

CHAPTER 2	SECTION EXCERPT - SEE HVNL FOR FULL DESCRIPTIONS REGISTRATION	PENALTY LEVEL	MAX. PENALTY	SPECIAL CONDITIONS	2016/17 FY INDEXED PENALTY	INFRING. PENALTY	DEMERIT POINTS
Chap 2 Registration	30 (1) Registration requirement – A person must not use, or permit to be used, on a road— (a) an unregistered heavy vehicle; or (b) a heavy vehicle whose registration is suspended under the national regulation.		10000		10650	1065	
Chap 2 Registration	39 (2) Driver to carry proof of compliance with third party insurance legislation – A person must not use, or permit to used, the unregistered heavy vehicle on a road in any of those circumstances if the driver does not have in the driver’s possession proof that the requirements of third party insurance legislation applying to the vehicle are complied with.		3000		3200	320	
Chap 2 Registration	50(1) Obtaining registration or registration items by false statements – A person must not attempt to have a heavy vehicle registered, or to have the registration of a heavy vehicle renewed or transferred, or to be issued with an unregistered heavy vehicle permit, under this Law— (a) by making a statement or representation the person knows is false or misleading in a material particular; or (b) in another dishonest way.		10000		10650		
Chap 2 Registration	50(2) Obtaining registration or registration items by false statements – A person must not, without a reasonable excuse, possess a registration item obtained— (a) by making a statement or representation the person knows is false or misleading in a material particular; or (b) in another dishonest way.		10000		10650		
Chap 2 Registration	51(3) Replacement and recovery of incorrect registration items – A person who is given a notice under subsection (2)(b) must comply with the notice, unless the person has a reasonable excuse. 51(2)(b) - The Regulator may cancel the relevant item and, if the Regulator considers it is appropriate— (b) by notice, require the registered operator of the heavy vehicle to return the relevant item to the Regulator.		4000		4260	426	
Chap 2 Registration	52(4) Verification of particular records – A person given a notice under subsection (2) must comply with the notice, unless the person has a reasonable excuse. (2) The Regulator may, by notice, require a registered operator of the heavy vehicle or the holder of an unregistered heavy vehicle permit for the vehicle— (a) to produce documents about, or otherwise verify, a matter about the vehicle included in the vehicle register or other records kept by the Regulator for the purposes of this Law; or (b) at a stated reasonable time and place, to— (i) present the heavy vehicle for inspection by the Regulator; or (ii) personally attend on the Regulator for identification purposes.		3000		3200	320	

CHAPTER 3	SECTION EXCERPT VEHICLE OPERATIONS –STANDARDS AND SAFETY	PENALTY LEVEL	MAX PENALTY	SPECIAL CONDITIONS	2016/17 FY Indexed Penalty	INFRING. PENALTY	DEMERIT POINTS
Chap 3 Vehicle Operations - SS	60(1)(a) Compliance with heavy vehicle standards – A person must not use, or permit to be used, on a road a heavy vehicle that contravenes a heavy vehicle standard applying to the vehicle.		3000		3200	320	
Chap 3 Vehicle Operations - SS	60(1)(b) Compliance with heavy vehicle standards – A person must not use, or permit to be used, on a road a heavy vehicle that contravenes a heavy vehicle standard applying to the vehicle.		6000		6400	640	
Chap 3 Vehicle Operations - SS	79 (2) Return of permit – The person must comply with the notice within 7 days after the notice is given to the person or, if a longer period is stated in the notice, within the longer period.		4000		4260	426	
Chap 3 Vehicle Operations - SS	80 (1) Replacement of defaced etc. permit – If a person’s permit for a vehicle standards exemption (permit) is defaced, destroyed, lost or stolen, the person must, as soon as reasonably practicable after becoming aware of the matter, apply to the Regulator for a replacement permit.		4000		4260		
Chap 3 Vehicle Operations - SS	81 (1) Contravening condition of vehicle standards exemption – A person must not contravene a condition of a vehicle standards exemption.		4000		4260	426	
Chap 3 Vehicle Operations - SS	81(2) Contravening condition of vehicle standards exemption – A person must not use, or permit to be used, on a road a heavy vehicle that contravenes a condition of a vehicle standards exemption applying to the vehicle.		4000		4260	426	
Chap 3 Vehicle Operations - SS	81(3) Contravening condition of vehicle standards – A person must not use a heavy vehicle, or permit a heavy vehicle to be used, on a road in a way that contravenes a condition of a vehicle standards exemption applying to the vehicle.		4000		4260	426	

Chap 3 Vehicle Operations - SS	82(2) Keeping relevant document while driving under vehicle standards exemption (notice) – A driver of the heavy vehicle who is driving the vehicle under the vehicle standards exemption (notice) must comply with the condition.		3000		3200	320	
Chap 3 Vehicle Operations - SS	82(3) Keeping relevant document while driving under vehicle standards exemption (notice) – If the driver of a heavy vehicle commits an offence against subsection (2), each relevant party for the driver is taken to have committed an offence against this subsection.		3000		3200	320	
Chap 3 Vehicle Operations - SS	83 (1) Keeping copy of permit while driving under vehicle standards exemption (permit) – The driver of a heavy vehicle who is driving the vehicle under a vehicle standards exemption (permit) must keep a copy of the permit for the exemption in the driver’s possession.		3000		3200	320	
Chap 3 Vehicle Operations - SS	83 (2) Keeping copy of permit while driving under vehicle standards exemption (permit) – If the driver of a heavy vehicle is driving the vehicle under a vehicle standards exemption (permit) granted to a relevant party for the driver and the relevant party has given the driver a copy of a permit for the purpose of subsection (1), the driver must, as soon as reasonably practicable, return the copy to the relevant party if the driver stops working for the relevant party.		3000		3200	320	
Chap 3 Vehicle Operations - SS	83 (3) Keeping copy of permit while driving under vehicle standards exemption (permit) – If the driver of a heavy vehicle commits an offence against subsection (1), each relevant party for the driver is taken to have committed an offence against this subsection.		3000		3200	320	
Chap 3 Vehicle Operations - SS	85 (1) Modifying heavy vehicle requires approval – A person must not modify a heavy vehicle unless the modification has been approved by— (a) an approved vehicle examiner under section 86; or (b) the Regulator under section 87.		3000		3200	320	
Chap 3 Vehicle Operations - SS	85 (2) Modifying heavy vehicle requires approval – A person must not use, or permit to be used, on a road a heavy vehicle that has been modified unless the modification has been approved by— (a) an approved vehicle examiner under section 86; or (b) the Regulator under section 87.		3000		3200	320	
Chap 3 Vehicle Operations - SS	86 (2) Approval of modifications by approved vehicle examiners –If an approved vehicle examiner approves a modification of a heavy vehicle, the examiner must— (a) give a certificate approving the modification, in the approved form, to (i) the registered operator of the vehicle; or (ii) if there is no registered operator of the vehicle— an owner of the vehicle; and (b) ensure a plate or label that complies with subsection (3) is fitted or affixed to a conspicuous part of the vehicle		3000		3200	320	

Chap 3 Vehicle Operations - SS	87A(1) Person must not tamper with plate or label fitted or affixed to a heavy vehicle under section 86(2) or 87(3).		3000		3200	320	
Chap 3 Vehicle Operations - SS	89 (1) Safety requirement – A person must not use, or permit to be used, on a road a heavy vehicle that is unsafe.		6000		6400	640	
Chap 3 Vehicle Operations - SS	90 (1) Requirement about properly operating emission control system – A person must not use, or permit to be used, on a road a heavy vehicle that is not fitted with an emission control system for each relevant emission if and as required by an applicable heavy vehicle standard.		3000		3200	320	
Chap 3 Vehicle Operations - SS	90 (2) Requirement about properly operating emission control system – A person must not use, or permit to be used, on a road a heavy vehicle fitted with an emission control system that is not operating in accordance with the manufacturer’s design.		3000		3200	320	
Chap 3 Vehicle Operations - SS	90 (3) Requirement about properly operating emission control system – A person must not use, or permit to be used, on a road a heavy vehicle fitted with an emission control system if the operation of the system results in a failure to comply with an applicable heavy vehicle standard (whether in relation to the vehicle or in relation to the system).		3000		3200	320	
Chap 3 Vehicle Operations - SS	91 (1) Person must not tamper with emission control system fitted to heavy vehicle – A person must not tamper with an emission control system fitted to a heavy vehicle.		10000		10650		
Chap 3 Vehicle Operations - SS	91 (2) Person must not tamper with emission control system fitted to heavy vehicle – An operator of a heavy vehicle must not use or permit the vehicle to be used on a road if the vehicle is fitted with an emission control system that the operator knows or ought reasonably to know has been tampered with in contravention of subsection (1).		10000		10650		
Chap 3 Vehicle Operations - SS	92 (2) Display of warning signs on heavy vehicles if not required by heavy vehicle standards – A person must not use, or permit to be used, on a road a heavy vehicle that has the warning sign displayed on it unless the vehicle is of the particular type, size or configuration.		3000		3200	320	

Chap 3 Vehicle Operations - SS	93 (1) Person must not tamper with speed limiter fitted to heavy vehicle – A person must not tamper with a speed limiter that is required under an Australian road law or by order of an Australian court to be, and is, fitted to a heavy vehicle.		10000		10650		
Chap 3 Vehicle Operations - SS	93 (2) Person must not tamper with speed limiter fitted to heavy vehicle – A person must not fit, or direct the fitting of, a speed limiter to a heavy vehicle in circumstances where the person knows or ought reasonably to know that the speed limiter has been tampered with in such a way that, had it been fitted to the vehicle at the time of the tampering, an offence would have been committed against subsection (1).		10000		10650		
Chap 3 Vehicle Operations - SS	93 (3) Person must not tamper with speed limiter fitted to heavy vehicle – An operator of a heavy vehicle must not use or permit the vehicle to be used on a road if the operator knows, or ought reasonably to know, that a speed limiter fitted to the vehicle, as required under an Australian road law or by order of an Australian court, has been tampered with in contravention of subsection (1) or fitted to the vehicle in contravention of subsection (2).		10000		10650		
CHAPTER 4	SECTION EXCERPT VEHICLE OPERATIONS—MASS, DIMENSION AND LOADING	PENALTY LEVEL	MAX PENALTY	SPECIAL CONDITIONS	2016/17 FY INDEXED PENALTY	INFRING. PENALTY	DEMERIT POINTS
Chap 4 - Vehicle Operations- MDL	96 (1) Compliance with Mass Requirements - A person must not drive on a road a heavy vehicle that (together with its load) does not, or whose components do not, comply with the mass requirements applying to the vehicle.	Minor	4000		4260	426	
	96(1) cont	Substantial	6000		6400	640	
	96(1) cont NOTE: Maximum penalty is increased for an additional maximum \$500 for every additional 1% over a 120% overload (but so that the additional maximum penalty does not exceed \$20000).	Severe	10000	Plus an additional maximum \$530 for every additional 1% over a 120% overload (but so that the additional maximum penalty does not exceed \$21,320).	10650		

Chap 4 - Vehicle Operations-MDL	102(1)(a) Compliance with dimension requirements – A person must not drive on a road a heavy vehicle that (together with its load) does not, or whose components do not or whose load does not, comply with the dimension requirements applying to the vehicle. – If the heavy vehicle does not have goods or passengers in it.		3000		3200	320	
Chap 4 - Vehicle Operations-MDL	102 (1)(b) Compliance with dimension requirements - A person must not drive on a road a heavy vehicle that (together with its load) does not, or whose components do not or whose load does not, comply with the dimension requirements applying to the vehicle.	Minor	3000		3200	320	
	102(1)(b) cont	Substantial	5000		5330	533	
	102(1)(b) cont	Severe	10000		10650		
Ch 4 - Vehicle Operations-MDL	109 (2) Warning signals required for rear projection of loads – A person must not use the heavy vehicle, or permit the heavy vehicle to be used, on a road unless— (a) during the daytime—a brightly coloured red, red and yellow, or yellow flag at least 300mm by 300mm is fixed to the extreme back of the load; or (b) at night—a light showing a clear red light to the back, visible at a distance of at least 200m, is fixed to the extreme back of the load.		3000		3200	320	
Ch 4 - Vehicle Operations-MDL	111 (1) Compliance with loading requirements – A person must not drive on a road a heavy vehicle that does not, or whose load does not, comply with the loading requirements applying to the vehicle	Minor	3000		3200	320	
	111(1) cont	Substantial	5000		5330	533	
	111(1) cont	Severe	10000		10650		

Chap 4 - Vehicle Operations-MDL	129(1) Contravening condition of mass or dimension exemption generally – The driver or operator of a heavy vehicle being used on a road under a mass or dimension exemption must not contravene a condition of the exemption.		6000		6400	640	
Chap 4 - Vehicle Operations-MDL	129 (2) Contravening condition of mass or dimension exemption generally – A person must not use, or permit to be used, on a road a heavy vehicle that contravenes a condition of a mass or dimension exemption applying to the vehicle.		6000		6400	640	
Chap 4 - Vehicle Operations-MDL	129 (3) Contravening condition of mass or dimension exemption generally – A person must not use a heavy vehicle, or permit a heavy vehicle to be used, on a road in a way that contravenes a condition of a mass or dimension exemption applying to the vehicle.		6000		6400	640	
Chap 4 - Vehicle Operations-MDL	130 (2) Contravening condition of mass or dimension exemption relating to pilot or escort vehicle – The driver of the pilot vehicle or escort vehicle accompanying the heavy vehicle must comply with the conditions of the mass or dimension exemption about the use of the pilot vehicle or escort vehicle.		6000		6400	640	
Chap 4 - Vehicle Operations-MDL	130 (3) Contravening condition of mass or dimension exemption relating to pilot or escort vehicle – If the driver of the pilot vehicle or escort vehicle commits an offence against subsection (2), the operator of the heavy vehicle is taken to have committed an offence against this subsection.		6000		6400	640	
Chap 4 - Vehicle Operations-MDL	131 (1) Using pilot vehicle with a heavy vehicle that contravenes mass or dimension exemption –The driver of a pilot vehicle must ensure the pilot vehicle does not accompany a heavy vehicle to which a mass or dimension exemption applies if the heavy vehicle, or its use on a road, contravenes a condition of the exemption because the heavy vehicle— (a) travels on a route not allowed by the exemption; or (b) travels at a time other than a time allowed in the exemption; or (c) is accompanied by fewer than the number of pilot or escort vehicles required in the exemption.		6000		6400	640	
Chap 4 - Vehicle Operations-MDL	132 (2) Keeping relevant document while driving under mass or dimension exemption (notice) – A driver of the class 1 heavy vehicle or class 3 heavy vehicle who is driving the vehicle under the mass or dimension exemption (notice) must comply with the condition.		3000		3200	320	
Chap 4 - Vehicle Operations-MDL	132 (3) Keeping relevant document while driving under mass or dimension exemption (notice) If the driver of a class 1 heavy vehicle or class 3 heavy vehicle commits an offence against subsection (2), each relevant party for the driver is taken to have committed an offence against this subsection.		3000		3200	320	

