

Australian Capital Territory

Road Transport (Offences) Amendment Regulation 2020 (No 2)

Subordinate Law SL2020-22

The Australian Capital Territory Executive makes the following regulation under the [Road Transport (General) Act 1999](http://www.legislation.act.gov.au/a/1999-77).

Dated 24 June 2020.

Shane Rattenbury

Minister

Gordon Ramsay

Minister



Australian Capital Territory

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[Road Transport (General) Act 1999](http://www.legislation.act.gov.au/a/1999-77%22%20%5Co%20%22A1999-77)

1 Name of regulation

This regulation is the *Road Transport (Offences) Amendment Regulation 2020 (No 2)*.

2 Commencement

This regulation commences on 1 July 2020.

Note The naming and commencement provisions automatically commence on the notification day (see [Legislation Act](http://www.legislation.act.gov.au/a/2001-14), s 75 (1)).

3 Legislation amended

This regulation amends the [Road Transport (Offences) Regulation 2005](http://www.legislation.act.gov.au/sl/2005-11).

4 Schedule 1, parts 1.2A to 1.2C

substitute

Part 1.2A Heavy Vehicle National Law (ACT)

Note Offence penalties (other than penalties for s 567A and s 567B) are set under the [Heavy Vehicle National Law (ACT)](http://www.legislation.act.gov.au/a/db_49155/default.asp), s 737 and the [Heavy Vehicle (General) National Regulation](https://www.legislation.nsw.gov.au/#/browse/inForce/regulations/H) (NSW), s 70. A summary of the penalties may be found on the [National Heavy Vehicle Regulator](https://www.nhvr.gov.au/law-policies/penalties-and-infringements) website.

