change of work and rest hours option requirements</i>	\$458
284(2)	<i>Failure to comply with notice to return work and rest hours exemption (permit) to Regulator within specified period</i>	\$691
286(1)	<i>Failure to comply with a condition of a work and rest hours exemption</i>	\$691
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>	\$344
287(3)	<i>Failure of relevant party to ensure driver complies with section 287(2)</i>	\$344
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>	\$344
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>	\$458
288(3)	<i>Failure of relevant party to ensure driver complies with section 288(1)</i>	\$344
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>	\$691
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>	\$172
297(2)	<i>Failure of driver to record required information immediately after starting work on a day</i>	\$691
298(1)	<i>Failure of driver of a fatigue-regulated heavy vehicle to record the odometer reading as required by the national regulations</i>	\$172
299	<i>Failure of two-up driver to provide details prescribed by the national regulations as requested by the other driver</i>	\$344
301	<i>Failure of driver to comply with requirements for recording information in written work diary</i>	\$172
302	<i>Failure of driver to comply with requirements for recording information in electronic work diary</i>	\$172
303	<i>Failure of driver to record time in work diary according to the time zone of driver's base location</i>	\$172
305(1)	<i>Failure of driver of fatigue-regulated heavy vehicle to record required information in supplementary record</i>	\$691
305(2)	<i>Failure to comply with requirements for recording information in supplementary record not in electronic form</i>	\$344
305(3)	<i>Failure of driver to record time in supplementary record according to the time zone of driver's base location</i>	\$172

Heavy Vehicle National Law (South Australia) (Expiation Fees) Variation Regulations 2021
Variation of *Heavy Vehicle National Law (South Australia) (Expiation Fees) Regulations 2013*—Part 2

Section	Description of offence	Fee
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>	\$344
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>	\$344
307(3)	<i>Failure of driver to ensure electronic work diary is examined and brought into working order within period required by Regulator</i>	\$344
308(1)	<i>Failure of driver to comply with the requirements when an old work diary is found or returned</i>	\$344
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>	\$344
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>	\$691
312(3)	<i>Failure of record keeper to notify the Regulator within 2 business days of destroyed, lost or stolen electronic work diary</i>	\$691
319(1)	<i>Failure of record keeper to comply with requirements specified in section 319(1)</i>	\$691
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>	\$344
321(1)	<i>Failure of record keeper to comply with requirements specified in section 321(1)</i>	\$691
321(3)	<i>Failure of record keeper to record information required if driver is operating under BFM or AFM hours</i>	\$691
322(2)	<i>Failure of driver to give copy of work diary entry or supplementary record to each record keeper within 21 days</i>	\$344
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>	\$344
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>	\$344
324A(2)	<i>Failure of record keeper to give the driver a copy of the record or make the record available etc</i>	\$172
341(1)	<i>Failure of record keeper to keep records required under Division 3 for 3 years after specified day</i>	\$691
341(2)	<i>Failure of record keeper to keep records required under Division 9 or Division 10 for specified period</i>	\$691
341(3)	<i>Failure of record keeper to ensure record (or copy) is readily available to an authorised officer at the record location</i>	\$344
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>	\$344

Heavy Vehicle National Law (South Australia) (Expiation Fees) Variation Regulations 2021
 Part 2—Variation of *Heavy Vehicle National Law (South Australia) (Expiation Fees) Regulations 2013*

Section	Description of offence	Fee
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>	\$691
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>	\$172
354(3)	<i>Failure of holder of an electronic recording system approval to comply with a direction of the Regulator</i>	\$691
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>	\$691
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>	\$691
355(4)	<i>Failure of holder of an approval to comply with a direction of the Regulator</i>	\$691
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>	\$691
373(2)	<i>Failure to comply with notice requiring return of work diary exemption (permit) to Regulator</i>	\$691
375	<i>Contravention of a condition of a work diary exemption</i>	\$691
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>	\$344
376(3)	<i>Failure of relevant party to ensure driver complies with section 376(2)</i>	\$344
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>	\$344
392(2)	<i>Failure to comply with notice requiring return of fatigue record keeping exemption (permit) to Regulator</i>	\$691
395	<i>Contravention of a condition of a fatigue record keeping exemption</i>	\$691
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>	\$691
399(2)	<i>Driving or permitting a person to drive a fatigue-regulated heavy vehicle without complying with section 398</i>	\$691
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>	\$344
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>	\$344

Heavy Vehicle National Law (South Australia) (Expiation Fees) Variation Regulations 2021
Variation of *Heavy Vehicle National Law (South Australia) (Expiation Fees) Regulations 2013*—Part 2

Section	Description of offence	Fee
467	<i>Failure of holder of BFM or AFM accreditation to comply with accreditation conditions</i>	\$691
468(1)	<i>Failure of driver operating under BFM accreditation or AFM accreditation to keep certain documents in driver's possession</i>	\$344
468(3)	<i>Failure of operator to ensure driver complies with section 468(1)</i>	\$344
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>	\$458
470(3)	<i>Failure of operator to inform driver operating under AFM accreditation of the AFM hours applying under the accreditation</i>	\$691
470(8)	<i>Failure of operator to comply with a requirement under section 470(7)</i>	\$344
471(2)	<i>Failure of operator to give notice to driver or scheduler of amendment, suspension or cessation of heavy vehicle accreditation</i>	\$691
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>	\$458
476(2)	<i>Failure to return accreditation certificate to Regulator within specified period</i>	\$691
488	<i>Failure to return identity card to Regulator within specified period</i>	\$458
513(4)	<i>Failure to comply with a direction given under section 513(1)</i>	\$691
514(3)	<i>Failure to comply with a direction given under section 514(1)</i>	\$691
516(3)	<i>Failure to comply with a direction given under section 516(1)</i>	\$691
517(4)	<i>Failure to comply with a direction given under section 517(2)</i>	\$691
522(5)	<i>Failure to produce a heavy vehicle for inspection at the place and time stated in the notice</i>	\$691
524(5)	<i>Failure to comply with a direction given under section 524(2) or (3)</i>	\$691
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>	\$344
528(3)	<i>Removing or defacing a defective vehicle label attached to a heavy vehicle</i>	\$344
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	\$691
	(b) for a self-clearing defect notice	\$344
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>	\$344
533(7)	<i>Failure to comply with a direction given under section 533</i>	\$1 149
534(5)	<i>Failure to comply with a direction given under section 534</i>	\$1 149
567(4)	<i>Failure to comply with a requirement made under section 567(2) or (3)</i>	\$344

Heavy Vehicle National Law (South Australia) (Expiation Fees) Variation Regulations 2021
 Part 2—Variation of *Heavy Vehicle National Law (South Australia) (Expiation Fees) Regulations 2013*

Section	Description of offence	Fee
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)	\$691
	(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>	\$344
569(2)	<i>Failure to comply with a requirement made under section 569(1)</i>	\$691
569(7)	<i>Failure to comply with a requirement made under section 569(6)</i>	\$344

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>	\$344
577(4)	<i>Failure to comply with a requirement made under section 577(1) or (2)</i>	\$1 149

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>	\$344
28	<i>Driver or operator of HML heavy vehicle contravening a condition of HML permit</i>	\$344
34(2)	<i>Failure to comply with a notice to return HML permit</i>	\$458

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>	\$172

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 3 June 2021

No 74 of 2021