Chap 4 - Vehicle Operations-MDL	133(1) Keeping copy of permit while driving under mass or dimension exemption (permit) – The driver of a class 1 heavy vehicle or class 3 heavy vehicle who is driving the vehicle under a mass or dimension exemption (permit) must keep a copy of the permit for the exemption in the driver’s possession.		3000		3200	320	
Chap 4 - Vehicle Operations-MDL	133(2) Keeping copy of permit while driving under mass or dimension exemption (permit) – If the driver of a class 1 heavy vehicle or class 3 heavy vehicle is driving the vehicle under a mass or dimension exemption (permit) granted to a relevant party for the driver and the relevant party has given the driver a copy of a permit for the purpose of subsection (1), the driver must, as soon as reasonably practicable, return the copy to the relevant party if the driver stops working for the relevant party.		4000		4260	426	
Chap 4 - Vehicle Operations-MDL	133(3) Keeping copy of permit while driving under mass or dimension exemption (permit) – If the driver of a class 1 heavy vehicle or class 3 heavy vehicle commits an offence against subsection (1), each relevant party for the driver is taken to have committed an offence against this subsection.		3000		3200	320	
Chap 4 - Vehicle Operations-MDL	134(1) Displaying warning signs on vehicles if not required by dimension exemption – A heavy vehicle warning sign must not be displayed on a heavy vehicle unless it is being used under a dimension exemption.		3000		3200	320	
Chap 4 - Vehicle Operations-MDL	134(2) Displaying warning signs on vehicles if not required by dimension exemption – A pilot vehicle warning sign must not be displayed on a vehicle unless it is being used as a pilot vehicle for a heavy vehicle being used under a dimension exemption.		3000		3200	320	
Chap 4 - Vehicle Operations-MDL	137 Using class 2 heavy vehicle – A person must not use a class 2 heavy vehicle, or permit a class 2 heavy vehicle to be used, on a road other than in accordance with a class 2 heavy vehicle authorisation		6000		6400	640	
Chap 4 - Vehicle Operations-MDL	150(1) Contravening condition of class 2 heavy vehicle authorisation – The driver or operator of a class 2 heavy vehicle being used on a road under a class 2 heavy vehicle authorisation must not contravene a condition of the authorisation.		6000		6400	640	
Chap 4 - Vehicle Operations-MDL	151(2) Keeping relevant document while driving under class 2 heavy vehicle authorisation (notice) – A driver of the class 2 heavy vehicle who is driving the vehicle under the class 2 heavy vehicle authorisation (notice) must comply with the condition.		3000		3200	320	

Chap 4 - Vehicle Operations-MDL	151(3) Keeping relevant document while driving under class 2 heavy vehicle authorisation (notice) – If the driver of a class 2 heavy vehicle commits an offence against subsection (2), each relevant party for the driver is taken to have committed an offence against this subsection.		3000		3200	320	
Chap 4 - Vehicle Operations-MDL	152(1) Keeping copy of permit while driving under class 2 heavy vehicle authorisation (permit) – The driver of a class 2 heavy vehicle who is driving the vehicle under a class 2 heavy vehicle authorisation (permit) must keep a copy of the permit for the authorisation in the driver's possession.		3000		3200	320	
Chap 4 - Vehicle Operations-MDL	152(2) Keeping copy of permit while driving under class 2 heavy vehicle authorisation (permit) – If the driver of a class 2 heavy vehicle is driving the vehicle under a class 2 heavy vehicle authorisation (permit) granted to a relevant party for the driver and the relevant party has given the driver a copy of a permit for the purpose of subsection (1), the driver must, as soon as reasonably practicable, return the copy to the relevant party if the driver stops working for the relevant party.		4000		4260	426	
Chap 4 - Vehicle Operations-MDL	152(3) Keeping copy of permit while driving under class 2 heavy vehicle authorisation (permit) – If the driver of a class 2 heavy vehicle commits an offence against subsection (1), each relevant party for the driver is taken to have committed an offence against this subsection.		3000		3200	320	
Chap 4 - Vehicle Operations-MDL	153 (1) Keeping copy of PBS vehicle approval while driving under class 2 heavy vehicle authorisation – A driver of a class 2 heavy vehicle that is a PBS vehicle who is driving under a class 2 heavy vehicle authorisation must keep a copy of the PBS vehicle approval in the driver's possession.		3000		3200	320	
Chap 4 - Vehicle Operations-MDL	153 (2) Keeping copy of PBS vehicle approval while driving under class 2 heavy vehicle authorisation – If the driver of a class 2 heavy vehicle commits an offence against subsection (1), each relevant party for the driver is taken to have committed an offence against this subsection.		3000		3200	320	
Chap 4 - Vehicle Operations-MDL	153A (1) Using restricted access vehicle- A person must not use a restricted access vehicle, or permit a restricted access vehicle to be used, on a road unless the road is one on which the vehicle is allowed to be used under a mass or dimension authority applying to the vehicle.		6000		6400	640	
Chap 4 - Vehicle Operations-MDL	181(3) Return of permit – The person must comply with the notice within 7 days after the notice is given to the person or, if a longer period is stated in the notice, within the longer period.		4000		4260	426	

Chap 4 - Vehicle Operations-MDL	182(1) Replacement of defaced etc. permit – If a person’s permit for a mass or dimension authority is defaced, destroyed, lost or stolen, the person must, as soon as reasonably practicable after becoming aware of the matter, apply to the Regulator for a replacement permit.		4000		4260	
Chap 4 - Vehicle Operations-MDL	183 (2) Liability of employer etc. for driver’s contravention of mass, dimension or loading requirement – (1) This section applies to an offence against section 96, 102 or 111 (a relevant offence). (2) If a relevant offence is committed in relation to a heavy vehicle, each of the following persons is taken to have committed an offence against this subsection— (a) an employer of the driver of the vehicle if the driver is an employed driver; (b) a prime contractor of the driver of the vehicle if the driver is a self-employed driver; (c) an operator of the vehicle or, if it is a combination, an operator of a vehicle in the combination; (d) a consignor of any goods for road transport using the vehicle that are in the vehicle; (e) a packer of any goods in the vehicle; (f) a loading manager for any goods in the vehicle; (g) a loader of any goods in the vehicle.		An amount equal to the maximum penalty for the relevant offence		An amount equal to the maximum penalty for the relevant offence	<p>Mass Minor \$426 Substantial \$640</p> <p>Dimension No Load \$320 Minor \$320 Substantial \$533</p> <p>Loading Minor \$320 Substantial \$533</p>
Chap 4 - Vehicle Operations-MDL	184(1) Towing restriction – A person must not drive a heavy motor vehicle towing more than 1 other vehicle.		3000		3200	320
Chap 4 - Vehicle Operations-MDL	185(1) Requirements about coupling trailers – A person commits an offence if— the person uses, or permits to be used, on a road a heavy combination; and a trailer in the combination is not securely coupled to the vehicle in front of it.		6000		6400	640
Chap 4 - Vehicle Operations-MDL	185(2) Requirements about coupling trailers – A person commits an offence if — the person uses, or permits to be used, on a road a heavy combination; and the components of a coupling used between vehicles in the heavy combination are not compatible with, or properly connected to, each other.		6000		6400	640
Chap 4 - Vehicle Operations-MDL	186(2) False or misleading transport documentation for goods – Each consignor of the goods commits an offence if the transport documentation for the consignment in so far as it relates to the mass, dimension or loading of any or all of the goods is false or misleading in a material particular.		10000		10650	

Chap 4 - Vehicle Operations-MDL	186(3) False or misleading transport documentation for goods –Each packer of the goods commits an offence if— (a) the goods are packed in Australia in a freight container or other container, or in a package or on a pallet, for road transport; and (b) the transport documentation for the consignment in so far as it relates to the mass, dimension or loading of any or all of the goods is false or misleading in a material particular.		10000		10650		
Chap 4 - Vehicle Operations-MDL	186(4) False or misleading transport documentation for goods –Each loading manager for, or loader of, the goods commits an offence if— (a) the goods are loaded onto a heavy vehicle for road transport; and (b) the transport documentation for the consignment in so far as it relates to the mass, dimension or loading of any or all of the goods is false or misleading in a material particular		10000		10650		
Chap 4 - Vehicle Operations-MDL	186(5) False or misleading transport documentation for goods – Each receiver of the goods in Australia commits an offence if— (a) the goods are packed outside Australia in a freight container or other container, or in a package or on a pallet, for road transport; and (b) the transport documentation for the consignment in so far as it relates to the mass, dimension or loading of any or all of the goods is false or misleading in a material particular.		10000		10650		
Chap 4 - Vehicle Operations-MDL	187(2) False or misleading information in container weight declaration – The responsible entity for the freight container commits an offence if— (a) the responsible entity gives the container to an operator of a heavy vehicle; And (b) the container weight declaration for the container contains information that is false or misleading in a material particular.		10000		10650		
Chap 4 - Vehicle Operations-MDL	187(3) False or misleading information in container weight declaration – An operator of a heavy vehicle commits an offence if— (a) the operator arranges for the freight container to be transported by road using the vehicle; and (b) the container weight declaration for the container given to the vehicle’s driver contains information that is false or misleading in a material particular.		10000		10650		
Chap 4 - Vehicle Operations-MDL	190(1) Duty of responsible entity – The responsible entity for the freight container must not permit an operator or driver of a heavy vehicle to transport the freight container by road using the vehicle unless the operator or driver has been provided with a complying container weight declaration for the freight container.		6000		6400	640	
Chap 4 - Vehicle Operations-MDL	191 (1) Duty of operator – An operator of a heavy vehicle must not permit the vehicle’s driver to transport the freight container by road using the vehicle unless the driver has been provided with a complying container weight declaration for the freight container.		6000		6400	640	
Chap 4 - Vehicle Operations-MDL	191 (3) Duty of operator – If the freight container is to be by another carrier, an operator of a heavy vehicle must not give the freight container to the carrier unless the carrier has been provided with — (a) a complying container weight declaration for the freight container containing info in the form required under s192A; or (b) the prescribed particulars contained in a complying container weight declaration for the freight container.		6000		6400	640	

Chap 4 - Vehicle Operations- MDL	192(1) Duty of driver – A person must not drive a heavy vehicle loaded with the freight container on a road unless the person has a complying container weight declaration for the container.		6000		6400	640	
Chap 4 - Vehicle Operations- MDL	192(2) Duty of driver – The driver of a heavy vehicle loaded with the freight container must, when driving the vehicle on a road, keep the complying container weight declaration for the container—in or about the vehicle; and in a way that ensures information in the declaration is in the form required under section 192A.		3000		3200	320	
Chap 4 - Vehicle Operations- MDL	193(2) Weight of freight container exceeding weight stated on container or safety approval plate – Each consignor or packer of the goods commits an offence if the weight of the container exceeds the maximum gross weight marked on the container or the container’s safety approval plate.		10000		10650		
Chap 4 - Vehicle Operations- MDL	194 (1) Conduct of consignee resulting or potentially resulting in contravention of mass, dimension or loading requirement – A person who is a consignee of goods consigned for road transport using a heavy vehicle commits an offence if— (a) the person does an act or makes an omission; and (b) the doing of the act or making of the omission results, or is likely to result, in inducing or rewarding a contravention of a mass, dimension or loading requirement; and (c) the person— (i) intends that result; or (ii) is reckless or negligent as to the matter mentioned in paragraph (b).		10000		10650		
CHAPTER 5	SECTION EXCERPT VEHICLE OPERATIONS - SPEEDING	PENALTY LEVEL	MAX PENALTY	SPECIAL CONDITIONS	2016/17 FY INDEXED PENALTY	INFRING. PENALTY	DEMERIT POINTS
Chap 5 - Vehicle Operations - Speeding	204 (1) Duty of Employer, prime contractor or operator to ensure business practices will no cause driver to exceed speed limit A relevant party for the driver of a heavy vehicle must take all reasonable steps to ensure the relevant party's business practices will not cause the driver to exceed a speed limit applying to the driver.		10000		10650		
Chap 5 - Vehicle Operations - Speeding	205(1) Duty of employer not to cause driver to drive if particular requirements not complied with – An employer of an employed driver of a heavy vehicle must not cause the driver to drive the heavy vehicle unless the employer has complied with section 204; and the employer is reasonably satisfied each scheduler for the vehicle has complied with sections 207 and 208.		4000		4260		
Chap 5 - Vehicle Operations - Speeding	206 (2) Duty of prime contractor or operator not to cause driver to drive if particular requirements not complied with – The prime contractor, or operator, must not cause the driver to drive the heavy vehicle unless the prime contractor, or operator, has complied with section 204; and the prime contractor, or operator, is reasonably satisfied each scheduler for the vehicle has complied with sections 207 and 208		4000		4260		

Chap 5 - Vehicle Operations - Speeding	207(1) Duty to ensure driver's schedule will not cause driver to exceed speed limit – A scheduler for a heavy vehicle must take all reasonable steps to ensure the schedule for the vehicle's driver will not cause the driver to exceed a speed limit applying to the driver.		10000		10650		
Chap 5 - Vehicle Operations - Speeding	208(1) Duty not to cause driver to drive if particular requirements not complied with – A scheduler for a heavy vehicle must not cause the vehicle's driver to drive the vehicle unless— the scheduler has complied with section 207; and the driver's schedule for driving the vehicle allows— for compliance with all speed limits; and for the driver to take all required rest in compliance with all laws regulating the driver's work times and rest times; and for traffic conditions and other delays that could reasonably be expected.		6000		6400		
Chap 5 - Vehicle Operations - Speeding	209(1) Duty to ensure loading arrangements will not cause driver to exceed speed limit – A loading manager must take all reasonable steps to ensure the arrangements for loading goods onto and unloading goods from heavy vehicles will not cause the driver of a heavy vehicle to exceed a speed limit applying to the driver.		10000		10650		
Chap 5 - Vehicle Operations - Speeding	212 (1) Duty to ensure terms of consignment will not cause driver to exceed speed limit – A commercial consignor or a consignee of goods must take all reasonable steps to ensure the terms of consignment will not cause the relevant driver to exceed a speed limit applying to the driver.		10000		10650		
Chap 5 - Vehicle Operations - Speeding	212(2) Duty to ensure terms of consignment will not cause driver to exceed speed limit - A commercial consignor or a consignee of goods must take all reasonable steps to ensure the terms of consignment will not cause a relevant party for the relevant driver to cause the driver to exceed a speed limit applying to the driver.		10000		10650		
Chap 5 - Vehicle Operations - Speeding	213 Duty not to make a demand that may result in driver exceeding the speed limit – A commercial consignor or a consignee of goods must not make a demand that affects, or may affect, a time in a schedule for the transport of the consigned goods unless—the consignor or consignee has complied with section 212; and the consignor or consignee is reasonably satisfied the making of the demand will not cause a person to contravene section 207 or 208.		10000		10650		
Chap 5 - Vehicle Operations - Speeding	215 Particular requests etc. prohibited – A person must not ask, direct or require, directly or indirectly, the driver of a heavy vehicle, or a party in the chain of responsibility for a heavy vehicle, to do something the person knows, or ought reasonably to know, would have the effect of causing the driver to exceed a speed limit applying to the driver.		10000		10650		
Chap 5 - Vehicle Operations - Speeding	216 (1) Particular contracts etc. prohibited – A person must not enter into a contract or other agreement with the driver of a heavy vehicle, or with a party in the chain of responsibility for a heavy vehicle, that the person knows, or ought reasonably to know, would have the effect of causing the vehicle's driver to exceed a speed limit applying to the driver.		10000		10650		