| column 1item | column 2offence provision and, if relevant, case | column 3short description | column 4offence penalty(see pt 1.2A, note) | column 5infringement penalty ($) | column 6demerit points |
| --- | --- | --- | --- | --- | --- |
| 1  | 25A (1) | keeping copy of PBS vehicle approval while driving |  | 341 |  |
| 2  | 25A (2) | keeping copy of PBS vehicle approval while driving |  | 341 |  |
| 3  | 26D (1) | duty of executive of legal entity |  |  |  |
| 4  | 26E (1) | prohibited requests and contracts |  |  |  |
| 5  | 26E (2) | prohibited requests and contracts |  |  |  |
| 6  | 26F (1) | category 1 offence |  |  |  |
| 7  | 26G | category 2 offence |  |  |  |
| 8  | 26H | category 3 offence |  |  |  |
| 9  | 60 (1) |  |  |  |  |
| 9.1 |  heavy vehicle standard does not relate to speed limiter | compliance with heavy vehicle standards |  | 341 |  |
| 9.2 |  heavy vehicle standard relates to speed limiter | compliance with heavy vehicle standards—speed limiter |  | 685 |  |
| 10  | 79 (2) | return of permit |  | 454 |  |
| 11  | 80 (1) | replacement of defaced etc permit |  |  |  |
| 12  | 81 (1) | contravening condition of vehicle standards exemption |  | 454 |  |
| 13  | 81 (2) | contravening condition of vehicle standards exemption |  | 454 |  |
| 14  | 81 (3) | contravening condition of vehicle standards exemption |  | 454 |  |
| 15  | 82 (2) | keeping relevant document while driving under vehicle standards exemption (notice) |  | 341 |  |
| 16  | 82 (3) | keeping relevant document while driving under vehicle standards exemption (notice) |  | 341 |  |
| 17  | 83 (1) | keeping copy of permit while driving under vehicle standards exemption (permit) |  | 341 |  |
| 18  | 83 (2) | keeping copy of permit while driving under vehicle standards exemption (permit) |  | 341 |  |
| 19  | 83 (3) | keeping copy of permit while driving under vehicle standards exemption (permit) |  | 341 |  |
| 20  | 85 (1) | modifying heavy vehicle requires approval |  | 341 |  |
| 21  | 85 (2) | modifying heavy vehicle requires approval |  | 341 |  |
| 22  | 86 (2) | approval of modifications by approved vehicle examiners |  | 341 |  |
| 23  | 87A (1) | person must not tamper with plate or label |  | 341 |  |
| 24  | 89 (1) | safety requirement |  | 685 |  |
| 25  | 90 (1) | requirement about properly operating emission control system |  | 341 |  |
| 26  | 90 (2) | requirement about properly operating emission control system |  | 341 |  |
| 27  | 90 (3) | requirement about properly operating emission control system |  | 341 |  |
| 28  | 91 (1) | person must not tamper with emission control system fitted to heavy vehicle |  |  |  |
| 29  | 91 (2) | person must not tamper with emission control system fitted to heavy vehicle |  |  |  |
| 30  | 92 (2) | display of warning signs required by heavy vehicle standards on vehicles to which the requirement does not apply |  | 341 |  |
| 31  | 93 (1) | person must not tamper with speed limiter fitted to heavy vehicle |  |  |  |
| 32  | 93 (2) | person must not tamper with speed limiter fitted to heavy vehicle |  |  |  |
| 33  | 93 (3) | person must not tamper with speed limiter fitted to heavy vehicle |  |  |  |
| 34  | 96 (1) |  |  |  |  |
| 34.1 |  minor risk breach | compliance with mass requirements—minor risk breach |  | 454 |  |
| 34.2 |  substantial risk breach | compliance with mass requirements—substantial risk breach |  | 685 |  |
| 34.3 |  severe risk breach | compliance with mass requirements—severe risk breach |  |  |  |
| 35  | 102 (1) |  |  |  |  |
| 35.1 |  heavy vehicle without goods or passengers | compliance with dimension requirements |  | 341 |  |
| 35.2 |  heavy vehicle with goods or passengers—minor risk breach | compliance with dimension requirements—minor risk breach |  | 341 |  |
| 35.3 |  heavy vehicle with goods or passengers—substantial risk breach | compliance with dimension requirements—substantial risk breach |  | 571 |  |
| 35.4 |  heavy vehicle with goods or passengers—severe risk breach | compliance with dimension requirements—severe risk breach |  |  |  |
| 36  | 109 (2) | warning signals required for rear projection of loads |  | 341 |  |
| 37  | 111 (1) |  |  |  |  |
| 37.1 |  minor risk breach | compliance with loading requirements—minor risk breach |  | 341 |  |
| 37.2 |  substantial risk breach | compliance with loading requirements—substantial risk breach |  | 571 |  |
| 37.3 |  severe risk breach | compliance with loading requirements—severe risk breach |  |  |  |
| 38  | 129 (1) | contravening condition of mass or dimension exemption generally |  | 685 |  |
| 39  | 129 (2) | contravening condition of mass or dimension exemption generally |  | 685 |  |
| 40  | 129 (3) | contravening condition of mass or dimension exemption generally |  | 685 |  |
| 41  | 130 (2) | contravening condition of mass or dimension exemption relating to pilot or escort vehicle |  | 685 |  |
| 42  | 130 (3) | contravening condition of mass or dimension exemption relating to pilot or escort vehicle |  |  |  |
| 43  | 131 (1) | using pilot vehicle with a heavy vehicle that contravenes certain conditions of mass or dimension exemption |  | 685 |  |
| 44  | 132 (2) | keeping relevant document while driving under mass or dimension exemption (notice) |  | 341 |  |
| 45  | 132 (3) | keeping relevant document while driving under mass or dimension exemption (notice) |  | 341 |  |
