

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" \o "A1999-77)

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 1  item | column 2  offence provision and, if relevant, case | column 3  short description | column 4  offence penalty  (see pt 1.2A, note) | column 5  infringement penalty ($) | column 6  demerit points |
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| 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 1  item | column 2  offence provision and, if relevant, case | column 3  short description | column 4  offence penalty  (see pt 1.2B, note) | column 5  infringement penalty ($) | column 6  demerit 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 1  item | column 2  offence provision and, if relevant, case | column 3  short description | column 4  offence penalty  (see pt 1.2C, note) | column 5  infringement penalty ($) | column 6  demerit 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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