Chap 5 - Vehicle Operations - Speeding	216 (2) Particular contracts etc. prohibited – A person must not enter into a contract or other agreement with the driver of a heavy vehicle, or with a party in the chain of responsibility for a heavy vehicle, that the person knows, or ought reasonably to know, would encourage or provide an incentive for the vehicle’s driver, or a party in the chain of responsibility for the vehicle to cause the vehicle’s driver, to exceed a speed limit applying to the driver.		10000		10650		
Chap 5 - Vehicle Operations - Speeding	219(1) Liability of employer etc for speeding offence - If a speeding offence is committed in relation to a heavy vehicle each of the following persons is take to have committed an offence, an employer of the driver if the driver is an employed driver, a prime contractor of the driver if the driver is a self-employed driver or an operator of the vehicle if the driver is making a journey for the operator, is take to have committed an offence.	Limit 50km/h-60km/hr By less than 15km/h	3000		3200	320	
	219(1) Con't	Limit of 70km/h - 80km/h by less than 15km/h	3000		3200	320	
	219(1) Con't	Limit of 70km/h - 80km/h by 15km/h or more	5000		5330	533	
	219(1) Con't	Limit of 90km/h By less than 15km/h	3000		3200	320	
	219(1) Con't	Limit of 90km/h By 15km/h or more	5000		5330	533	
	219(1) Con't	Limit of 90km/h (Road Train) By less than 15km/h	5000		5330	533	

	219(1) Con't	Limit of 90km/h (Road Train) By 15km/h or more	10000		10650			
	219(1) Con't	Limit of 100km/h By less than 15km/h	5000		5330	533		
	219(1) Con't	Limit of 100km/h By 15km/h or more	10000		10650			
CHAPTER 6	SECTION EXCERPT VEHICLE OPERATIONS - DRIVER FATIGUE		PENALTY LEVEL	MAX PENALTY	SPECIAL CONDITIONS	2016/17 FY INDEXED PENALTY	INFRING. PENALTY	DEMERIT POINTS
Chap 6 - Vehicle Operations - driver fatigue	228 Duty of driver to avoid driving while fatigued - A person must not drive a fatigue-regulated heavy vehicle on a road while the person is impaired by fatigue.		6000			6400		3 points
Chap 6 - Vehicle Operations - driver fatigue	229 (1) Duty of party in the chain of responsibility to prevent driver driving while fatigued – A party in the chain of responsibility (a party) for a fatigue-regulated heavy vehicle must take all reasonable steps to ensure a person (the other person) does not drive the vehicle on a road while the other person is impaired by fatigue.		10000			10650		
Chap 6 - Vehicle Operations - driver fatigue	230 (1) Duty of employer, prime contractor or operator to ensure business practices will not cause driver to drive while fatigued – A relevant party for the driver of a fatigue-regulated heavy vehicle must take all reasonable steps to ensure the relevant party’s business practices will not cause the driver to— (a) drive while impaired by fatigue; or (b) drive while in breach of the driver’s work and rest hours option; or (c) drive in breach of another law to avoid driving while impaired by fatigue or while in breach of the driver’s work and rest hours option.		6000			6400		

Chap 6 - Vehicle Operations - driver fatigue	231 Duty of employer not to cause driver to drive if particular requirements not complied with – An employer of an employed driver of a fatigue-regulated heavy vehicle must not cause the driver to drive the vehicle unless— the employer has complied with section 230; and the employer, after making reasonable inquiries, is satisfied each scheduler for the vehicle has complied with Division 4.		4000		4260		
Chap 6 - Vehicle Operations - driver fatigue	232 (2)Duty of prime contractor or operator not to cause driver to drive if particular requirements not complied with – The prime contractor or operator must not cause the driver to drive the fatigue-regulated heavy vehicle, or enter into a contract or other agreement with the driver to that effect, unless— the prime contractor or operator has complied with section 230; and the prime contractor or operator, after making reasonable inquiries, is satisfied each scheduler for the vehicle has complied with Division 4.		4000		4260		
Chap 6 - Vehicle Operations - driver fatigue	233 (1) Duty to ensure driver’s schedule will not cause driver to drive while fatigued etc. – A scheduler for a fatigue-regulated heavy vehicle must take all reasonable steps to ensure the schedule for the vehicle’s driver will not cause the driver to— drive while impaired by fatigue; or drive while in breach of the driver’s work and rest hours option; or drive in breach of another law to avoid driving while impaired by fatigue or while in breach of the driver’s work and rest hours option.		10000		10650		
Chap 6 - Vehicle Operations - driver fatigue	234 (1) Duty not to cause driver to drive if particular requirements not complied with – A scheduler for a fatigue-regulated heavy vehicle must not cause the vehicle’s driver to drive the vehicle unless— the scheduler has complied with section 233; and the schedule for the vehicle’s driver allows for— the driver to have the rest time required under the driver’s work and rest hours option; and traffic conditions and other delays that could reasonably be expected.		6000		6400		
Chap 6 - Vehicle Operations - driver fatigue	235 (1) Duty to ensure terms of consignment will not cause driver to drive while fatigued – A consignor or consignee of goods for transport by a fatigue-regulated heavy vehicle must take all reasonable steps to ensure the terms of consignment will not result in, encourage or provide an incentive to the vehicle’s driver to drive while impaired by fatigue; or drive while in breach of the driver’s work and rest hours option; or drive in breach of another law to avoid driving while impaired by fatigue or while in breach of the driver’s work and rest hours option.		10000		10650		
Chap 6 - Vehicle Operations - driver fatigue	235 (2) Duty to ensure terms of consignment will not cause driver to drive while fatigued – A consignor or consignee of goods for transport by a fatigue-regulated heavy vehicle must take all reasonable steps to ensure the terms of consignment will not result in, encourage or provide an incentive to a relevant party for the vehicle’s driver to cause the driver to— (a) drive while impaired by fatigue; or (b) drive while in breach of the driver’s work and rest hours option; or (c) drive in breach of another law in order to avoid driving while impaired by fatigue or while in breach of the driver’s work and rest hours option.		10000		10650		
Chap 6 - Vehicle Operations - driver fatigue	236 (1) Duty not to cause driver to drive if particular requirements not complied with – A consignor or consignee of goods for transport by a fatigue-regulated heavy vehicle must not cause the vehicle’s driver to drive the vehicle, or enter into a contract or other agreement to that effect, the consignor or consignee has complied with section 235; and the consignor or consignee, after making reasonable inquiries, is satisfied each relevant party for the driver has complied with Division 3; and each scheduler for the vehicle has complied with Division 4.		4000		4260		

Chap 6 - Vehicle Operations - driver fatigue	237(1) Duty not to make a demand that may result in driver driving while fatigued – A consignor or consignee of goods for transport by a fatigue-regulated heavy vehicle must not make a demand that affects, or may affect, a time in a schedule for the transport of the consigned goods and that may cause the vehicle’s driver to— (a) drive while impaired by fatigue; or (b) drive while in breach of the driver’s work and rest hours option; or (c) drive in breach of another law to avoid driving while impaired by fatigue or while in breach of the driver’s work and rest hours option.		10000		10650		
Chap 6 - Vehicle Operations - driver fatigue	238 (1) Duty to ensure loading arrangements will not cause driver to drive while fatigued – A loading manager must take all reasonable steps to ensure the arrangements for loading goods onto and unloading goods from fatigue-regulated heavy vehicles at or from the premises in relation to which the person is a loading manager will not cause the driver of a fatigue-regulated heavy vehicle to— (a) drive while impaired by fatigue; or (b) drive while in breach of the driver’s work and rest hours option; or (c) drive in breach of another law to avoid driving while impaired by fatigue or while in breach of the driver’s work and rest hours option.		10000		10650		
Chap 6 - Vehicle Operations - driver fatigue	239 (2) Duty to ensure drivers can rest in particular Circumstances – The loading manager must take all reasonable steps to ensure the driver is able to rest while waiting for the goods to be loaded onto or unloaded from the fatigue-regulated heavy vehicle.		6000		6400		
Chap 6 - Vehicle Operations - driver fatigue	240 Particular requests etc prohibited – A person must not ask, direct or require, directly or indirectly, the driver of a fatigue-regulated heavy vehicle, or a party in the chain of responsibility for a fatigue-regulated heavy vehicle, to do or not do something the person knows, or ought reasonably to know, would have the effect of causing the vehicle’s driver to— (a) drive while impaired by fatigue; or (b) drive while in breach of the driver’s work and rest hours option; or (c) drive in breach of another law to avoid driving while impaired by fatigue or while in breach of the driver’s work and rest hours option.		10000		10650		
Chap 6 - Vehicle Operations - driver fatigue	241 (1) Particular contracts etc prohibited – A person must not enter into a contract or other agreement with the driver of a fatigue-regulated heavy vehicle, or with a party in the chain of responsibility for a fatigue-regulated heavy vehicle, that the person knows, or ought reasonably to know, would have the effect of causing the vehicle’s driver to— (a) drive while impaired by fatigue; or (b) drive while in breach of the driver’s work and rest hours option; or (c) drive in breach of another law to avoid driving while impaired by fatigue or while in breach of the driver’s work and rest hours option.		10000		10650		
Chap 6 - Vehicle Operations - driver fatigue	241 (2) Particular contracts etc prohibited – A person must not enter into a contract or other agreement with the driver of a fatigue-regulated heavy vehicle, or with a party in the chain of responsibility for a fatigue-regulated heavy vehicle that the person knows, or ought reasonably to know, would encourage or provide an incentive for the vehicle’s driver, or a party in the chain of responsibility for the vehicle to cause the vehicle’s driver, to—(a) drive while impaired by fatigue; or (b) drive while in breach of the driver’s work and rest hours option; or (c) drive in breach of another law to avoid driving while impaired by fatigue or while in breach of the driver’s work and rest hours option.		10000		10650		

Chap 6 - Vehicle Operations - driver fatigue	250 (1) Operating under standard hours—solo drivers – The solo driver of a fatigue-regulated heavy vehicle commits an offence if, in any period stated in the standard hours for the driver, the driver— works for more than the maximum work time stated in the standard hours for the period; or rests for less than the minimum rest time stated in the standard hours for the period.	Minor	4000		4260	426	
	250(1) cont	Substantial	6000		6400	640	
	250(1) cont	Severe	10000		10650		3 points
	250(1) cont	Critical	15000		15990		4 points
Chap 6 - Vehicle Operations - driver fatigue	251 (1) Operating under standard hours—two-up drivers – The driver of a fatigue-regulated heavy vehicle who is a party to a two-up driving arrangement commits an offence if, in any period stated in the standard hours for the driver, the driver— (a) works for more than the maximum work time stated in the standard hours for the period; or (b) rests for less than the minimum rest time stated in the standard hours for the period.	Minor	4000		4260	426	
	251(1) cont	Substantial	6000		6400	640	
	251(1) cont	Severe	10000		10650		3 points
	251(1) cont	Critical	15000		15990		4 points
Chap 6 - Vehicle Operations - driver fatigue	254 (1) Operating under BFM hours—solo drivers – The solo driver of a fatigue-regulated heavy vehicle commits an offence if, in any period stated in the BFM hours for the driver, the driver works for more than the maximum work time stated in the BFM hours for the period; or rests for less than the minimum rest time stated in the BFM hours for the period.	Minor	4000		4260	426	

	254(1) cont	Substantial	6000		6400	640	
	254(1) cont	Severe	10000		10650		3 points
	254(1) cont	Critical	15000		15990		4 points
Chap 6 - Vehicle Operations - driver fatigue	256 (1) Operating under BFM hours—two-up drivers – The driver of a fatigue-regulated heavy vehicle who is a party to a two-up driving arrangement commits an offence if, in any period stated in the BFM hours for the driver, the driver— works for more than the maximum work time stated in the BFM hours for the period; or rests for less than the minimum rest time stated in the BFM hours for the period.	Minor	4000		4260	426	
	256(1) cont	Substantial	6000		6400	640	
	256(1) cont	Severe	10000		10650		3 points
	256(1) cont	Critical	15000		15990		4 points
Chap 6 - Vehicle Operations - driver fatigue	258 (1) Operating under AFM hours – The driver of a fatigue-regulated heavy vehicle commits an offence if, in any period stated in the AFM hours for the driver, the driver works for more than the maximum work time stated in the AFM hours; or rests for less than the minimum rest time stated in the AFM hour	Minor	4000		4260	426	
	258(1) cont	Substantial	6000		6400	640	
	258(1) cont	Severe	10000		10650		3 points

	258(1) cont	Critical	15000		15990		4 points
Chap 6 - Vehicle Operations - driver fatigue	260 (1) Operating under exemption hours – The driver of a fatigue-regulated heavy vehicle operating under a work and rest hours exemption commits an offence if, in any period stated in the exemption hours for the exemption, the driver— works for more than the maximum work time stated in the exemption hours; or rests for less than the minimum rest time stated in the exemption hour	Minor	4000		4260	426	
	260(1) cont	Substantial	6000		6400	640	
	260(1) cont	Severe	10000		10650		3 points
	260(1) cont	Critical	15000		15990		4 points
Chap 6 - Vehicle Operations - driver fatigue	261(2) Liability of employer etc for driver's contravention of maximum work requirements or minimum rest requirements - If the driver of a fatigue-regulated heavy vehicle is convicted of an offence involving a contravention of a maximum work requirement or minimum rest requirement applying to the driver under Division 2,3,4 or 5 (the relevant offence), each of the following persons is also taken to have committed the offence against this subsection - (a) an employer of the driver if the driver is an employed driver; (b) a prime contractor of the driver if the driver is a self-employed driver; (c) an operator of the vehicle; (d) a scheduler for the vehicle; (e) a consignor of any goods for transport by the vehicle that are in the vehicle; (f) a consignee of any goods in the vehicle; (g) a loading manager for any goods in the vehicle; (h) a loader of any goods in the vehicle; (i) an unloader of goods in the vehicle.	Minor	4000		4260		
	261(2) cont	Substantial	6000		6400		
	261(2) cont	Severe	10000		10650		
	261(2) cont	Critical	15000		15990		