| 46  | 133 (1) | keeping copy of permit while driving under mass or dimension exemption (permit) |  | 341 |  |
| 47  | 133 (2) | keeping copy of permit while driving under mass or dimension exemption (permit) |  | 454 |  |
| 48  | 133 (3) | keeping copy of permit while driving under mass or dimension exemption (permit) |  | 341 |  |
| 49  | 134 (1) | displaying warning signs on vehicles if not required by dimension exemption |  | 341 |  |
| 50  | 134 (2) | displaying warning signs on vehicles if not required by dimension exemption |  | 341 |  |
| 51  | 137 | using class 2 heavy vehicle |  | 685 |  |
| 52  | 150 (1) | contravening condition of class 2 heavy vehicle authorisation |  | 685 |  |
| 53  | 151 (2) | keeping relevant document while driving under class 2 heavy vehicle authorisation (notice) |  | 341 |  |
| 54  | 151 (3) | keeping relevant document while driving under class 2 heavy vehicle authorisation (notice) |  | 341 |  |
| 55  | 152 (1) | keeping copy of permit while driving under class 2 heavy vehicle authorisation (permit) |  | 341 |  |
| 56  | 152 (2) | keeping copy of permit while driving under class 2 heavy vehicle authorisation (permit) |  | 454 |  |
| 57  | 152 (3) | keeping copy of permit while driving under class 2 heavy vehicle authorisation (permit) |  | 341 |  |
| 58  | 153A (1) | using restricted access vehicle |  | 685 |  |
| 59  | 181 (3) | return of permit |  | 454 |  |
| 60  | 182 (1) | replacement of defaced etc permit |  |  |  |
| 61  | 184 (1) | towing restriction |  | 341 |  |
| 62  | 185 (1) | requirements about coupling trailers |  | 685 |  |
| 63  | 185 (2) | requirements about coupling trailers |  | 685 |  |
| 64  | 186 (2) | false or misleading transport documentation for goods |  |  |  |
| 65  | 186 (3) | false or misleading transport documentation for goods |  |  |  |
| 66  | 186 (4) | false or misleading transport documentation for goods |  |  |  |
| 67  | 186 (5) | false or misleading transport documentation for goods |  |  |  |
| 68  | 187 (2) | false or misleading information in container weight declaration |  |  |  |
| 69  | 187 (3) | false or misleading information in container weight declaration |  |  |  |
| 70  | 190 (1) | duty of responsible entity |  | 685 |  |
| 71  | 191 (1) | duty of operator |  | 685 |  |
| 72  | 191 (3) | duty of operator |  | 685 |  |
| 73  | 192 (1) | duty of driver |  | 685 |  |
| 74  | 192 (2) | duty of driver |  | 341 |  |
| 75  | 193 (2) | weight of freight container exceeding weight stated on container or safety approval plate |  |  |  |
| 76  | 228 (1) | duty of driver to avoid driving while fatigued |  |  | 3 (NS) |
| 77  | 250 (1) |  |  |  |  |
| 77.1 |  minor risk breach | operating under standard hours—solo drivers—minor risk breach |  | 454 |  |
| 77.2 |  substantial risk breach | operating under standard hours—solo drivers—substantial risk breach |  | 685 |  |
| 77.3 |  severe risk breach | operating under standard hours—solo drivers—severe risk breach |  | 1 139 | 3 (NS) |
| 77.4 |  critical risk breach | operating under standard hours—solo drivers—critical risk breach |  |  | 4 (NS) |
| 78  | 251 (1) |  |  |  |  |
| 78.1 |  minor risk breach | operating under standard hours—two-up drivers—minor risk breach |  | 454 |  |
| 78.2 |  substantial risk breach | operating under standard hours—two-up drivers—substantial risk breach |  | 685 |  |
| 78.3 |  severe risk breach | operating under standard hours—two-up drivers—severe risk breach |  | 1 139 | 3 (NS) |
| 78.4 |  critical risk breach | operating under standard hours—two-up drivers—critical risk breach |  |  | 4 (NS) |
| 79  | 254 (1) |  |  |  |  |
| 79.1 |  minor risk breach | operating under BFM hours—solo drivers—minor risk breach |  | 454 |  |
| 79.2 |  substantial risk breach | operating under BFM hours—solo drivers—substantial risk breach |  | 685 |  |
| 79.3 |  severe risk breach | operating under BFM hours—solo drivers—severe risk breach |  | 1 139 | 3 (NS) |
| 79.4 |  critical risk breach | operating under BFM hours—solo drivers—critical risk breach |  |  | 4 (NS) |
| 80  | 256 (1) |  |  |  |  |
| 80.1 |  minor risk breach | operating under BFM hours—two-up drivers—minor risk breach |  | 454 |  |
| 80.2 |  substantial risk breach | operating under BFM hours—two-up drivers—substantial risk breach |  | 685 |  |
| 80.3 |  severe risk breach | operating under BFM hours—two-up drivers—severe risk breach |  | 1 139 | 3 (NS) |
| 80.4 |  critical risk breach | operating under BFM hours—two-up drivers—critical risk breach |  |  | 4 (NS) |
| 81  | 258 (1) |  |  |  |  |
| 81.1 |  minor risk breach | operating under AFM hours—minor risk breach |  | 454 |  |
| 81.2 |  substantial risk breach | operating under AFM hours—substantial risk breach |  | 685 |  |
| 81.3 |  severe risk breach | operating under AFM hours—severe risk breach |  |  | 3 (NS) |
| 81.4 |  critical risk breach | operating under AFM hours—critical risk breach |  |  | 4 (NS) |
| 82  | 260 (1) |  |  |  |  |
| 82.1 |  minor risk breach | operating under exemption hours—minor risk breach |  | 454 |  |
| 82.2 |  substantial risk breach | operating under exemption hours—substantial risk breach |  | 685 |  |
| 82.3 |  severe risk breach | operating under exemption hours—severe risk breach |  |  | 3 (NS) |
| 82.4 |  critical risk breach | operating under exemption hours—critical risk breach |  |  | 4 (NS) |
| 83  | 263 (1) | operating under new work and rest hours option after change |  | 454 |  |
| 84  | 264 (2) | duty of employer, prime contractor, operator and scheduler to ensure driver compliance |  |  |  |
| 85  | 284 (2) | return of permit |  | 685 |  |
| 86  | 285 (1) | replacement of defaced etc permit |  |  |  |
| 87  | 286 (1) | contravening condition of work and rest hours exemption |  | 685 |  |
| 88  | 287 (2) | keeping relevant document while operating under work and rest hours exemption (notice) |  | 341 |  |
| 89  | 287 (3) | keeping relevant document while operating under work and rest hours exemption (notice) |  | 341 |  |
| 90  | 288 (1) | keeping copy of permit while driving under work and rest hours exemption (permit) |  | 341 |  |
| 91  | 288 (2) | keeping copy of permit while driving under work and rest hours exemption (permit) |  | 454 |  |
| 92  | 288 (3) | keeping copy of permit while driving under work and rest hours exemption (permit) |  | 341 |  |
| 93  | 293 (1) | driver of fatigue-regulated heavy vehicle must carry work diary |  | 685 |  |
| 94  | 296 (1) | recording information under the national regulations—general |  | 171 |  |
| 95  | 297 (2) | information required to be recorded immediately after starting work |  | 685 |  |
| 96  | 298 (1) | failing to record information about odometer reading |  | 171 |  |
| 97  | 299 | two-up driver to provide details |  | 341 |  |
| 98  | 301 | recording information in written work diary |  | 171 |  |
| 99  | 302 | recording information in electronic work diary |  | 171 |  |
| 100  | 303 | time zone of driver’s base must be used |  | 171 |  |
| 101  | 305 (1) | driver must make supplementary records in particular circumstances |  | 685 |  |
| 102  | 305 (2) | driver must make supplementary records in particular circumstances |  | 341 |  |
| 103  | 305 (3) | driver must make supplementary records in particular circumstances |  | 171 |  |
| 104  | 306 | driver must notify regulator if written work diary filled up etc |  | 341 |  |
| 105  | 307 (2) | driver who is record keeper must notify regulator if electronic work diary filled up etc |  | 341 |  |
| 106  | 307 (3) | driver who is record keeper must notify regulator if electronic work diary filled up etc |  | 341 |  |
| 107  | 308 (1) | what driver must do if lost or stolen written work diary found or returned |  | 341 |  |
| 108  | 309 (2) | driver must notify record keeper if electronic work diary filled up etc |  | 341 |  |
| 109  | 310 (2) | intelligent access program reporting entity must notify record keeper if approved electronic recording system malfunctioning |  | 685 |  |
| 110  | 311 (2) | what record keeper must do if electronic work diary filled up |  |  |  |
| 111  | 312 (2) | what record keeper must do if electronic work diary destroyed, lost or stolen |  |  |  |
| 112  | 312 (3) | what record keeper must do if electronic work diary destroyed, lost or stolen |  | 685 |  |
| 113  | 313 (2) | what record keeper must do if electronic work diary not in working order or malfunctioning |  |  |  |
| 114  | 313 (3) | what record keeper must do if electronic work diary not in working order or malfunctioning |  |  |  |
| 115  | 314 (2) | how electronic work diary must be used |  |  |  |
| 116  | 314 (3) | how electronic work diary must be used |  |  |  |
| 117  | 315 (1) | ensuring driver complies with sdivs 1–4 |  |  |  |
| 118  | 319 (1) | records record keeper must have |  | 685 |  |
| 119  | 319A (2) | general requirements about driver recording and giving information to record keeper |  | 341 |  |
| 120  | 319A (5) | general requirements about driver recording and giving information to record keeper |  |  |  |
| 121  | 321 (1) | records record keeper must have |  | 685 |  |
| 122  | 321 (3) | records record keeper must have |  | 685 |  |
| 123  | 322 (2) | general requirements about driver giving information to record keeper |  | 341 |  |
| 124  | 322 (4) | general requirements about driver giving information to record keeper |  |  |  |
| 125  | 323 (2) | requirements about driver giving information to record keeper if driver changes record keeper |  | 341 |  |
| 126  | 323 (3) | requirements about driver giving information to record keeper if driver changes record keeper |  |  |  |
| 127  | 324 (2) | record keeper must give information from electronic work diary |  | 341 |  |
| 128  | 324A (2) | record keeper must give record to driver if requested |  | 171 |  |
| 129  | 325 (1) | false or misleading entries |  |  |  |
| 130  | 326 (1) | when possessing, or recording information in, more than 1 work diary relating to the same period is prohibited |  |  |  |
| 131  | 326 (2) | when possessing, or recording information in, more than 1 work diary relating to the same period is prohibited |  |  |  |
| 132  | 327 | possession of purported work records etc prohibited |  |  |  |
| 133  | 328 | false representation about work records prohibited |  |  |  |
| 134  | 329 | defacing or changing work records etc prohibited |  |  |  |
| 135  | 330 (1) | making entries in someone else’s work records prohibited |  |  |  |
| 136  | 331 | destruction of particular work records prohibited |  |  |  |
| 137  | 332 | offence to remove pages from written work diary |  |  |  |
| 138  | 335 (1) | person must not tamper with approved electronic recording system |  |  |  |
| 139  | 336 (1) | person using approved electronic recording system must not permit tampering with it |  |  |  |