Chap 6 - Vehicle Operations - driver fatigue	263 (1) Operating under new work and rest hours option after change – The driver of a fatigue-regulated heavy vehicle must not drive the vehicle after changing from 1 work and rest hours option to a different work and rest hours option unless— (a) if the change is from standard hours or BFM hours, either the driver— (i) is in compliance with all the maximum work requirements and minimum rest requirements under the work and rest hours option to which the driver has changed; or (ii) has had a reset rest break; and (b) if the change is from AFM hours or exemption hours, the driver has had a reset rest break; and (c) the driver complies with all other requirements of the work and rest hours option to which the driver has changed.		4000		4260	426	
Chap 6 - Vehicle Operations - driver fatigue	264 (2) Duty of employer, prime contractor, operator and scheduler to ensure driver compliance – A relevant party for the driver must— ensure the driver does not drive a fatigue-regulated heavy vehicle after making the change unless the driver has complied with section 263; and take whatever action is necessary to ensure the driver can comply with his or her obligations in relation to the change.		6000		6400		
Chap 6 - Vehicle Operations - driver fatigue	284 (2) Return of permit – The person must comply with the notice within 7 days after the notice is given to the person or, if a longer period is stated in the notice, within the longer period.		6000		6400	640	
Chap 6 - Vehicle Operations - driver fatigue	285 (1) Replacement of defaced permit – If a person’s permit for a work and rest hours exemption (permit) is defaced, destroyed, lost or stolen, the person must, as soon as reasonably practicable after becoming aware of the matter, apply to the Regulator for a replacement permit.		4000		4260		
Chap 6 - Vehicle Operations - driver fatigue	286(1) Contravening condition of work and rest hours exemption – A person must not contravene a condition of a work and rest hours exemption.		6000		6400	640	
Chap 6 - Vehicle Operations - driver fatigue	287 (2) Keeping relevant document while operating under work and rest hours exemption (notice) – A driver of the fatigue-regulated heavy vehicle who is operating under the work and rest hours exemption (notice) must comply with the condition.		3000		3200	320	
Chap 6 - Vehicle Operations - driver fatigue	287 (3) Keeping relevant document while operating under work and rest hours exemption (notice) – If an offence is committed against subsection (2) involving the driver of a fatigue-regulated heavy vehicle, each relevant party for the driver is also taken to have committed the offence.		3000		3200	320	

Chap 6 - Vehicle Operations - driver fatigue	288 (1) Keeping copy of permit while driving under work and rest hours exemption (permit) – The driver of a fatigue-regulated heavy vehicle who is driving the vehicle under a work and rest hours exemption (permit) must keep a copy of the permit for the exemption in the driver’s possession.		3000		3200	320	
Chap 6 - Vehicle Operations - driver fatigue	288 (2) Keeping copy of permit while driving under work and rest hours exemption (permit) – If the driver of a fatigue-regulated heavy vehicle is operating under a work and rest hours exemption (permit) granted to a relevant party for the driver and the relevant party has given the driver a copy of a permit for the purpose of subsection (1), the driver must, as soon as reasonably practicable, return the copy to the relevant party if the driver—(a) stops working for the relevant party; or (b) stops operating under the relevant party’s exemption; or (c) no longer meets the requirements relating to drivers under the relevant party’s exemption.		4000		4260	426	
Chap 6 - Vehicle Operations - driver fatigue	288 (3) Keeping copy of permit while driving under work and rest hours exemption (permit) – If the driver commits an offence against subsection (1), each relevant party for the driver is also taken to have committed the offence.		3000		3200	320	
Chap 6 - Vehicle Operations - driver fatigue	293 (1) Driver of fatigue-regulated heavy vehicle must carry work diary – The driver of a fatigue-regulated heavy vehicle must keep a work diary; and ensure— the driver’s work diary records the information required to be recorded under Subdivision 2 for each day in the previous 28 days; and the driver’s work diary is in the driver’s possession while the driver is driving the vehicle.		6000		6400	640	
Chap 6 - Vehicle Operations - driver fatigue	296 (1) Recording information under the national regulations—general – The driver must record the required information in the driver’s work diary in the manner and at the time prescribed by the national regulations. (2) Subsection (1) does not apply to information to which section 297 applies.		1500		1600	160	
Chap 6 - Vehicle Operations - driver fatigue	297 (2) Information required to be recorded immediately after starting work – (1) This section applies to required information that the national regulations specify for the purposes of this section as required to be recorded immediately after the driver starts work on a day. (2) The driver must record the required information to which this section applies immediately after starting work on a day.		6000		6400	640	
Chap 6 - Vehicle Operations - driver fatigue	298 (1) Failing to record information about odometer reading – The driver of a fatigue-regulated heavy vehicle must record the odometer reading in the manner prescribed by the national regulations if and when required to do so by the national regulations.		1500		1600	160	
Chap 6 - Vehicle Operations - driver fatigue	299 Two-up driver to provide details – If the driver is a party to a two-up driving arrangement, the driver must, at the request of the other driver (the other driver) who is a party to the arrangement, provide the other driver with the details relating to the arrangement that are prescribed by the national regulations for the purposes of this section.		3000		3200	320	

<p>Chap 6 - Vehicle Operations - driver fatigue</p>	<p>301 Recording information in written work diary - If the driver's work diary is a written work diary, the driver must record information in the work diary in the following way - (a) the information for each day must be written on a separate daily sheet in the work diary that has no been cancelled by the Regulatory; (b) if, on a day, the driver changes the work and rest hours operation under which the driver is working, the information for hte part of the day after the change must be written on a separate daily sheet in the work diary that has not been cancelled by the Regulator; (c) information must be written on a daily sheet in the way stated in the instructions in the work diary for recording information on daily sheets; (d) the daily sheets in the work diary must be used in turn from the front of the work diary; (e) each daily sheet must be - (i) signed and dated by the driver; and (ii) if the driver under a two-up driving arrangement - signed by the other driver who is a party to the arrangement; (F) information must be written on a daily sheet with enough pressure to ensure a readable record of the information appears on the duplicate daily sheets; (g) information recorded other than on a daily sheet must be written in the work diary in the way stated in the instructions in the work diary for the recording of the information.</p>		<p>1500</p>		<p>1600</p>	<p>160</p>	
<p>Chap 6 - Vehicle Operations - driver fatigue</p>	<p>302 Recording information in electronic work diary – If the driver’s work diary is an electronic work diary, the driver must record information in the work diary in a way complying with – (a) if the Regulator has, when approving the electronic recording system constituting the work diary, or of which the work diary is a part, imposed any conditions in relation to the way information must be recorded in the work diary—those conditions; and (b) the manufacturer’s instructions for recording information in the electronic work diary, to the extent the instructions are consistent with the conditions mentioned in paragraph (a).</p>		<p>1500</p>		<p>1600</p>	<p>160</p>	
<p>Chap 6 - Vehicle Operations - driver fatigue</p>	<p>303 Time zone of driver’s base must be used – The driver must record time in the driver’s work diary according to the time zone in the place where the driver’s base is, rather than the time zone in the place where the driver is.</p>		<p>1500</p>		<p>1600</p>	<p>160</p>	
<p>Chap 6 - Vehicle Operations - driver fatigue</p>	<p>305 (1) Driver must make supplementary records in particular circumstances – During any period in which the driver of a fatigue-regulated heavy vehicle is unable to use the driver’s work diary (the existing work diary) because of circumstances mentioned in section 304 (a) or (b), the driver must record in a supplementary record the information the driver is required under Subdivision 2 to record for the period (the required information).</p>		<p>6000</p>		<p>6400</p>	<p>640</p>	
<p>Chap 6 - Vehicle Operations - driver fatigue</p>	<p>305 (2) Driver must make supplementary records in particular circumstances – For a supplementary record that is not in electronic form, the required information must be recorded in the record as follows— (a) the information for each day must be written on a separate page of the record; (b) if, on a day, the driver changes the work and rest hours option under which the driver is working, the information for the part of the day after the change must be written on a separate page of the record; (c) each page of the record must be— (i) signed and dated by the driver; and (ii) if the driver is driving under a two-up driving arrangement—signed by the other driver who is a party to the arrangement.</p>		<p>3000</p>		<p>3200</p>	<p>320</p>	

Chap 6 - Vehicle Operations - driver fatigue	305 (3) Driver must make supplementary records in particular circumstances – The driver must record time in the supplementary record according to the time zone in the place where the driver’s base is, rather than the time zone in the place where the driver is.		1500		1600	160	
Chap 6 - Vehicle Operations - driver fatigue	306 Driver must notify Regulator if written work diary filled up etc – Within 2 business days after the driver of a fatigue-regulated heavy vehicle becomes aware that the driver’s written work diary has been filled up, destroyed, lost or stolen, the driver must give the Regulator notice, in the approved form, of that happening.		3000		3200	320	
Chap 6 - Vehicle Operations - driver fatigue	307(2) Driver who is record keeper must notify Regulator if electronic work diary filled up etc – The driver must notify the Regulator, in the approved form, of the matter within 2 business days.		3000		3200	320	
Chap 6 - Vehicle Operations - driver fatigue	307 (3) Driver who is the record keeper must notify Regulator if electronic work diary filled up etc. – Within a period required by the Regulator, the driver must ensure the electronic work diary is examined and brought into working order.		3000		3200	320	
Chap 6 - Vehicle Operations - driver fatigue	308 (1) What driver must do if lost or stolen written work diary found or returned – If a lost or stolen written work diary (the old work diary) is found by or returned to the driver of a fatigue-regulated heavy vehicle after a replacement work diary has been issued to the driver, the driver must do the following— immediately cancel any unused daily sheets in the old work diary, if the old work diary is found or returned within 28 days after it was lost or stolen—immediately notify the Regulator in the approved form that it has been found or returned; and give it to the Regulator within 2 business days after the 28-day period ends; if the old work diary is found or returned later than 28 days after it was lost or stolen—give it to the Regulator as soon as practicable after it is found or returned.		3000		3200	320	
Chap 6 - Vehicle Operations - driver fatigue	309 (2) Driver must notify record keeper if electronic work diary filled up etc. – The driver must, within 2 business days after the driver becomes aware of the matter, inform the driver’s record keeper of the matter.		3000		3200	320	
Chap 6 - Vehicle Operations - driver fatigue	310 (2) Intelligent access reporting entity must notify record keeper if approved electronic recording system malfunctioning – The intelligent access reporting entity must inform the driver’s record keeper of the matter within 2 business days.		6000		6400	640	

Chap 6 - Vehicle Operations - driver fatigue	311 (2) What record keeper must do if electronic work diary filled up – The record keeper must, as soon as reasonably practicable after being informed of the matter or having reason to suspect the matter: either make the electronic work diary capable of recording new information; or give the driver a new electronic work diary that is in working order; and if the record keeper removes any information relating to any period during the last 28 days from the work diary to make it capable of recording new information—give the driver the removed information; notify the Regulator in the approved form that the electronic work diary has been filled up.		6000		6400		
Chap 6 - Vehicle Operations - driver fatigue	312(2) What record keeper must do if electronic work diary destroyed, lost or stolen - The record keeper must, as soon as reasonably practicable after becoming aware of the matter or having reason to suspect the matter - (a) inform the driver that the electronic work diary has been destroyed, lost or stolen unless the driver informed the record keeper about the fault under section 309;and (b) give the driver an electronic work diary that is in working order;and (c) give the driver any information, in a way that makes the information readily available to the driver, that was in the destroyed, lost or stolen electronic work diary that - (i) is accessible to the record keeper;and (ii) relates to any period during the last 28 days;and (iii) is not stored in the new electronic work diary.		6000		6400		
Chap 6 - Vehicle Operations - driver fatigue	312(3) What record keeper must do if electronic work diary destroyed, lost or stolen – The record keeper must within 2 business days notify the Regulator in the approved form that the electronic work diary has been destroyed, lost or stolen.		6000		6400	640	
Chap 6 - Vehicle Operations - driver fatigue	313 (2) What record keeper must do if electronic work diary not in working order or malfunctioning – The record keeper must as soon as reasonably practicable after becoming aware of the matter or having reason to suspect the matter inform the driver about the matter unless the driver informed the record keeper about the matter under section 309.		6000		6400		
Chap 6 - Vehicle Operations - driver fatigue	313(3) What record keeper must do if electronic work diary not in working order or malfunctioning - The record keeper must, after becoming aware of the matter or having reason to suspect the matter - (a) as soon as reasonably practicable, direct the driver in the approved form to use a supplementary record in compliance with section 305; and (b) as soon as reasonably practicable, give the driver information that was in the electronic work diary, in a way that makes the information readily available to the driver that - (i) is accessible to the record keeper, and (ii) relates to any period during the last 28 days;and (iii) is not stored in the electronic work diary because the electronic work diary is not in working order or is malfunctioning or has malfunctioned; and (c) within 2 business days, notify the Regulator in the approved form that the electronic work diary is not in working order or is malfunctioning or has malfunctioned; and (d) within a period required by the Regulator, ensure the electronic work diary is examined and brought into working order and is not malfunctioning		6000		6400		
Chap 6 - Vehicle Operations - driver fatigue	314 (2) How electronic work diary must be used – The driver must use the electronic work diary in a way complying with any conditions applying under this Law or a corresponding fatigue law in relation to the use of the approved electronic recording system constituting the work diary or of which the work diary is a part; and the manufacturer’s specifications for the electronic recording system that is or includes the work diary, to the extent the specifications are consistent with the conditions mentioned in paragraph (a).		3000		3200		