| 140  | 336A (1) | reporting tampering or suspected tampering with electronic work diary |  |  |  |
| 141  | 337 (2) | intelligent access program reporting entity must not permit tampering with approved electronic recording system |  |  |  |
| 142  | 341 (1) | period for which, and way in which, records must be kept |  | 685 |  |
| 143  | 341 (2) | period for which, and way in which, records must be kept |  | 685 |  |
| 144  | 341 (3) | period for which, and way in which, records must be kept |  | 341 |  |
| 145  | 341 (4) | period for which, and way in which, records must be kept |  | 341 |  |
| 146  | 341 (5) | period for which, and way in which, records must be kept |  | 685 |  |
| 147  | 341 (7) | period for which, and way in which, records must be kept |  | 171 |  |
| 148  | 347 | prohibition on using electronic work diary if it is not, and is not a part of, an approved electronic recording system |  |  |  |
| 149  | 354 (3) | requirements if approval amended |  | 685 |  |
| 150  | 354 (5) | requirements if approval amended |  | 685 |  |
| 151  | 355 (2) | requirements if approval cancelled |  | 685 |  |
| 152  | 355 (4) | requirements if approval cancelled |  | 685 |  |
| 153  | 355 (6) | requirements if approval cancelled |  | 685 |  |
| 154  | 373 (2) | return of permit |  | 685 |  |
| 155  | 374 (1) | replacement of defaced etc permit |  |  |  |
| 156  | 375 | contravening condition of work diary exemption |  | 685 |  |
| 157  | 376 (2) | keeping relevant document while operating under work diary exemption (notice) |  | 341 |  |
| 158  | 376 (3) | keeping relevant document while operating under work diary exemption (notice) |  | 341 |  |
| 159  | 377 | keeping permit or copy while operating under work diary exemption (permit) |  | 341 |  |
| 160  | 392 (2) | return of permit |  | 685 |  |
| 161  | 393 (1) | replacement of defaced etc permit |  |  |  |
| 162  | 395 | contravening condition of fatigue record keeping exemption |  | 685 |  |
| 163  | 396 (2) | owner must maintain odometer |  | 685 |  |
| 164  | 397 (2) | driver must report malfunctioning odometer |  |  |  |
| 165  | 398 (2) | what owner must do if odometer malfunctioning |  |  |  |
| 166  | 399 (2) | what employer or operator must do if odometer malfunctioning |  | 685 |  |
| 167  | 404 (1) | offence to give false or misleading information to intelligent access program service provider |  |  |  |
| 168  | 404 (4) | offence to give false or misleading information to intelligent access program service provider |  |  |  |
| 169  | 405 (1) | advising vehicle driver of collection of information by intelligent access program service provider |  |  |  |
| 170  | 406 (1) | reporting system malfunctions to regulator |  |  |  |
| 171  | 406 (2) | reporting system malfunctions to regulator |  |  |  |
| 172  | 407 (1) | advising driver of driver’s obligations about reporting system malfunctions |  |  |  |
| 173  | 408 (1) | reporting system malfunctions to operator |  |  |  |
| 174  | 408 (2) | reporting system malfunctions to operator |  |  |  |
| 175  | 410 (1) | collecting intelligent access program information |  |  |  |
| 176  | 410 (2) | collecting intelligent access program information |  |  |  |
| 177  | 411 (1) | keeping records of intelligent access program information collected |  |  |  |
| 178  | 412 | protecting intelligent access program information |  |  |  |
| 179  | 413 (1) | making individuals aware of personal information held |  |  |  |
| 180  | 413 (2) | making individuals aware of personal information held |  |  |  |
| 181  | 414 (1) | giving individuals access to their personal information |  |  |  |
| 182  | 415 (2) | correcting errors etc |  |  |  |
| 183  | 415 (4) | correcting errors etc |  |  |  |
| 184  | 416 | general restriction on use and disclosure of intelligent access program information |  |  |  |
| 185  | 417 | giving intelligent access program auditor access to records |  |  |  |
| 186  | 419 (1) | keeping record of use or disclosure of intelligent access program information |  |  |  |
| 187  | 419 (3) | keeping record of use or disclosure of intelligent access program information |  |  |  |
| 188  | 420 (2) | keeping noncompliance report etc |  |  |  |
| 189  | 421 (1) | destroying intelligent access program information etc |  |  |  |
| 190  | 422 (2) | reporting relevant contraventions to regulator |  |  |  |
| 191  | 423 (1) | reporting tampering or suspected tampering with approved intelligent transport system |  |  |  |
| 192  | 423 (2) | reporting tampering or suspected tampering with approved intelligent transport system |  |  |  |
| 193  | 424 (1) | restriction on disclosing information about tampering or suspected tampering with approved intelligent transport system |  |  |  |
| 194  | 424 (3) | restriction on disclosing information about tampering or suspected tampering with approved intelligent transport system |  |  |  |
| 195  | 424 (4) | restriction on disclosing information about tampering or suspected tampering with approved intelligent transport system |  |  |  |
| 196  | 427 (1) | collecting intelligent access program information |  |  |  |
| 197  | 427 (2) | collecting intelligent access program information |  |  |  |
| 198  | 428 | protecting intelligent access program information collected |  |  |  |
| 199  | 429 (1) | making individuals aware of personal information held |  |  |  |
| 200  | 429 (2) | making individuals aware of personal information held |  |  |  |
| 201  | 430 (1) | giving individuals access to their personal information |  |  |  |
| 202  | 431 (2) | correcting errors etc |  |  |  |
| 203  | 431 (5) | correcting errors etc |  |  |  |
| 204  | 432 | general restriction on use and disclosure of intelligent access program information |  |  |  |
| 205  | 434 | restriction about intelligent access program information that may be used or disclosed |  |  |  |
| 206  | 435 (1) | keeping record of use or disclosure of intelligent access program information |  |  |  |
| 207  | 435 (3) | keeping record of use or disclosure of intelligent access program information |  |  |  |
| 208  | 436 | keeping noncompliance reports |  |  |  |
| 209  | 437 (1) | destroying intelligent access program information or removing personal information from it |  |  |  |
| 210  | 438 (1) | reporting tampering or suspected tampering with, or malfunction or suspected malfunction of, approved intelligent transport system to regulator |  |  |  |
| 211  | 439 (1) | restriction on disclosing information about tampering or suspected tampering with approved intelligent transport system |  |  |  |
| 212  | 439 (3) | restriction on disclosing information about tampering or suspected tampering with approved intelligent transport system |  |  |  |
| 213  | 441 (1) | collecting intelligent access program information |  |  |  |
| 214  | 441 (2) | collecting intelligent access program information |  |  |  |
| 215  | 442 | protecting intelligent access program information collected |  |  |  |
| 216  | 443 (1) | making individuals aware of personal information held |  |  |  |
| 217  | 444 (1) | giving individuals access to their personal information |  |  |  |
| 218  | 445 (2) | correcting errors etc |  |  |  |
| 219  | 445 (4) | correcting errors etc |  |  |  |
| 220  | 446 | general restriction on use and disclosure of intelligent access program information |  |  |  |
| 221  | 448 | restriction about intelligent access program information that may be used or disclosed |  |  |  |
| 222  | 449 (1) | keeping record of use or disclosure of intelligent access program information |  |  |  |
| 223  | 449 (2) | keeping record of use or disclosure of intelligent access program information |  |  |  |
| 224  | 449 (3) | keeping record of use or disclosure of intelligent access program information |  |  |  |
| 225  | 450 (1) | destroying intelligent access program information or removing personal information from it |  |  |  |
| 226  | 451 | reporting contraventions by intelligent access program service providers to TCA |  |  |  |
| 227  | 452 | reporting tampering or suspected tampering with approved intelligent transport system to regulator or TCA |  |  |  |
| 228  | 453 (1) | restriction on disclosing information about tampering or suspected tampering with approved intelligent transport system |  |  |  |
| 229  | 453 (2) | restriction on disclosing information about tampering or suspected tampering with approved intelligent transport system |  |  |  |
| 230  | 454 (1) | offence to tamper with approved intelligent transport system |  |  |  |
| 231  | 454 (2) | offence to tamper with approved intelligent transport system |  |  |  |
| 232  | 466 (2A) | accreditation labels for maintenance management accreditation and mass management accreditation |  | 341 |  |
| 233  | 466 (2B) | accreditation labels for maintenance management accreditation and mass management accreditation |  | 341 |  |
| 234  | 467 | compliance with conditions of BFM accreditation or AFM accreditation |  | 685 |  |
| 235  | 468 (1) | driver operating under BFM accreditation or AFM accreditation must carry accreditation details |  | 341 |  |
| 236  | 468 (3) | driver operating under BFM accreditation or AFM accreditation must carry accreditation details |  | 341 |  |
| 237  | 469 (2) | driver must return particular documents if stops operating under BFM accreditation or AFM accreditation etc |  | 454 |  |
| 238  | 470 (2) | general requirements applying to operator with heavy vehicle accreditation |  |  |  |
| 239  | 470 (3) | general requirements applying to operator with heavy vehicle accreditation |  | 685 |  |
| 240  | 470 (4) | general requirements applying to operator with heavy vehicle accreditation |  |  |  |
| 241  | 470 (5) | general requirements applying to operator with heavy vehicle accreditation |  |  |  |
| 242  | 470 (6) | general requirements applying to operator with heavy vehicle accreditation |  |  |  |
| 243  | 470 (8) | general requirements applying to operator with heavy vehicle accreditation |  | 341 |  |
| 244  | 471 (2) | operator must give notice of amendment, suspension or ending of heavy vehicle accreditation |  | 685 |  |
| 245  | 471 (3) | operator must give notice of amendment, suspension or ending of heavy vehicle accreditation |  | 454 |  |
| 246  | 476 (2) | return of accreditation certificate |  | 685 |  |
| 247  | 477 (1) | replacement of defaced etc accreditation certificate |  |  |  |
| 248  | 478 (1) | offences relating to auditors |  |  |  |
| 249  | 478 (2) | offences relating to auditors |  |  |  |
| 250  | 478 (3) | offences relating to auditors |  |  |  |
| 251  | 478 (4) | offences relating to auditors |  |  |  |
| 252  | 488 | return of identity card |  | 454 |  |
| 253  | 513 (4) | direction to stop heavy vehicle to enable exercise of other powers |  | 685 |  |
| 254  | 514 (3) | direction not to move or interfere with heavy vehicle etc to enable exercise of other powers |  | 685 |  |