<p>Chap 6 - Vehicle Operations - driver fatigue</p>	<p>314 (3) How electronic work diary must be used – The record keeper of a driver of a fatigue-regulated heavy vehicle who uses an electronic work diary must ensure the driver complies with the requirements of subsection (2).</p>		<p>6000</p>		<p>6400</p>		
<p>Chap 6 - Vehicle Operations - driver fatigue</p>	<p>315 (2) Liability of employer etc. for driver’s contravention of particular requirements of this Division – (1) This section applies to an offence committed because the driver of a fatigue regulated heavy vehicle contravened a provision of Subdivision 1, 2, 3 or 4 (a relevant offence). (2) If a relevant offence is committed involving the driver of a fatigue-regulated heavy vehicle , each of the following persons is taken to have committed an offence against this subsection,(a) an employer of the driver if the driver is an employed driver (b) a prime contractor of the driver if the driver is a self-employed driver (c) an operator of the vehicle if the driver if making a journey for the operator (d) a scheduler for the vehicle.</p>		<p>6000</p>		<p>6400</p>		
<p>Chap 6 - Vehicle Operations - driver fatigue</p>	<p>319(1) Records record keeper must have - The driver's record keeper must- (a) record the following information with the prescribed period - (i) the driver's name and contact details; (ii) the driver's current driver licence number and the jurisdiction in which the licence was issued; (iii) the dates of which the driver drives a fatigue regulated heavy vehicle on a road; (iv) the registration number for each fatigue regulated heavy vehicle the driver drives, being - (A) in the case of a vehicle that is not in a combination-that vehicle; (B) in the case of a vehicle that is in a combination-the towing vehicle in the combination; (v) the total of the driver's work times and rest times on each day on which the driver drives a fatigue regulated heavy vehicle; (vi) the total of the driver's work times and rest times for each week during which the driver drives a fatigue regulated heavy vehicle; (vii) the driver's rosters and trip schedules including details of driver changeovers;and (b)keep a copy of payment records relating to driver, including time sheet records if the driver is paid according to time at work.</p>		<p>6000</p>		<p>6400</p>	<p>640</p>	
<p>Chap 6 - Vehicle Operations - driver fatigue</p>	<p>321 (1) Records record keeper must have – The driver’s record keeper must—(a) record the following information within the prescribed period— (i) the driver’s name and contact details; (ii) the driver’s current driver licence number and the jurisdiction in which the licence was issued; (iii) the driver’s rosters and trip schedules, including details of driver changeovers; and (b) keep a copy of all duplicate pages and other copies of work diary entries, including any entry made in a supplementary record— (i) given to the record keeper under section 322; or (ii) as required to be made by the record keeper as a self-employed driver under Division 2; and (c) keep a copy of payment records relating to the driver, including time sheet records if the driver is paid according to time at work.</p>		<p>6000</p>		<p>6400</p>	<p>640</p>	
<p>Chap 6 - Vehicle Operations - driver fatigue</p>	<p>321 (3) Records record keeper must have – If the driver is operating under BFM hours or AFM hours, the record keeper must also record the following information—the information required to be kept by the record keeper as a condition of the BFM accreditation or AFM accreditation under which the driver is operating; the information required to be kept by the record keeper under the BFM standards and business rules or AFM standards and business rules</p>		<p>6000</p>		<p>6400</p>	<p>640</p>	

Chap 6 - Vehicle Operations - driver fatigue	322 (2) General requirements about driver giving information to record keeper – The driver must, within 21 days after the day on which the driver drove the vehicle, give a copy of the work diary entry recording the information, including any entry made in a supplementary record recording the information for that day, to each person who was a record keeper for the driver on that day.		3000		3200	320	
Chap 6 - Vehicle Operations - driver fatigue	322 (4) General requirements about driver giving information to record keeper – The record keeper must ensure the driver complies with subsection (2).		3000		3200		
Chap 6 - Vehicle Operations - driver fatigue	323 (2) Requirements about driver giving information to record keeper if driver changes record keeper – The driver must, before driving a fatigue-regulated heavy vehicle for the driver’s new record keeper, give the new record keeper a copy of information the driver recorded in a work diary in the 28 days before the change happened that relates to that 28-day period.		3000		3200	320	
Chap 6 - Vehicle Operations - driver fatigue	323 (3) Requirements about driver giving information to record keeper if driver changes record keeper – The new record keeper must ensure the driver complies with subsection (2).		3000		3200		
Chap 6 - Vehicle Operations - driver fatigue	324 (2) Record keeper must give printouts of information from electronic work diary – If the driver stops using the electronic work diary, the driver’s record keeper must immediately give the driver a printout of the information recorded in the work diary for each day on which the driver was using the electronic work diary.		3000		3200		
Chap 6 - Vehicle Operations - driver fatigue	324A(2) Record keeper must give record to driver if requested – The driver’s record keeper must, as soon as reasonably practicable— (a) give the driver a copy of the record, or make the record available to the driver; or (b) if the information is recorded in an electronic work diary—give the driver, in a way that makes the information readily available to the driver, the information recorded in the work diary.		1500		1600	160	
Chap 6 - Vehicle Operations - driver fatigue	325 (1) False or misleading entries – A person must not record something in a work record that the person knows, or ought reasonably to know, is false or misleading in a material particular.		10000		10650		
Chap 6 - Vehicle Operations - driver fatigue	326 (1) Keeping 2 work diaries simultaneously prohibited – The driver of a fatigue-regulated heavy vehicle must not have in the driver’s possession more than 1 written work diary in which information can be recorded on a daily sheet.		10000		10650		

Chap 6 - Vehicle Operations - driver fatigue	326 (2) Keeping 2 work diaries simultaneously prohibited – The driver of a fatigue-regulated heavy vehicle must not record information for the same period in— a written work diary and an electronic work diary; or more than 1 electronic work diary.		10000		10650		
Chap 6 - Vehicle Operations - driver fatigue	327 Possession of purported work records etc. prohibited – The driver of a fatigue-regulated heavy vehicle or the record keeper for a driver of a fatigue-regulated heavy vehicle must not have in the driver’s or record keeper’s possession a thing purporting to be a work record if the driver or record keeper knows, or ought reasonably to know, that it is not a work record.		10000		10650		
Chap 6 - Vehicle Operations - driver fatigue	328 False representation about work records prohibited – A person must not falsely represent that a work record was made by the person.		10000		10650		
Chap 6 - Vehicle Operations - driver fatigue	329 Defacing or changing work records etc. prohibited – A person must not deface or change a work record that the person knows, or ought reasonably to know, is correct.		10000		10650		
Chap 6 - Vehicle Operations - driver fatigue	330 Making entries in someone else’s work records prohibited – A person must not make an entry in someone else’s work record.		10000		10650		
Chap 6 - Vehicle Operations - driver fatigue	331 Destruction of particular work records prohibited – If a work record is required under this Part to be kept for a particular period by a person, the person or someone else must not destroy the record before the end of the period.		10000		10650		
Chap 6 - Vehicle Operations - driver fatigue	332 Offence to remove pages from written work diary – A person must not remove a daily sheet, or the copies of a daily sheet, from a written work diary except as required or authorised by this Law or a corresponding fatigue law.		10000		10650		
Chap 6 - Vehicle Operations - driver fatigue	335 (1) Person must not tamper with approved electronic recording system – A person must not tamper with an approved electronic recording system.		10000		10650		

Chap 6 - Vehicle Operations - driver fatigue	336 (1) Person using approved electronic recording system must not permit tampering with it – A person who uses an approved electronic recording system must not permit another person to tamper with the system.		10000		10650		
Chap 6 - Vehicle Operations - driver fatigue	336A(1) Reporting tampering or suspected tampering with electronic work diary – If the record keeper for the driver of a fatigue-regulated heavy vehicle knows, or has reasonable grounds to suspect, an electronic work diary has been tampered with, the record keeper must report the matter to the Regulator— (a) within 2 business days; and (b) in the approved form.		6000		6400		
Chap 6 - Vehicle Operations - driver fatigue	337 (2) Intelligent access reporting entity must not permit tampering with approved electronic recording system – An intelligent access reporting entity for the approved intelligent transport system must not permit another person to tamper with the approved electronic recording system.		10000		10650		
Chap 6 - Vehicle Operations - driver fatigue	341 (1) Period for which, and way in which, records must be kept – The record keeper of the driver of a fatigue-regulated heavy vehicle must keep a record required to be made or kept under Division 3, or a copy of the record, for 3 years after— (a) for a record made by the record keeper—the day the record keeper makes the record; or (b) for another record—the day the record keeper receives the record.		6000		6400	640	
Chap 6 - Vehicle Operations - driver fatigue	341 (2) Period for which, and way in which, records must be kept – The record keeper of the driver of a fatigue-regulated heavy vehicle must keep a record required to be made or kept under (or by a condition under) Division 8 or 8A, or a copy of the record, for a period of 3 years, or, if a condition of an exemption states a record must be kept for a period of less than 3 years, the period stated in the condition, after— (a) for a record made by the record keeper—the day the record keeper makes the record; or (b) for another record—the day the record keeper receives the record.		6000		6400	640	
Chap 6 - Vehicle Operations - driver fatigue	341 (3) Period for which, and way in which, records must be kept – Except where the driver is his or her own record keeper, the record keeper must keep the record or copy at the driver’s record location in a way that ensures it is readily available to an authorised officer at the record location.		3000		3200	320	
Chap 6 - Vehicle Operations - driver fatigue	341 (4) Period for which, and way in which, records must be kept – If the driver is his or her own record keeper, the driver as record keeper must ensure the record or copy of the record is kept at the driver’s record location in a way that ensures it is readily available to an authorised officer at the record location by the end of the 21-day period after the day the record is made.		3000		3200	320	

Chap 6 - Vehicle Operations - driver fatigue	341 (5) Period for which, and way in which, records must be kept – The record keeper must keep the record or copy in a way that ensures it is— (a) readable and reasonably capable of being understood; and (b) capable of being used as evidence. Example— To ensure a record kept in a storage facility does not become unreadable, for example, by degrading, the record keeper could scan the hard copy of the record and keep it in an electronic format that is readable.		6000		6400		
Chap 6 - Vehicle Operations - driver fatigue	341(7) Period for which, and way in which, records must be kept – If the driver’s work diary is an electronic work diary, the driver’s record keeper must maintain a record of the information that is recorded in the work diary in a way complying with— (a) if the Regulator has, when approving the electronic recording system constituting the work diary, or of which the work diary is a part, imposed any conditions in relation to the way information must be recorded in the work diary—those conditions; and (b) the manufacturer’s instructions, if any, for recording information in the electronic work diary, to the extent the instructions are consistent with the conditions mentioned in paragraph (a).		1500		1600	160	
Chap 6 - Vehicle Operations - driver fatigue	347 Prohibition on using electronic work diary if it is not, and is not a part of, an approved electronic recording system – A person must not use as an electronic work diary for the purposes of this Law an electronic recording system constituting an electronic work diary, or of which an electronic work diary is a part, if the person knows, or ought reasonably to know, the electronic recording system is not an approved electronic recording system.		10000		10650		
Chap 6 - Vehicle Operations - driver fatigue	354 (3) Requirements if approval amended – If the Regulator gives the holder of the approval a direction under subsection (2), the holder must comply with the direction.		6000		6400	640	
Chap 6 - Vehicle Operations - driver fatigue	354 (5) Requirements if approval amended If, under subsection (3), the holder of the approval gives a person a notice stating the amended conditions of the approval, the person must give a copy of the notice to each other person to whom the person has supplied an electronic recording system the subject of the approval, or a device forming part of the system.		6000		6400	640	
Chap 6 - Vehicle Operations - driver fatigue	355 (2) Requirements if approval cancelled – If the electronic recording system constitutes an electronic work diary, or if part of the electronic recording system is an electronic work diary, the holder of the approval must, within the period stated by the Regulator in the notification, remove any electronic message on the system’s visual display stating the system is or includes an electronic work diary.		6000		6400	640	
Chap 6 - Vehicle Operations - driver fatigue	355 (4) Requirements if approval cancelled – If the Regulator gives the holder of the approval a direction under subsection (3), the holder must comply with the direction.		6000		6400	640	

Chap 6 - Vehicle Operations - driver fatigue	355(6) Requirements if approval cancelled – If, under subsection (4), the holder of the approval gives a person a notice that the approval has been cancelled, the person must give a notice to each other person to whom the person has supplied an electronic recording system the subject of the approval that constitutes an electronic work diary, or of which an electronic work diary is a part, stating that the approval has been cancelled.		6000		6400	640	
Chap 6 - Vehicle Operations - driver fatigue	373 (2) Return of permit – The person must comply with the notice within 7 days after the notice is given to the person or, if a longer period is stated in the notice, within the longer period.		6000		6400	640	
Chap 6 - Vehicle Operations - driver fatigue	374 (1) Replacement of defaced permit – If a person’s permit for a work diary exemption (permit) is defaced, destroyed, lost or stolen, the person must, as soon as reasonably practicable after becoming aware of the matter, apply to the Regulator for a replacement permit.		4000		4260		
Chap 6 - Vehicle Operations - driver fatigue	375 Contravening conditions of work diary exemption – A person must not contravene a condition of a work diary exemption.		6000		6400	640	
Chap 6 - Vehicle Operations - driver fatigue	376 (2) Keeping relevant document while operating under work diary exemption (notice) – A driver of the fatigue-regulated heavy vehicle who is operating under the work diary exemption (notice) must comply with the condition.		3000		3200	320	
Chap 6 - Vehicle Operations - driver fatigue	376 (3) Keeping relevant document while operating under work diary exemption (notice) – If an offence is committed against subsection (2) involving the driver of a fatigue-regulated heavy vehicle, each relevant party for the driver is taken to have committed an offence against this subsection.		3000		3200	320	
Chap 6 - Vehicle Operations - driver fatigue	377 Keeping copy of permit while operating under work diary exemption (permit) – The driver of a fatigue-regulated heavy vehicle who is operating under a work diary exemption (permit) must keep the permit for the exemption in the driver’s possession.		3000		3200	320	
Chap 6 - Vehicle Operations - driver fatigue	392 (2) Return of permit – The person must comply with the notice within 7 days after the notice is given to the person or, if a longer period is stated in the notice, within the longer period.		6000		6400	640	

Chap 6 - Vehicle Operations - driver fatigue	393 (1) Replacement of defaced etc. Permit – If a person’s permit for a fatigue record keeping exemption (permit) is defaced, destroyed, lost or stolen, the person must, as soon as reasonably practicable after becoming aware of the matter, apply to the Regulator for a replacement permit.		4000		4260		
Chap 6 - Vehicle Operations - driver fatigue	395 Contravening condition of fatigue record keeping exemption – A person must not contravene a condition of a fatigue record keeping exemption.		6000		6400	640	
Chap 6 - Vehicle Operations - driver fatigue	396 (2) Owner must maintain odometer – An owner of a fatigue-regulated heavy vehicle required by the national regulations to be fitted with an odometer must maintain the odometer in accordance with the requirements prescribed by the national regulations.		6000		6400	640	
Chap 6 - Vehicle Operations - driver fatigue	397 (2) Driver must report malfunctioning odometer – The driver must inform the following persons of the matter within 2 business days—The driver must inform the following persons of the matter within 2 business days— (a) each owner of the vehicle; (b) the driver’s employer if the driver is an employed driver; (c) each operator of the vehicle.		3000		3200		
Chap 6 - Vehicle Operations - driver fatigue	398 (2) What owner must do if odometer malfunctioning – The owner must, as soon as reasonably practicable after being informed of the matter, ensure the odometer is examined and brought into working order.		6000		6400		
Chap 6 - Vehicle Operations - driver fatigue	399 (2) What employer or operator must do if odometer malfunctioning – The employer or operator must not drive, or permit another person to drive, the fatigue-regulated heavy vehicle unless the owner of the vehicle has complied with section 398.		6000		6400	640	
CHAPTER 7	SECTION EXCERPT INTELLIGENT ACCESS PROGRAM	PENALTY LEVEL	MAX PENALTY	SPECIAL CONDITIONS	2016/17 FY Indexed Penalty	INFRING. PENALTY	DEMERIT POINTS
Chap 7 - Intelligent Access	404 (1) Offence to give false or misleading information to intelligent access service provider – The operator of an intelligent access vehicle commits an offence if—the operator gives information to an intelligent access service provider with whom the operator has entered into an intelligent access agreement for the vehicle; and the information is relevant to the use of the vehicle; and the operator knows, or ought reasonably to know, the information is false or misleading in a material particular.		10000		10650		