| 255  | 516 (3) | direction to move heavy vehicle to enable exercise of other powers |  | 685 |  |
| 256  | 517 (4) | direction to move heavy vehicle if causing harm etc |  | 685 |  |
| 257  | 522 (5) | power to order presentation of heavy vehicles for inspection |  | 685 |  |
| 258  | 524 (5) | direction to leave heavy vehicle |  | 685 |  |
| 259  | 526 (4) | issue of vehicle defect notice |  | 341 |  |
| 260  | 528 (3) | defective vehicle labels |  | 341 |  |
| 261  | 529 |  |  |  |  |
| 261.1 |  minor defect | using defective heavy vehicles contrary to vehicle defect notice—minor defect |  | 685 | 1 (NS) |
| 261.2 |  major defect | using defective heavy vehicles contrary to vehicle defect notice—major defect |  | 685 | 3 (NS) |
| 261.3 |  self-clearing defect | using defective heavy vehicle contrary to vehicle defect notice—self-clearing defect |  | 341 |  |
| 262  | 531 (4) | amendment or withdrawal of vehicle defect notices |  | 341 |  |
| 263  | 533 (7) | powers for minor risk breach of mass, dimension or loading requirement |  | 1 139 |  |
| 264  | 534 (5) | powers for substantial risk breach of mass, dimension or loading requirement |  | 1 139 |  |
| 265  | 535 (5) | powers for severe risk breach of mass, dimension or loading requirement |  |  |  |
| 266  | 542 (1) | compliance with requirement under this division |  |  |  |
| 267  | 553 (3) | requirement of person in control of thing to be seized |  |  |  |
| 268  | 558 (1) | noncompliance with embargo notice |  |  |  |
| 269  | 558 (3) | noncompliance with embargo notice |  |  |  |
| 270  | 559 (3) | power to secure embargoed thing |  |  |  |
| 271  | 559 (4) | power to secure embargoed thing |  |  |  |
| 272  | 559 (5) | power to secure embargoed thing |  |  |  |
| 273  | 567 (4) | power to require name, address and date of birth |  | 341 |  |
| 274  | 567A | power to require production of driver licence | 20pu | 203 |  |
| 275  | 567B | power to require people to disclose identity of driver | 20pu | 297 |  |
| 276  | 568 (3) |  |  |  |  |
| 276.1 |  requirement to produce driver licence | power to require production of document etc required to be in driver’s possession—driver licence |  | 685 |  |
| 276.2 |  requirement to produce document, device or other thing | power to require production of document etc required to be in driver’s possession—document, device or other thing |  | an amount equal to 10% of the amount of the maximum penalty for an offence of failing to keep the document device or other thing in the driver’s possession |  |
| 277  | 568 (7) | power to require production of document etc required to be in driver’s possession |  | 341 |  |
| 278  | 569 (2) | power to require production of documents etc generally |  | 685 |  |
| 279  | 569 (7) | power to require production of documents etc generally |  | 341 |  |
| 280  | 570 (3) | power to require information about heavy vehicles |  |  |  |
| 281  | 570A (5) | requiring information |  |  |  |
| 282  | 573 (1) | contravention of improvement notice |  |  |  |
| 283  | 576C | compliance with prohibition notice |  |  |  |
| 284  | 577 (4) | power to require reasonable help |  |  |  |
| 285  | 584 (1) | obstructing authorised officer |  |  |  |
| 286  | 585 | impersonating authorised officer |  |  |  |
| 287  | 590B (2) | effect of undertaking |  |  |  |
| 288  | 604 | contravention of supervisory intervention order |  |  |  |
| 289  | 610 | contravention of prohibition order |  |  |  |
| 290  | 636 (1) | liability of executive officers of corporation |  |  |  |
| 291  | 637 (4) | treatment of unincorporated partnerships |  |  |  |
| 292  | 638 (4) | treatment of other unincorporated bodies |  |  |  |
| 293  | 697 (3) | general duties of persons exercising functions under this law |  |  |  |
| 294  | 699 (1) | discrimination against or victimisation of employees |  |  |  |
| 295  | 699 (2) | discrimination against or victimisation of employees |  |  |  |
| 296  | 700 (4) | order for damages or reinstatement |  |  |  |
| 297  | 701 (1) | false or misleading statements |  |  |  |
| 298  | 701 (2) | false or misleading statements |  |  |  |
| 299  | 702 (1) | false or misleading documents |  |  |  |
| 300  | 702 (3) | false or misleading documents |  |  |  |
| 301  | 703 (1) | false or misleading information given by responsible person to another responsible person |  |  |  |
| 302  | 703 (2) | false or misleading information given by responsible person to another responsible person |  |  |  |
| 303  | 704 (1) | offence to falsely represent that heavy vehicle authority is held etc |  |  |  |
| 304  | 704 (2) | offence to falsely represent that heavy vehicle authority is held etc |  |  |  |
| 305  | 704 (3) | offence to falsely represent that heavy vehicle authority is held etc |  |  |  |
| 306  | 728 (1) | duty of confidentiality for protected information |  |  |  |
| 307  | 728A (1) | duty of confidentiality for electronic work diary protected information |  |  |  |
| 308  | 729 (1) | protected information only to be used for authorised use |  |  |  |
| 309  | 729 (3) | protected information only to be used for authorised use |  |  |  |
| 310  | 729A (1) | electronic work diary protected information only to be used for electronic work diary authorised use |  |  |  |
| 311  | 729A (2) | electronic work diary protected information only to be used for electronic work diary authorised use |  |  |  |

Part 1.2B Heavy Vehicle (Mass, Dimension and Loading) National Regulation

Note Offence penalties are set under the [Heavy Vehicle National Law (ACT)](http://www.legislation.act.gov.au/a/db_49155/default.asp), s 737 and the [Heavy Vehicle (General) National Regulation](https://www.legislation.nsw.gov.au/#/browse/inForce/regulations/H) (NSW), s 70. A summary of the penalties may be found on the [National Heavy Vehicle Regulator](https://www.nhvr.gov.au/law-policies/penalties-and-infringements) website.

| column 1item | column 2offence provision and, if relevant, case | column 3short description | column 4offence penalty(see pt 1.2B, note) | column 5infringement penalty ($) | column 6demerit points |
| --- | --- | --- | --- | --- | --- |
| 1 | 16 (2) | contravening conditions applying to HML heavy vehicles being used in an area or on a route declared by an HML declaration |  | 341 |  |
| 2 | 28 | contravening conditions of HML permit |  | 341 |  |
| 3 | 34 (2) | return of HML permit |  | 454 |  |
| 4 | 35 (1) | replacement of defaced etc HML permit |  |  |  |

Part 1.2C Heavy Vehicle (Fatigue Management) National Regulation

Note Offence penalties are set under the [Heavy Vehicle National Law (ACT)](http://www.legislation.act.gov.au/a/db_49155/default.asp), s 737 and the [Heavy Vehicle (General) National Regulation](https://www.legislation.nsw.gov.au/#/browse/inForce/regulations/H) (NSW), s 70. A summary of the penalties may be found on the [National Heavy Vehicle Regulator](https://www.nhvr.gov.au/law-policies/penalties-and-infringements) website.

| column 1item | column 2offence provision and, if relevant, case | column 3short description | column 4offence penalty(see pt 1.2C, note) | column 5infringement penalty ($) | column 6demerit points |
| --- | --- | --- | --- | --- | --- |
| 1 | 18A (1) | change between forms of work diary |  | 171 |  |

Endnotes

1 Notification

 Notified under the [Legislation Act](http://www.legislation.act.gov.au/a/2001-14) on 25 June 2020.

2 Republications of amended laws

 For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au/).

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