Chap 7 - Intelligent Access	404 (4) Offence to give false or misleading information to intelligent access service provider – The operator of a heavy vehicle commits an offence if the operator gives information to an intelligent access service provider; and the operator intends that the intelligent access service provider will enter into an intelligent access agreement with the operator in reliance on the information; and the operator knows, or ought reasonably to know, the information is false or misleading in a material particular.		10000		10650		
Chap 7 - Intelligent Access	405 (1) Advising vehicle driver of collection of information by intelligent access service provider – The operator of an intelligent access vehicle must take all reasonable steps to give the vehicle’s driver the following information, before the vehicle begins a journey— that the vehicle will be monitored by an intelligent access service provider; that this Chapter provides for the collection of information by the intelligent access service provider; the information that will be collected by the intelligent access service provider; the purposes for which the information will be collected; the entities to whom the information collected may be disclosed; that, under this Chapter, the driver has rights of access to the information or to have the information changed to ensure it is accurate, complete and up to date; how the rights mentioned in paragraph (f) can be exercised; the name and address of the intelligent access service provider.		6000		6400		
Chap 7 - Intelligent Access	406 (1) Reporting system malfunctions to Regulator – If an operator of an intelligent access vehicle becomes aware that a part of an approved intelligent transport system fitted to the vehicle is malfunctioning or has malfunctioned, the operator must immediately report the matter to the Regulator in person or by radio, telephone, fax or email.		6000		6400		
Chap 7 - Intelligent Access	406 (2) Reporting system malfunctions to Regulator – The operator must keep, for at least 4 years, a written record of a report of a malfunction under subsection (1), containing the following particulars— the type of malfunction to which the report relates; the date and time the operator became aware of the malfunction; the location of the vehicle when the operator became aware of the malfunction; the date and time the report was made; the location of the vehicle when the report was made; the way, in person or by radio, telephone, fax or email, that the report was made; the name of the operator or, if someone else made the report on behalf of the operator, the name of the person who made the report the name of the individual to whom the report was made.		6000		6400		
Chap 7 - Intelligent Access	407 (1) Advising driver of driver’s obligations about reporting system malfunctions – The operator of an intelligent access vehicle must take all reasonable steps to tell the vehicle’s driver before the vehicle begins a journey— about the vehicle driver’s obligation under section 408; and how the vehicle’s driver can make the reports required by that obligation.		6000		6400		
Chap 7 - Intelligent Access	408(1) Reporting system malfunctions to operator – If the driver of an intelligent access vehicle becomes aware that a part of an approved intelligent transport system fitted to the vehicle is malfunctioning or has malfunctioned, the driver must immediately report the malfunction to the vehicle’s operator in person or by radio, telephone, fax or email.		6000		6400		

Chap 7 - Intelligent Access	408(2) Reporting system malfunctions to operator - (2) The driver must keep, for at least 4 years, a written record of a report of a malfunction and under subsection (1), containing the following particulars - (a) the type of malfunction to which the report relates; (b) the date and time the driver became aware of the malfunction; (c) the location of the vehicle when the driver became aware of the malfunction; (d) the date and time the report was made; (e) the location of the vehicle when the report was made; (f) the way, in person or by radio, telephone, fax or email, that the report was made; (g) the driver's name; (h) the name of the individual to whom the report was made.		6000		6400		
Chap 7 - Intelligent Access	410 (1) Collecting intelligent access information – An intelligent access service provider must take all reasonable steps to ensure the intelligent access information the service provider collects— is necessary for the purpose for which it is collected or a directly related purpose; and is not excessive for that purpose; and is accurate, complete and up to date.		6000		6400		
Chap 7 - Intelligent Access	410 (2) Collecting intelligent access information – An intelligent access service provider must take all reasonable steps to ensure the collection of intelligent access information by the service provider does not intrude to an unreasonable extent on the personal privacy of any individual to whom the information relate.		6000		6400		
Chap 7 - Intelligent Access	411(1) Keeping records of intelligent access information collected – An intelligent access service provider must keep, in a way complying with subsection (2), records of the intelligent access information collected by the service provider.		6000		6400		
Chap 7 - Intelligent Access	412 Protecting intelligent access information – An intelligent access service provider must take all reasonable steps to protect intelligent access information collected by the service provider against unauthorised access, unauthorised use, misuse, loss, modification or unauthorised disclosure		20000		21320		
Chap 7 - Intelligent Access	413 (1) Making individuals aware of personal information held – An intelligent access service provider must prepare, and make publicly available, a document setting out the service provider’s policies on the management of personal information held by the service provider.		6000		6400		
Chap 7 - Intelligent Access	413(2) Making individuals aware of personal information held - if asked by an individual about whom an intelligent access service provider holds personal information, the service provider must, within 28 days after receiving the request, give the individual the following information if the service provider can reasonably give the information - the kind of information the service provider holds about the individual; the purpose for which the information is held; the way in which the service provider collects, holds, uses and discloses the information; the entities to whom the information may be disclosed; that, under this Chapter, the individual has rights of access to the information or to have the information changed to ensure it is accurate, complete and up to date; how the rights mentioned in paragraph (e) can be exercised.		6000		6400		

Chap 7 - Intelligent Access	414(1) Giving individuals access to their personal information – An intelligent access service provider must, if asked by an individual about whom the service provider holds personal information, give the individual access to the information without cost or undue delay.		6000		6400		
Chap 7 - Intelligent Access	415 (2) Correcting errors – The intelligent access service provider must make the change if the service provider is satisfied the change is appropriate to ensure the personal information is accurate, complete and up to date.		6000		6400		
Chap 7 - Intelligent Access	415 (4) Correcting errors – If, under subsection (3), an intelligent access service provider refuses to comply with an individual’s request under subsection (1), the service provider must— give the individual a notice stating— the service provider’s reasons for refusing; and that the individual may ask the service provider to attach to or include with the personal information the individual’s request or a record of it; and if asked by the individual, attach to or include with the personal information the request or a record of the request.		6000		6400		
Chap 7 - Intelligent Access	416 General restriction on use and disclosure of intelligent access information – An intelligent access service provider must not use or disclose intelligent access information other than as required or authorised under this Law or another law.		20000		21320		
Chap 7 - Intelligent Access	417 Giving intelligent access auditor access to records – An intelligent access service provider must give an intelligent access auditor access to a record kept by the service provider for the purposes of this Chapter.		6000		6400		
Chap 7 - Intelligent Access	419 (1) Keeping record of use or disclosure of intelligent access information – If an intelligent access service provider uses or discloses intelligent access information, the service provider must, within 7 days after the use or disclosure, make a record of the use or disclosure— containing the information mentioned in subsection (2); and in a form that ensures the record is readily accessible by an intelligent access auditor at the place where it is kept.		6000		6400		
Chap 7 - Intelligent Access	419 (3) Keeping record of use or disclosure of intelligent access information – An intelligent access service provider must keep a record made under this section for at least 2 years.		6000		6400		
Chap 7 - Intelligent Access	420 (2) Keeping noncompliance report – The intelligent access service provider must keep the following for at least 4 years after the noncompliance report is made— a copy of the report; the information relied on to make the report.		6000		6400		

Chap 7 - Intelligent Access	421 (1) Destroying intelligent access information – An intelligent access service provider must take all reasonable steps— to destroy intelligent access information collected by the provider 1 year after the information is collected by the service provider; and to destroy a record the service provider is required to keep under section 370 within 1 year after the service provider is no longer required to keep the record under that section.		6000		6400		
Chap 7 - Intelligent Access	422 (2) Reporting relevant contraventions to Regulator – The intelligent access service provider must, within 7 days, give the Regulator a report about the relevant contravention in the approved form.		6000		6400		
Chap 7 - Intelligent Access	423 (1) Reporting tampering or suspected tampering with approved intelligent transport system to Regulator – If an intelligent access service provider knows, or has reasonable grounds to suspect, an approved intelligent transport system has been tampered with, the service provider must report the matter to the Regulator— within 7 days; and in the approved form.		6000		6400		
Chap 7 - Intelligent Access	423(2) Reporting tampering or suspected tampering with approved intelligent transport system to Regulator- If an intelligent access service provider knows, or has reasonable grounds to suspect, a back-office intelligent transport system has been tampered with, the service provider must report the matter to TCA - (a) within 7 days; and (b) in the approved form.		6000		6400		
Chap 7 - Intelligent Access	424(1) Restriction on disclosing information about tampering or suspected tampering with approved intelligent transport system – If an intelligent access service provider knows, or has reasonable grounds to suspect, an approved intelligent transport system has been tampered with, the service provider must not disclose to any entity other than the Regulator the following— information that the service provider has that knowledge or suspicion; information from which it could reasonably be inferred that the service provider has that knowledge or suspicion.		6000		6400		
Chap 7 - Intelligent Access	424(3) Restriction on disclosing information about tampering or suspected tampering with approved intelligent transport system – If an intelligent access service provider has made a report to the Regulator under section 423(1) of apparent or suspected tampering, the service provider must not disclose to any entity other than the Regulator the following— information that the report has been made information from which it could reasonably be inferred that the service provider has made the report.		6000		6400		
Chap 7 - Intelligent Access	424(4) Restriction on disclosing information about tampering or suspected tampering with approved intelligent transport system – If an intelligent access service provider has made a report to TCA under section 423(2) of apparent or suspected tampering, the service provider must not disclose to any entity (other than the Regulator and TCA) the following— (a) information that the report has been made; (b) information from which it could reasonably be inferred that the service provider has made the report.		6000		6400		

Chap 7 - Intelligent Access	427 (1) Collecting intelligent access information – TCA must take all reasonable steps to ensure the intelligent access information it collects — is necessary for the purpose for which it is collected or a directly related purpose; and is not excessive for that purpose; and is accurate, complete and up to date.		6000		6400		
Chap 7 - Intelligent Access	427 (2) Collecting intelligent access information – TCA must take all reasonable steps to ensure the collection of intelligent access information by it does not intrude to an unreasonable extent on the personal privacy of any individual to whom the information relates.		6000		6400		
Chap 7 - Intelligent Access	428 Protecting intelligent access information collected – TCA must take all reasonable steps to protect intelligent access information collected by it against unauthorised access, unauthorised use, misuse, loss, modification or unauthorised disclosure.		20000		21320		
Chap 7 - Intelligent Access	429 (1) Making individuals aware of personal information held – TCA must prepare, and make publicly available, a document setting out its policies on the management of personal information held by it.		6000		6400		
Chap 7 - Intelligent Access	429 (2) Making individuals aware of personal information held – If asked by an individual about whom TCA holds personal information, TCA must, within 28 days after receiving the request, give the individual the following information if it can reasonably give the information		6000		6400		
Chap 7 - Intelligent Access	430 (1) Giving individuals access to their personal information – TCA must, if asked by an individual about whom TCA holds personal information, give the individual access to the information as soon as practicable and without cost.		6000		6400		
Chap 7 - Intelligent Access	431 (2) Correcting errors etc – TCA must make the change if it is satisfied the change is appropriate to ensure the personal information is accurate, complete and up to date.		6000		6400		
Chap 7 - Intelligent Access	431 (5) Correcting errors etc – If an individual referred to in subsection (4) asks TCA to do so, it must attach to or include with the personal information the request or a record of the request.		6000		6400		

Chap 7 - Intelligent Access	432 General restriction on use and disclosure of intelligent access information – TCA must not use or disclose intelligent access information other than as required or authorised under this Law or another law.		20000		21320		
Chap 7 - Intelligent Access	434 Restriction about intelligent access information that may be used or disclosed – TCA must not use or disclose intelligent access information unless TCA is reasonably satisfied, having regard to the purpose for which the information is to be used or disclosed, the information is accurate, complete and up to date.		6000		6400		
Chap 7 - Intelligent Access	435(1) Keeping record of use or disclosure of intelligent access information – If TCA uses or discloses intelligent access information, TCA must, within 7 days after the use or disclosure, make a record of the use or disclosure.		6000		6400		
Chap 7 - Intelligent Access	435(3) Keeping record of use or disclosure of intelligent access information – TCA must keep a record made under this section for at least 2 years.		6000		6400		
Chap 7 - Intelligent Access	436 Keeping noncompliance reports – TCA must keep any noncompliance report received by it for at least 4 years after its receipt.		6000		6400		
Chap 7 - Intelligent Access	437 (1) Destroying intelligent access information or removing personal information from it – TCA must take all reasonable steps to destroy intelligent access information collected by it— (a) generally—1 year after the information is collected; or (b) if at the end of the period mentioned in paragraph (a), the information is required for law enforcement purposes—as soon as practicable after the information ceases to be required for law enforcement purposes.		6000		6400		
Chap 7 - Intelligent Access	438 (1) Reporting tampering or suspected tampering with, or malfunction or suspected malfunction of, approved intelligent transport system to Regulator – If TCA knows, or has reasonable grounds to suspect, an approved intelligent transport system has been tampered with or has malfunctioned, TCA must report the matter to the Regulator within 7 days.		6000		6400		
Chap 7 - Intelligent Access	439 (1) Restriction on disclosing information about tampering or suspected tampering with approved intelligent transport system – If TCA knows, or has reasonable grounds to suspect, an approved intelligent transport system fitted has been tampered with, TCA must not disclose the following to any entity other than the Regulator information that TCA has that knowledge or suspicion; information from which it could reasonably be inferred that TCA has that knowledge or suspicion.		6000		6400		

Chap 7 - Intelligent Access	439 (3) Restriction on disclosing information about tampering or suspected tampering with approved intelligent transport system – If TCA has made a report of apparent or suspected tampering to the Regulator under section 438, TCA must not disclose to any entity other than the Regulator the following information that the report has been made; information from which it could reasonably be inferred that TCA has made the report.		6000		6400		
Chap 7 - Intelligent Access	441 (1) Collecting intelligent access information – An intelligent access auditor must take all reasonable steps to ensure intelligent access information the auditor collects— is necessary for the purpose for which it is collected or a directly related purpose; and is not excessive for that purpose; and is accurate, complete and up to date.		6000		6400		
Chap 7 - Intelligent Access	441 (2) Collecting intelligent access information – An intelligent access auditor must take all reasonable steps to ensure the collection of intelligent access information by the auditor does not intrude to an unreasonable extent on the personal privacy of any individual to whom the information relates.		6000		6400		
Chap 7 - Intelligent Access	442 Protecting intelligent access information collected – An intelligent access auditor must take all reasonable steps to protect intelligent access information collected by the auditor against unauthorised access, unauthorised use, misuse, loss, modification or unauthorised disclosure.		20000		21320		
Chap 7 - Intelligent Access	443 (1) Making individuals aware of personal information held – If asked by an individual about whom an intelligent access auditor holds personal information, the auditor must, within 28 days after receiving the request, give the individual the following information if the auditor can reasonably give the information— the kind of information the auditor holds about the individual; the purpose for which the information is held; the entities to whom the information may be disclosed; that, under this Chapter, the individual has rights of access to the information or to have the information changed to ensure it is accurate, complete and up to date; how the rights mentioned in paragraph (d) can be exercised.		6000		6400		
Chap 7 - Intelligent Access	444(1) Giving individuals access to their personal information – An intelligent access auditor must, if asked by an individual about whom the auditor holds personal information, give the individual access to the information without cost and as soon as practicable.		6000		6400		
Chap 7 - Intelligent Access	445 (2) Correcting errors – The intelligent access auditor must make the change if the auditor is satisfied the change is appropriate to ensure the personal information is accurate, complete and up to date.		6000		6400		
Chap 7 - Intelligent Access	445 (4) Correcting errors – If, under subsection (3), an intelligent access auditor refuses to comply with an individual’s request, the auditor must— give the individual a notice stating— the auditor’s reasons for refusing; and that the individual may ask the auditor to attach to or include with the personal information the individual’s request or a record of it; and if asked by the individual, attach to or include with the personal information the request or a record of the request.		6000		6400		

Chap 7 - Intelligent Access	446 General restriction on use and disclosure of intelligent access information – An intelligent access auditor must not use or disclose intelligent access information other than as required or authorised under this Law or another law.		20000		21320		
Chap 7 - Intelligent Access	448 Restriction about intelligent access information that may be used or disclosed – An intelligent access auditor must not use or disclose intelligent access information unless the auditor is reasonably satisfied, having regard to the purpose for which the information is to be used or disclosed, the information is accurate, complete and up to date.		6000		6400		
Chap 7 - Intelligent Access	449 (1) Keeping record of use or disclosure of intelligent access Information – If an intelligent access auditor uses or discloses intelligent access information, the auditor must, within 7 days after the use or disclosure, make a record of the use or disclosure— containing the information mentioned in subsection (2); and in a form that ensures the record is readily accessible by an authorised officer at the place where it is kept.		6000		6400		
Chap 7 - Intelligent Access	449 (2) Keeping record of use or disclosure of intelligent access Information – The record must contain the following information— the intelligent access auditor’s name or, if someone else used or disclosed the intelligent access information on behalf of the auditor, the name of the person who used or disclosed the intelligent access information; the date of the use or disclosure; for a use of intelligent access information by or on behalf of the auditor, a brief description of how the information was used; for a disclosure of intelligent access information by or on behalf of the auditor, the entity to whom this information was disclosed; the provision of this Law or another law the auditor believes authorises the use or disclosure; if the use or disclosure is authorised only under a particular document (including, for example, a warrant, a certificate or a consent), a copy of the document.		6000		6400		
Chap 7 - Intelligent Access	449 (3) Keeping record of use or disclosure of intelligent access Information – An intelligent access auditor must keep a record made under this section for at least 2 years.		6000		6400		
Chap 7 - Intelligent Access	450 (1) Destroying intelligent access information or removing personal information from it – An intelligent access auditor must take all reasonable steps to destroy intelligent access information held by the auditor that is no longer needed for an intelligent access audit conducted by the auditor.		6000		6400		
Chap 7 - Intelligent Access	451 Reporting contraventions by intelligent access service providers to TCA – If an intelligent access auditor knows, or has reasonable grounds to suspect, an intelligent access service provider has contravened an obligation under this Chapter, the auditor must, as soon as practicable, report the matter to TCA.		6000		6400		

Chap 7 - Intelligent Access	452 Reporting tampering or suspected tampering with approved intelligent transport system to Regulator or TCA – If an intelligent access auditor knows, or has reasonable grounds to suspect, an approved intelligent transport system has been tampered with, the auditor must, as soon as practicable, report the matter— for tampering or suspected tampering by an operator of an intelligent access vehicle—to the Regulator; or for tampering or suspected tampering by an intelligent access service provider—to TCA.		6000			6400		
Chap 7 - Intelligent Access	453 (1) Restriction on disclosing information about tampering or suspected tampering with approved intelligent transport system – If an intelligent access auditor knows, or has reasonable grounds to suspect, an approved intelligent transport system has been tampered with, the auditor must not disclose the following to any entity other than the Regulator or TCA— information that the auditor has that knowledge or suspicion; information from which it could reasonably be inferred that the auditor has that knowledge or suspicion.		6000			6400		
Chap 7 - Intelligent Access	453 (2) Restriction on disclosing information about tampering or suspected tampering with approved intelligent transport system – If an intelligent access auditor has made a report to the Regulator or TCA under section 452 of apparent or suspected tampering, the auditor must not disclose the following to any entity other than the Regulator or TCA— information that the report has been made; information from which it could reasonably be inferred that the auditor has made the report.		6000			6400		
Chap 7 - Intelligent Access	454 (1) Offence to tamper with approved intelligent transport System –A person commits an offence if— the person tampers with an approved intelligent transport system; and the person does so with the intention of causing the system to— fail to generate, record, store, display, analyse, transmit or report intelligent access information; or fail to generate, record, store, display, analyse, transmit or report intelligent access information correctly.		10000			10650		
Chap 7 - Intelligent Access	454 (2) Offence to tamper with approved intelligent transport system – A person commits an offence if— the person tampers with an approved intelligent transport system; and the person is negligent or reckless as to whether, as a result of the tampering, the system may— fail to generate, record, store, display, analyse, transmit or report intelligent access information; or fail to generate, record, store, display, analyse, transmit or report intelligent access information correctly.		8000			8530		
CHAPTER 8	SECTION EXCERPT ACCREDITATION	PENALTY LEVEL	MAX PENALTY	SPECIAL CONDITIONS	2016/17 FY Indexed Penalty	INFRING. PENALTY	DEMERIT POINTS	
Chap 8 - Accreditation	467 Compliance with conditions of BFM accreditation or AFM Accreditation – The holder of a BFM accreditation or AFM accreditation must comply with the conditions of the accreditation.		6000			6400	640	

Chap 8 - Accreditation	468 (1) Driver operating under BFM accreditation or AFM accreditation must carry accreditation details – The driver of a heavy vehicle who is operating under a BFM accreditation or AFM accreditation must keep in the driver’s possession—a copy of the accreditation certificate for the accreditation; and a document, signed by the operator of the vehicle who holds the accreditation, stating that the driver— is operating under the operator’s BFM accreditation or AFM accreditation; and has been inducted into the operator’s relevant management system; and meets the requirements relating to drivers operating under the operator’s BFM accreditation or AFM accreditation (if any); and for a driver operating under AFM accreditation, a document stating the AFM hours applying under the accreditation.		3000		3200	320	
Chap 8 - Accreditation	468 (3) Driver operating under BFM accreditation or AFM accreditation must carry accreditation details – If an offence is committed against subsection (1) involving the driver of a heavy vehicle, the operator of the vehicle is taken to have committed an offence against this subsection.		3000		3200	320	
Chap 8 - Accreditation	469 (2) Driver must return particular documents if stops operating under BFM accreditation or AFM accreditation etc. – The driver must return the document to the operator as soon as reasonably practicable.		4000		4260	426	
Chap 8 - Accreditation	470 (2) General requirements applying to operator with heavy vehicle accreditation – If the accreditation is BFM accreditation or AFM accreditation, the operator must ensure each driver who operates under the accreditation— is inducted into the operator’s relevant management system; and at all times, meets the requirements relating to drivers operating under the accreditation (if any).		6000		6400		
Chap 8 - Accreditation	470 (3) General requirements applying to operator with heavy vehicle accreditation – If the accreditation is AFM accreditation, the operator must also ensure each driver who operates under the accreditation is informed of the AFM hours applying under the accreditation.		6000		6400	640	
Chap 8 - Accreditation	470 (4) General requirements applying to operator with heavy vehicle accreditation – The operator must keep— the accreditation certificate for the operator’s heavy vehicle accreditation; and if the operator’s heavy vehicle accreditation is BFM accreditation or AFM accreditation a current list of drivers operating under the operator’s heavy vehicle accreditation; and records demonstrating the operator has complied with— if the operator’s heavy vehicle accreditation is BFM accreditation – subsection (2); or if the operator’s heavy vehicle accreditation is AFM accreditation—subsections (2) and (3); and if the operator’s heavy vehicle accreditation is mass management accreditation or maintenance management accreditation – a current list of heavy vehicles to which the operator’s accreditation relates.		6000		6400		
Chap 8 - Accreditation	470 (5) General requirements applying to operator with heavy vehicle accreditation – The operator must keep a document required to be kept under subsection (4) for the following period—for an accreditation certificate—while the operator’s heavy vehicle accreditation is current; for each list made under subsection (4)(b) or (c) —at least 3 years after the list or record is made.		6000		6400		

Chap 8 - Accreditation	470 (6) General requirements applying to operator with heavy vehicle accreditation – The operator must keep a document required to be kept under subsection (4) in a way that ensures it is— readily accessible by an authorised officer at the place where the document is kept; and reasonably capable of being understood by the authorised officer; and capable of being used as evidence.		3000		3200		
Chap 8 - Accreditation	470 (8) General requirements applying to operator with heavy vehicle accreditation – The operator must comply with a requirement made under subsection (7), unless the operator has a reasonable excuse.		3000		3200	320	
Chap 8 - Accreditation	471 (2) Operator must give notice of amendment, suspension or ending of heavy vehicle accreditation – The operator must as soon as practicable after the amendment, suspension or cessation happens give notice of the amendment, suspension or cessation to any driver of, or scheduler for, a heavy vehicle who may be affected by the amendment, suspension or cessation.		6000		6400	640	
Chap 8 - Accreditation	471 (3) Operator must give notice of amendment, suspension or ending of heavy vehicle accreditation – If the driver of a heavy vehicle is given a notice under subsection (2), the driver must, as soon as reasonably practicable, return to the operator any document relevant to the notice given to the driver by the operator for the purposes of section 468(1)		4000		4260	426	
Chap 8 - Accreditation	476 (2) Return of accreditation certificate – The person must comply with the notice within 7 days after the notice is given to the person or, if a longer period is stated in the notice, within the longer period.		6000		6400	640	
Chap 8 - Accreditation	477 (1) Replacement of defaced etc. accreditation certificate – If a person’s accreditation certificate for a heavy vehicle accreditation granted under this Law is defaced, destroyed, lost or stolen, the person must, as soon as reasonably practicable after becoming aware of the matter, apply to the Regulator for a replacement accreditation certificate.		4000		4260		
Chap 8 - Accreditation	478 (1) Offences relating to auditors – A person must not falsely represent that the person is an approved auditor.		10000		10650		
Chap 8 - Accreditation	478 (2) Offences relating to auditors – An approved auditor must not falsely represent that the person is an auditor of a particular approved class.		10000		10650		

Chap 8 - Accreditation	478 (3) Offences relating to auditors – An approved auditor must not falsely represent that the person has audited an operator’s relevant management system.		10000		10650		
Chap 8 - Accreditation	478 (4) Offences relating to auditors – A person must not falsely represent the opinion of an approved auditor in relation to an operator’s relevant management system.		10000		10650		
CHAPTER 9	SECTION EXCERPT ENFORCEMENT	PENALTY LEVEL	MAX PENALTY	SPECIAL CONDITIONS	2016/17 FY Indexed Penalty	INFRING. PENALTY	DEMERIT POINTS
Chap 9 - Enforcement	488 Return of identity card – If the office of a person as an authorised officer ends, the person must return the person’s identity card to the Regulator within 21 days after the office ends unless the person has a reasonable excuse.		4000		4260	426	
Chap 9 - Enforcement	513 (4) Direction to stop heavy vehicle to enable exercise of other powers – A person given a direction under subsection (1) must comply with the direction, unless the person has a reasonable excuse.		6000		6400	640	
Chap 9 - Enforcement	514 (3) Direction not to move or interfere with a heavy vehicle to enable exercise of other power – A person given a direction under subsection (1) must comply with the direction, unless the person has a reasonable excuse.		6000		6400	640	
Chap 9 - Enforcement	516 (3) Direction to move heavy vehicle to enable exercise of other powers – A person given a direction under subsection (1) must comply with the direction, unless the person has a reasonable excuse.		6000		6400	640	
Chap 9 - Enforcement	517(4) Direction to move heavy vehicle if causing harm – A person given a direction under subsection (2) must comply with the direction, unless the person has a reasonable excuse.		6000		6400	640	

Chap 9 - Enforcement	522 (5) Power to order presentation of heavy vehicles for inspection – A person must not fail to produce a heavy vehicle for inspection— (a) subject to paragraph (b), at the place and time stated in the notice served on the person; or (b) if the notice has been varied under this section, at the place and time stated in the notice as varied.		6000		6400	640	
Chap 9 - Enforcement	524(5) Direction to leave heavy vehicle – A person given a direction under subsection (2) or (3) must comply with the direction unless the person has a reasonable excuse. (2) The authorised officer may direct the driver to do 1 or more of the following— (a) to vacate the driver’s seat; (b) to leave the heavy vehicle; (c) not to occupy the driver’s seat until permitted by an authorised officer; (d) not to enter the heavy vehicle until permitted by an authorised officer. (3) The authorised officer may direct any other person accompanying the driver of the heavy vehicle to do either or both of the following— (a) to leave the vehicle; (b) not to enter the vehicle until permitted by an authorised officer.		6000		6400	640	
Chap 9 - Enforcement	526 (4) Issue of vehicle defect notice – If the driver of a heavy vehicle for which a vehicle defect notice is issued under this section is not the operator of the vehicle, the driver must, as soon as practicable, give the vehicle defect notice to the operator.		3000		3200	320	
Chap 9 - Enforcement	528 (3) Defective vehicle labels – A person must not remove, deface or otherwise interfere with a defective vehicle label attached to a heavy vehicle under subsection (1) or (2).		3000		3200	320	
Chap 9 - Enforcement	529 Using defective heavy vehicles contrary to vehicle defect notice – A person must not use, or permit to be used, on a road a heavy vehicle in contravention of a vehicle defect notice.		6000		6400	640	Minor: 1 Major: 3
Chap 9 - Enforcement	531(4) Amendment or withdrawal of vehicle defect notices – If the person given the notice of amendment or withdrawal is not the operator of the vehicle, the person must, as soon as reasonably practicable, give the notice to the operator.		3000		3200	320	
Chap 9 - Enforcement	533 (7) Powers for minor risk breach of mass, dimension or loading requirement – The person to whom a direction is given under this section must comply with the direction, unless the person has a reasonable excuse.		10000		10650	1065	

Chap 9 - Enforcement	534 (5) Powers for substantial risk breach of mass, dimension or loading requirement – The person to whom a direction is given under this section must comply with the direction, unless the person has a reasonable excuse.		10000		10650	1065	
Chap 9 - Enforcement	535 (5) Powers for severe risk breach of mass, dimension or loading requirement – The person to whom a direction is given under this section must comply with the direction, unless the person has a reasonable excuse.		10000		10650		
Chap 9 - Enforcement	542 (1) Compliance with requirement under this Division – A person given a notice under this Division must comply with the notice, unless the person has a reasonable excuse.		10000		10650		
Chap 9 - Enforcement	553(3) Requirement of person in control of thing to be seized – A person of whom a requirement is made under this section must comply with the requirement, unless the person has a reasonable excuse.		10000		10650		
Chap 9 - Enforcement	558 (1) Noncompliance with embargo notice – A person (the relevant person) who knows an embargo notice relates to a thing must not— do anything the notice prohibits; or instruct someone else (the other person) to do anything the notice prohibits— anyone from doing; or the relevant person or other person from doing.		10000		10650		
Chap 9 - Enforcement	558 (3) Noncompliance with embargo notice – A person served with an embargo notice must take all reasonable steps to stop any other person from doing anything prohibited by the notice.		10000		10650		
Chap 9 - Enforcement	559(3) Power to secure embargoed thing – A person of whom a requirement is made under subsection (2)(c) must comply with the requirement, unless the person has a reasonable excuse.		10000		10650		
Chap 9 - Enforcement	559 (4) Power to secure embargoed thing – If access to an embargoed thing is restricted under this section, a person must not tamper with the thing or with anything used to restrict access to the thing without— an authorised officer’s approval; or a reasonable excuse.		10000		10650		

Chap 9 - Enforcement	559 (5) Power to secure embargoed thing – If access to a place is restricted under this section, a person must not enter the place in contravention of the restriction or tamper with anything used to restrict access to the place without an authorised officer’s approval; or a reasonable excuse.		10000		10650		
Chap 9 - Enforcement	567 (4) Power to require name and address – A person of whom a requirement is made under subsection (2) or (3) must comply with the requirement, unless the person has a reasonable excuse		3000		3200	320	
Chap 9 - Enforcement	568(3) Power to require production of document etc required to be in driver's possession - A person of whom a requirement is made under subsection (2) must comply with the requirement, unless the person has a reasonable excuse.		An amount equal to the amount of the maximum penalty for an offence of failing to keep the document, device or other thing in the driver's possession.			A 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 .	
Chap 9 - Enforcement	568 (7) Power to require production of document etc. required to be in driver’s possession – A person of whom a requirement is made under subsection (6) must comply with the requirement, unless the person has a reasonable excuse.		3000		3200	320	
Chap 9 - Enforcement	569 (2) Power to require production of documents etc. generally – A person of whom a requirement is made under subsection (1) must comply with the requirement, unless the person has a reasonable excuse.		6000		6400	640	
Chap 9 - Enforcement	569 (7) Power to require production of documents generally – A person of whom a requirement is made under subsection (6) must comply with the requirement, unless the person has a reasonable excuse.		3000		3200	320	

Chap 9 - Enforcement	570 (3) Power to require information about heavy vehicles – A person of whom a requirement is made under subsection (1) must comply with the requirement, unless the person has a reasonable excuse.		6000		6400		
Chap 9 - Enforcement	573 (1) Contravention of improvement notice – A person given an improvement notice must comply with the notice, unless the person has a reasonable excuse.		10000		10650		
Chap 9 - Enforcement	577 (4) Power to require reasonable help – A person of whom a requirement is made under subsection (1) or (2) must comply with the requirement, unless the person has a reasonable excuse.		10000		10650		
Chap 9 - Enforcement	584 (1) Obstructing authorised officer – A person must not obstruct— an authorised officer, or someone helping an authorised officer, exercising a power under this Law; or an assistant mentioned in section 518, 519 or 523 exercising a power under that section.		10000		10650		
Chap 9 - Enforcement	585 Impersonating authorised officer – A person must not impersonate an authorised officer.		10000		10650		
CHAPTER 10	SECTION EXCERPT SANCTIONS AND PROVISIONS ABOUT LIABILITY OF OFFENCES	Penalty Level	Maximum Penalty	Special Penalty conditions	2016/17 FY Indexed Penalty	Infringement Penalty	Demerit Points
Chap 10 - Sanctions and provisions	604 Contravention of supervisory intervention order – A person to whom a supervisory intervention order applies must comply with the order, unless the person has a reasonable excuse.		10000		10650		

<p>Chap 10 - Sanctions and provisions</p>	<p>610 Contravention of prohibition order – A person to whom a prohibition order applies must comply with the order, unless the person has a reasonable excuse.</p>		<p>10000</p>		<p>10650</p>		
<p>Chap 10 - Sanctions and provisions</p>	<p>636 (1) Liability of executive officers of corporation – If a corporation commits an offence against a provision of this Law specified in column 2 of Schedule 4, each executive officer of the corporation who knowingly authorised or permitted the conduct constituting the offence also commits an offence against the provision.</p>		<p>The penalty for a contravention of the provision by an individual</p>				
<p>Chap 10 - Sanctions and provisions</p>	<p>636 (2) Liability of executive officers of corporation – If a corporation commits an offence against a provision of this Law specified in column 3 of Schedule 4, each executive officer of the corporation who ought reasonably to have known of the conduct constituting the offence; or that there was a substantial risk that the offence would be committed; also commits an offence against the provision.</p>		<p>The penalty for a contravention of the provision by an individual</p>				
<p>Chap 10 - Sanctions and provisions</p>	<p>637(4) An offence against this Law (other than an offence referred to in subsection (5)) that would otherwise be committed by the partnership is taken to have been committed by each partner who knowingly authorised or permitted the conduct constituting the offence.</p>		<p>The penalty for a contravention of the provision by an individual</p>				
<p>Chap 10 - Sanctions and provisions</p>	<p>637(5) An offence against a provision of this Law specified in column 3 of Schedule 4 that would otherwise be committed by the partnership is taken to have been committed by each partner who knew or ought reasonably to have known—(a) of the conduct constituting the offence; or (b) that there was a substantial risk that the offence would be committed.</p>		<p>The penalty for a contravention of the provision by an individual</p>				

Chap 10 - Sanctions and provisions	638(4) An offence against this Law (other than an offence referred to in subsection (5)) that would otherwise be committed by the unincorporated body is taken to have been committed by each management member of the body who knowingly authorised or permitted the conduct constituting the offence.			The penalty for a contravention of the provision by an individual				
Chap 10 - Sanctions and provisions	638(5) An offence against a provision of this Law specified in column 3 of Schedule 4 that would otherwise be committed by the unincorporated body is taken to have been committed by each management member of the body who knew or ought reasonably to have known— (a) of the conduct constituting the offence; or (b) that there was a substantial risk that the offence would be committed.			The penalty for a contravention of the provision by an individual				
CHAPTER 12	SECTION EXCERPT ADMINISTRATION	PENALTY LEVEL	MAX PENALTY	SPECIAL CONDITIONS	2016/17 FY Indexed Penalty	INFRING. PENALTY	DEMERIT POINTS	
Chap 12: Admin.	697(3) General duties of persons exercising functions under this Law – A person exercising functions under this Law must not make improper use of the person’s position or of information that comes to the person’s knowledge in the course of, or because of, the person’s exercise of the functions— (a) to gain an advantage for himself or herself or another person; or (b) to cause a detriment to the implementation or operation of this Law.		10000		10650			
CHAPTER 13	SECTION EXCERPT GENERAL	PENALTY LEVEL	MAX PENALTY	SPECIAL CONDITIONS	2016/17 FY Indexed Penalty	INFRING. PENALTY	DEMERIT POINTS	
Chap 13 - General	699 (1) Discrimination against or victimisation of employees – An employer must not dismiss an employee, or otherwise prejudice an employee in the employee’s employment, for the reason that the employee— has helped or given information to a public authority or law enforcement agency in relation to a contravention or alleged contravention of this Law; or has made a complaint about a contravention or alleged contravention of this Law to an employer, former employer, fellow employee, former fellow employee, union or public authority or law enforcement agency.		10000		10650			

Chap 13 - General	699 (2) Discrimination against or victimisation of employees An employer must not fail to offer employment to a prospective employee, or in offering employment to a prospective employee treat the prospective employee less favourably than another prospective employee would be treated in similar circumstances, for the reason that the prospective employee— has helped or given information to a public authority or law enforcement agency in relation to a contravention or alleged contravention of this Law; or has made a complaint about a contravention or alleged contravention of this Law to an employer, former employer, fellow employee, former fellow employee, union or public authority or law enforcement agency.		10000		10650		
Chap 13 - General	700 (4) Order for damages or reinstatement – A person against whom an order is made under subsection (2)(b) or (c) must comply with the order.		10000		10650		
Chap 13 - General	701 (1) False or misleading statements – A person commits an offence if the person makes a statement to an official that the person knows is false or misleading in a material particular.		10000		10650		
Chap 13 - General	701 (2) False or misleading statements – A person commits an offence if the person— makes a statement to an official that is false or misleading in a material particular; and is reckless as to whether the statement is false or misleading in a material particular.		8000		8530		
Chap 13 - General	702 (1) False or misleading documents – A person commits an offence if the person gives an official a document containing information the person knows is false or misleading in a material particular.		10000		10650		
Chap 13 - General	702 (3) False or misleading documents – A person commits an offence if the person—gives an official a document containing information that is false or misleading in a material particular; and is reckless as to whether information contained in the document is false or misleading in a material particular.		8000		8530		
Chap 13 - General	703 (1) False or misleading information given by responsible person to another responsible person – A responsible person for a heavy vehicle (the information giver) must not give another responsible person for a heavy vehicle (the affected person) information the information giver knows, or ought reasonably to know, is false or misleading in a material particular.		10000		10650		
Chap 13 - General	703 (2) False or misleading information given by responsible person to another responsible person – A responsible person for a heavy vehicle (also the information giver) must not give another responsible person for a heavy vehicle (the affected person) information that is false or misleading in a material particular if the information giver does so recklessly as to whether the information is false or misleading in the material particular.		8000		8530		

Chap 13 - General	704 (1) Offence to falsely represent that heavy vehicle authority is held etc. –A person must not represent— (a) that the person has been granted a heavy vehicle authority the person has not been granted; or (b) that a heavy vehicle authority has been granted in relation to a thing for which it has not been granted; or (c) that the person is operating under a heavy vehicle authority that the person is not entitled to operate under; or (d) that a thing is operating under a heavy vehicle authority that the thing is not authorised to operate under.		10000		10650		
Chap 13 - General	704 (2) Offence to falsely represent that heavy vehicle authority is held – A person must not represent that the person is operating under a heavy vehicle authority if the authority is no longer in force.		10000		10650		
Chap 13 - General	704 (3) Offence to falsely represent that heavy vehicle authority is held – A person must not possess a document that falsely purports to be—an accreditation certificate for a heavy vehicle accreditation; or a document mentioned in section 468(1)(b) or (c); or a document evidencing the grant of an exemption authorisation, permit or other authority under this Law; a copy of a document mentioned in paragraph (a), (b) or (c).		10000		10650		
Chap 13 - General	728 (1) Duty of confidentiality - A person who is, or has been, a person exercising functions under this Law must not disclose protected information to another person.		20000		21320		
Chap 13 - General	728A (1) Duty of confidentiality for electronic work diary protected information – A person who is, or has been, a person exercising functions under this Law must not disclose electronic work diary protected information to another person.		20000		21320		
Chap 13 - General	729 (1) Protected information only to be used for authorised use – A person who is, or has been, a person exercising functions under this Law must not use protected information other than for an authorised use.		20000		21320		
Chap 13 - General	729 (3) Protected information only to be used for authorised use – A person to whom protected information is disclosed under section 728(3)(a) must not use the protected information other than for the authorised use for which it was disclosed to the person.		20000		21320		
Chap 13 - General	729A (1) Electronic work diary protected information only to be used for electronic work diary authorised use – A person who is, or has been, a person exercising functions under this Law must not use electronic work diary protected information other than for an electronic work diary authorised use.		20000		21320		

Chap 13 - General	729A (2) Electronic work diary protected information only to be used for electronic work diary authorised use – A person to whom electronic work diary protected information is disclosed under section 728A(2)(a) must not use the information other than for the electronic work diary authorised use for which it was disclosed to the person.		20000		21320		
REGULATION - SECTIONS	SECTION EXCERPT HEAVY VEHICLE (MASS, DIMENSION AND LOADING) NATIONAL REGULATION	PENALTY LEVEL	MAX PENALTY	SPECIAL CONDITIONS	2016/17 FY INDEXED PENALTY	INFRING. PENALTY	DEMERIT POINTS
	11 (1) Identification requirement for particular CML heavy vehicle – A person must not drive a CML heavy vehicle under the concessional mass limits unless the relevant accreditation label is maintained on the vehicle in the way required by subsections (2) to (4).		3000		3200	320	
	16 (2) Contravening conditions applying to HML vehicles being used in an area or on a route declared by an HML declaration – A person must not use an HML heavy vehicle, or permit an HML heavy vehicle to be used, under the higher mass limits in an area or on a route to which the HML declaration applies unless (a) the vehicle is equipped for monitoring the relevant matters, by an approved intelligent transport system operated by an intelligent access service provider; and (b) the vehicle is covered by an intelligent access agreement.		3000		3200	320	
	28 Contravening conditions of HML permit – The driver or operator of an HML heavy vehicle being used under the higher mass limits under an HML permit must not contravene a condition of the permit.		3000		3200	320	
	34 (2) Return of HML permit – The person must comply with the notice within 7 days after the notice is given to the person or, if a longer period is stated in the notice, within the longer period. Note: Section 730 of the HVNL limits penalties in the regulations to a maximum \$4000 for individuals		4000		4000	400	
	35 (1) Replacement of defaced etc. HML permit – If a person’s HML permit is defaced, destroyed, lost or stolen, the person must, as soon as reasonably practicable after becoming aware of the matter, apply to the Regulator for a replacement permit.		4000		4000		
	36 (2) Identification requirement for particular HML heavy vehicle – A person must not drive the HML heavy vehicle under the higher mass limits unless the relevant accreditation label is maintained on the vehicle in the way required by subsections (3) to (5).		3000		3200	320	

REGULATION - SECTIONS	SECTION EXCERPT HEAVY VEHICLE (FATIGUE MANAGEMENT) NATIONAL REGULATION	PENALTY LEVEL	MAX PENALTY	SPECIAL CONDITIONS	2016/17 FY INDEXED PENALTY	INFRING. PENALTY	DEMERIT POINTS
	18A(1) Change between forms of work diary - if the driver stops using one form of work diary and starts using the other form of work diary, the driver must record, in compliance with subsection (2)- (a) the time and location of the change in both forms of the work diary;and (b) the security number of the written owrk diary in the electronic work diary. (2) The information must be recorded before the driver begins using the other form of work diary, or as soon as practicable.		1500		1600	160	